

NATIONAL MARINE FISHERIES SERVICE REPORT

The National Marine Fisheries Service (NMFS) Southwest Region will report on recent regulatory matters and the Southwest Fisheries Science Center (SWFSC) will report on science activities.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item J.1.b, SWFSC Report.

Agenda Order:

- a. Regulatory Activities
- b. Fisheries Science Center Activities
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. Council Discussion

Mark Helvey
Russ Vetter

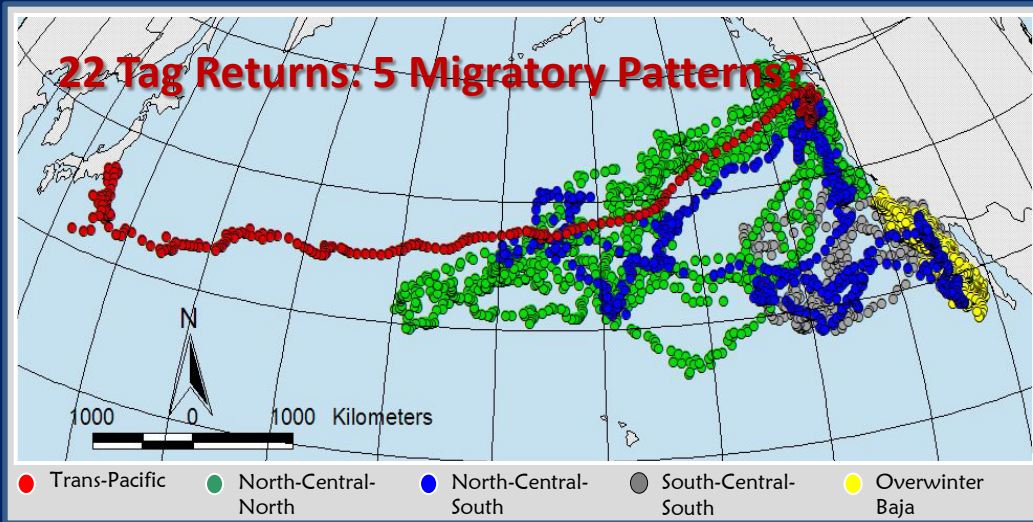
PFMC
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Southwest Fisheries Science Center Research Report

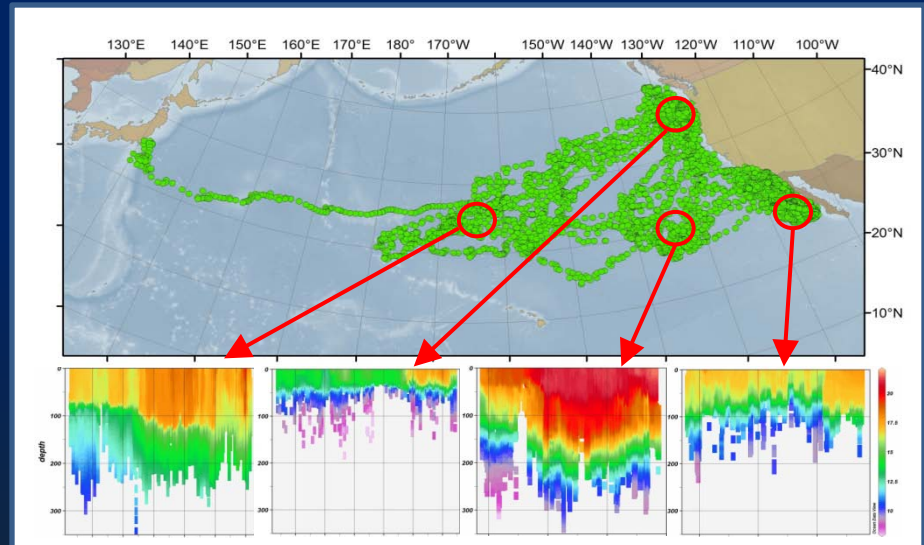
Russ Vetter
November 9, 2010

Albacore Archival Tagging 2010

Sep. 20-22, Oct. 12-16



- Two tagging trips off Washington
- 37 tags deployed in 2010
- 673 tags deployed since 2001
- 22 recoveries
- Broad range of behaviors observed

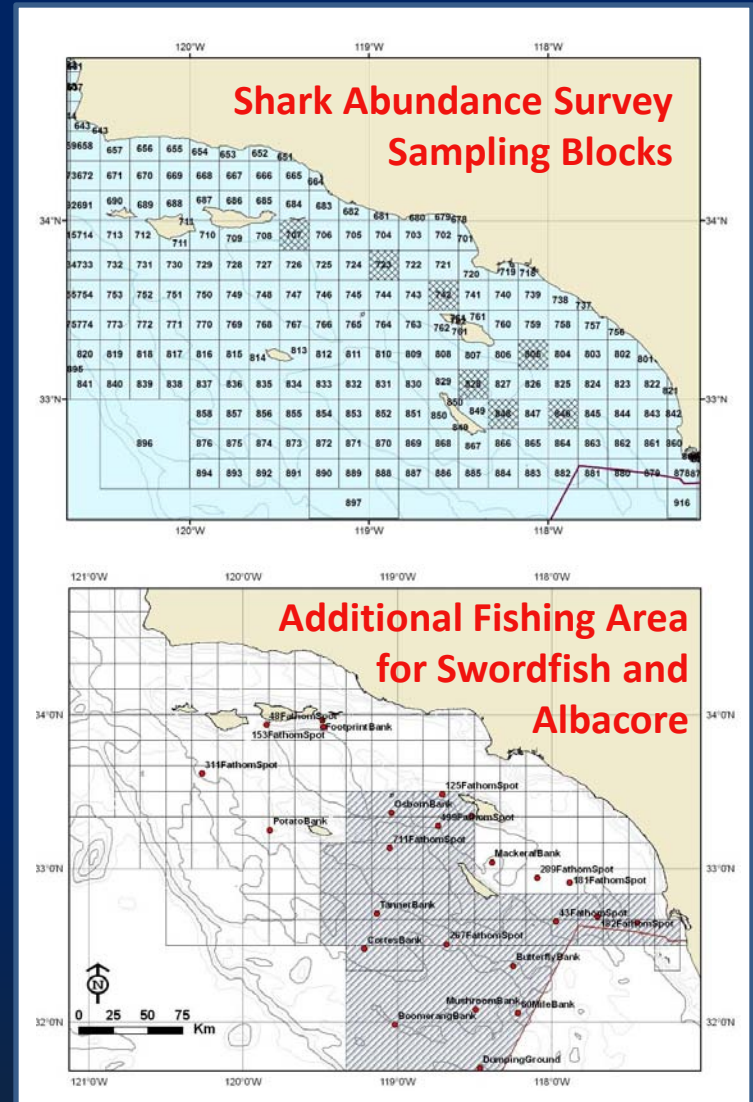


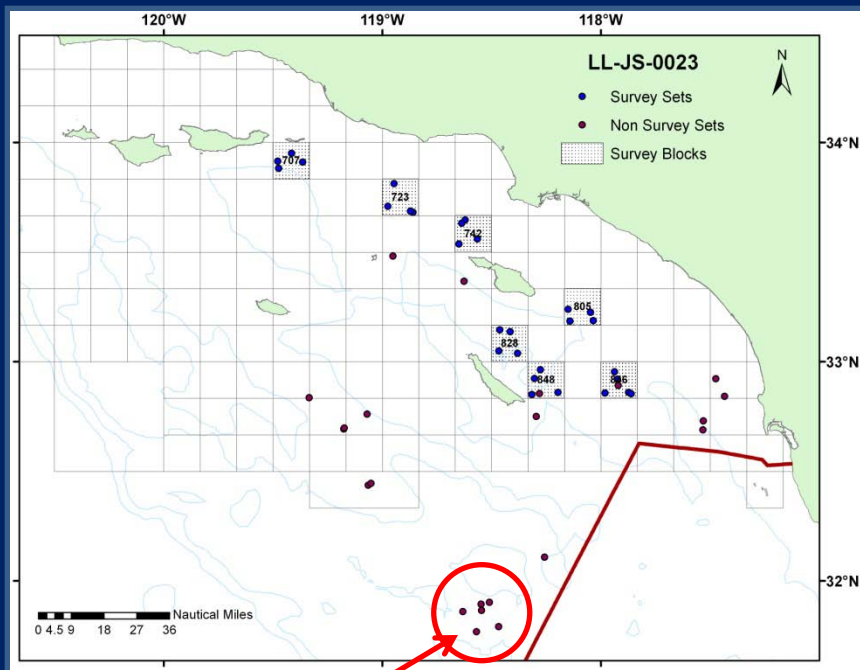
SWFSC HMS Research Survey

July 14 - August 12, 2010

Objectives

- Juvenile mako and blue shark abundance survey
- Tagging and biological studies on sharks
- Experiment testing heavy metal shark deterrents
- Swordfish and albacore targeting for tagging and biological sampling



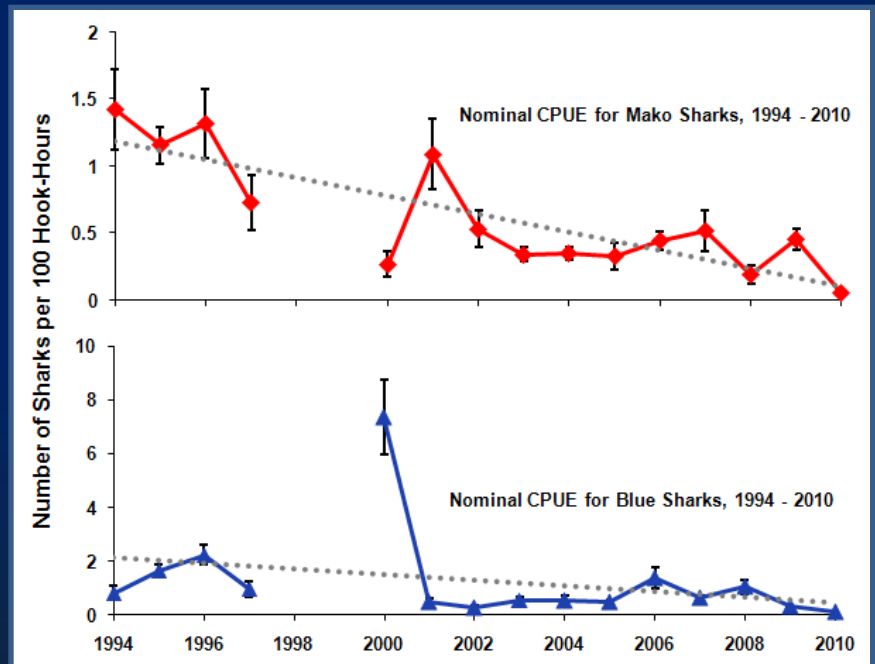


Area of high catch of
neonate blue sharks



HMS Research Cruise Catch

	Survey Sets	Other Sets	Total
Blue Shark	25	224	249
Mako Shark	13	42	55
Pelagic Ray	18	5	23
Opah	10	6	16
Mola Mola	1	0	1

