

CHANGES TO ROUTINE MANAGEMENT MEASURES FOR 2007-2008 SEASON

Section 8.3.2 in the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) describes the biennial management cycle (excerpted as Agenda Item E.1.a, Attachment 1). A biennial cycle is described with decision making occurring at the June, September, and November Council meetings to establish or adjust harvest specifications for a 2-year period beginning on April 1 of the following year—the start of the next fishing year.

The HMS FMP was partially approved by National Marine Fisheries Service (NMFS) on February 4, 2004, and all implementing regulations, including monitoring and reporting requirements, became effective in the first half of 2005. The Council did not consider management actions for HMS fisheries in 2004 or 2005 as part of the management cycle described in the FMP. Therefore, 2006 represents the initiation of the first management cycle under the framework, with any adjustments to management measures applicable from April 1, 2007, to March 31, 2009. According to the FMP (see Agenda Item E.1.a, Attachment 1) at the June Council meeting, the Highly Migratory Species Management Team (HMSMT) provides an update to the Council on the status of HMS fisheries along with a preliminary stock assessment and fishery evaluation (SAFE) report. The HMSMT met May 8–9, 2006, in San Diego, California, and considered possible regulatory changes that could be implemented through the biennial cycle. Their report (Agenda Item E.1.b, HMSMT Report) describes these proposed regulatory changes. At their meeting, the HMSMT also reviewed the 2005 HMS SAFE document and discussed additions and changes to the information provided in the report. An outline of the proposed 2006 HMS SAFE is attached (Agenda Item E.1.a, Attachment 2).

At this meeting, the Council will review the regulatory changes proposed by the HMSMT and determine which changes should be considered further. The Council also has the option of identifying other, additional management measures to be implemented during the 2007–2008 biennium. According to the FMP, the Council then directs the HMSMT to prepare a draft regulatory analysis for the measures identified by the Council. This analysis will support Council decision making at the September meeting—when the Council adopts proposed actions for public review—and the November meeting—when the Council takes final action.

Council Task:

Select preliminary proposals for adjustment of management measures for further analysis by the HMSMT.

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: Section 8.2 excerpted from the HMS FMP.
2. Agenda Item E.1.a, Attachment 2: SAFE Outline.
3. Agenda Item E.1.b, HMSMT Report.

Agenda Order:

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| a. | Agenda Item Overview | Kit Dahl |
| b. | HMSMT Recommendations | Michele Culver/Dale Squires |
| c. | Reports and Comments of Advisory Bodies | |
| d. | Public Comment | |
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PFMC
05/18/06

Excerpt from the the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP)

8.3.5 Management Cycle

The management cycle is a pre-determined regular schedule for council management actions with respect to HMS fisheries. Cycle differences affect the time available for fishery assessments, the timeliness of available data and of management response, and the degree to which fishers can participate in the management process.

Future developments in the fisheries do not ordinarily bring need for change in the management cycle schedule, and the management cycle is thus a fixed element of the FMP. However, should there be need to change the management schedule, e.g., because of marked changes in fishery practices, the Council can do so by vote and without a plan amendment, provided the Council gives six-month notice.

The FMP establishes a *biennial* management cycle with regulatory/statistical year *April 1 to March 31*. The schedule would be as follows:

Year 1	June	Provide update to the Council on status of the HMS fisheries; preliminary SAFE report. If necessary, Council directs HMSMT to prepare draft regulatory analysis to implement harvest levels and/or management measures.
	September	Annual SAFE document presented to Council. If necessary, Council directs HMSMT to prepare a draft regulatory analysis to implement new harvest levels and/or management measures. Council adopts for public review proposed actions addressing concerns from current and previous SAFE reports.
	November	Council adopts final action and submits to NMFS for approval.
Year 2	April	Measures become effective, and stay in effect for at least two years.

Rationale: Allows at least minimally sufficient time for data analysis, provides for timely response to fishery problems, and allows most fishers adequate access to the management process, as scheduled.

The cycle is repeated biennially, with new actions considered in September and becoming effective in April every other year. The Council would schedule HMS for the June, September, and November Council meetings.

Under this biennial cycle (or any cycle), the HMS management team would still conduct ongoing reviews of the fisheries and status of stocks and prepare an annual SAFE document for the Council. The Council would still have to prepare a stock rebuilding plan within one year of notification by the Secretary of Commerce that a stock has been declared overfished, as called for under the Magnuson-Stevens Act (*SEC. 8.2*).

2006 HMS Safe Report Outline

5/26/06

Note: Items in bold italics are pending further clarification**Main Body**

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Note: Items in bold italics are pending further clarification

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Canada by U.S.

or Canada by Canada

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Note: Items in bold italics are pending further clarification

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2006 HMS Safe Report Outline

5/26/06

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Note: Items in bold italics are pending further clarification

Figure 4-17.

Figure 5-1.

California CPFV fleet HMS catches by species caught in Mexico waters.

General model of MSY and OY Control Rules, from Restrepo et al. 1998.

Appendices

- A. ***The 2005 U.S. North Pacific Albacore Troll Fishery (document prepared for the U.S.-Canada Bi-lateral Albacore Tuna Treaty Annual Consultations and Negotiations, April 24-25, 2006, Vancouver, B.C., Canada)***
- B. ***The 2005 Canadian North Pacific Albacore Troll Fishery (document prepared for the Canada-U.S. Albacore Tuna Treaty Annual Consultation, Vancouver, British Columbia, April 24-25, 2006)***

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CHANGES TO ROUTINE MANAGEMENT MEASURES FOR THE 2007-2008 SEASON

The Highly Migratory Species Management Team (HMSMT) identified the following management issues that could be addressed for the 2007-08 fishing year. Our understanding of the process is that the Council would select which of these issues it would like the HMSMT to address. The HMSMT would then develop management measure alternatives and present those to the Council at the September meeting. The Council would then consider approving those alternatives for public review, with final action scheduled for November. If approved, the regulations implementing these changes would be effective beginning April 1, 2007 through March 31, 2009 (minimum of two years), or until changed.

Administrative – Vessel Marking Requirements

The current highly migratory species (HMS) regulations require all commercial vessels, including charter vessels, to display their official numbers on the port and starboard sides of the deckhouse or hull in numerals at least 10 inches in height for vessels 25-65 feet in length, and 18 inches in height for vessels longer than 65 feet. In addition, the regulation requires the display of the official number on a visible weather deck surface for identification by aerial surveillance, and many of the smaller commercial albacore troll and charter recreational vessels are currently out of compliance with the vessel marking requirements as written. The Council received testimony from commercial passenger fishing vessel representatives that meeting this requirement would detract from the beauty of some of the charter vessels (Note: Mr. Alverson referred to similar measures in Alaska as the “uglification” of the fleet) and the National Marine Fisheries Service (NMFS) received a letter from Mr. Bob Fletcher requesting relief for the Southern California commercial passenger fishing vessel (charter boat) CPFV fleet in meeting these requirements. The HMSMT believes that, when this regulation was developed, the intent was to place this requirement on commercial HMS vessels, but that charter vessels would be exempt. Therefore, the regulatory change to address this issue could be considered a housekeeping measure.

Drift Gillnet Fishery Regulations

Two drift gillnet fishery issues have been brought to the HMSMT’s attention: 1) changing the northern boundary of the leatherback turtle closed area off Oregon; and 2) considering whether to have consistent drift gillnet gear regulations within the Exclusive Economic Zone (EEZ) and on the high seas.

With regard to the first issue, the current leatherback turtle closed area extends from Pt. Conception north to 45° N. latitude, which is off central Oregon. At the March Council meeting, to primarily assist with enforcement of the closed area, the Oregon Department of Fish and Wildlife (ODFW) requested that the HMSMT explore alternatives that would move the line further north to the Oregon/Washington border (46°16’ N. latitude) or south to the Oregon/California border (42° N. latitude). (Note: There is already a drift gillnet closure that extends from the Oregon/Washington border north to the U.S./Canada border.)

Moving the line further north could provide additional protection for leatherback turtles and reduce bycatch, but could potentially affect one fisherman who has fished this area in the past. If the Council would like to move forward on this, the HMSMT would develop alternatives and a

draft analysis to present to the Council in September. The HMSMT would appreciate guidance from Oregon relative to the scope of the alternatives (e.g., would the closure be in place only during the current closed period, or year-round, or some other period of time?).

Mr. Peter Flournoy raised the second issue at the HMSMT's May meeting. The high seas drift gillnet gear requirements, which are described in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), specify a maximum length of 8,202 feet, whereas the federal and California state HMS regulations specify a maximum length of 6,000 feet for drift gillnets fished within the EEZ. Three vessels were recently charged with violating the California state HMS regulations as they had 8,000+ feet of drift gillnet gear onboard (as those vessels fish both inside and outside the EEZ). For purposes of consistency, Mr. Flournoy is requesting that the federal and state regulations be changed to reflect the MSA requirements.

The HMSMT briefly discussed this issue and notes that the differences in gear requirements have been in effect for about 20 years; therefore, we are unsure as to why this has recently become an issue. The HMSMT is also concerned that changing the gear requirements may affect the usefulness of the drift gillnet observer data that has been collected to date, as those trips would have occurred when the more restrictive gear was in effect. With this regulatory change, NMFS Protected Resources would have to consider the effects of possibly increasing the amount of net in the water by 33%, depending upon how many vessels may switch gears. Changing the net size would affect the catch-per-unit of effort that is currently being used to estimate takes of listed species in the drift gillnet fishery. If a number of fishermen decide to change gear it could trigger a re-initiation of consultation since the proposed action would have changed, so the impacts on listed species may be greater than what was analyzed in existing biological opinions.

Unlike the other regulatory proposals, this issue would likely take a considerable amount of time to address, as there are a few options that could be explored in addition to Mr. Flournoy's proposal. The HMSMT is also unsure of whether changes to the California state regulations would require legislature action.

State Recreational Bag Limits

The HMSMT reviewed the current state regulations for bag limits for albacore tuna. Oregon has a bag limit of 25 albacore currently in effect and Jean McCrae, ODFW, presented a bag limit analysis to the HMSMT in May. The results of the analysis indicate that, while the limit is 25, most Oregon anglers, on average, retain less than 10 albacore each. Therefore, reducing the bag limit in Oregon would appear to have little effect, and Ms. McCrae indicated that ODFW currently has no plans to make any changes in their bag limit. Neither Washington nor California currently has an albacore bag limit, but both states are exploring this for the 2007 season. The amounts briefly discussed were in the range of 10-15 albacore per angler. It is anticipated that these states would go through their respective fish and wildlife commission processes and, if bag limits were adopted, the federal regulations would be changed to conform to the states' regulations.

Recreational Harvest of Thresher Shark in Southern California

The issue of perceived increases in catch and effort for common thresher shark taken in the Southern California private recreational fishery was brought to the HMSMT's attention. The California Department of Fish and Game representative stated that the new California Recreational Fishing Survey (CRFS) is not able to fully access the level of catch and effort in

this fishery as many of the vessels that fish thresher shark are berthed in private marinas where samplers traditionally have had lack of access for sampling. The HMSMT discussed the need to collect the needed information on this fishery in order to analyze the data and craft appropriate conservation measures, if needed, for Council consideration. The HMSMT notes that the drift gillnet fishery was moved out to 75 miles during the thresher shark breeding and pupping season to provide protection during this critical period. The private recreational fishery, however, has no such regulation providing similar protection. Given the lack of data, the HMSMT is unable to discern whether or not similar protection is warranted at this time, but it was generally agreed that additional HMSMT deliberation on this matter is needed.

HMSMT Recommendation:

1. Provide guidance on which of the following management issues the HMSMT should address for the 2007-08 HMS fishing year. The HMSMT would then develop alternatives and analysis, and present a draft Environmental Assessment to the Council for consideration in September.
 - a. Vessel Marking Requirements
 - b. Drift Gillnet Turtle Closure Northern Boundary
 - c. Drift Gillnet Gear Requirements
 - d. Recreational Bag Limits for Washington and California
 - e. Recreational Thresher Shark Harvest in Southern California

PFMC
05/25/06

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON CHANGES TO ROUTINE MANAGEMENT MEASURES FOR 2007-2008 SEASON

The Highly Migratory Species Advisory Subpanel (HMSAS) has the following comments on the management measure changes proposed by the Highly Migratory Species Management Team (HMSMT):

Vessel Marking Requirements

The HMSAS decided to table this discussion until their concerns are answered by enforcement and the U.S. Coast Guard.

Drift Gillnet Fishery – Changes to the northern boundary of the leatherback sea turtle closed area

There were a variety of opinions among HMSAS members about moving the leatherback closure line off central Oregon north or south. The HMSAS requests that additional analysis on the enforcement concerns and possible biological impacts of this change be provided to the HMSAS and other advisory panels at the September meeting.

Drift Gillnet Fishery – Consistent drift gillnet gear regulations between the Exclusive Economic Zone (EEZ) and on the high seas

The HMSAS supported the work of a subcommittee composed of Bill Sutton, Peter Flournoy, Chuck Janisse, and members of the HMSMT to further develop options on gear requirements that would improve consistency between high seas vessels and vessels fishing within the EEZ.

State Recreational Bag Limits

The majority of the HMSAS supports the process of establishing recreational bag limits or trip limits for recreational anglers catching highly migratory species, whether implemented through the Council or individual state processes, if implemented by all three West Coast states.

There was a minority position where concerns over the international unknowns were discussed. Specifically, how national quotas will be developed and the lack of indication that there is a discard issue off the coast of Washington. Washington Department of Fish and Wildlife is in the process of identifying alternatives appropriate for the Washington industry that include status quo and we believe an endorsement of trip limits, or quotas at this time is premature.