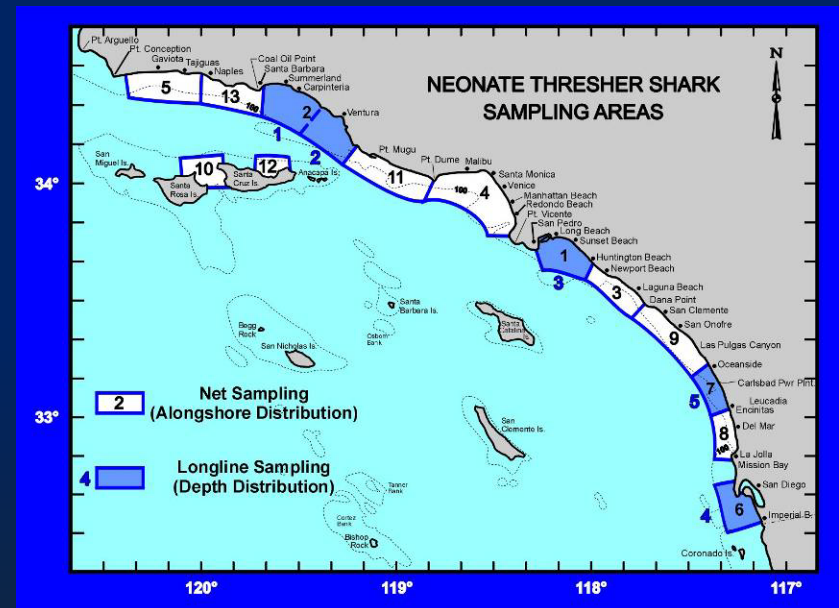


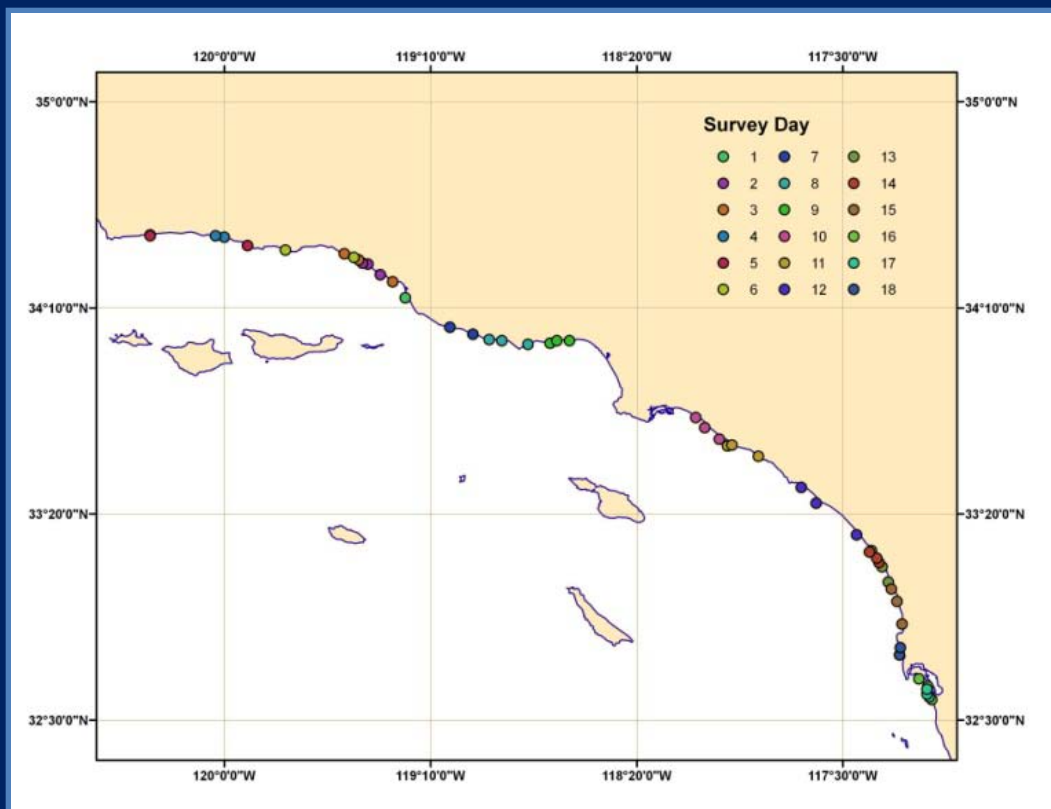


Thresher Shark Pre-recruit Survey

Objectives

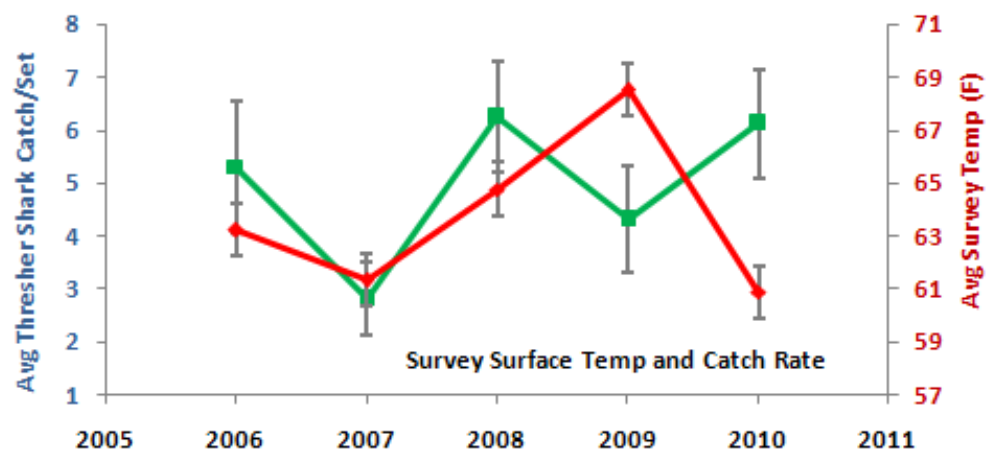
- Track trends in abundance of neonate thresher sharks as an index of reproductive female sharks
- Tagging and biological studies on thresher sharks





2010 Thresher Survey Catch

Common Thresher Shark	294
Pacific mackerel	50
Smoothhound sp.	5
Bat Ray	4
Calico Bass	3
Jacksmelt	2
Spiny Dogfish	2
Sardine	1
Leopard Shark	1
Sand Bass	1
White Sea Bass	1
Black Sea Bass	1



Thresher Shark Recreational Fishery Post-release Survival

SWFSC/SWR/PIER study



- Studying Survival after release from tail-hooking
- 5 of 19 sharks captured did not survive
- Mortalities occurred for fight times > 85 minutes and sharks > 180 cm fork length
- Best fishing practices brochure developed and distributed to anglers
- 2010-2011 efforts aimed at developing mouth hooking and teaser line fishing techniques

International shark collaborations

- ISC Shark Working Group established to work on assessments of blue, mako and other sharks
- IATTC established a shark research and assessment program under the new Antigua Convention
- SWFSC is leading genetic studies in EPO on silky and thresher sharks *sp.*
- SWFSC/SWR established a collaboration with CICESE, Mexico scientists to improve shark data collection, sharing and assessment efforts

ISC Albacore Working Group

- 3 meetings in 2010
 - Developed list of candidate reference points for albacore
 - Prepared data and CPUE indices through 2009 for stock assessment
 - Finalized model parameters and assumptions for next assessment
 - Compared model performance: VPA vs. SS3
 - SWFSC leading efforts to produce new growth model
 - Next stock assessment to be conducted in March 2010 and finalized at the July 2010 Plenary

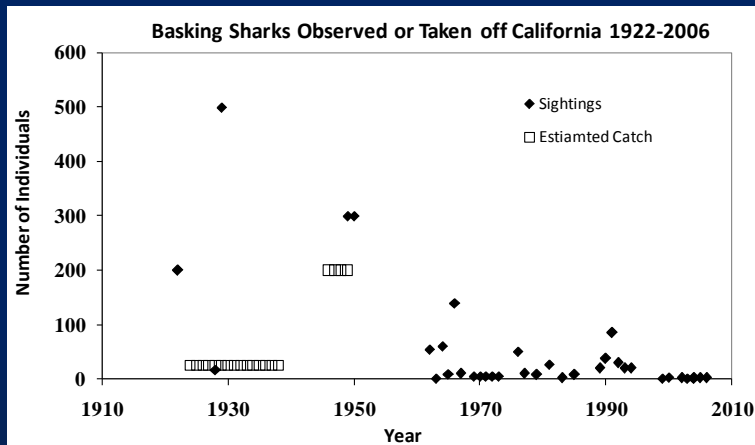


Basking Sharks



- Canada recently listed NE Pacific population as endangered
- NOAA listed NE Pacific population as a “Species of Concern”
- SWFSC initiated a research program on basking sharks to conduct:

- Historical data mining
- Satellite tagging (first NE Pacific basking shark satellite tagged this spring!)
- Improved data collection in the U.S. through a web-based reporting system
- Coordination of international data collection and the development of a tri-national monitoring team



NMFS SWFSC HMS RESEARCH REPORT

Juvenile Mako and Blue Shark Survey

The juvenile mako and blue shark fishery-independent survey, conducted to determine abundances, was completed in July and extends the time series for the annual survey to 17 years. Few juvenile mako and blue sharks were encountered this year in the focal survey blocks; the nominal catch-per-effort for both species was the lowest for all years sampled. Cold water conditions may have resulted in a delay in pupping or a change in distribution of the juvenile sharks. Following the survey, the cruise traveled farther offshore to conduct a study to test rare-earth metals as possible shark deterrents. A large number of blue shark pups were encountered during the latter part of the 30 day cruise, many near birth size with visible umbilical scars, supporting the idea that pupping was delayed relative to previous years. The deterrent study, that was initiated in collaboration with the PIFSC last year, is now complete and shows that the deterrents have no effect on the catch rate of either mako or blue sharks, but has proven effective at deterring hammerhead shark pups in Kaneohe Bay, HI. During the research cruise, the SWFSC continued conventional and electronic tagging studies and collected biological samples for population genetics and other studies.

Neonate Thresher Shark Survey

The neonate thresher shark fishery-independent survey, conducted in nearshore waters from Point Conception to the US/Mexico border, was completed in September. This is the fifth year of the survey and aims to monitor the relative abundance of thresher shark pups as a measure of relative recruitment of reproductive female abundance. In contrast to the results of the mako/blue shark survey, a large number of thresher shark pups were caught; the nominal catch-per-effort was the highest for the history of the survey despite the lowest average surface temperature. During the research cruise, the SWFSC continued conventional and electronic tagging studies and collected biological samples for population genetics and other studies.

Post-Release Survival of Thresher Shark

The SWFSC, SWR and Pflieger Institute of Environmental Research are conducting a study to assess the post-release survival of thresher sharks caught by recreational anglers. During the first phase of the study, sharks were released after tail hooking and results demonstrated that survivorship is low for sharks greater than 185 cm fork length or enduring fight times exceeding 85 minutes. Mouth hooking techniques are likely to increase survivorship and efforts are underway to educate anglers about mouth hooking techniques and to promote catch and release practices for the recreational shark fishery.

Archival Tagging of Albacore

Since 2001, over 600 archival tags have been deployed off the US West Coast in order to determine migration patterns and other life-history characteristics of albacore. Recovery rates for albacore are very low with only 22 tags returned to date. A publication describing the results from the first 20 tags returned has been submitted and is currently under review. The results show that juvenile north Pacific albacore move throughout the entire North Pacific. Movements of subgroups of fish were limited, however, and 5 distinct migratory patterns were described. Horizontal and vertical movements showed seasonal and spatial patterns that were linked with oceanographic features, particularly the depth of the thermocline. In

coastal US waters during the summer and fall, where the sport and commercial fleets concentrate, albacore tend to be surface oriented spending most of their time in the mixed layer. Offshore and in winter and spring, or off Japan, the nighttime swimming depths are highly correlated with the bottom of the mixed layer whereas during the day albacore spend significant time below the thermocline and may exploit prey in the deep scattering layer. This fall two tagging trips were conducted off the US West Coast in cooperation with the commercial and recreational fleets with an additional 76 tags deployed.

International Shark Collaborations

In July 2010, the ISC created a shark working group that will initially focus on assessments of shortfin mako and blue sharks. The new working group aligns with recent initiatives of the IATTC under the new Antigua Convention to advance research and assessments of sharks encountered in IATTC fisheries.

ISC Albacore Working Group

The Albacore WG held 3 meetings in 2010, including one 12-19 October 2010 and is on track to complete an assessment with data through 2009 in March 2011. The WG will use the forward simulation, fully integrated model, Stock Synthesis 3, and has explored many modeling scenarios and comparisons with the former VPA based assessment.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
NATIONAL MARINE FISHERIES SERVICE REPORT

With regard to the Supplemental National Oceanic and Atmospheric Administration (NOAA) Catch Share Policy distributed at this meeting, the Highly Migratory Species Advisory Subpanel (HMSAS) regards catch share programs as inappropriate for internationally managed HMS fisheries.

NOAA acknowledges that catch shares may not be the best management option for every fishery and will not require the use of catch shares in any particular fishery.

The HMSAS strongly believes that the conservation, social and economic goals of sustainably managed HMS fisheries can best be achieved without catch shares.

HMSAS
11/09/10



AMERICAN ALBACORE FISHING ASSOCIATION

www.AmericanAlbacore.com

4252 Bonita Road, #154

Bonita, CA 91902

P (619) 941 2307 F (619) 863 5046 Toll Free (866) 851 3918

November 8, 2010

Attn: Mark Cedergreen, Chairman
PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Agenda Items C.1.c & J.1.c: Enforcement & IUU Fishing

Mr. Chairman and members of the Council,

My name is Jack Webster. I just returned from participating in the albacore fishery. I have been fishing albacore for over 25 years and I am president of the American Albacore Fishing Association.

AAFA represents over 70 U.S. vessels that rely on a healthy and sustainable albacore fishery.

We support responsible management to help ensure a better future for our fishery. But we are concerned that management might restrict the fleets that comply with the law, while not addressing Illegal, Unreported, and Unregulated (IUU) fishing.

To be successful, international management efforts need to ensure that IUU fishing is detected and stopped.

I was one of the vessels that spoke with the Coast Guard during their recent air patrol. A number of U.S. boats were encountering net-marked fish. They had fresh net-cuts and we were finding a lot of them. Not many fish escape from a high seas drift gill net. It's not a good sign that we saw so many net-marked fish.

Drift gill net boats move pretty quickly from place to place. This can make it difficult to catch the IUU vessels. We appreciate the Coast Guard's efforts and would like to see more enforcement.

With high fuel costs and changing fishery conditions, we don't have as many boats out there as we used to. So illegal fishing takes place and we don't see it.

We want to help catch these IUU boats and get them off the water. And we hope we can work more closely with enforcement to make that happen. Thank you.

Sincerely,

Jack Webster, President
American Albacore Fishing Association



Net-Marked Albacore

Just a few of the net-marked albacore caught by one U.S. vessel over a 3-week period in the 2010 season.













End

CHANGES TO BIENNIAL MANAGEMENT MEASURES BEGINNING APRIL 2011

Section 5.2 in the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) describes the biennial management cycle. Under this process Council decision-making occurs at the June, September, and November Council meetings to establish or adjust harvest specifications and management measures for the two-year period beginning at the start of the next fishing year, April 1, 2011. Any regulatory changes would stay in place until March 31, 2013 or until changed by subsequent Council action. This agenda item is the third phase in the decision-making process where the Council takes final action on recommendations for regulatory changes.

Based on their action at the September Council meeting, two proposals are under consideration. The first is a proposal from the Washington Department of Fish and Wildlife (WDFW) to establish a per-trip recreational bag limit for albacore tuna. Agenda Item J.2.a, Attachment 1 evaluates the range of alternatives adopted by the Council in September. The second proposal is to change the per-trip swordfish retention limit for commercial vessels fishing for tuna using deep-set longline gear pursuant to regulations at 50 CFR 660.712. Agenda Item J.2.a, Attachment 2 evaluates the alternatives under consideration for this proposal.

Council Action:

- 1. Take final action (choose a final preferred alternative) for the following proposed regulatory changes:**
 - a. Per-trip recreational bag limit for albacore tuna for vessels in Washington State.**
 - b. Per-trip swordfish retention limit for commercial vessels fishing for tuna using deep-set longline gear pursuant to regulations at 50 CFR 660.712.**

Reference Materials:

1. Agenda Item J.2.a, Attachment 1: Implement Trip Bag Limits for North Pacific Albacore Caught by Recreational Anglers in Federal Exclusive Economic Zone Waters Adjacent to Washington.
2. Agenda Item J.2.a, Attachment 2: Modify Federal Regulations for Swordfish Trip Limits the Deep-set Tuna Longline Fishery (Action Pursuant to Modification of Routine Management Measures under the Framework in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species).
3. Agenda Item J.2.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Final Changes to Biennial Management Measures Beginning April 2011

Kit Dahl

Implement Trip Bag Limits for North Pacific Albacore Caught by Recreational Anglers in Federal Exclusive Economic Zone Waters Adjacent to Washington

(Action Pursuant to Modification of Routine Management Measures Under the Framework in the Fishery Management Plan For U.S. West Coast Fisheries For Highly Migratory Species)

Decision Support Document

November 2010

Prepared by:
Lorna Wargo
HMSMT/Washington Department of Fish and Wildlife

1.0 THE PROPOSED ACTION, PURPOSE, AND NEED

The proposed action is to implement a bag limit per trip for North Pacific albacore (*Thunnus alalunga*) caught by recreational anglers in Federal Exclusive Economic Zone (EEZ) waters (3-200 nm) adjacent to the State of Washington. Currently, recreational anglers are not limited in their take of albacore tuna in EEZ waters between the US-Canada and the Washington-Oregon borders. This is the geographic scope for the proposed action. Implementation of this proposed action falls within the concept of the “framework adjustment” approach described in the Highly Migratory Species (HMS) Fishery Management Plan (FMP) for establishing or adjusting routine management measures on a biennial cycle, without amending the FMP. The National Oceanic and Atmospheric Administration’s (NOAA’s) National Marine Fisheries Service (NMFS) is the action agency for the purpose of implementing any Federal regulation pursuant to Council action. Any change in the regulations would become effective April 2011, and stay in effect for at least two years.

If recreational bag limits per trip are adopted for Federal waters, the Washington Department of Fish and Wildlife would adopt regulations that apply to state waters (0-3 nm), to ensure consistency between Federal and state regulations as a separate action.

The purpose of the proposed action is to develop conservation measures consistent with the Inter-American Tropical Tuna Commission’s (IATTC) 2005 Resolution C-05-02 on North Pacific albacore to avoid increasing current fishing mortality for this species. In addition, the Washington State Legislature describes the recreational fishery as a “personal use” fishery, which is defined as “for the private use of the individual taking the fish” and having a bag limit is consistent with this concept.

The proposed action is needed for the sustainable management of this important recreationally and commercially harvested tuna. The best scientific evidence for North Pacific albacore tuna from the IATTC and ISC indicates the species may be experiencing fishing mortality above levels that are sustainable in the long term. Currently, there is no daily bag limit for albacore caught by recreational anglers fishing in EEZ waters adjacent to Washington.

1.1 Background to and Purpose of this Document

The Fishery Management Plan (FMP) for West Coast Fisheries for Highly Migratory Species (HMS) describes a routine biennial management cycle 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.

In 2006, a range of alternatives was developed for Washington's recreational fishery but were not approved for public review at the request of the Washington Department of Fish and Wildlife (WDFW). The WDFW instead indicated that it would seek a moratorium on the issuance of new non-salmon charter vessel permits through the Washington State Legislature, rather than place a limit on the number of albacore per angler on a per trip basis. Accordingly, the WDFW pursued legislation to limit the number charter licenses for albacore; this legislation was accomplished in 2007. A WDFW limited entry salmon charter license is required to take passengers for hire to fish for albacore tuna.