Recreational Harvest of Thresher Shark in Southern California

In light of concern over recent catches of thresher shark, the HMSAS encourages the team to move forward by evaluating impacts to the thresher shark population and that we endorse a proposal by the Pflegler Institute of Environmental Research (PIER) that will monitor thresher shark takes under a Sea Grant funded project. The HMSAS would support consideration by the California Department of Fish and Game of a reduced daily bag limit for thresher shark.

EXEMPTED FISHING PERMITS (EFP) FOR 2007-2008 SEASON

Council Operating Procedure (COP) #20 lays out the schedule and procedures for review of EFP applications. COP #20 states that EFP applications for the next fishing year (in this case April 1, 2007-March 31, 2008) must meet the deadline for the June briefing book. Any applications received are reviewed by the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS), who make recommendations to the Council for action. The Council takes final action on EFP applications at the September meeting, which constitutes a recommendation to National Marine Fisheries Service (NMFS) for issuing the permit.

No new applications were received for the 2007–2008 fishing year. However, there are two outstanding EFP applications. The HMSMT has proposed a schedule for reviewing these proposals that would defer Council consideration until later this year or early next (see Agenda Item E.2.b, HMSMT Report).

The Council already took preliminary action on the first EFP application, which was initially submitted to the Council for consideration for the current fishing year. (Attachment 1 is the application that was submitted for the March 2006, Council meeting as Agenda Item J.4.a, Attachment 2.) However, at the time of Council action in March 2006 the applicant, Mr. Pete Dupuy, asked that the application instead be considered for the 2007 fishing year. At the March meeting, the Council gave preliminary approval to the application, pending the preparation of an environmental assessment. The HMSMT is proposing to present a set of alternatives for implementing this EFP to the Council at the November 2006 meeting, at which time the Council would take action about whether to proceed with the application. The HMSMT would then prepare a draft environmental assessment to support final Council action at the March 2007 meeting. (See Agenda Item E.2.b, HMSMT Report.)

The second EFP for Council consideration is the continuation in 2007 of the drift gillnet (DGN) fishery EFP the Council has approved for 2006. Attachment 2 is a letter from Mr. Chuck Janisse of the Federation of Independent Seafood Harvesters (FISH) indicating his interest in continuing the EFP in 2007. As he states, the original application approved by the Council at the March 2006 meeting proposed the EFP for 2006–2008 with annual review and approval of its continuation by the Council. However, because the EFP will be conducted from August 15 to November 15, 2006, the HMSMT is recommending that the Council defer consideration of a continuation of the EFP in 2007 (when it would again be conducted from August 15 to November 15) until the November 2006 meeting. If continued, any proposed modifications to the EFP would be presented at the March 2007 Council meeting. This would allow the Council to review information on the results of the EFP in 2006.

Attachment 3 is a letter from Mr. Rodney McInnis, Regional Administrator, NMFS Southwest Region. When the Council took final action on the 2006 DGN EFP, they recommended imposing caps on six marine mammal species (sperm, humpback, minke, fin, gray and short-finned pilot whales), which would shut down the fishery if one animal was seriously injured or

killed. However, NMFS informed the Council that they would only apply these caps to three species (sperm, humpback, and short-finned pilot whales). In response to the Council's displeasure at this modification, Mr. McInnis instructed his staff to revisit the issue and the letter outlines the results of this review.

Council Action:

Provide guidance and/or approve HMSMT's proposed process and schedule for consideration of drift gillnet and longline EFPs for 2007.

Reference Materials:

1. Agenda Item E.2.a, Attachment 1: EFP application submitted by Mr. Pete Dupuy and originally included as Agenda Item J.4.a, Attachment 2 for the March 2006 Council meeting.
2. Agenda Item E.2.a, Attachment 2: Letter from Chuck Janisse indicating desire to extend current drift gillnet EFP into 2007.
3. Agenda Item E.2.a, Attachment 3: Letter from Mr. Rodney McInnis about 2006 DGN EFP
4. Agenda Item E.2.b, HMSMT Report.
5. Agenda Item E.2.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Preliminary Adoption of Proposed EFPs for the 2007-2008 Season

PFCM
05/26/06

EXEMPTED FISHERY PERMIT

1. *Date of application:*

February 13, 2006

2. *Applicant's name, address, and telephone numbers:*

Pete Dupuy
18212 Rosita St.,
Tarzana, CA 91356

(818) 343-9927
FAX: (818) 881-5003
lapazkd@aol.com

3. *Statement of the purpose and goals of the exempted fishing for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP:*

The purpose of this EFP is to conduct a small scale (1 vessel) pelagic longline fishery within the West Coast EEZ to determine if longline gear is an economically viable HMS harvest substitute for drift gillnet (DGN) gear.

If pelagic longline proves to be an economically viable substitute for DGN, this information enables the Council to make informed management decisions regarding the phasing out of DGN and substituting longline thereby balancing the HMS FMP's management goals of providing a long-term, stable supply of high-quality, locally caught fish to the public, minimizing economic waste and adverse impacts on fishing communities, and providing viable and diverse commercial fishing opportunity for highly migratory species, while also managing the DGN fishery to prevent adverse impacts, and promote the recovery, of protected species.

Disposition of the species harvested under the EFP will be as follows:

- All marketable finfish species caught during the EFP may be retained and sold as prescribed through current regulations.
- Prohibited species may not be retained or sold.

4. *Justification explaining why issuance of an EFP is warranted:*

In 1996, the U.S. ratified a U.N. agreement ¹ concerning HMS which requires nations to “minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species,...[and] to the extent practicable, the development of selective environmentally safe and cost effective fishing gear and techniques.”

Closure of the DGN swordfish fishery, and substitution with pelagic longline, occurred in the North Atlantic because, with the two gears fishing side by side, longline was deemed to be a more selective, environmentally safe and cost effective fishing gear. The federal rule proposing a prohibition of DGN gear by NMFS in 1998 states: “The proposed rule is intended to reduce the take of marine mammals in the Atlantic swordfish fishery. Observer and vessel logbooks indicate that, in the Atlantic swordfish fishery, driftnet gear results in a significantly higher rate of take of protected marine mammals relative to other gear (i.e. pelagic longline and harpoon).” ² Also noted is that the Atlantic driftnet fishery has had takes of protected sea turtles, that the high take rates necessitate high levels of observer coverage, and that the fishery is difficult and costly to manage. The final rule prohibiting the use of driftnet gear in the north Atlantic swordfish fishery reiterates: “ The intent of the rule is to reduce marine mammal bycatch in the swordfish driftnet fishery while increasing the net benefits to the nation.” ³ This was accomplished by converting the Atlantic swordfish DGN permits to Atlantic pelagic longline permits.

In the Southern California Bight, a study evaluating an experimental drift longline shark fishery found that: “ This drift longline gear appeared to bring in less bycatch than the California drift gill net fishery. Observers recorded a total of 9 species captured on drift longline gear, whereas 71 species were documented from the drift gill net fishery (Hanan et al. 1993). Unlike fish caught in drift gill nets, most of the longline bycatch can be released alive.” ⁴

The California/Oregon DGN fishery continues in steep decline since the closure of a huge portion of its historic fishing grounds in 2000 to protect leatherback sea turtles. It continually operates under a threat of complete closure. A single observed mortality of a sperm, humpback, or fin whale, all of which have been previously taken in the DGN fishery, would revoke the MMPA §101(a)(5)(E) permit. ⁵ Given this level of vulnerability, the DGN fishery would be well served if an alternative fishery were available.

¹ The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

² 55998 Federal Register/ Vol. 63, No. 202 / Tuesday, October 20, 1998.

³ 4055 Federal Register / Vol. 64, No. 17 / Wednesday, January 27, 1999.

⁴ A Review Of The Southern California Experimental Drift Longline Fishery For Sharks, 1988-1991, John W. O'Brien and John S. Sunada, CalCOFI Rep., Vol. 35, 1994.

⁵ Under current MMPA guidelines, fishery takes above PBR for any ESA listed marine mammal would prohibit issuance, or revoke an existing §101(a)(5)(E) permit. With observed DGN takes extrapolated five times, one observed take equals 5. The PBR is 2.1 for sperm whales, 3.1 for

In fact, as indicated by HMS FMP permit DGN endorsements, California/Oregon DGN fishermen are interested in a longline option. Of the 131 HMS fishermen selecting a DGN endorsement on their HMS commercial fishing permit, 71 (54%) also selected a pelagic longline endorsement.

Comparing what is known about marine mammal, sea turtle and finfish bycatch in the DGN fishery to what is known about such takes in longline fisheries, it can be reasonably assumed that takes and/or mortalities of marine mammals will be substantially reduced with longline gear; sea turtle mortalities, if not overall takes, will also be substantially reduced with longline gear; and finfish bycatch (especially unmarketable shark), and mortality will be substantially reduced with longline gear.

There is little question that pelagic longline gear has less of an impact on sea turtles, marine mammals, and finfish bycatch. The only question is whether or not pelagic longline gear is economically viable as a substitute for DGN gear.

5. *Statement of whether the proposed exempted fishing has broader significance than the applicant's individual goals:*

If successful, the proposed EFP could result in longer-term regulatory action (i.e., substitution of DGN gear with longline) which could provide increased fishing opportunity, and economic benefit to all DGN permit holders.

6. *Expected total duration of the EFP (number of years proposed to conduct exempted fishing activities):*

EFP is proposed for a one-year period with the option for continuing it on an annual basis for up to three years pending review and evaluation.

7. *Number of vessels covered under the EFP and a copy of each vessel's USCG documentation, state license, and any other registration required for participation in the fishery:*

A single vessel, F/V Ventura II, will participate in this EFP. Ventura II is a 90' LOA steel hulled vessel, U.S. Document No. 536620. Copies of all required documents and permits will be submitted upon approval of the EFP.

8. *Description of species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the exempted fishing; this description should include harvest estimates of overfished species and effects on marine mammals and protected species:*

humpback whales, and 3.2 for fin whales. Any single observed mortality of any of these endangered whales exceeds PBR.

Target species include swordfish (*Xiphias gladius*), bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*), northern bluefin tuna (*Thunnus orientalis*), and albacore tuna (*Thunnus alalunga*). All are managed domestically under the PFMC HMS FMP. The Inter-American Tropical Tuna Commission also manages these species internationally, in the area east of 150°W longitude. Bigeye tuna is currently subject to overfishing, and the IATTC has recommended harvest limits for longline which have been imposed by NMFS through 2006. No other target species are subject to harvest limits. Estimated harvests of swordfish are from 15,000 to 40,000 lbs. The potential for tuna harvest also exists but projected amounts are impossible to predict due to lack of data.

Marketable bycatch species include mahi-mahi (*Coryphaena hippurus*), opah (*Lampris regius*), and shortfin mako shark (*Isurus oxyrinchus*). Blue shark (*Prionace glauca*) will comprise most of the non-marketable bycatch. It is expected that a high percentage of hooked blue shark will be dehooked and released alive.

Marine mammals that are known to inhabit the area within the EEZ, and have been observed taken in the Hawaii longline fishery, include: bottlenose dolphin (*Tursiops truncatus*), Risso's dolphin, short-finned pilot whale (*Globicephala macrorhynchus*), all hooked; and common dolphin (*Delphinus delphis*), humpback whale (*Megaptera novaeangliae*), and sperm whale (*Physeter macrocephalus*), all entangled.⁶

The short-tailed albatross (*Phoebastria albatrus*) is a rare visitor in the EFP proposed area. Combined Hawaii ('97 to '01) and California ('01 to '03) longline fishery observer data for 586 sets (444,833 hooks) east of 140°W longitude records no takes of Laysan albatross (*Phoebastria immutabilis*), and 41 takes of black-footed albatross (*Phoebastria nigripes*).⁷ However, specific deterrents have been identified that provide significant levels of sea bird protection. These deterrents are required pursuant to federal regulations⁸ and will be complied with under this EFP.

Due to the lack of take data by longline within the EEZ, impacts on sea turtles by longline gear can be somewhat projected from DGN observer data. Green turtles are rarely taken in the DGN fishery. Observer data from 1990 to 2000 records one take of a green sea turtle off south central California in November, 1999, and this take appears to be related to unusual environmental conditions.⁹ There are no takes or mortalities of green turtles within the EEZ expected under the EFP. Olive ridley turtles are also rarely taken in the DGN fishery. Observer

⁶ Hawaii Longline Fishery—Marine Mammal Interaction Summary, 1994-2002; Karin Forney, NMFS/SWFSC October 2002.

⁷ PFMC Exhibit F.2.b, NMFS Report, June 2003; An Analysis of Sea Turtle Take Rates in the High Seas Longline Fishery in the Eastern Pacific Ocean; James V. Carretta.

⁸ 50 CFR § 660.712(c)(1-17)

⁹ Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, p.73.

data from 1990 to 2000 records one take of an olive ridley turtle off southern California in 1999, and this take also appears to be related to unusual environmental conditions.¹⁰ There are no takes or mortalities of olive ridley turtles within the EEZ expected under the EFP. Loggerhead turtles are infrequently taken in the DGN fishery. Observer data from 1990 to 2000 records 17 takes of loggerhead turtles, with 12 (70%) released alive, 1 (6%) injured, and 4 (24%) killed. All these takes occurred in a concentrated area south of San Clemente Island.¹¹ The proposed EFP will not operate in the vicinity of San Clemente Island. Therefore, there are no takes or mortalities of loggerheads within the EEZ expected under the EFP. DGN observer data from 1990 to 2000 records 23 takes of leatherback turtles, 14 were killed (61%), and 9 were released alive and uninjured (39%). All observed takes except one were north of Point Conception, and all were taken between September and January.¹² Worst-case scenario estimates of DGN take rate for leatherbacks is .009 per set. With an estimated 61% mortality from DGN gear, the estimated mortality rate is .005 per DGN set.¹³ For any given level of leatherback population density in a given area, it is difficult to predict what the probability of interaction would be between DGN and longline gears. An average net covers 792,000 square feet of area (5,280 ft x 150 ft.). The probability of interaction for a leatherback in the vicinity of DGN gear is probably very high. On the other hand, the probability of interaction for a leatherback in the vicinity of longline gear, where 1,000 hooks are spaced 200 to 250 feet apart is probably considerably less—especially because leatherbacks are not typically attracted to bait, but tend to be hooked externally when swimming by the gear. Nevertheless, using the worst-case scenario DGN take rate of .009 per set, and assuming the probability of interaction for a longline set is equal to a DGN set, expected leatherback takes within the EEZ under the EFP for 1,000 hook sets and 14 set trips would be .126 per trip, or .504 per season (14 set trips x 4 trips). Based on leatherback post hooking mortality estimate values of 10% when hooked externally and released with all gear removed, 0.012 mortalities per trip, or 0.050 mortalities per season would be expected within the EEZ under the EFP. Additionally, longline fishing operations under this EFP will comply with existing sea turtle take mitigation measures found at 50 CFR §660.712(b)

9. *Description of mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for:*

At sea monitoring at 100% will be employed.

¹⁰ Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, p.78.

¹¹ Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, pp.75-76.

¹² This time period corresponds with the DGN season. DGN fishing is prohibited from January thru April.

¹³ Biological Opinion on Issuance of Permit under Section 101(a)(5)(E) of the MMPA to the DGN Fishery, October 23, 2000, pp.73-75.

10. *Description of proposed data collection and analysis methodology:*

NMFS will provide 100% observer coverage to monitor compliance with provisions of the EFP, note fishing location, and interactions with turtles, marine mammals, and seabirds, including species identification and disposition of released animals. Other data collected will include current fishery reporting data (i.e., logbooks and fish receiving tickets) by the state and NMFS.

11. *Description of how vessels will be chosen to participate in the EFP:*

Applicant's vessel will be the only vessel participating in the EFP.

12. *For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used.*

EFP fishing will utilize traditional longline gear consisting of a main line strung horizontally across 50 to 100km of ocean, supported at appropriate intervals by 18m vertical float lines connected to surface floats. Descending from the main line is some number (2-25) of 24m branch lines each ending in a single baited hook. Longline gear configuration will be consistent with regulations enacted for the Hawaii longline shallow-set swordfish fishery found at 50 CFR §660.33(d),(f) & (g). For targeting swordfish, hooks used will only be offset circle hooks sized 18/0 or larger, with a 10° offset. For targeting tuna, smaller circle hooks with no offset will only be used. For targeting swordfish or tuna, only mackerel-type bait will be used, and no lightsticks will be used. From 400 to 1,200 hooks may be deployed per set. EFP fishing will not occur within 30 miles of the coastline, or within the southern California bight. Each trip will consist of about 14 sets, approximately 14,000 hooks per trip (1,000 hooks per set x 14 sets). This EFP proposes 4 trips (56,000 hooks) during the period September thru December.

13. *Signature of applicant:*

Pete Dupuy

Federation of Independent Seafood Harvesters

PO Box 352
Bridgewater Corners, VT 05035

May 15, 2006

Donald Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED

MAY 16 2006

Dear Don,

The Federation of Independent Seafood Harvesters (FISH) extends its heartfelt thanks for the Council's forward thinking March decision to approve the exempted fishery permit (EFP) we proposed for the HMS driftnet fishery (DGN).

We believe that the regulation enacted in 1997 requiring DGN nets to be a minimum distance of 36 feet below the sea surface—allowing a space for surface swimming marine mammals to pass over a net—also reduces sea turtle interactions. Such a reduction is supported by available data: The observed take rate for leatherbacks from 1998 to 2004, the time during which the minimum net depth regulation was in effect, is 0.015 per set. The take rate for the period 1990 to 1997, when the minimum net depth requirement was not in effect, is 0.088 per set. The observed leatherback take rate before the minimum net depth requirement was enacted is 5.9 times greater than after this regulation was implemented. However, since leatherback take is such a rare event, the above referenced data is insufficient for producing a statistically significant comparison of before and after take rates. We believe that this DGN EFP will eventually produce sufficient data to provide a statistically significant answer to the question of whether or not the 36-foot minimum net depth regulation reduces sea turtle entanglement, and give the Council a more robust scientific basis to structure appropriate protective measures.

Of course, a single season's EFP fishing effort will not generate a sufficient amount of data. It is for this reason that the DGN EFP is proposed to run for the 2006, 2007, and 2008 DGN fishing seasons. Under the terms of the approved DGN EFP, the Council would consider DGN fishery performance under the 2006 EFP, in advance of approving the EFP for 2007. Since results of the 2006 DGN EFP will not be available until after the November 15 termination of EFP fishing activity, the Council will not have this information before their April or March 2007 meetings. We suggest scheduling this issue for the March 2007 Council meeting, which will give the HMSMT and HMSAP sufficient time to review the 2006 EFP outcome—recommend any adjustments, or

modifications for Council consideration—and give NMFS sufficient time to complete NEPA and ESA requirements.

As you may not know, over the past two years FISH has donated \$20,000.00 to ASUPMATOMA, a Mexican organization dedicated to sea turtle conservation work, in support of their efforts to increase survivability of eastern Pacific leatherbacks nesting at Aguas Blancas beach in southern Baja. FISH continues to be actively involved in the implementation of marine resource conservation measures, and we are excited about the resource conservation benefits the DGN EFP may produce. We thank you again for supporting FISH in this effort and we look forward to a successful outcome from this work.

Respectfully,

A handwritten signature in cursive script, appearing to read "Janisse".

Chuck Janisse, on behalf of the Federation of Independent Seafood Harvesters



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

MAY 09 2006

F/SWR2:MH

Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

RECEIVED

MAY 10 2006

Dear Mr. Hansen:

FMC

On March 29, 2006, I sent a letter to the Pacific Fishery Management Council (Council) explaining my decision to tentatively accept only a portion of the Council's preferred alternative for the proposed exempted fishing permit (EFP) for the drift gillnet (DGN) fishery, adopted at the March meeting. I decided not to accept the proposed mortality or serious injury cap of one fin, one minke, and one gray whale. I based this decision on the impact to the stocks relative to the most recent estimates of potential biological removal (PBR) levels for fin, minke, and gray whales at 15, 5.8, and 442 respectively.¹ The Marine Mammal Protection Act (MMPA) requires that a PBR level be calculated for each marine mammal stock under U.S. jurisdiction. The PBR is an estimate of the total amount of human-caused mortalities (and serious injuries) that each stock can sustain annually while still maintaining or increasing its current population. For most marine mammal stocks, the primary source of anthropogenic mortality and serious injury is fisheries.

I used the PBRs as part of my review of the Council's proposed caps to serious injury or mortality of one fin, one minke, and one gray whale in the proposed DGN EFP. Based upon our best available science, I made a preliminary determination that the caps for these three species were unnecessarily restrictive and recommended that they be removed from the proposed action for the DGN EFP. I did, and still do, support the Council's recommendation that the cap of one serious injury or mortality be implemented for short-finned pilot, humpback, and sperm whales, based upon the relatively low PBRs for each of these stocks.

At the April Council meeting in Sacramento, California, several Council members expressed concern about my preliminary decision. Based on their comments, which the Southwest Regional Office takes very seriously, I instructed my staff to revisit the issue.

¹ Carretta, J. V., K. A. Forney, M. M. Muto, J. Barlow, J. Baker, B. Hanson, M. S. Lowry. 2006. U.S. Pacific marine mammal stock assessments, 2005. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-SWFSC-388.



They examined stock assessment reports to determine whether other limits on the take of fin, minke and gray whales should be imposed on the DGN EFP, particularly in consideration of other fishery and non-fishery threats to these marine mammals. A summary of their review follows.

The fin and minke whales that may interact with the DGN fishery are considered Washington/Oregon/California (WA/OR/CA), including Baja, California, Mexico stocks. That is, the ranges of these stocks appear to be limited primarily to the waters off these states. For the WA/OR/CA stock of fin whales, only the DGN fishery has been identified as a definite source of fishery mortality and there has been one observed take in 15 years. There are likely unquantified mortalities and serious injuries of fin whales in the drift gillnet and longline fishery off Baja, California Mexico and ship strikes (the current average observed mortality from ship strikes is 0.4 fin whales per year). The current PBR for this stock is 15 animals per year. The most recent mean annual takes in U.S. commercial fisheries is one. Fin whales are listed as an endangered species and therefore will be included in the consultation being conducted for this EFP.

For the WA/OR/CA stock of minke whale, the DGN fishery, the Washington Puget Sound salmon gillnet fishery, and California angel shark/halibut fisheries are the only fisheries that have been identified in which minkes may occasionally be taken. The Puget Sound salmon gillnet fishery is not currently observed, although vessels in this fishery are known to co-occur in the minkes' summer feeding areas. There has been low observer coverage on the California angel shark small mesh gillnet fishery in limited years, so NMFS is preparing to place observers on vessels in this fishery for the 2006 season. Other unquantified sources of anthropogenic mortality include ship-strikes and takes in the Mexican drift gillnet/longline fishery. The status of this stock is unknown. The most recent annual estimate of human-caused observed mortalities is zero and the PBR is 5.8 animals per year. The most recent mean annual take in U.S. commercial fisheries is zero. Minke whales are not a listed species.

Gray whales range from the waters off Alaska and Russia to Baja California, Mexico; thus this eastern north Pacific stock is potentially exposed to fisheries across a wide range of North America. This eastern north Pacific stock may interact with fisheries along the entire west coast. Seven fisheries, including the DGN fishery, have either observed or self-reported incidental takes of gray whales. This stock is also subjected to aboriginal harvests of an average of 122 gray whales per year. Limited ship strike mortality has also been observed. The estimated annual level of human-caused mortality is 130.4 although this number does not include the average 6.7 strandings per year (1999-2003).

The eastern Pacific stock of gray whales has been increasing over the past 20 years. There are impacts from Canadian fisheries, and the incidents of take in unobserved fisheries may be underestimated and cannot be quantified. However, these threats do not appear to be affecting the population's ability to increase. The current PBR for this stock is 442 animals per year. The most recent minimum total fishery-related annual

mortality/serious injury is estimated to be 7.4 gray whales². This species was delisted under the ESA in 1994.

The anticipated levels of incidental take for fin, minke, and gray, whales in the DGN fishery is quite low. As noted in the draft Environmental Assessment (EA) prepared for the issuance of the DGN EFP, anticipated levels of take are estimated to be around one fin, one minke, and one gray whale per year. These estimates were based upon the level of observed take of these three species in the entire DGN fishery, one, three and three observed takes, of fin, minke, and gray whales respectively, in over 7,000 observer sets. My staff reviewed the numbers provided in the draft EA and projected that the anticipated incidental take of these three whale species is likely less than one fin whale, one minke whale and one gray whale per year in the entire DGN fishery (including fishing under the proposed EFP). The low expected take is based upon a combination of 15 years of data collected in the DGN fishery observer program and knowledge of the distribution and general life history patterns of these species. This anticipated low rate of take is consistent with the current incidental take statement for fin whales in the 2004 Highly Migratory Species Fishery Management Plan biological opinion, the only species of these three to be listed under the Endangered Species Act (ESA). The anticipated incidental take identified in the 2004 opinion is four fin whales entangled in three years, with an estimated mortality of two fin whales in three years.

I am mindful of the Council's concern over the incidental take of fin, minke, and gray whales. While I believe it is reasonable to predict that levels of take in the DGN EFP will be less than one, I am aware that the incidental take of marine mammals and other species is dependent upon a number of variables, including changes in oceanographic and climatic conditions, areas fished, and methods used. Scientists at the Southwest Fisheries Science Center are examining the relationships between these variables to better predict fishery impacts on protected species. With this in mind, I am modifying my original recommendation for the DGN EFP. I am recommending that if a serious injury or mortality of one fin whale, one minke whale, or one gray whale event occurs, the SWR will immediately initiate a review of the incident. The Take Reduction Team (TRT) for this fishery may also be contacted and consulted for review and recommendations to ensure that the DGN EFP operates consistently with the requirements of the MMPA and ESA.


For each of these stocks, the current status was reviewed along with the total anthropogenic sources of mortalities and serious injuries. My recommendations are based upon the possible relative impact of the DGN EFP and to ensure that the overall annual mortalities and serious injuries in U.S. fisheries remain at a rate below each stock's PBR. As you are well aware, balancing the needs of conserving species while supporting and promoting fisheries is an on-going challenge. I appreciate the Council's sensitivity to these challenges and trust that the Council agrees that these conditions, to

² Angliss, R. P., and R. B. Outlaw. 2005. Alaska marine mammal stock assessments, 2005. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-161, 250 p.

be imposed on the pending DGN EFP, address the concerns expressed at the April 2006 Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney R. McInnis".