The WDFW re-introduced the concept of placing an albacore tuna per trip limit on the Washington recreational fishery at the June 2010 Council meeting. The most recent albacore stock assessment, conducted in 2006, indicated that overfishing may be occurring; in response, commitments limiting effort to current levels were made by the U.S. in international forums. While discussions are ongoing relative to limiting effort in the commercial albacore fishery, the WDFW believed it prudent for the Council to again consider placing a per angler trip limit on the Washington recreational albacore fishery.

A range of alternatives for this proposal was developed by the WDFW, reviewed by the HMSMT and adopted by the Council for public review at their September, 2010, meeting in Boise, Idaho. The Council is to take final action to adopt their preferred alternative at the November 2010 meeting in Costa Mesa, California. NMFS would then initiate rulemaking and address other statutory requirements in order to implement the preferred alternative by April 1, 2011.

The purpose of this document is to provide sufficient information to support: 1) Council decision-making on what type of bag limit to recommend and 2) a NMFS determination that the proposed action may be categorically excluded from further NEPA analysis.

The assessment of the proposed action provided below indicates that the more liberal bag limits being considered would have a very modest effect on curtailing recreational fishing opportunity and that no significant impacts would therefore occur, whereas the more restrictive bag limits being proposed would reduce opportunity and thus impact the recreational fishery.

2.0 DESCRIPTION OF DAILY LIMIT ALTERNATIVES FOR ALBACORE TUNA

The recreational albacore fishery is the only fishery in Washington that does not currently have any bag limits. In the absence of a species-specific bag limit, Washington recreational fisheries are subject to the general food fish possession limit of two of each species per day. In addition to daily bag limits for other species, there are additional possession limits in place—one daily bag limit on board a vessel, and two daily bag limits while on land. Albacore tuna have been exempt from these general state provisions.

The alternatives described below are presented for consideration as conservation measures consistent with sound fishery management. With multiple fisheries harvesting the same stock, which is the case with albacore, all fisheries involved, regardless of the relative amount they harvest, have a responsibility to contribute to the conservation of the stock. However, given that the Washington recreational fishery represents a very small fraction of the total West Coast albacore catch and effort, having a bag limit which would significantly reduce the catch from recent levels is not warranted.

The Oregon recreational fishery has a daily bag limit of 25 albacore, as a component of a 25-fish aggregate limit for marine fish. The California recreational fishery has a daily bag limit of 25 albacore north of Point Conception and a bag limit of 10 albacore south of Point Conception.

2.1 Washington Recreational Trip Limit Alternatives for Albacore Tuna

Washington recreational angler catch data from 2008 and 2009, including private angler interviews and charter logbooks, were used to analyze the following alternatives. In recent years, the total number of recreational albacore angler trips has increased, particularly by private anglers. Although private anglers comprise a very small component of the albacore fishery, the number of private angler trips has increased six-fold since 2006 (Figure 1). Total catch by charter and private anglers has increased (Figure 2); whereas catch per unit of effort has remained fairly stable, averaging 12 albacore per charter angler and four albacore per private angler (Figure 3). Bag sizes ranged from zero to 34 albacore per charter angler (Figure 4) and from zero to 23 albacore per private angler (Figure 5). Table 1 summarizes pros and cons for each alternative.

Alternative 1 (Status Quo): Would maintain current regulations for albacore tuna (i.e., no bag limit).

Alternative 2: Implements a statewide limit of 25 albacore per angler per trip.

Discussion: Selection of this alternative would remove the unlimited take provision currently in effect in EEZ waters adjacent to Washington. The analysis of recreational catch data from 2008 and 2009 indicates 95 percent of charter anglers and 100 percent of private anglers, landed 25 or fewer albacore per day (Figures 6 and 7). Therefore, a limit of 25 albacore per angler per day would have minimal impact on current fishing practices for albacore and would prohibit unlimited catches during periods of peak abundance in waters adjacent to Washington. This measure would also provide greater consistency with Oregon's daily bag limit for albacore than a lower limit would provide.

Alternative 3: Implements an albacore bag limit of 20 fish per angler per trip.

Discussion: Selection of this alternative would remove the unlimited take provision currently in effect in EEZ waters adjacent to Washington. The analysis of recreational catch data indicates that 85 and 100 percent of charter anglers and private anglers, respectively, landed 20 or fewer albacore per day (Figures 6 and 7). This measure would set Washington's trip limit lower than Oregon's 25 fish daily bag limit.

Alternative 4: Implements an albacore bag limit of 15 fish per angler per trip.

Discussion: Selection of this alternative would remove the unlimited take provision currently in effect in EEZ waters adjacent to Washington. The analysis of recreational catch data indicates that 68 and 99 percent of the charter and private anglers, respectively, landed 15 or fewer albacore per day (Figures 6 and 7). As in Alternative 3, this measure would set Washington's trip limit considerably lower than Oregon's 25 fish daily bag limit.

Alternative 5: Implements an albacore bag limit of 10 fish per angler per trip.

Discussion: Selection of this alternative would remove the unlimited take provision currently in effect in EEZ waters adjacent to Washington. The analysis of recreational catch data indicates that 45 and 96 percent of charter and private anglers, respectively, landed 10 or fewer albacore per day (Figures 6 and 7). As in Alternatives 3 and 4, this measure would set Washington's trip limit to less than half of Oregon's 25 fish daily-bag-limit.

Table 1. Pros and Cons for albacore tuna trip limit alternatives.

Alternative	Pros	Cons
1	<ul style="list-style-type: none"> Recreational fishermen would experience no regulatory restrictions for albacore harvest 	<ul style="list-style-type: none"> Does not support the 2005 IATTC resolution and the 2004 ISC recommendations for conservation of albacore Does not convey a sense of conservation in association with the recreational fishing community Does not support concept of Washington recreational fishery as being a personal use fishery
2	<ul style="list-style-type: none"> Would eliminate opportunity for unlimited catches during periods of peak abundance in waters adjacent to Washington Supports IATTC resolution and ISC conservation recommendations for albacore Supports concept of Washington recreational fishery as being a personal use fishery Provides relative consistency with Oregon's and Northern California's daily albacore limits 	<ul style="list-style-type: none"> Would potentially affect approximately 5% of Washington charter anglers Those few individuals who currently harvest more than 25 fish per trip may perceive a reduction from unlimited take to a 25 fish trip limit as not worth the cost of a fishing license, vessel trip fees, and travel expenses.
3	<ul style="list-style-type: none"> Would remove the unlimited take provision currently in effect in ocean waters adjacent to Washington Supports IATTC resolution and ISC conservation recommendations for albacore Supports concept of Washington recreational fishery as being a personal use fishery 	<ul style="list-style-type: none"> Would potentially affect approximately 15% of Washington charter anglers Would not provide consistency with the current Oregon recreational daily bag limit for albacore, which could place Washington charters at a disadvantage when compared to Oregon charters Fishermen may perceive a reduction from unlimited take to a 20 fish trip limit not worth the cost of a fishing license, vessel trip fees, and travel expenses.
4	<ul style="list-style-type: none"> Would remove the unlimited take provision currently in effect in ocean waters adjacent to Washington Supports IATTC resolution and ISC conservation recommendations for albacore Supports concept of Washington recreational fishery as being a personal use fishery 	<ul style="list-style-type: none"> Would potentially affect up to 32% of Washington charter anglers Would not provide consistency with the current Oregon recreational daily bag limit for albacore, which could place Washington charters at a disadvantage when compared to Oregon charters Fishermen may perceive a reduction from unlimited take to a 15 fish limit as not worth the cost of a fishing license, vessel trip fees, and travel expenses.
5	<ul style="list-style-type: none"> Would remove the unlimited take provision currently in effect in ocean waters adjacent to Washington Supports IATTC resolution and ISC conservation recommendations for 	<ul style="list-style-type: none"> Would affect up to 55% of Washington charter anglers Would not provide consistency with the current Oregon recreational daily bag limit for albacore, which could place

	<p>albacore</p> <ul style="list-style-type: none"> • Supports concept of Washington recreational fishery as being a personal use fishery 	<p>Washington charters at a disadvantage when compared to Oregon charters</p> <ul style="list-style-type: none"> • Fishermen may perceive a reduction from unlimited take to a 10 fish trip limit not worth the cost of a fishing license, vessel trip fees, and travel expenses.
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LITERATURE CITED

- ISC (International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean). 2004a. Report of the 3rd ISC Pacific bluefin tuna working group. Intl. Sci. Comm. for Tuna and Tuna-like species in the North Pacific Ocean, ISC/04/Plenary/6.
- IATTC (Inter-American Tropical Tuna Commission). 2005. Resolution C-05-02 on northern albacore tuna. <http://www.iattc.org/PDFFiles2/C-05-02-Northern-albacore-tuna.pdf>.
- PFMC (Pacific Fishery Management Council). 2003. Fishery Management Plan and Environmental Impact Statement for US West Coast Fisheries for Highly Migratory Species. Pacific Fishery Management Council, Portland, OR, August 2003.

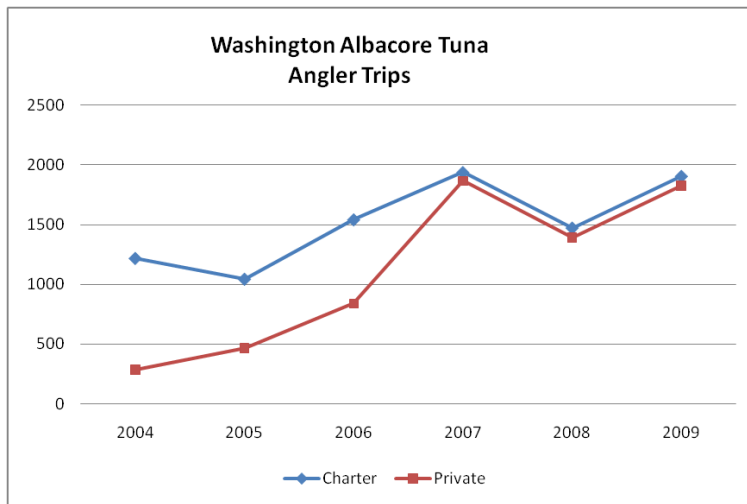


Figure 1. Washington recreational albacore angler trips, by charter and private anglers, 2004-2009.