 Rodney R. McInnis
Regional Administrator

cc: William Fox, SWFSC

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
EXEMPTED FISHING PERMITS FOR 2007-2008 SEASON

The Council has received two exempted fishing permit (EFP) applications for the 2007-2008 fishing year: 1) a continuation of the drift gillnet EFP, submitted by Mr. Chuck Janisse on behalf of the Federation of Independent Seafood Harvesters; and 2) a longline EFP, submitted by Mr. Pete Dupuy. In March, the Council approved the drift gillnet EFP for 2006, and the Team recommended that continuation of the drift gillnet EFP for 2007 be contingent upon a review of the results of the 2006 EFP. As this EFP is scheduled to begin in August, pending final approval by the National Marine Fisheries Service (NMFS), the final results will not be available until the end of the year. Depending on the results of the drift gillnet EFP in 2006, the Council may wish to consider changing and/or adding provisions to the EFP; therefore, the Biological Opinion being prepared by NMFS is for the 2006 fishing year only. Continuation of the drift gillnet EFP in 2007 would require additional Council action, re-consultation, and a new Biological Opinion.

Also in March, the Council advanced the longline EFP for consideration. Similar to the drift gillnet EFP process for this year, the Team would develop a draft Environmental Assessment (EA) with alternatives for the Council's consideration.

The HMSMT proposes the following process and schedule for these EFPs:

- | | |
|----------|---|
| Nov 2006 | NMFS and California Department of Fish and Game present draft report on 2006 drift gillnet EFP to Council; Council consider whether to proceed with drift gillnet EFP in 2007 |
| | HMSMT present alternatives for longline EFP to Council; Council consider whether to proceed with longline EFP in 2007; if so, then approve the alternatives for public review and task the HMSMT with preparing an Environmental Assessment (EA) |
| Mar 2007 | NMFS and California Department of Fish and Game present final report on 2006 drift gillnet EFP to Council; HMSMT presents any proposed modifications to the 2007 drift gillnet EFP to Council; Council consider approving the modifications for public review |
| | HMSMT present draft EA for longline EFP to Council; Council select preferred alternative for longline EFP and transmit their recommendation to NMFS |
| Apr 2007 | If necessary, HMSMT present draft EA for drift gillnet EFP to Council; Council take final action on drift gillnet EFP and transmit their recommendation to NMFS |

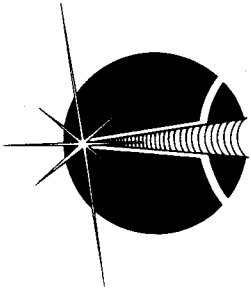
HMSMT Recommendation:

1. Provide guidance and/or approve HMSMT's proposed process and schedule for consideration of drift gillnet and longline EFPs for 2007

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL (HMSAS) REPORT ON
EXEMPTED FISHING PERMITS (EFP) FOR 2007-2008 SEASON

The HMSAS supports the schedule for reviewing 2007-2008 EFPs presented by the Highly Migratory Species Management Team.

PFMC
6/13/06



Eye Consultants
of Huntington, Inc.

Craig M. Morgan, MD

May 15, 2006

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PFMC

Mr. Donald K. Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 200
Portland, OR 97220-1384

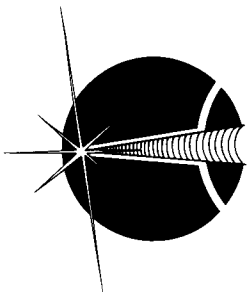
Dear Mr. Hansen:

I am taking this opportunity to comment on the application for a proposed Exempted Fishing Permit (EFP) that would allow for the use of longline gear in the EEZ under the jurisdiction of the Pacific Fishery Management Council (PFMC) submitted by Ocean Pacific Seafood. It is our understanding that this issue will be considered by the PFMC during your March meeting in Seattle.

I believe that it would be inappropriate to approve the requested EFP given the current condition of several stocks and the current context of international management of these fisheries. We note that, even though the application requests an EFP for a single 90 foot longline vessel, the application in question raises the possibility of developing a future longline fishery with a potential of utilizing 71 to 134 vessels.[1] This potential application of latent effort to a new EEZ fishery for tuna species not currently targeted by the existing drift gill net (DGN) fishery is a real cause for concern to existing U.S. recreational and commercial fisheries and all those in our country interested in the conservation of our oceans' valuable resources.

I refer in particular to bigeye, yellowfin, and albacore tuna, named as three of the five potential target species in the EFP application. As the Council is aware, all three of these species are currently being exploited at fishing mortality rates above levels estimated to produce average maximum sustainable yield (AMSY)[2] and all three are subject to management measures intended to constrain effort and fishing mortality under resolutions of the Inter-American Tropical Tuna Commission (IATTC). I strongly believe that any direct expansion of effort or mortality directed at these species is not consistent with the conservation goals established by the PEMC and the IATTC.

The PFMC has responded to these actions and has asked that the HMSAS begin considering means of complying with the ban on increased albacore effort and, in November, deferred discussion of bigeye tuna conservation measures until the March meeting. Given the current status of bigeye, yellowfin, and albacore stocks there is clearly no logical rationale for attempting to develop new sources of effort and fishing mortality through the issuance of an EFP for longline gear in the Pacific EEZ.



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Craig M. Morgan, MD

Mr. Donald K. Hansen
page 2
May 15, 2006

I thank you all for taking the time to consider my comments and trust that the council will agree that the current biological condition of these stocks, taken into consideration in the context of existing U.S. fisheries does not warrant a recommendation to issue the requested EFP.

Sincerely,

Craig M. Morgan, M.D.

CMM/ej

The following public comment is representative of four copies sent to the Council via email:

June 1, 2006

Mr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

Phone: 1-866-806-7204 or
(503) 820 2280
Fax: (503) 820-2299

Dear Mr. McIsaac:

I am writing to express my opposition to the proposal before the Pacific Fishery Management Council (PFMC) to reestablish a longline fishery in U.S. Pacific waters, reversing protection measures in place for sea turtles and other marine species. Scientists have warned the critically endangered leatherback sea turtle, could go extinct in the Pacific in the next 5-30 years unless efforts to reduce the threat of being injured or killed by longlines and gillnets are reversed.

The PFMC made the right decision in 2004 when it prohibited the use of longline gear in U.S. West Coast waters. As a result for the past two years leatherback sea turtles have been safe from the threat of longlining in U.S. waters off the Pacific Coast.

There is not sufficient justification to develop and expand a pelagic longline fishery in U.S. Pacific waters. If approved by the Council, the proposal to allow pelagic longline gear through an Exempted Fishing Permit (EFP) will undermine successful conservation measures protecting the critically endangered leatherback sea turtle as well as billfish, seabirds, marine mammals, sharks and other fish,

Finally, allowing longliners back into our waters if they use circle hooks would also be a set back to essential conservation measures. The recent closure of the Hawaii swordfish longline fishery has provided conclusive evidence that circle hooks fail to prevent the "take" of endangered sea turtles. This confirms the only option left is a closure of longline fishing in the Pacific to prevent the threat to these endangered species. I urge you not to reverse your decision. I look forward to your reply on this issue.

Sincerely,

Daniel Duncan 364 Marie Common Livermore, California 94550 ddun@chevron.com

ALBACORE MANAGEMENT

At the April 2006 meeting, the Council was briefed on the negotiations over the U.S.-Canada albacore treaty, which are beginning this year. This treaty establishes the terms for Canadian fishermen to fish for North Pacific albacore in U.S. waters and reciprocal rights for U.S. fishermen in Canadian waters. The terms of the current treaty expire at the end of this year. If no agreement is reached with Canada to extend the current or modified treaty terms, then default terms come into effect in 2007 and thereafter, until new terms are negotiated. Either party retains the right to terminate the treaty, which would end the reciprocal access rights so provided. An initial meeting between U.S. and Canadian delegations to exchange information on the 2005 and 2006 fishing seasons was held in Vancouver, British Columbia, on April 24–25, 2006.

In April, the Council was asked to provide recommendations on the U.S. position for treaty renegotiation, but declined to do so because the process is still in its early stages. Instead, the Council asked for a report on the April 24–25 meeting from Council members attending. Mr. Rod Moore is prepared to provide such a report (see Attachment 1). The Council may wish to develop recommendations on treaty renegotiation at this Council meeting or identify a time by which any such recommendations should be made in order to substantively influence the U.S. position.

The Council has also been briefed on two resolutions adopted in 2005 by the Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC) calling on parties to not increase beyond current levels total fishing effort by their fleets on North Pacific albacore tuna. These resolutions were adopted in response to information raising a conservation concern about the future status of the stock. The Council directed its Highly Migratory Species Management Team (HMSMT) to review historical fishing effort by U.S. West Coast vessels targeting North Pacific albacore in order to provide baseline information for any decision-making on what measures, if any, might be implemented to address these resolutions. The HMSMT has collected preliminary data on fishing effort, which will be provided as a supplemental report. One possible U.S. response, implemented under the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), would be to establish a license limitation program (limited entry) for the West Coast North Pacific albacore fishery. Such a response would have to be carefully considered so as not to disadvantage U.S. fishermen in comparison to fishermen from other nations. At the same time, some current participants in the fishery have raised concerns about the influx of participants from other fisheries in recent years, which might be exacerbated this year because of the severe limits on West Coast salmon fisheries.

There is a possible connection between access to the West Coast Exclusive Economic Zone (EEZ) provided to Canadian fishermen under the terms of the treaty and any response to the resolutions. First, some fishermen are of the view that restricting participation by U.S. fishermen through a limited entry program while Canadian fishermen still have access to the U.S. EEZ would be unfair. Second, if North Pacific albacore stock status worsens, the IATTC and/or WCPFC could recommend a system of national quotas, similar to the current national limits imposed on the catch of bigeye tuna in the Eastern Pacific Ocean by longline vessels. The issue of whether historical Canadian albacore catch in the U.S. EEZ should be counted toward the computation of such a national quota for the U.S. or Canada could become an issue. It is

important to emphasize that at this point any discussion of this issue is largely speculative; the IATTC has not proposed, and is unlikely to propose this year, establishing national quotas. Nonetheless, it may be something the Council would wish to consider in formulating recommendations for renegotiation of the U.S.-Canada treaty.

Council Task:

- 1. Further discuss recommendations for a U.S. position on the U.S.-Canada albacore treaty.**
- 2. Review information on historical fishing effort in the U.S. North Pacific albacore fishery, and provide guidance on the development of a response to the IATTC and WCPFC resolutions.**

Reference Materials:

1. Agenda Item E.3.a, Attachment 1: Report on U.S. / Canada Albacore Discussions by Mr. Rod Moore.
2. Agenda Item E.3.b, HMSMT Report.
3. Agenda Item E.3.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. Council Discussion and Guidance Regarding the U.S.-Canada Treaty, Limited Entry, and Historical Fishing Effort

PFMC
05/23/06

WEST COAST SEAFOOD PROCESSORS ASSOCIATION

1618 SW 1st Ave., Suite 318

Portland, OR 97201

PHONE: (503) 227-5076

FAX: (503) 227-0237

EMAIL: seafood@attglobal.net

TO: Don Hansen, Chairman PFMC

FROM: Rod Moore

RE: Report on U.S. / Canada albacore discussions

At the April, Council meeting, I offered to provide a report on the U.S. / Canada discussions on Pacific albacore if no other Council members were able to attend the meeting. Although Phil Anderson was the official Council designee, his other work duties prevented him from attending and he asked me to provide my notes to the Council.

The meeting took place at the Department of Fisheries and Oceans offices in Vancouver, B.C., on April 24 - 25, 2006. There were 12 participants from the Canadian government and industry, and 9 participants from the U.S. government and industry. The first part of the meeting consisted of the annual exchange of data between the governments pursuant to the Treaty on Pacific Albacore; the second part involved initial discussions on how to proceed under the Treaty or some successor agreement in the future.

Following introductions and agreement on process, Dr. Gary Sakagawa of NMFS provided data on 2005 commercial vessel activity for the U.S. He noted that the total catch (all nations) of Pacific albacore was the smallest since 1993, that catch had shifted northward, and that there was less catch in the central and western Pacific. The northward shift correlated with water temperatures while the eastward shift appeared to be due to increased fuel prices.

Dr. Max Stocker of DFO then presented a report on Canadian commercial activity, using data updated from Dr. Sakagawa's presentation. He noted in particular that the logbook coverage in Canada was 94%. He also presented data correlating 2004 logbook data with fish tickets, which showed excellent correlation.

In response to a question from the U.S. delegation, the Canadian representatives confirmed that 18 deliveries had been made in Canada by U.S. vessels in 2005. However, there was no information on how many individual vessels made deliveries or whether the fish were caught within the Canadian EEZ or on the high seas.

Mr. David Hogan of the U.S. Department of State provided a report on activities of the Inter-American Tropical Tuna Commission (IATTC). In 2005, IATTC discussed Pacific albacore for the first time and passed a general resolution that total effort on albacore not be increased beyond current levels. No definition was provided for "current levels" nor was there any discussion

about what specific measures should be taken to comply with the resolution. The only countries directly affected by the resolution are the U.S. and Canada. At the June meeting, IATTC will begin examining the status of albacore stocks based on whatever data has been submitted to their scientific staff.

Mr. Blair Hodgson of DFO reported on the Western-Central Pacific Fishery Commission (WCPFC). At its December, 2005, meeting, WCPFC's Northern Committee adopted a resolution on effort increase similar to that which had been adopted by IATTC. The Northern Committee will also monitor the status of stocks report from the IATTC. Finally, the Northern Committee recommended that WCPFC consult with IATTC to ensure development of uniform conservation and management measures.

Enforcement officials from the U.S. and Canada then provided a review of the 2005 fishery. There was agreement that Canada used a total of 403 vessel months in the U.S. EEZ in 2005. A total of 208 Canadian vessels fished for albacore, of which 149 fished on the high seas. Both sides discussed compliance issues and the need for the U.S. to generate a better list of active fishing vessels, as well as to ensure that U.S. vessels understand the treaty requirements for logbooks and reporting in when entering and exiting Canada's EEZ. NMFS and Coast Guard representatives indicated that additional effort would be made to ensure U.S. vessels understand the rules.

At the conclusion of the exchange of data and following a short break, the two sides reconvened to discuss the future of the Treaty.

Mr. Hogan for the U.S. emphasized the uncertainties we are facing on status of stocks and effort controls and how these might affect the U.S. industry. He noted the view of some in the U.S. harvesting sector that the advantages of the Treaty accrue more to Canada than the U.S. He also noted that the Treaty was considered important by the U.S. processing sector. Because of the uncertainty, he suggested that the U.S. wanted to proceed with caution on any future bilateral arrangements and that there was a default option for limiting vessel access available under the Treaty which might be the best course.

Mr. Hodgson responded for Canada that the way to deal with uncertainty is to provide a long-term arrangement so that the commercial industries of both countries knew what to expect. Canada views the default option as an incentive to reach agreement, which Canada wants to do prior to 2007. He indicated that Canada was willing to be flexible on agreement language and to explore new options.

Following these opening statements, there was considerable discussion about the details of Canadian and U.S. law and regulation regarding fisheries management, vessel licensing, and entry into the albacore fishery.

The meeting adjourned for the day and reconvened the following morning for a brief session. There was further detailed discussion about the Canadian licensing system. No further progress was made on the future of the Treaty. Both sides agreed that it would be more productive to consult with constituents over the summer and meet again in the fall with perhaps some additional options on the table.

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON ALBACORE MANAGEMENT

The Highly Migratory Species Management Team (HMSMT) discussed albacore management issues at our May meeting. Specifically, we received an update on the U.S./Canada albacore treaty, reviewed the U.S. and Canadian landings data by catch area (see Supplemental Attachment 1), reviewed the resolutions of the Inter-American Tropical Tuna Commission (IATTC) and the Western and Central Pacific Fisheries Commission (WCPFC), and discussed potential measures to present to the Council and Industry representatives for review and concurrence on how best to move forward with implementing those resolutions.

U.S./Canada Albacore Treaty

The U.S. and Canadian representatives met in Vancouver, B.C., on April 25-26, primarily to exchange catch information and discuss whether vessels had followed the proper procedures under the treaty. With regard to continuing the treaty, it is the Team's understanding that the following options are available for consideration: (1) take action to terminate the treaty and rescind reciprocal access rights; (2) develop provisions to propose for a new treaty; or (3) continue with reduced fishing at 75% of current level, as already expressed in the current treaty. Because there is uncertainty as to what will happen at the IATTC meeting in June relative to U.S. fishing effort on albacore, the U.S. was not comfortable discussing the future of Canadian fishing effort in U.S. waters until the potential need for U.S. effort reduction was resolved through the IATTC process. The two countries agreed to get together in November (at the end of the fishing season) to continue discussions.

The primary concern expressed to the Team was relative to potential development of an albacore catch quota for the U.S. and whether that quota would be shared with Canadian vessels. U.S. fishermen would like all of the catch caught in U.S. waters (by both U.S. and Canadian vessels) to be considered in setting the U.S. quota, and did not support continuation of the treaty. Development of an albacore quota has not been discussed yet; therefore, how the U.S. quota would be set has not been determined.

Implementation of the IATTC and WCPFC Resolutions

The HMSMT reviewed the IATTC and WCPFC resolutions for northern albacore tuna that the U.S. is obligated to implement; both of the resolutions (adopted in 2005) state that the total level of fishing effort for North Pacific albacore tuna in the Eastern Pacific Ocean not be increased beyond current levels. To fulfill this commitment, the Council could consider initiating a plan amendment to consider a limited entry program for albacore troll vessels; this plan amendment would likely take a few years to complete, but review of historical catch data in preparation of the amendment process could begin now. The Council may also wish to consider developing options for limiting albacore fishing effort in other fisheries, such as recreational fisheries.

Current Control Date

The Council adopted a control date of March 9, 2000, for all highly migratory species (HMS) commercial fisheries, including charter vessels. If the Council would like to move forward with developing a limited entry program for albacore, the Council could either use this previously adopted control date, or adopt a new one under this agenda item, for albacore fisheries (with the previous control date remaining in effect for the other HMS fisheries, until changed). The Council may wish to seek legal guidance on whether the previously adopted control date is "too old."

HMSMT Recommendation:

1. Provide guidance to the Team on how to move forward with implementing the IATTC and WCPFC resolutions; suggestions include:
 - a. Begin developing a plan amendment to consider a limited entry program for albacore troll and baitboat fleets
 - b. Develop options for limiting albacore fishing effort in other fisheries, such as recreational fisheries
 - c. Set a new control date for albacore fisheries (either at this meeting or at a subsequent Council meeting)

THE HIGHLY MIGRATORY SPECIES ADVISORY PANEL (HMSAS) REPORT ON
ALBACORE MANAGEMENT

U.S. / Canada Albacore Treaty: The HMSAS recommends no action at this time. The treaty is in the third year of reduction and will default to a 75% level of effort if no agreement is reached. Further meetings are scheduled for later this year between the U.S. and Canada.

The HMSAS notes that it does not appear that albacore fishing mortality is increasing and there is uncertainty about what is meant by “not increase current effort.” Therefore, the HMSAS does not support initiating a limited entry program at this time. However, the HMSAS requests that the Highly Migratory Species Management Team look at quantifying particular factors (listed below) that will affect the decision making process and requests that a subcommittee composed of HMSAS, NMFS staff, and others engaged in this exercise. The HMSAS recommends a progress report be prepared for the September Council meeting.

Factors to consider:

- Vessel size and historical landing data
- Duration of participation
- Factors that affect landings such as albacore availability, market prices, individual vessel size
- Duration of participation by vessel size
- Recreational catch history
- Canadian removals and deliveries
- Regulatory issues
- Environmental effects on albacore availability
- Analyze degree of dependence on albacore fishery

PFMC
6/13/06

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON ALBACORE MANAGEMENT

For the Council's information, the Highly Migratory Species Management Team (HMSMT) assembled all of the available U.S. West Coast albacore catch and effort data for the past 20 years (Attachment 1), by fishery. Effort estimates were not available for all West Coast fisheries and, while California maintains historical sport charter data going back to 1936, Oregon and Washington sport charter data are sparse prior to 1998, and private recreational data is not consistently available across all three states. However, at this point, the data in Attachment 1 represent the Team's best estimate of albacore catch and effort. Additionally, Canadian catch and effort data, including catch location, for 1995 through 2005 is presented in Attachment 2.

The Team notes that the Inter-American Tropical Tuna Commission (IATTC) identified that the meaning of the word 'current' in their resolution [The IATTC resolves that fishing effort "...not be increased beyond current levels."] needs to be clarified. However, in the absence of this clarification, the IATTC is planning to provide a progress report at their June meeting on how the respective nations are complying (or not complying) with the albacore resolution.

In terms of describing "current effort levels," the Team has had some discussion relative to which years would be appropriate. One concern that was expressed in the case of bigeye tuna overfishing was that only one year (2001) was chosen and the Team believes that a series of years should be considered to account for catch and effort variance. Also, catch and effort data for 2005 has some preliminary estimates and may not yet be reliable.

Since the U.S. West Coast albacore fisheries are not limited, and the IATTC resolution was in response to "the best scientific evidence," which "indicates that the species is either fully exploited, or may be experiencing fishing mortality above levels that are sustainable in the long term, and...that the recent stock assessment...suggests a need for management measures to avoid increases in fishing mortality..." the HMSMT recommends using catch (rather than effort) data for the IATTC progress report. From a stock status point of view, fishing mortality is what needs to be controlled and/or reduced (i.e., defining the amount of the pie that can be harvested); whereas, the number of harvesters (i.e., who gets to share the pie) is relative to the economic viability of the fishery. Economic viability of the fishery, of course, is very important; however, the amount of albacore harvested is more important for stock sustainability purposes than the number of fishery participants.

As an example, for the years 2001-2004, the average annual U.S. catch of albacore (summed over all fisheries) was 16,132 mt, with 3,328 mt being taken west of 150°W. longitude, which is the Western Central Pacific Fisheries Commission's (WCPFC) region, and 12,804 mt taken east of 150°W. longitude, which is the IATTC region. The HMSMT notes that, if this example (2001-04) were chosen to represent "current" levels, an entirely different set of years and/or qualifying criteria could be selected to determine participation in a future limited entry program (should one be developed and implemented).

HMSMT Recommendations:

1. Decide whether to provide guidance to the National Marine Fisheries Service and the State Department on defining “current” in IATTC resolution, or wait to see what IATTC comes up with at their June meeting (and respond in September)
2. If the Council decides to provide guidance to the IATTC, then the HMSMT recommends addressing the following issues:
 - a. Whether to use a series of years, rather than one year to define “current”
 - b. Whether to use catch, rather than effort data
3. Provide guidance to the HMSMT on whether to develop alternatives to address the IATTC and WCPFC resolutions
 - a. Whether to move forward with plan amendment for limited entry program
 - b. Whether to set a new control date

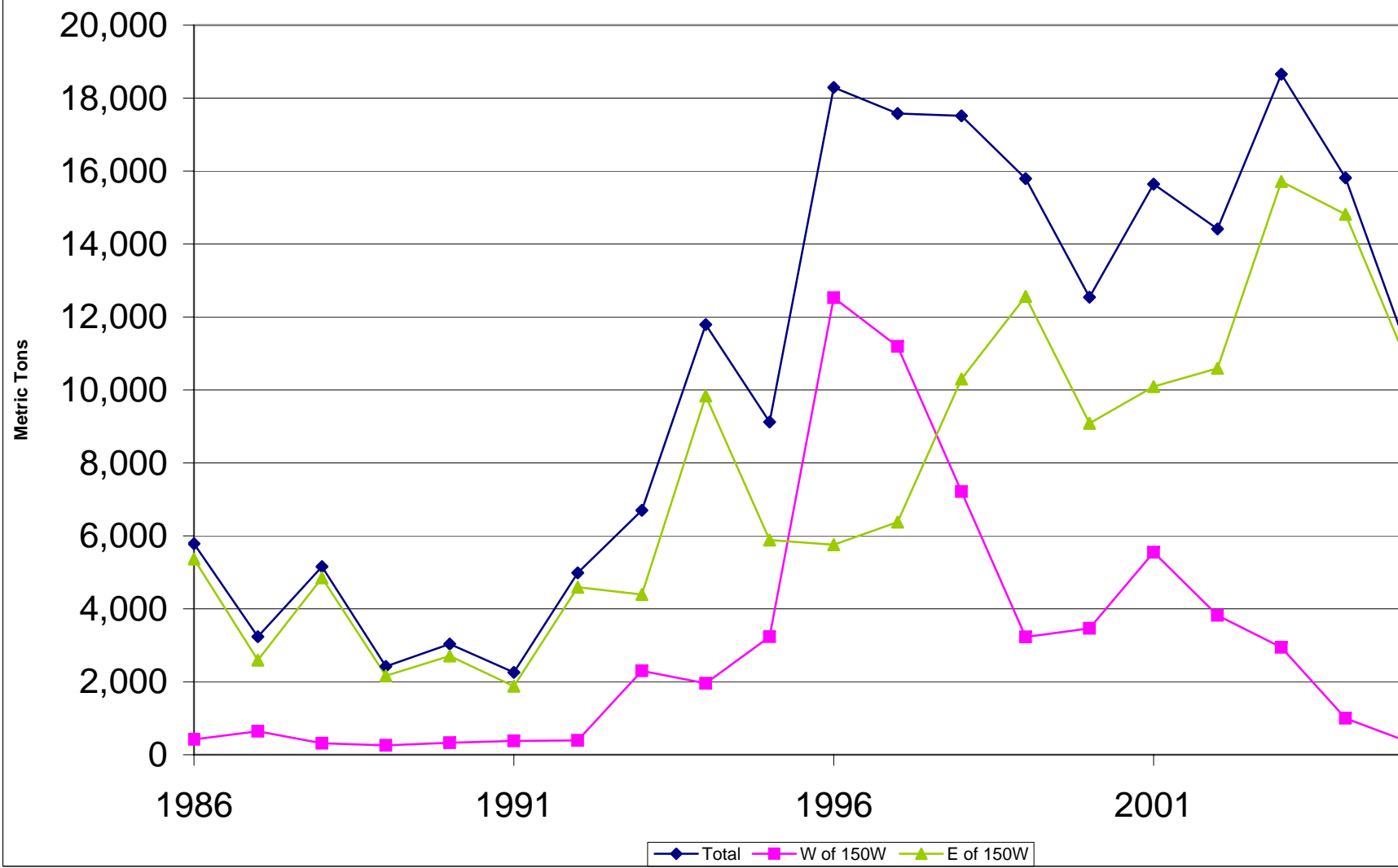
U.S. Catch and Effort Data for North Pacific Albacore