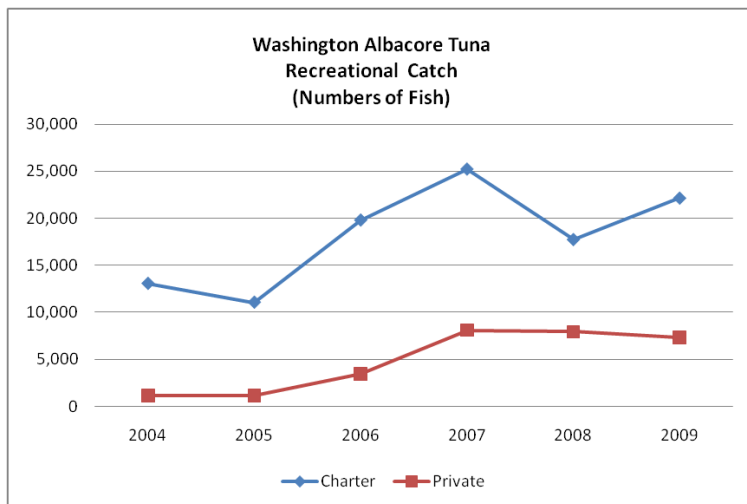


Figure 2. Washington recreational albacore catch (numbers of fish), by charter and private anglers, 2004-2009.

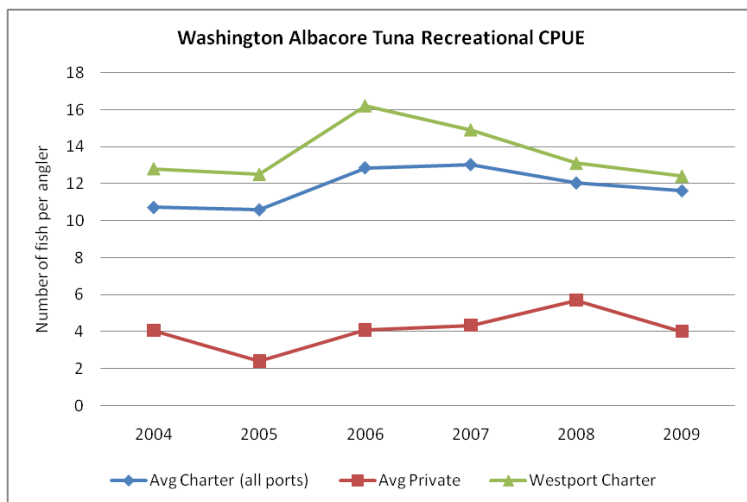


Figure 3. Washington recreational albacore catch per unit of effort (CPUE), by charter for Westport, WA and combined Washington ports, and private anglers, 2004-2009.

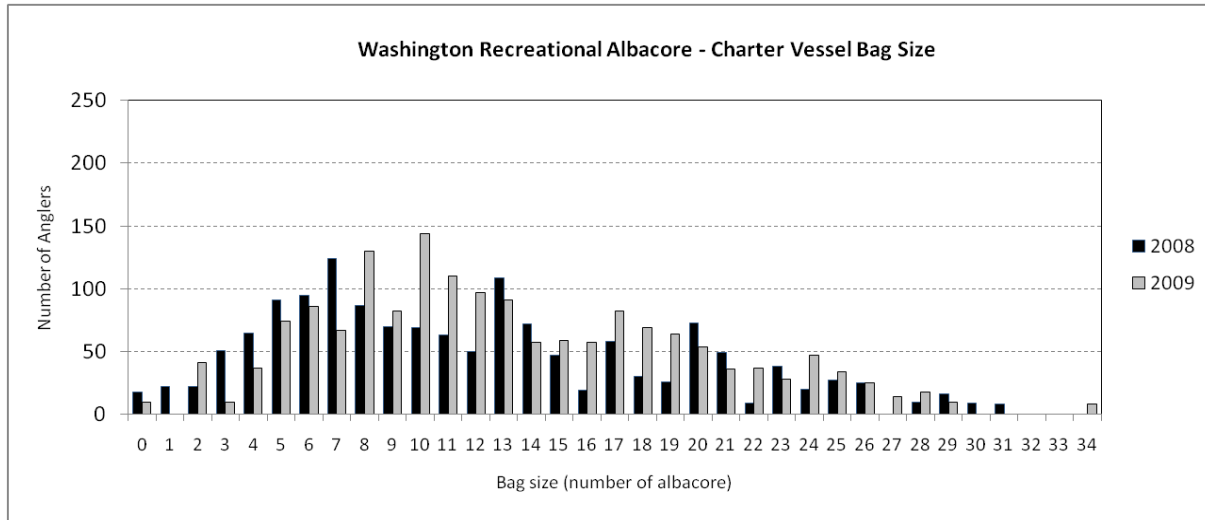


Figure 4. Number of Washington recreational charter vessel anglers and frequency of bag sizes, 2008 and 2009. Data source: Washington charter vessel logbooks.

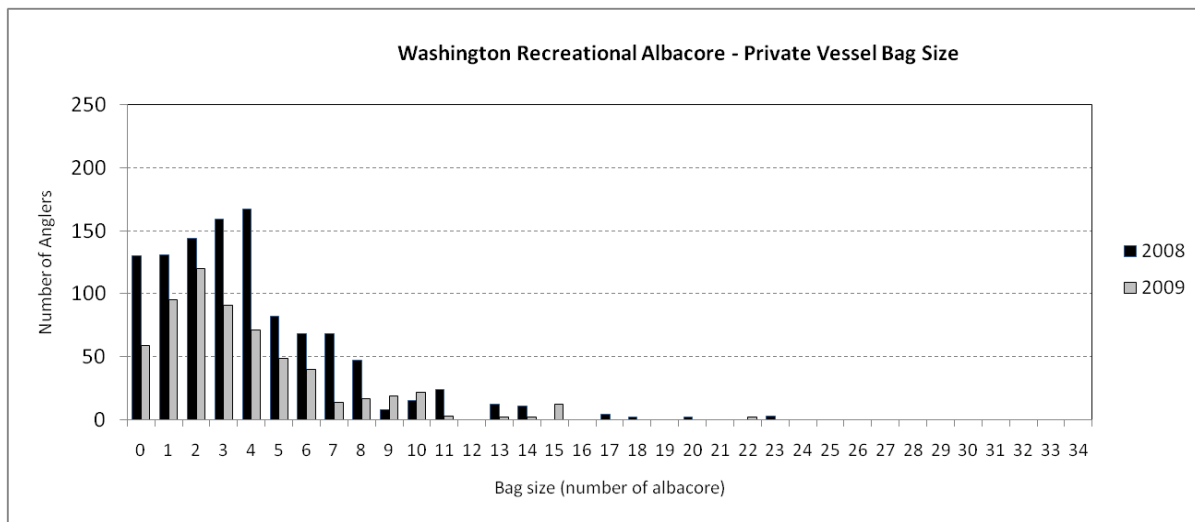


Figure 5. Number of Washington recreational private vessel anglers and frequency of bag sizes, 2008 and 2009. Data source: Washington Ocean Sampling Program – private vessel angler interviews.

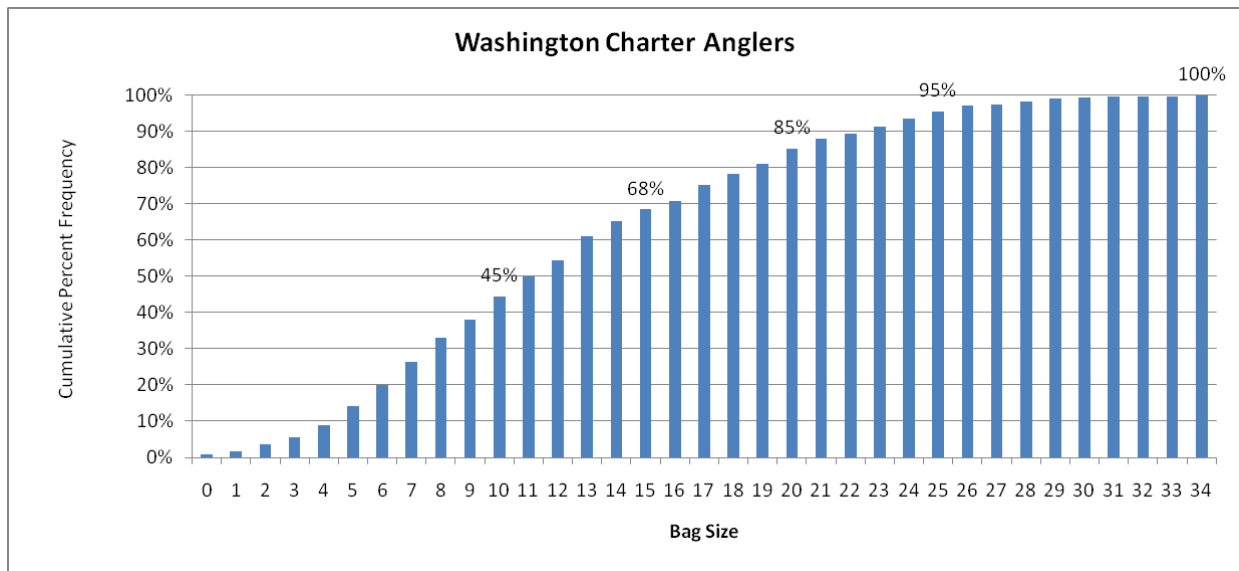


Figure 6. Average frequency of bag sizes for charter vessel anglers, 2008 and 2009.
Data source: Washington charter vessel logbooks.