YEAR	SURFACE HOOK & LINE			SPORT Charter		SPORT Private (EEZ)	LONGLINE			OTHER BAIT- BOAT (EEZ)	GILLNET (EEZ)			PURSE SEINE (EEZ)		OTHER (EEZ)	TOTAL	West of 150W	East of 150 W
	Catch (mt)	Effort (days)	# Vessels	Catch (mt)	Effort (days)	Catch (mt)	Catch (mt)	Effort (hooks)	# Vessels	Catch (mt)	Catch (mt)	Effort (days)	# Vessels	Catch (mt)	# Vessels	Catch (mt)	Catch (mt)	Catch (mt)	Catch (mt)
1986	4,708	16,277	462	330	957	315	0	0	39	432	3	10,936	124		15	0	5,787	420	5,368
1987	2,766	14,732	518	115	452	39	150		37	158	5	8,685	111		5	0	3,233	640	2,593
1988	4,212	13,880	547	5	60	10	308		50	598	15	6,185	94		4	10	5,158	311	4,848
1989	1,860	11,482	346	198	853	31	249		88	54	4	5,950	66		3	23	2,420	256	2,163
1990	2,603	9,538	371	38	455	0	177	970,394	138	115	29	4,493	58	71	7	4	3,037	331	2,706
1991	1,845	9,420	179	10	99	0	313	11,441,302	144	0	17	4,713	61	0	0	71	2,256	378	1,878
1992	4,572	17,032	603	4	14	0	337	10,697,683	125	0	0	4,049	50	0	0	72	4,984	390	4,594
1993	6,254	21,415	518	4	12	0	440	12,038,774	129	0	0	5,484	66		4	0	6,698	2,303	4,396
1994	10,978	26,072	686	1	10	19	546	10,859,494	156	0	38	4,627	47		1	213	11,795	1,959	9,836
1995	8,045	25,650	464	14	56	46	883	13,039,899	132	80	52	3,773	68	0	0	1	9,121	3,236	5,886
1996	16,938	32,717	640	32	174	14	1,187	13,797,215	118	24	83	3,627	67	11	1	0	18,289	12,531	5,759
1997	14,252	45,572	1,121	717	2,191	818	1,652	14,827,349	130	73	60	3,019	61	2	5	1	17,575	11,194	6,382
1998	14,410	21,445	755	1,063	3,040	727	1,120	16,647,964	147	79	80	2,822	72	33	15	2	17,514	7,217	10,298
1999	10,060	34,643	705	2,662	4,398	1,274	1,540	18,332,090	130	60	149	356	64	48	5	1	15,794	3,231	12,563
2000	9,645	37,331	649	1,338	4,622	493	940	21,713,196	129	69	55	1,229	47	4	2	3	12,546	3,462	9,083
2001	11,210	26,566	870	2,024	6,334	830	1,295	23,691,849	125	139	94	1,604	40	51	7	0	15,643	5,549	10,094
2002	10,387	25,350	641	2,448	6,899	635	525	27,533,505	123	381	30	1,660	35	4	2	0	14,411	3,821	10,590
2003	14,102	23,442	836	2,675	6,791	1,236	524	30,473,166	129	59	16	1,402	28	44	2	0	18,656	2,940	15,717
2004	13,346	23,979	734	1,666	6,015	309	(356)	32,112,454	125	(126)	(12)	1,074	15	(1)	1	0	15,817	1,002	14,815
2005	9,122	23,557	652	1,381	3,997	77	(299)	0	125	(66)	(20)	982	16	(2)	1	0	10,967	343	10,624

Notes:

EEZ means that the fishery operates entirely, or the data are only available for within the US West Coast EEZ
 Gillnet effort in days calculated by any drift gillnet catch per days fishing (not just albacore)
 Values in parentheses are considered preliminary
 Recreational data include fish taken in Mexico waters by CA based charter boats
 CA recreational data from RecFIN
 CA recreational private boat average weight for 1990-1992 based on average of all other years (9.69 kg)
 CA recreational CPFV average weight for 1990-1993 estimated as average for all other years (9.96 kg)
 CA recreational private boat data for 1986-2003 from MRFSS and for 2004-05 from CRFS
 OR recreational data from Oregon Recreational Boat Survey
 OR recreational average weight = 16 and 20 lbs in 2004 and 2005, respectively (used 18 lbs for other years)
 WA recreational data from Washington Ocean Sampling Program
 WA recreational avg weight = 19.2 lbs from 2005 charter logs and was applied to all years
 Recreational effort unit is one angler-day in CA, and one trip for OR and WA

Albacore Catch by All Gears



Excerpted from “The 2005 Canadian North Pacific Albacore Troll Fishery,” by Max Stocker, Fisheries and Oceans Canada, Science Branch, Nanaimo, B.C. (April 2006).

Table 1. Fishery statistics for the Canadian north Pacific albacore tuna fishery.

Fishing Season	Total Catch (t)	Effort (v-d)	Total Vessels	CPUE (kg/v-d)	Logbook Coverage²
1995	1,720	5,909	284	291	22%
1996	3,591	9,164	292	392	28%
1997	2,433	4,637	197	525	38%
1998	4,188	6,032	213	694	51%
1999	2,641	6,776	233	390	74%
2000	4,465	8,691	238	514	70%
2001	4,985	9,826	244	507	81%
2002	5,022	8,235	229	610	81%
2003	6,735	8,315	193	810	98%
2004	7,842	9,914	220	791	95%
2005 ¹	4,810	8,525	208	564	94%

¹ 2004 data are preliminary.

² (Logbook Catch/Total Catch) x 100

Table 2. Catch and effort (%) by fishing area (Canada EEZ, U.S. EEZ, and Highseas) for the Canadian north Pacific albacore tuna fishery.

Year	Catch				Effort			
	Canada EEZ	U.S. EEZ	High-Seas	Total	Canada EEZ	U.S. EEZ	High-Seas	Total
1995	86	3	11	100	94	3	3	100
1996	24	40	36	100	40	47	13	100
1997	7	29	64	100	21	45	34	100
1998	7	44	49	100	21	53	26	100
1999	17	64	19	100	22	62	16	100
2000	9	74	17	100	13	77	10	100
2001	15	75	10	100	18	76	6	100
2002	8	86	6	100	8	87	5	100
2003	8	85	7	100	11	84	5	100
2004	17	81	2	100	21	76	3	100
2005	33	63	4	100	34	62	4	100

Table 1. North Pacific albacore catches (in metric tons) by fishing gear, 1952-2005¹.
Blank indicates no effort. -- indicates data not available. 0 indicates less than 1 metric ton. Provisional estimates in ().

YEAR	CANADA		JAPAN						KOREA		MEXICO
	TROLL	PURSE SEINE	GILL NET	LONG LINE	POLE & LINE	PURSE SEINE	TROLL	UNSP. GEAR	GILL NET	LONG LINE	UNSP. GEAR
1952	71			26,687	41,787	154		237			
1953	5			27,777	32,921	38		132			
1954				20,958	28,069	23		38			
1955				16,277	24,236	8		136			
1956	17			14,341	42,810			57			
1957	8			21,053	49,500	83		151			
1958	74			18,432	22,175	8		124			
1959	212			15,802	14,252			67			
1960	5	136		17,369	25,156			76			
1961	4			17,437	18,639	7		268			0
1962	1			15,764	8,729	53		191			0
1963	5			13,464	26,420	59		218			0
1964	3			15,458	23,858	128		319			0
1965	15			13,701	41,491	11		121			0
1966	44			25,050	22,830	111		585			0
1967	161			28,869	30,481	89		520			
1968	1,028			23,961	16,597	267		1,109			
1969	1,365			18,006	31,912	521		935			0
1970	390			16,283	24,263	317		456			0
1971	1,746			11,524	52,957	902		308			0
1972	3,921		1	13,043	60,569	277		623			100
1973	1,400		39	16,795	68,767	1,353		495			0
1974	1,331		224	13,409	73,564	161		879			1
1975	111		166	10,318	52,152	159		228		2,463	1
1976	278		1,070	15,825	85,336	1,109		272		859	36
1977	53		688	15,696	31,934	669		355		792	0
1978	23		4,029	13,023	59,877	1,115		2,078		228	1
1979	521		2,856	14,215	44,662	125		1,126	0	259	1
1980	212		2,986	14,689	46,742	329		1,179	6	597	31
1981	200		10,348	17,922	27,426	252		663	16	459	8
1982	104		12,511	16,767	29,614	561		440	113	387	7
1983	225		6,852	15,097	21,098	350		118	233	454	33
1984	50		8,988	15,060	26,013	3,380		511	516	136	113
1985	56		11,204	14,351	20,714	1,533		305	576	291	49
1986	30		7,813	12,928	16,096	1,542		626	726	241	3
1987	104		6,698	14,702	19,082	1,205		155	817	549	7
1988	155		9,074	14,731	6,216	1,208		134	1,016	409	15
1989	140		7,437	13,104	8,629	2,521		393	1,023	150	2
1990	302		6,064	15,789	8,532	1,995		249	1,016	6	2
1991	139		3,401	17,046	7,103	2,652		392	852	3	2
1992	363		2,721	19,049	13,888	4,104		1,527	271	(15)	10
1993	494		287	29,966	12,797	2,889		867		(32)	11
1994	1,998		263	29,600	26,389	2,026		799		(45)	6
1995	1,720		282	29,075	20,981	1,177	856	81		440	5
1996	3,591		116	32,493	20,272	581	815	117		158	21
1997	2,433		359	38,950	32,238	1,068	1,585	123		404	53
1998	4,188		206	35,813	22,926	1,554	1,190	88		(218)	8
1999	2,641		289	33,365	50,369	6,872	891	127		99	23
2000	4,465		67	30,046	21,549	2,408	645	171		15	79
2001	4,985		117	28,819	29,430	974	416	96		64	22
2002	5,022		332	23,640	48,454	3,303	787	135		(113)	(28)
2003	6,735		126	20915	36121	627	922	106	(0)	(144)	(29)
2004	(7,842)		(126)	(15,593)	(32,316)	(6,046)	(922)	(106)	(0)	(68)	(106)
2005	(4,963)		(126)	(16,000)	(17,000)	(6,046)	(922)	(106)		(520)	(0)

¹ Data are from the 1st ISC Albacore Working Group, November 28 - December 2, 2005 except as noted.

Table 1. Continued - North Pacific Albacore

YEAR	CHINESE TAIPEI		U.S.							OTHERS		GRAND TOTAL
	GILL NET	LONG LINE ²	POLE & LINE	GILL NET	LONG LINE	PURSE SEINE	SPORT	TROLL	UNSP. GEAR	LONG LINE ³	TROLL	
1952					46		1,373	23,843				94,198
1953					23		171	15,740				76,807
1954					13		147	12,246				61,494
1955					9		577	13,264				54,507
1956					6		482	18,751				76,464
1957					4		304	21,165				92,268
1958					7		48	14,855				55,723
1959					5		0	20,990	0			51,328
1960					4		557	20,100	0			63,403
1961			2,837		5		1,355	12,055	1			52,608
1962			1,085		7		1,681	19,752	1			47,264
1963			2,432		7		1,161	25,140	0			68,906
1964			3,411		4		824	18,388	0			62,393
1965			417		3		731	16,542	0			73,032
1966			1,600		8		588	15,333	1			66,150
1967		330	4,113		12		707	17,814	0			83,096
1968		216	4,906		11		951	20,434	0			69,480
1969		65	2,996		14		358	18,827	0			74,999
1970		34	4,416		9		822	21,032	0			68,022
1971		20	2,071		11		1,175	20,526	0			91,240
1972		187	3,750		8		637	23,600	0			106,717
1973		--	2,236		14		84	15,653	0			106,836
1974		486	4,777		9		94	20,178	0			115,113
1975		1,240	3,243		33		640	18,932	10			89,696
1976		686	2,700		23		713	15,905	4			124,816
1977		572	1,497		37		537	9,969	0			62,799
1978		6	950		54		810	16,613	15			98,822
1979		81	303		--		74	6,781	0			71,004
1980	--	249	382		--		168	7,556	0			75,126
1981	--	143	748		25		195	12,637	0			71,042
1982	--	38	425		105		257	6,609	21			67,960
1983	--	8	607		6		87	9,359	0			54,527
1984	--	--	1,030		2	3,728	1,427	9,304	0			70,258
1985	--	--	1,498	2	0		1,176	6,415	0			58,170
1986	--	--	432	3			196	4,708	0			45,344
1987	2,514	--	158	5	150		74	2,766	0			48,986
1988	7,389	--	598	15	308		64	4,212	10			45,554
1989	8,350	40	54	4	249		160	1,860	23			44,140
1990	16,701	4	115	29	177	71	24	2,603	4			53,683
1991	3,398	12	0	17	313	0	6	1,845	71			37,253
1992	7,866	--	0	0	337	0	2	4,572	72			(54,796)
1993		5		0	440		25	6,254	0			(54,067)
1994		83	0	38	546		106	10,978	213		158	(73,248)
1995		4,280	80	52	883		102	8,045	1		137	68,197
1996		7,596	24	83	1,187	11	88	16,938	0	1,735	505	86,506
1997		9,119	73	60	1,652	2	1,018	14,252	1	2,824	404	106,533
1998		8,617	79	80	1,120	33	1,208	14,410	2	5,871	286	(97,967)
1999		8,186	60	149	1,540	48	3,621	10,060	1	6,307	261	124,917
2000		8,842	69	55	940	4	1,798	9,645	3	3,654	490	85,692
2001		8,684	139	94	1,295	51	1,635	11,210	0	1,471	127	89,644
2002		7,965	378	30	525	3	2,357	10,387		700	(127)	(104,292)
2003		(7,166)	59	15	524	44	2,214	14,102	(2)	(2,400)	(127)	(92,381)
2004		(4,988)	(125)	(9)	(360)	(1)	(1,506)	(13,432)	(0)	(2,400)	(127)	(86,107)

² Catches for 2000-2004 contain estimates of offshore longline catches from vessels landing at

³ Other longline catches from vessels flying flags of convenience being called back to Taiwan. The catches may be duplicated in Taiwan longline catches (November 2005).