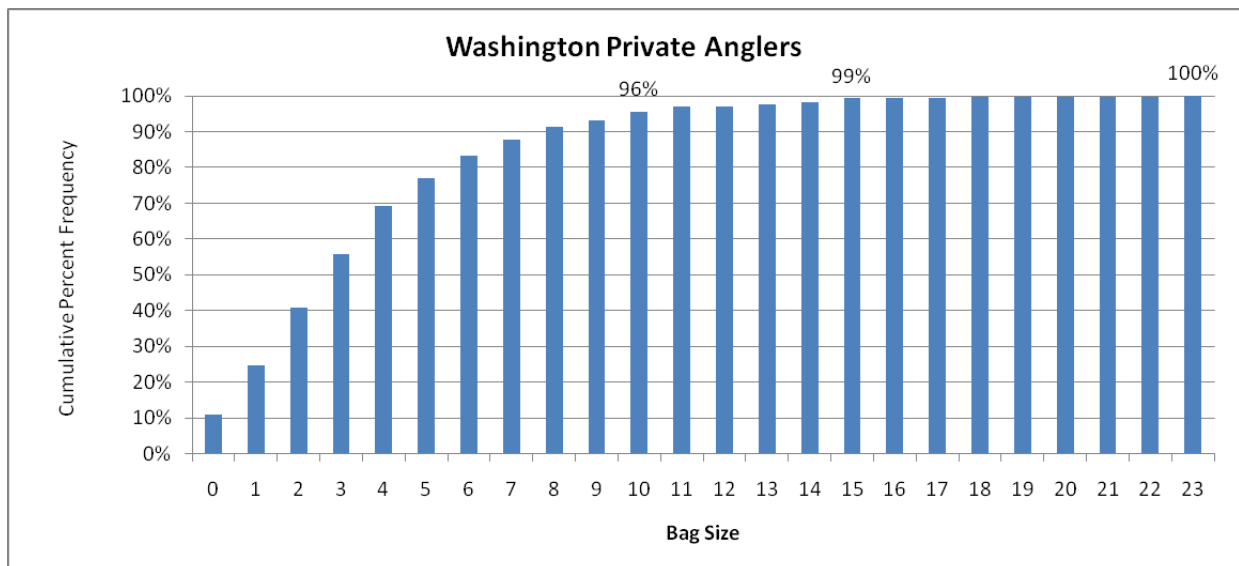


Figure 7. Average frequency of bag sizes for private vessel anglers, 2008 and 2009.
Data source: Washington Ocean Sampling Program – private vessel angler interviews.

PFMC
10/18/10

Modify Federal Regulations for Swordfish Trip Limits the Deep-set Tuna Longline Fishery

(Action Pursuant to Modification of Routine Management Measures under the Framework in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species)

Decision Support Document

November 2010

1.0 Proposed Action, Purpose and Need

The proposed action is to amend regulations at 50 CFR 600.705(s), 50 CFR 660.705(mm), 50 CFR 660.712(a)(10), 50 CFR 660.712(a)(11), and 50 CFR 223.206(d)(9)(iii) so as to make them consistent with a recommendation made by the Western Pacific Fishery Management Council (WPFMC) for vessels operating under a western Pacific longline permit. The WPFMC recommendation is to establish a 25 swordfish trip limit for deep-set longline vessels targeting tuna using circle hooks, and 10 swordfish per trip for vessels using tunahooks (J hooks), if vessels are not carrying observers. If an observer is being carried by a deep-set tuna vessel then there is no limit to the amount of swordfish that can be retained by a longline vessel, nor any mandatory requirement to use circle hooks.

According to the WPFMC the 10 swordfish limit was originally established for the Hawaii fishery to “prevent vessels departing ostensibly to fish with deep set longlines to catch bigeye and yellowfin tuna, from switching to shallow set gear and targeting swordfish while on the same trip.” However, there are a number of other regulations that prohibit both Hawaii and west coast longline vessels from targeting swordfish, unless authorized to do so. Parallel Hawaii and west coast regulations define deep-set longline by specifying the following requirements: no light sticks on the fishing vessel, minimum float line length of 20 m (65.6 ft or 10.9 fm), no fewer than 15 branch lines may be set between any 2 floats, and the deepest point of the main longline between any 2 floats must be at a depth greater than 100 m (328.1 ft or 54.6 fm) below the sea surface.

Although prohibited for west coast vessels, the WPFMC has authorized a Hawaii-based shallow-set longline fishery targeting swordfish. Since 2004, shallow-set swordfish longlining has been regulated with required gear (18/0 circle hooks, mackerel type bait), 100 percent observer coverage, hard limits on loggerhead (17) and leatherback (16) turtle interactions, and a limit of 2,120 sets of shallow-set fishing effort per season (50 percent of the average pre 2000 level), with set certificates distributed to the longline fishermen. In 2009, the WPFMC amended the Pelagics Fishery Ecosystem Plan to remove the set limits on the swordfish longline fishery for the fishing year 2010 onwards and modified the hard limit for incidental takes from 17 to 46 loggerhead turtles, while maintaining the current limit of 16 leatherback takes (74 FR 65460).

The WPFMC provided the following reasons for increasing the swordfish retention limit:

- Since an expanded shallow-set longline fishery is now in effect, there is less incentive for vessels making a deep-set trip to fish in a manner that increases their swordfish catch.
- According to the most recent assessments¹ North Pacific swordfish stocks in the Western and Central Pacific and Eastern Pacific are in healthy condition; thus, there is not a concern that any modest increases in catch resulting from this change would adversely affect the stock.
- The current 10 swordfish retention limit contributes to regulatory discards. Observer data from the Hawaii deep-set fishery show that only half of the swordfish are brought to vessel alive and 22 percent are discarded dead.

2.0 Alternatives

The Council adopted the following alternatives at their September 11-16, 2010 meeting in Boise, Idaho:

- Alternative 1 (No Action): Do not amend the regulations, retain the following current regulations:
 - 50 CFR 600.705(s): In addition to the general prohibitions specified in Sec. 600.725 of this chapter, it is unlawful for any person to do any of the following: ... Possess more than 10 swordfish on board a longline vessel from a fishing trip where any part of the trip included fishing west of 150° W. long. and north of the equator (0° lat.) in violation of Sec. 660.712(a)(9).
 - 50 CFR 660.705(mm): In addition to the general prohibitions specified in Sec. 600.725 of this chapter, it is unlawful for any person to do any of the following: ... Except when fishing under a western Pacific longline limited entry permit issued under Sec. 660.21, possess more than 10 swordfish on board a longline vessel from a fishing trip where any part of the trip included fishing on the high seas of the Pacific Ocean west of 150° W. long. north of the equator in violation of Sec. 660.720 (a)(iii).
 - 50 CFR 660.712(a)(10). Owners and operators of longline vessels registered for use of longline gear may land or possess no more than 10 swordfish from a fishing trip where any part of the trip included fishing west of 150° W. long. and north of the equator (0° N. lat.).
 - 50 CFR 660.712(a)(11). Owners and operators of longline vessels registered for use of longline gear are subject to the provisions at 50 CFR part 223 prohibiting shallow sets to target swordfish in waters beyond the U.S. EEZ and east of 150° W. long. and establishing that no more than 10 swordfish may be landed by a longline vessel registered for use of longline gear from a trip if any sets of longline gear were made on that trip in those waters.
 - 50 CFR 223.206(d)(9) (iii). An operator of a longline vessel subject to this section may land or possess no more than 10 swordfish from a fishing trip where any part of the trip included fishing east of 150° W. long. and north of the equator (0° N. lat.).

¹ International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC). 2010. Report of the Tenth Meeting, Plenary Session. Victoria, B.C., Canada. July 21-26, 2010.

- Alternative 2: Amend regulations related to swordfish retention by deep-set longline vessels (cited above) so as to make them consistent with a recommendation made by the WPFMC for vessels operating under a western Pacific longline permit.
 - Owners and operators of longline vessels registered for use of longline gear may land or possess no more than 10 swordfish from a fishing trip if using tuna hooks (J hooks) and not carrying a fishery observer.
 - Owners and operators of longline vessels registered for use of longline gear may land or possess no more than 25 swordfish from a fishing trip if using circle hooks and not carrying a fishery observer.
 - Owners and operators of longline vessels registered for use of longline gear and carrying a fishery observer are not limited on the number of swordfish they may land or possess on any trip.

Regulations at 50 CFR 660.712(a)(2), 50 CFR 660.712(a)(11), and 50 CFR 223.206(d)(9) prohibit west coast longline vessels from making shallow sets to target swordfish. These regulations would remain in place.

3.0 Evaluation

Currently a single west coast based vessel fishes with deep-set longline gear on the high seas. Data confidentiality provisions in the Magnuson-Stevens Act prohibit reporting information when three or fewer vessels are involved in order to protect confidential business information. Therefore, the incidental swordfish catches by this single vessel can only be used to evaluate the possible effects of the proposed action if the person submitting the information can authorize its release.²

The WPFMC prepared a document, *Potential modification of the Hawaii deep-set tuna longline swordfish trip limit; a regulatory amendment to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region including a Draft Environmental Assessment*, which provides information on incidental catches in the Hawaii deep-set tuna fishery. This information can be used as a gauge for the potential effects of the proposed regulatory change. In addition, the NMFS Southwest Region has drafted an environmental assessment (EA) for the west coast deep-set longline fishery.³ This EA characterizes the fishery and anticipates that at most five vessels would participate in the fishery under current conditions.

3.1 Swordfish Catch in the Hawaii Deep-set Longline Fishery

The WPFMC draft EA reports both logbook and observer data on swordfish catch in the Hawaii deep-set longline fishery. There are discrepancies between the two data sources in terms of reported rates of swordfish catch and retention. The fishery is subject to approximately 20 percent observer coverage. Therefore, logbooks records provide a larger pool of data, but this information appears to be subject to particular forms of bias, primarily under-reporting of non-target species.

² Approval for release of this information is pending and if granted will be provided supplementally.

³ Although the EA has been completed, it is not considered final, pending the signing of the Finding of No Significant Impact (FONSI), which is contingent on completion of the required biological opinion pursuant to Section 7 of the Endangered Species Act.

Table 1 present an extract of observer data reported in the WPFMC draft EA showing swordfish caught on deep-set trips and the disposition (kept or discarded) of swordfish caught. The EA also presents logbook data, but since that data source appears less reliable it is not reproduced here. It can be seen that on average fewer than 10 swordfish are caught per observed trip in the Hawaii fishery. However, the distribution of swordfish caught per trip is highly skewed, as shown in Figure 1. Figure 1 shows a frequency distribution of the number of swordfish caught per trip by percentage of all observed trips in the 5-year period, 2004-2009. These data show that more than 10 swordfish were caught on 9.4 percent of these trips. Of all the swordfish caught on these trips 32 percent were in excess of the 10 fish per trip limit. Put another way, if there were no economic discards, about one third of the swordfish caught on all these trips would be discarded due to the trip limit.

Table 1. Observed swordfish catch in the Hawaii deep-set tuna fishing tuna fishery, observed sets 2004-2009. (Source: Table 4 in WPFMC draft EA).

Year	Observed Swordfish Kept	Observed Swordfish Released	Observed Swordfish Total	Observed Trips	Percent of Swordfish Kept	Average Swordfish Caught per Trip	Average Swordfish Kept per Trip
2004	876	825	1,701	337	51.5%	5.0	2.6
2005	834	638	1,472	369	56.7%	4.0	2.3
2006	772	401	1,173	283	65.8%	4.1	2.7
2007	719	696	1,415	276	50.8%	5.1	2.6
2008	1,028	408	1,436	293	71.6%	4.9	3.5
2009*	709	292	1,001	225	70.8%	4.4	3.2
Total	4,938	3,260	8,198	1,783	60.2%	4.6	2.8

*2009 data does not include data for November and December.

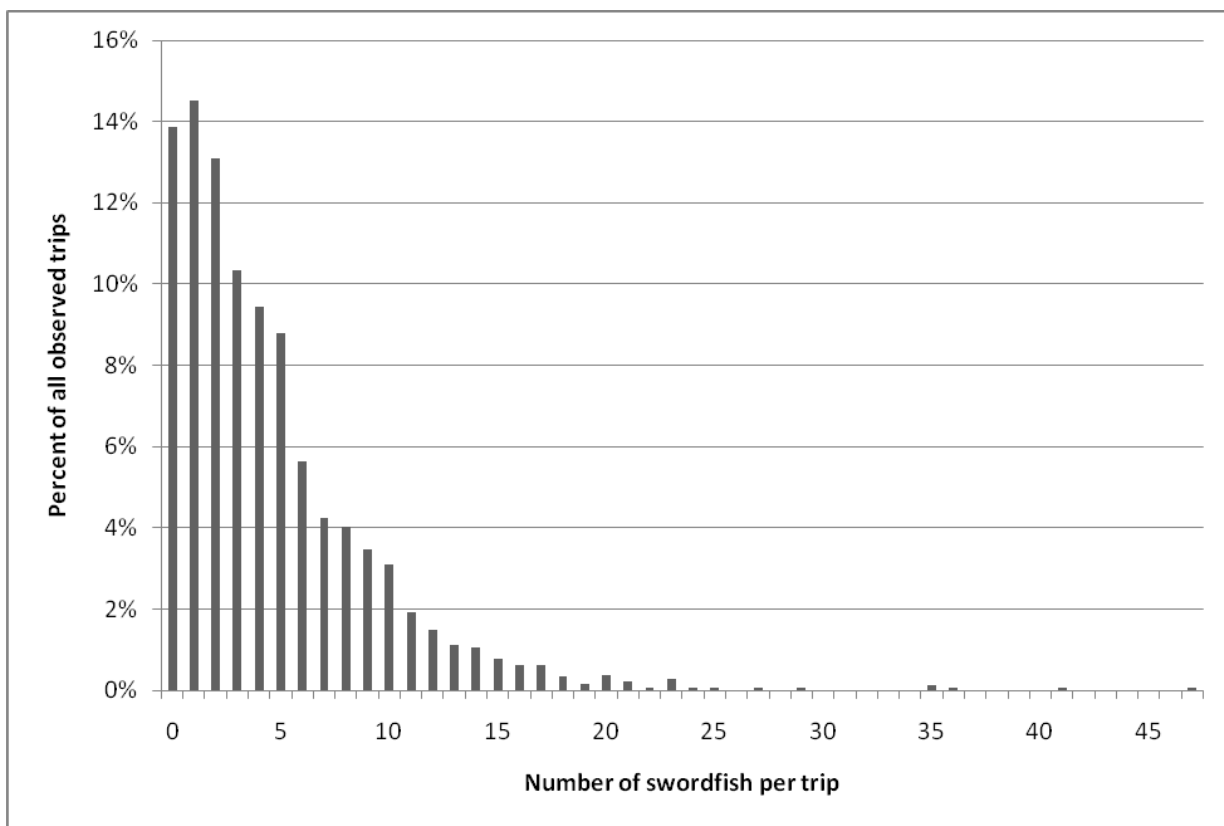


Figure 1. Frequency distribution (as a percent of all observed trips, 2004-2009) of the number of swordfish caught per trip by Hawaii deep set longline vessels, from observer records (Source: Figure 4 in WPFMC draft EA; data obtained from NMFS Pacific Islands Fishery Science Center)

It can be seen in Table 1 that overall 40 percent of the swordfish were discarded (60 percent were retained). Since, 32 percent would have been discarded due to the trip limit, this suggests that at least an additional 8 percent are discarded for economic reasons. However, it can't be known whether economic discards are actually greater than 8 percent; all that can be said is that economic discards may account for between 8 and 40 percent of the swordfish catch. A variety of factors likely contribute to a decision on retention, including the size and condition of each fish, at what point on the trip it is caught (contributing to landed quality if the vessel relies on ice), and the tradeoff between hold space and the comparative market value of swordfish versus tuna.

3.2 Estimated Catch and Retention with Regulatory Change

The draft EA prepared for the west coast deep-set longline EA assumes that a vessel will make up to five trips per year and, as mentioned, the fleet could potentially expand from the current single vessel up to five vessels. These assumptions are used in Table 2 to scale the frequency distribution shown in Figure 1 to a range of trip numbers to suggest how many swordfish could be retained under the current 10 fish trip limit, a 25 fish trip limit, and unlimited retention. The upper panel assumes no economic discards (all fish below the trip limits are retained) while the lower panel assumes a 60 percent retention rate to account for economic considerations (60 percent is the average retention rate from Table 1 and is applied to the distribution of swordfish catch per trip).

It should be noted that the current single vessel in the west coast fishery is subject to 100 percent observer coverage. The vessel owner also testified before the Council that he uses circle hooks exclusively in his fishing operations. Assuming the 100 percent observer coverage is ongoing, swordfish retention would not be limited.

Table 2. Potential annual swordfish retention (number of fish) based on scaling the frequency distribution in Figure 1.

	Number of trips per year in the fishery				
	5	10	15	20	25
Assuming a 100% retention rate					
Swordfish retained with 10 fish trip limit	16	31	47	62	78
Swordfish retained with 25 fish trip limit	22	44	66	89	111
Swordfish retained with no trip limit	23	46	69	91	114
Assuming a 60% retention rate					
Swordfish retained with 10 fish trip limit	9	19	28	37	47
Swordfish retained with 25 fish trip limit	13	27	40	53	66
Swordfish retained with no trip limit	14	27	41	55	69

3.3 Summary of Potential Environmental Impacts

North Pacific swordfish: As noted above, the most recent swordfish stock assessment, completed by the ISC in 2010, shows that the stock is above B_{MSY} and the fishing mortality rate is below F_{MSY} . Because the west coast fishery currently comprises a single vessel, and the best estimate is that the fleet is unlikely to enlarge beyond five vessels in foreseeable future, any increase in catch due to the regulatory change is negligible in comparison to stockwide catch (averaging 13,349 mt, 2000-2008). If the regulatory change doesn't prompt any behavioral changes (e.g., changes in timing and location of fishing to increase swordfish catch rate), the result of the action would be to convert some fraction of current bycatch into retained catch. However, since bycatch mortality is not 100 percent (i.e., some fraction of swordfish survive an encounter with the gear) a transfer from bycatch to retained catch would result in a small increase in effective fishing mortality.

Protected species: The draft EA on the deep-set fishery presents estimates of potential takes of marine mammals and sea turtles for the range of fishery sizes discussed above (one to five vessels). The likelihood of a marine mammal take is very low for the current fishery size of up to five vessels, based on scaling observed take rates in the Hawaii deep-set fishery. Similarly, that EA estimates sea turtle takes for a 3-year period of one each of green, leatherback, and loggerhead sea turtles and three olive ridley sea turtles. However, the owner-operator of the current single vessel in the fishery has testified before the Council that he has had a single take of an olive ridley sea turtle since he began the fishery. The likelihood of protected species takes is unlikely to change as a consequence of the proposed regulatory change, unless it prompted some change in fishing behavior affecting that likelihood. The WPFMC circle hook recommendation is based on a recommendation from the False Killer Whale Take Reduction Plan Team⁴ to reduce mortality and serious injury to that marine mammal. There is not

⁴ http://www.nmfs.noaa.gov/pr/pdfs/interactions/fkwtrp_draft.pdf

scientific consensus on the benefits of using circle hooks in deep-set tuna longline fisheries. It could decrease the chance of a sea turtle becoming hooked when taking bait, but in comparison to shallow-set fishing, turtles that become hooked are more likely to drown if they cannot reach the surface and a long time passes before the gear is retrieved. As noted, the single vessel in the fishery currently is subject to 100 percent observer coverage, so any protected species interactions would be fully monitored. Regulations would continue to prohibit shallow-set longline targeting swordfish for west coast vessels.

Socioeconomic effects: The proposed action would have a modest socioeconomic benefit commensurate with any increase in the number of swordfish that are retained because of the regulatory change. The data presented above from the Hawaii deep-set fishery suggest some level of economic discards and it isn't possible to distinguish what fraction of the discards can be attributed to economic factors and which fraction is discarded solely because of the regulatory limit. Thus, it is difficult to predict to what degree retention and related ex-vessel revenue would increase under the proposed action.

PFMC
10/18/10

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
CHANGES TO BIENNIAL MANAGEMENT MEASURES BEGINNING APRIL 2011

The Highly Migratory Species Advisory Subpanel (HMSAS) recommends that the Council leave the Washington Recreational albacore landing limit at status quo until there is a need for North Pacific albacore resource conservation.

The HMSAS recommends that the proposed change to the deep-set longline fishery swordfish retention limits are approved. This approval will align our West Coast regulations with the Hawaii longline regulations. The Highly Migratory Species Management Team has indicated that the proposed change will not create any problems with by catch or resource management.

PFMC
11/09/10

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON CHANGES TO BIENNIAL MANAGEMENT MEASURES BEGINNING APRIL 2011

At the September 2010 meeting, the Council approved management measure alternatives for public review for the 2011-12 biennial management cycle. If approved, regulations would be implemented in 2011 and would subsequently remain in effect unless changed. The Highly Migratory Species Management Team (HMSMT) and Council staff drafted an analysis on changing the deep-set longline fishery landings and retention limits for swordfish, which is presented in Attachment 2 (Agenda Item J.2.a).

Routine Management Measure Alternatives

Washington Recreational Limits for Albacore

In September 2010, the Council approved a range of alternatives for public review including status quo, 10, 15, 20, and 25 albacore bag limits that would occur on a per-trip basis for the Washington recreational fishery.