Commercial Fishermen of Santa Barbara, Inc.

6 Harbor Way #155, Santa Barbara, CA 93109

May 11, 2006

Ms. Michele Culver, Chair
PFMC Highly Migratory Species
Management Team
WA Dept. Fish & Marine Resources
48 Devonshire Road
Montesano, WA 98563

RECEIVED
MAY 15 2006
PFMC

RE: PFMC CONSIDERATION OF LIMITED ENTRY FOR ALBACORE

Dear Ms. Culver:

Our Association of small boat operators out of Santa Barbara Harbor has many members that have, at various times in the past, fished for albacore as part of a strategy of mixed-fishery practices that must be utilized by small boats up and down the whole coast to make up a year's fishing. In response to the call on the PFMC website to get involved in this issue, we would like to offer a number of points to consider if and when the Council gets around to developing a program addressing limited entry for albacore. Many of our members have albacore fishing experience back to the early 1950s.

First, we would like to note that our members generally believes that a limited entry program for albacore is no longer necessary due to the heavy attrition in the commercial albacore fleet coastwide since the middle of the last century. There used to be over 200 boats in San Diego alone that fished albacore hard in season. Many of these ethnic groups used to range up to Central California and land albacore in Avila Harbor (Port San Luis). You would be hard pressed to go to San Diego now and find 25 boats that still fish albacore, and for the small boat fleet, you couldn't find ten. The San Pedro/Long Beach area had a fleet of very similar size, and there are currently only a handful of commercial albacore boats left, certainly fewer than San Diego, in those harbors now. Moss landing used to have dozens and dozens of albacore trollers; now there's only a third of that mid-century fleet size there. And it's the same way at all of the ports up and down the coast.

We understand that there is concern that the albacore stock may be designated as "fully utilized." We are concerned that landings data alone may not be sufficient to make this determination. We are not aware of fishery independent stock assessments, or analysis of landings data, that have sufficient statistical rigor to make such a determination at this time.

Another issue to consider is that fishing effort is variable for small boats on an annual or decadal scale. the majority of them won't go far offshore or very far up and down the coast to fish albacore, and only fish albacore when the fish show up relatively near their ports.

We would like to see the process, if it happens, work out a limited entry program that doesn't eliminate the historic boats that used to fish albacore but haven't for one reason or another for the last decade or so. A three to five year qualifying window is not supportable, since it excludes a person who may have

made a living in some other fishery in that short time period but will or could fish albacore when they show up, and did so historically as part of a mixed fishery strategy.

Here is an example of what can happen when the management agency doesn't have a complete picture of regional events and selects an arbitrarily short time window for qualifying vessels for limited entry. When the Groundfish Management Plan decided limited entry was to be developed, it set a qualifying time window in the mid 1980s that was very short. As it turns out, the groundfish boats out of Santa Barbara and Ventura Harbors, who would have qualified under the tonnage limits set, were prohibited from fishing their usual and customary grounds in the Santa Barbara Channel due to the rapid influx of geophysical survey vessels exploring for oil in the region in that same time period. The Minerals Management Service Environmental Studies Division did a half-million dollar research study that proved that when seismic survey boats pound the water with their noisemakers, groundfish catches go down. The 2-mile long cables drawn by the survey boats also had Coast Guard rules-of-the-road precedence over trawlers, so our traditional trawl fishery for rockfish was curtailed during the exact time period that the Council set for qualifying for "A" permits. Even some of the well-known "highliner" groundfish trawlers in the Santa Barbara Channel ended up not qualifying for A-permits, but it was an artifact of the short qualifying time window.

This year, and for the unforeseeable future, one of the "cuts" is clearly going to be fuel prices: ranging far offshore for albacore is going to be an economically dicey move with fuel prices in many harbors above \$3 and approaching \$3.50 in some of our ports. One difference between CPFV and commercial fishing is that the former can put a dayrate surcharge on their trips, passing the costs through. But commercial fishing operations depend on ex-vessel price, which will not reflect fuel prices directly. This fuel cost issue is going to be a "natural" limit on albacore fishing for the foreseeable future.

Another question to consider is "what is 'albacore history?'" Just tonnage in past history? Huge tonnage should not be a paramount driving criterion. Small boats may only land a several or a dozen tons a year, but may sell them for fresh local markets as opposed to canning, and these practices should not be cut out of the fishery without deliberate consideration of the mix of boats the Council would like to see in a sustainable fishery for the future.

It is well known, also, that launching a limited entry program often creates a run on permits. Last year, a series of port meetings were conducted by the SW Region of NMFS regarding the need to include albacore on the highly migratory permit. This resulted in apparent increases in albacore notations on the HMS permit, but is unclear whether or not fishermen were just doing this in response to the potential of getting shut out of yet another fishery, or really planned to go fish albacore. This issue ties in with what now-deceased Capt. Ralph Hazard said long ago about issues affecting fishermen: the "death of a thousand cuts" syndrome. Any one thing that happens (seismic surveys, oil platforms in fishing grounds, stricter quotas, further gear restrictions, market price drops, foreign fleet competition, etc.) by itself is not going to drive a small commercial fishing vessel operator out of business. But taken all together it is clear that small boat fishing operations, the "mom and pop" local boats that sustained local fresh fish in harbors up and down the coast, are in fact going out of business at a fair clip. This may be nowhere more acute than in Morro Bay Harbor, where buybacks both Federal and private of groundfish permits, the draconian salmon season, and other recent changes have driven most of the infrastructure right out of the harbor.

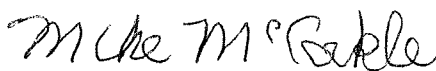
Equity among albacore user groups: we have not heard proposals or discussion of limiting the number of fishermen in private sportfishing vessels, even though there may be consideration of putting a limit on catch per day. To get a handle on a "fully utilized" stock (if albacore is, in the first place), overall fishing effort must be identified and equitably handled. That includes commercial fishing vessels, commercial passenger fishing vessels, and private party albacore sportfishers alike. Rumor has it that CPFV (and private sportfishing boats) take roughly a third of the annual harvest, so this equity issue is not trivial.

In general, socioeconomic issues have not been well-addressed in past limited entry programs: concentration of permit and quota capacity and the range of fishing vessel sizes are two issues that come to mind. In this instance, should a limited entry program for albacore become a reality, it is very important that social and economic equity issues be thoroughly understood and addressed. This is true because, as a number of ocean conservation groups have worried, this is the last open access fishery. As noted above, small boat operations must have a flexible schedule of fishing to maintain an annual income; we don't catch all our fish in a few months of hard fishing, but try to keep the boat working year 'round. The loss of access to a large number of options for small boats to keep fishing month-to-month has led to serious economic consequences already, and a limited entry albacore fishery would be another "cut" in the slow death commercial fishing ports and harbors are experiencing coastwide.

Finally, the Management Team and Council should look at the cumulative effect of this proposal on top of all other recent limited entry programs, marine protected area closures, and Groundfish EFH closures on the actual infrastructure of coastal ports and harbors. The fabric of coastal economies is unraveling, and is becoming painfully evident in areas such as Morro Bay. Rumor has it that NGO buyout programs are expanding to other ports such as Half Moon Bay, another historically important albacore harbor, and this cumulative impact to port infrastructure should be a serious consideration in the Council deliberations on making albacore a limited entry fishery on little statistical rigor.

Thank you for the opportunity to provide these thoughts on the albacore fishery. We remain committed to working with you, your Management Team, and the Council throughout the deliberations on this albacore limited entry initiative. If you have questions or comments regarding any of the above information, please don't hesitate to contact us. Capt. Mike McCorkle has agreed to serve as our appointed albacore liaison to the process. He can be reached at (805) 886-4239 or via email at mccorkle@cox.net.

Sincerely,



MIKE M^CCORKLE

c: Dr. Don McIsaacs, Exec. Dir., PFMC
Mr. Don Hansen, President, PFMC
Mr. Wayne Heikkila, PFMC HMS Advisory Subpanel

HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.



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May 23, 2006

Ms. Michele Culver, Chair
PFMC Highly Migratory Species Management Team
WA Department of Fish & Marine Resources
48 Devonshire Road
Montesano, WA 98563

RECEIVED
MAY 24 2006
PFMC

RE: PFMC Consideration of Limited Entry For Albacore

Dear Ms. Culver:

Humboldt Fishermen's Marketing Association represents nearly 100 small boat fishermen based in Eureka, California. Many of these fishermen have in past years fished albacore when their "main fishery" was in a down cycle. Several of our members have fished albacore as far back as the 1960's.

For a number of reasons the members of HFMA do not believe that a limited entry program for albacore is necessary. One of these reasons is the fact that our fleet is aging and getting out of commercial fishing. I can only think of 10 members in our organization under 50 years of age. Attrition alone will pare the fleet down.

Many of our members fish albacore only when the fish come within 100 miles of Humboldt Bay. These are smaller boats that cannot range up and down the coast or far offshore, consequently they may only get to fish albacore one out of five years. These smaller boats are not likely to take a significant percentage of the coastal albacore in any given year. However, the freedom to catch a few ton as necessary is essential to their survival.

Eureka frequently has had the unfortunate distinction of having the highest fuel price in the nation. In 2006 this factor alone will naturally limit the fleet since fewer people will venture out to prospect for fish. The ex-vessel price of albacore has certainly not kept up with the rate of increase in the price of fuel.

Ms. Michele Culver

Page 2

May 23, 2006

The U.S. Fishermen only produce 5-7% of the worlds albacore catch. Total elimination of the U.S. Fleet would not have a noticeable effect on the resource.

In the recent past nearly all of the federal limited entry plans have cut the small boat fishermen out of the various fisheries up and down the coast. The pelagic wetfish limited entry plan is an excellent example. While over 400 fishermen from Washington to San Diego had legitimate round haul landings of anchovies and sardines, only 70 permits were issued for this fishery in spite of the fact that small boat fishermen consistently sold their limited catch for many times the amount per ton of the "large producers". They not only received more for their catch but incidental catch and mortality was minimal compared to larger boats. The net result of many of these limited entry plans is to put increasing pressure on other coastal fisheries, especially in poor fishing years.

In closing, we would like to thank you for the opportunity to provide industry input on the albacore fishery.

Sincerely,



Aaron Newman, President
Humboldt Fishermen's Marketing Association

cc: Dr. Don McIsaacs, Exec. Dir., PFMC
Mr. Don Hansen, President, PFMC
Mr. Wayne Heikkila, PFMC HMS Advisory Subpanel

Subject: written comments
From: BC Tuna Fishermans Association <bctfa@shaw.ca>
Date: Wed, 24 May 2006 15:49:35 -0700
To: pfmc.comments@noaa.gov

Dear Members of the Pacific Fishery Management Council, If by Chance you have not received the Letters attached, I would like to submit these written comments for your consideration and hopefully to be included in your Briefing Book. They pertain to the General Session, June 13 2006 Agenda item E.Highly Migratory Species Management,E.3d Albacore Management. I, on behalf of the authors of attached letters, would like to submit for the record. Also ,I would like to state for the record this Association fully endorses the continuation of the U.S.-Canada Albacore Treaty. As you are aware, Albacore Tuna are by their very nature a Highly migratory Species that know no boundaries. It would be to the detriment of all Albacore Fishermen, of both countries, if they could not pursue and harvest wherever they may be found.

Lawrence Teague
President
B.C. Tuna Fishermen's Association

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Albacore Treaty.pdf

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Albacore Treaty.doc

April 17, 2006

Mr. Bill Gibbons -Fly
OES/OMC, Room # 7820
U.S. Dept of State
Washington DC, 20502

Via Fax and First Class Mail

Dear Mr. Bill Gibbons-Fly,

The Port of Ilwaco is concerned about rumored changes to the US-Canadian Tuna Treaty. The Port is the leading albacore tuna receiving port on the Pacific Coast. Canadian fishermen contribute to the local economy by providing fish that translate into American jobs. The Canadians also purchase groceries, fuel, and other supplies in our small town. Any further restrictions on the Canadian fleet will result in an adverse effect on our fishing port that is struggling to compete in a world market.

The port commissioners of the Port of Ilwaco asked me to send you this letter to express our support for the continuation of this treaty.

Sincerely yours,

Mack Funk

Cc: Sen. Patty Murray
Sen. Maria Cantwell
Rep. Brian Baird
Pierre Marchand, Jessie's Ilwaco Fish Co.
Lance Barnett, Ilwaco Landing
Ed Bittner, Western Fishboat Owner's Association

Mr. Gibbons-Fly
OES/OMC, Room #7820
U.S. Department of State
Washington, DC 20502

5/16/2006

Dear Mr. Gibbons-Fly,

Wilcox & Flegel Oil Company operates two fuel docks at the mouth of the Columbia River. We have one dock in Astoria Oregon and one in Ilwaco Washington. It has come to our attention that the U.S./Canadian albacore treaty is under review. We would like to formally support the renewal of this treaty. It has been beneficial to our organization having Canadian vessels delivering to the ports in Astoria and Ilwaco. These vessels take on fuel and lube oil from us when they deliver. Operating and maintaining a fuel dock is large investment. Each gallon we sell over the dock helps pay not only for employee wages, but contributes much needed funds to the maintenance and repair of these docks.

The treaty is designed to offer an equitable opportunity for both Canadian and U.S. fisherman to participate in a migratory fishery. Although the current ocean conditions are bringing a majority of albacore to the U.S. coastline, there is no guarantee that this will remain the situation in the future. If the fishery moves north off the Canadian coast, having an opportunity to deliver to a Canadian port may be extremely important for the survival of our local fishermen from Oregon and Washington. Many of our local fishermen have survived by participating in several fisheries throughout the year. Fishermen that in the past could have specialized in one fishery such as Dungeness crab or salmon have had to diversify in order to survive. The albacore tuna fishery has given local fishermen the ability to supplement their income. The opportunity to continue this fishery, whether in the U.S. or Canada may be essential to their economic survival.

If the fish move north, that will definitely hurt our business as the gallons sold over our docks would decrease. What would hurt us even more is if our local fishermen could not survive off the local fisheries and had no opportunities to supplement their income with an albacore season.

The non-renewal of this treaty would adversely impact the volume of diesel and lubricants sold in Astoria and Ilwaco. It would also limit the opportunities for our local fishermen to participate in a migratory albacore fishery. We believe it is in the best interest of all parties involved to renew this treaty with our Canadian neighbors to the north.

Respectfully,

Eric T. Clardy
General Manager – Pacific Division
Wilcox & Flegel Oil Co.
eric@wilcoxandflegel.com

BC Tuna Fishermans Association

From: L&L Teague [teagteal@shaw.ca]
Sent: Thursday, April 27, 2006 10:03 PM
To: BCTFA
Subject: FW: US D State-US EEZ Treaty 4.22.06.doc

-----Original Message-----

From: Shirley [mailto:shirley@ilwacofish.com]
Sent: Monday, April 24, 2006 8:32 AM
To: lteague@shaw.ca
Subject: US D State-US EEZ Treaty 4.22.06.doc

April 21, 2006

Mr. Bill Gibbons-Fly
OES/OMC, Room #7820
U. S. Department of State
Washington, D.C. 20502

Dear Mr. Gibbons-Fly,

I would like to introduce myself. I am A. Pierre Marchand, Jr., President and owner of Jessie's Ilwaco Fish Company. Jessie's is the largest buyer of albacore tuna on the west coast.

It has come to my attention that the treaty allowing Canadian Fishing vessels access to fish in the US EEZ and to have access to our ports is up for review and possible termination.

The termination of this treaty would be a financial hardship to our company, to the Port of Ilwaco and to the nearby towns. As we are a low income area, we rely on these fishermen to bring support to our economy. This would also affect the fishermen themselves.

Therefore, we would like to express our support for the continuation of this treaty.

Sincerely,

JESSIE'S ILWACO FISH CO., INC.

A. Pierre Marchand, Jr., President

APM:sah

4/27/06



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4/18/2006

Mr. Bill Gibbons-Fly
OES/OMC, Room # 7820
U.S. Department of State
Washington, DC 20502

Dear Mr. Gibbons-Fly,

We are customs brokers with offices in Portland, Oregon / Vancouver, Washington and Denver, Colorado and Kansas City, Missouri. For many years we have been heavily involved in assisting Canadian fishing vessel owners with the documentation and customs requirements they must meet when landing fish at U.S. ports in Oregon and Washington.

We understand that the treaty between the United States and Canada for fishing for albacore tuna and landing the catch in each other's ports is under review. We certainly hope that both Canada and the United States renew this important treaty.

This treaty is important not only to us individually as a company, but also to the general economies of the various U.S. ports where Canadian fishermen land their catch, i.e.,

Astoria, Oregon (including Ilwaco, Washington)

Coos Bay, Oregon

Newport, Oregon

Eureka, California

Bellingham, Washington

Westport, Washington

As can be seen by viewing this list, these are all cities where the economic impact of the fishing industry is significant. Each of these cities and their surrounding areas would feel the loss of the treaty deeply. Please note that every time a fishing vessel lands at a U.S. port it engages in commerce much broader than simply to sell their catch. They participate in the economy of that city in a large sense as they take on fuel, supplies, food and shop for other needed items.

We feel that it is very important to retain the status quo which has worked very successfully since the adoption of this treaty in 1981. Throughout these 25 years the treaty has been an important part of the staggering volume of bilateral trade between the United States and Canada. It is important as a means of regulating each country's Exclusive Economic Zones (EEZs) in a fair and prudent manner.

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Page 2

In addition to the benefit to the U.S. seaports where Canadian fishermen land, it is critical to recognize the value to U.S. fishermen who are likewise entitled by this treaty to fish in waters inside Canada's EEZ. This treaty indeed is a significant asset to each country and its economy.

In sum, we urge both the United States and Canada to renew this treaty. It is important to bilateral relations between both countries and is a clear sign of the friendship and close ties Canada and the U.S. have with each other.

Yours very truly,

Patrick Gallagher, President
Gallagher Transport Int'l, Inc.
patrick@gallaghertransport.com

cc: Senator Gordon Smith, Oregon (oregon@gsmith.senate.gov)
Senator Ron Wyden, Oregon (senator@wyden.senate.gov)
Rep. David Wu, Oregon (david.wu@mail.house.gov)
Rep. Peter DeFazio, Oregon (peter.defazio@mail.house.gov)
Rep. Darlene Hooley, Oregon (darlene@mail.house.gov)

Sen. Patty Murray, Washington (senator_murray@murray.senate.gov)
Sen. Maria Cantwell, Washington
Rep. Rick Larsen, Washington (Rick.Larsen@mail.house.gov)
Rep. Norman Dicks

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RECEIVED

Don Hansen -Chairman
Pacific Fisheries Management Council
7700 NE Ambassador Place, Ste. 200
Portland, OR 97220-1384
Via Fax 503-820-2299

June 6, 2006

JUN 06 2006

PFMC

Re: "Current Levels of Effort"

Dear Chairman Hansen:

Western Fishboat Owners Association representing more than 400 west coast albacore trollers is concerned about PFMC's involvement in determining what "current levels of effort" mean as written in both the IATTC and WCPFC resolutions on Northern Albacore.

These resolutions were passed internationally as a way to address potential overfishing of albacore in the Western Pacific Ocean, and to check any possible foreign expansion into the IATTC region east of 150W. The council needs to be aware of these events and understand them. However, to proceed beyond discussion and data collection at this time may be premature.

WFOA does recognize the seriousness of the issue of control effort if it is required. Nonetheless, to move into a limited entry, capacity control, moratoriums, TAC's, or other measures without up to date scientific data and multilateral action on an international scale could do more damage to another U.S. fishery at a time we can ill afford it.

Therefore to try to answer the question of what is "current effort" in the troll albacore fleet, I would say you have to; determine participants (including Canada, Japan, other Asian nations and the IUU fleet) and capacity and fleet expansion or reduction over the past 10 seasons.

From 1996 -2006 there was a period of relative stability in the catch rates and effort for U.S. albacore troll fishermen. In the early 1990's was a period of low landings and effort probably due to illegal high seas netting in the late 1980's. The trend reversed from 1991 onward and became stable in 1995. Thus, the period I mentioned above would reflect a time if there was to be a huge expansion of the fleet and catch it would have occurred. Likewise, given that the fleet was probably at its zenith in the late 1990's there was no resulting drop off of catches during or after that time. Since 1996 there has been virtually no albacore vessels built, and the few larger vessels built during 1996 have gone into other fisheries such as the Samoan and Hawaii longline fisheries. Also, at least 35 albacore vessels have sank during the last 10 years, and many fishermen have retired or were bought- out of other regulated fisheries such as groundfish thus eliminating potential albacore vessels.

Some points the PFMC should consider are:

- The U.S. fleet size is shrinking by attrition and other factors such as rising fuel and insurance costs. No new vessels are being built or entering the fishery. The average age of an albacore vessel is about 40 years and average age of the fishermen is about 61. Because of regulation most younger people are not getting into the fishery.
- Albacore is being managed by the WCPFC, IATTC, WPFMC, PFMC, and the Northern Committee of the WCPFC with many political issues and turf to be resolved.
- There may be an overfishing problem in the Western Pacific, but no assessment has been completed. The next meeting of the International Scientific Committee (ISC) will be in December 2006.
- In normal years the U.S. fleet lands about 16% of the North Pacific catch. The catch rate since 1995 has been stable between 10,000 and 19,000 mt with an average of about 14,000mt.
- Further reduction of Canadian albacore fleet from a high of around 300 vessels to less than 100 in the U.S. EEZ over the past three years has also lessened effort on albacore within the EEZ.
- The U.S. fleet may have less affect than the IUU vessels fishing offshore. The PFMC can aid U.S. fisheries by actively encouraging increased tracking and apprehension of IUU vessels.
- Fuel prices exceeding \$3/gallon will be the end of for large capacity vessels, and will limit time spent fishing. Recently, there have been reports that Asian and New Zealand fleets are already dramatically affected by the high cost of fuel and low fish prices.

Given that the International problem is with entry of new effort, and not with regulating US effort we do not feel that it is necessary for the PFMC to expend too much effort on this problem. The effort within the US albacore fishery is being adjusted through economic realignment. The PFMC has a full plate with salmon, groundfish, and habitat issues, and the recent lack of funding for HMS suggests that the PFMC will be very limited in the HMS process. For the troll albacore fishery we would hope the council will not try to devise regulatory schemes at this time, since doing so may weaken the US position in the international arena.

The albacore fishery is a transpacific fishery and the US is a very minor participant. WFOA was instrumental in calling for a halt to increasing effort in the North Pacific. We did not do so to limit our fishing opportunities, rather to preserve them. The council could best help the albacore resource and US fishermen by limiting its role to supporting the National effort in the international discussions by facilitating data collection and analyses of catch and effort data that can be integrated into the larger process.

WFOA does not feel that it is prudent to pursue any type of effort controls or limited entry through an amendment process for the foreseeable future given the current HMS budgetary constraints and the lack of a pressing need to regulate US effort. All the Council needs to do at this time is offer some ideas relating to the definition of US effort. There are many ways to proceed and NMFS has people skilled in defining these. All that West Coast fishermen are looking for is to preserve our historic portion of the catch which has ranged from 15 to 20%

and to prevent new entrants into the North Pacific resource that could lead to overfishing and diminish the resource and deplete the harvest of the US and other traditional albacore fishing nations.

WFOA believes it is very important for the PFMF to be engaged in North Pacific albacore management, but for the present we believe the council should not get too actively engaged in defining and regulating west coast fishermen. Activities are going on at the National and International level that may negate any council action. Therefore, at this time, we would hope the council would consider limiting activities to data collection and analyses of potential management actions under the various scenarios that may arise out of International discussions. Also, as previously mentioned we feel the problem of IUU vessels in the North Pacific may be more pervasive than previously believed, and we hope the NPFMC would use its position to help halt these destructive fisheries.

U.S. fishermen overall are on the verge of losing their livelihood from a combination of factors. We believe that is no one entity or agency had that as a goal but the cumulative effect over years is having an effect. If this trend continues, U.S. fishermen will not be able to supply processors on shore and their operations will suffer. Port infrastructures are going away from San Diego, CA to Bellingham, WA. Given all these factors, current levels of effort may have been reached many years ago and will never be back.

Sincerely,



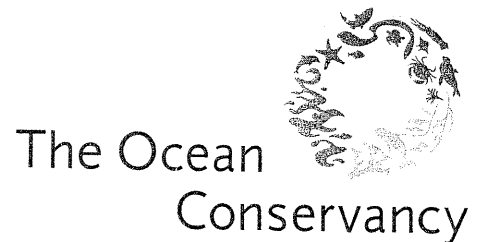
Wayne Heikkila
Executive Director

cc: Don McIssac - Executive Director PFMF
Mark Helvey - NMFS
Michelle Culver - HMSMT -Chair

Received 06/13/06
@ the mtg.

June 6, 2006

Don Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384



RE: Albacore and Bigeye Tuna Management

Dear Chairman Hansen:

On behalf of The Ocean Conservancy and its 170,000 members nationwide, I am writing to express concern regarding the management of Pacific stocks of bigeye and albacore tuna. Particularly troubling is the Pacific Council's failure to adopt domestic management measures to address the overfishing designations made by the international management bodies and the National Marine Fisheries Service (NMFS). Furthermore, fishery managers' classification of reference points established for bigeye and albacore tuna in the highly migratory species (HMS) fishery management plan (FMP), as "theoretical" is not consistent with legal requirements. We recommend that the council establish concrete reference points based on the best available science and take immediate action to end overfishing on albacore and bigeye tuna populations in U.S. waters.

As you are aware, the IATTC and the WCPFC adopted resolutions identifying Pacific albacore populations as experiencing overfishing and requiring member and cooperating non-member nations to "take necessary measures to ensure that the level of fishing effort by their vessels fishing for North Pacific albacore tuna is not increased."¹ Likewise, the first Stock Assessment and Fishery Evaluation (SAFE) Report for the U.S. West Coast HMS FMP warned that "[t]he current fishing mortality rate is high relative to commonly used reference points, and may be cause for concern regarding the current stock status of North Pacific albacore."² The report further cautioned that "if rates of F continue at assumed levels, under most of the scenarios considered within the suite of uncertainty analyses, it is unlikely that the SSB will rebuild to SSB_{MSY} levels within a five-year time horizon."³ To date, NMFS has not yet formally declared

¹ PROP IATTC-73-C1, June 2005

² 2005 HMS Stock Assessment and Fishery Evaluation Report, Section 5.3.1, page 106.

³ *Id.*

The Ocean Conservancy strives to be the world's foremost advocate for the oceans. Through science-based advocacy, research, and public education, we inform, inspire and empower people to speak and act for the oceans.