HMSMT Discussion:

The HMSMT heard a Washington Department of Fish and Wildlife (WDFW) report (Agenda Item J.2.b) regarding a decision subsequent to the September 2010 Council meeting to recommend Alternative 1, the status quo (no action) alternative, on the albacore bag limits. The HMSMT acknowledges the WDFW decision to postpone any possible further action on this proposal until the results of the 2011 North Pacific albacore stock become available, and does not offer any further recommendations on this issue.

Deep-set Longline Fishery Landing and Retention Limits for Swordfish

In September 2010, the Council approved for public review the following alternatives for changing landing and retention limits for incidentally-caught swordfish in the deep-set longline (DSLL) fishery targeting tuna:

1. No Action (status quo) – retain existing regulations with a 10 swordfish retention and landing limit per trip.
2. If no observer is onboard a deep-set longline vessel, establish a 25 swordfish trip limit for vessels targeting tuna using circle hooks, and 10 swordfish trip limit for vessels using tuna-hooks. If an observer is onboard a DSLL tuna vessel then the number of swordfish that can be retained is not limited. These regulations would be consistent with a regulatory change proposed by the Western Pacific Fishery Management Council for DSLL vessels managed under the Pelagics Fishery Ecosystem Plan.

To aid the Council in its decision process, the HMSMT prepared an analysis to compare the distribution of swordfish caught on DSLL trips using observer data for the west coast fishery (2005-2009 seasons) and for the Hawaii fishery (2004-2009 seasons); the results are summarized in the table below and illustrated in Figures 1 and 2. The table and figures show that 100 percent of west coast based trips and 90.5 percent of Hawaii trips caught ten or fewer swordfish, and that 99 percent of Hawaii trips caught 20 or fewer swordfish.

West Coast and Hawaii Deep-set Longline Observed Swordfish Catch by Trip				
Catch per Trip	Trip Frequency		Cumulative Percentage	
	West Coast	Hawaii	West Coast	Hawaii
0	4.5%	13.9%	4.5%	13.9%
1	18.2%	14.5%	22.7%	28.4%
2	27.3%	13.1%	50.0%	41.5%
3	18.2%	10.3%	68.2%	51.8%
4	13.6%	9.4%	81.8%	61.2%
5	9.1%	8.8%	90.9%	70.0%
6	4.5%	5.6%	95.5%	75.6%
7	0.0%	4.3%	95.5%	79.9%
8	0.0%	4.0%	95.5%	83.9%
9	0.0%	3.5%	95.5%	87.4%
10	4.5%	3.1%	100.0%	90.5%
11	0.0%	1.9%	100.0%	92.4%
12	0.0%	1.5%	100.0%	93.9%
13	0.0%	1.1%	100.0%	95.0%
14	0.0%	1.0%	100.0%	96.1%
15	0.0%	0.8%	100.0%	96.9%
16	0.0%	0.6%	100.0%	97.5%
17	0.0%	0.6%	100.0%	98.1%
18	0.0%	0.3%	100.0%	98.4%
19	0.0%	0.2%	100.0%	98.6%
20	0.0%	0.4%	100.0%	99.0%
21	0.0%	0.2%	100.0%	99.2%
22	0.0%	0.1%	100.0%	99.2%
23	0.0%	0.3%	100.0%	99.5%
24	0.0%	0.1%	100.0%	99.6%
25	0.0%	0.1%	100.0%	99.6%
Over 25	0.0%	0.4%	100.0%	100.0%

Figure 1: Deep-set longline frequency of observed swordfish catch per trip

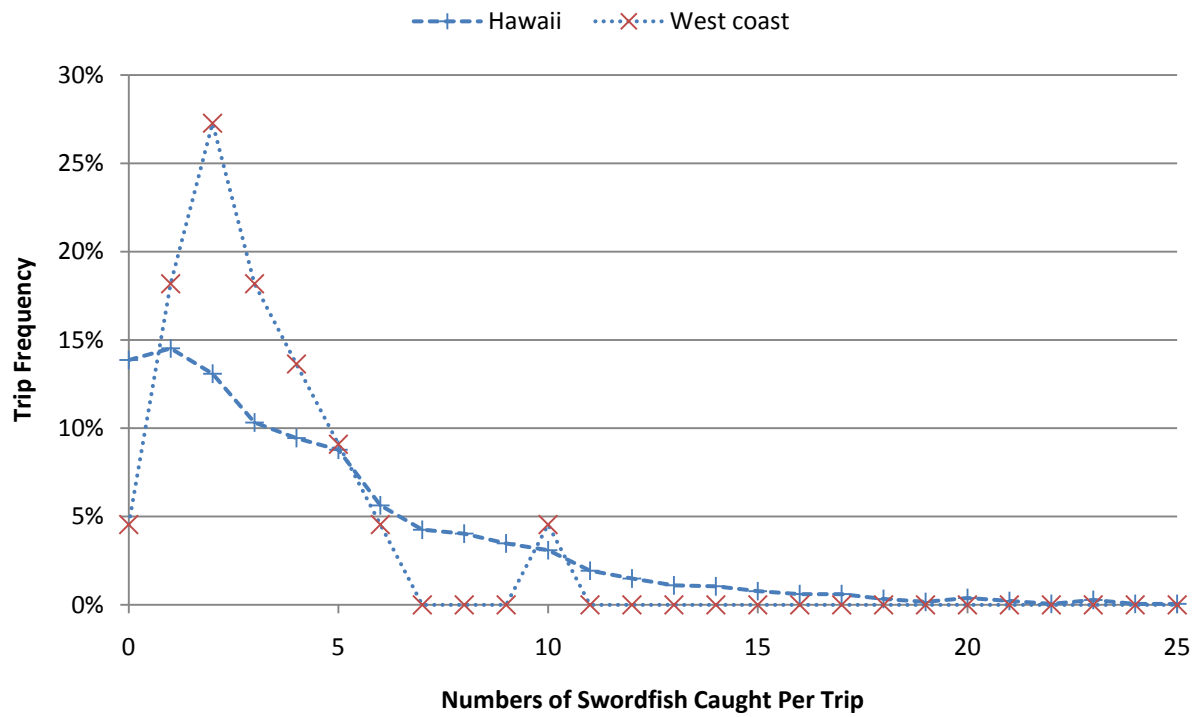
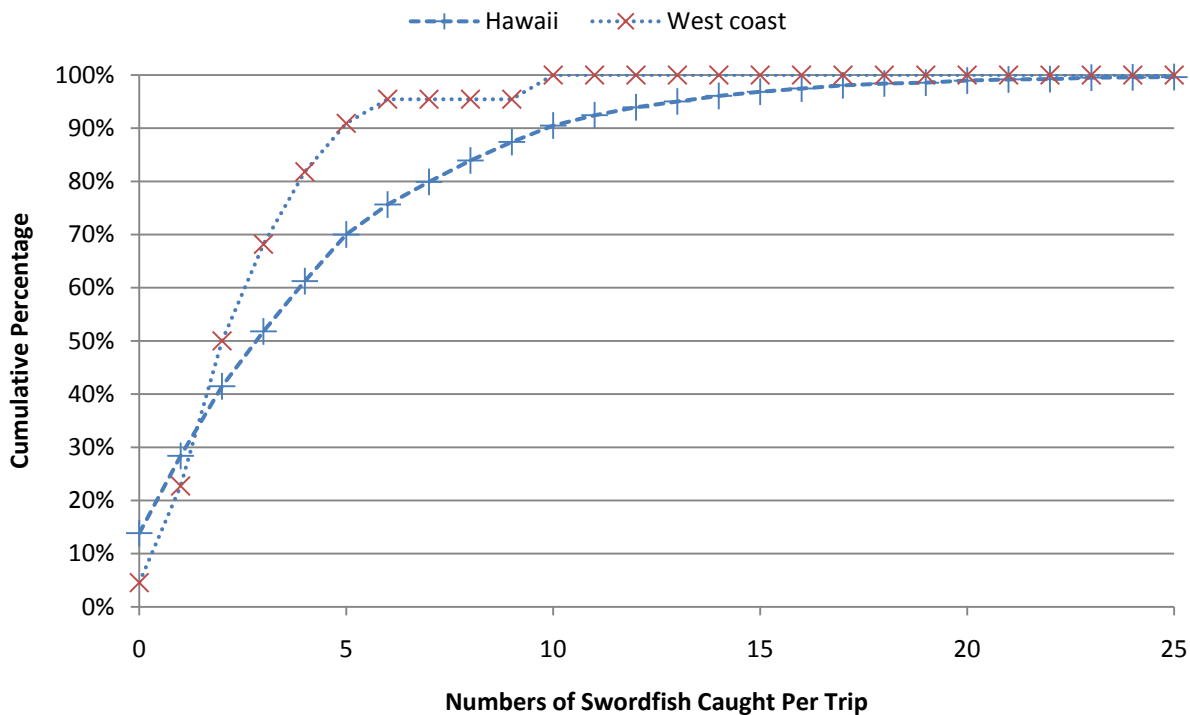


Figure 2: Deep-set longline cumulative percentages of swordfish catch per trip



HMSMT Discussion:

The HMSMT discussed the proposed regulatory change to swordfish landings and retention limits for west coast-based DSLL trips. A question was raised whether the data suggest a need to increase the limits, as swordfish are only targeted incidentally with catch seldom exceeding 10 in either the west coast or Hawaii fisheries. While the data demonstrate that catch in excess of 10 has not been recently observed for west coast trips and represent a minor share of Hawaii catch, it is possible that an increase in the landings and retention limit from its current level would encourage a change in targeting strategy. An increase to the percentage of DSLL trips with swordfish catch in excess of ten could result.

The HMSMT further discussed the possible effect of the regulation on catch of other species besides swordfish. The HMSMT notes that the sole current participant in this fishery uses gear shown to mitigate protected species conservation impacts, and fishes with 100 percent observer coverage. If the proposed regulatory change were adopted by the Council, potential conservation impacts of any changes in fishing practice would be included in the National Environmental Protection Act (NEPA) analysis.

The HMSMT supports moving forward with the proposal to increase the DSLL swordfish landings and retention limit. The proposed changes would potentially increase the opportunity for west coast-based deep-set longline fishers to catch and supply swordfish to west coast consumers using practices and gear that are already approved under the HMS Fishery

Management Plan. Potential impacts on nontarget species would be monitored through observer coverage. A NEPA analysis and regulatory impact analysis would be conducted to consider potential conservation and economic effects.

HMSMT Recommendations to Council:

Select alternatives for:

1. Washington Recreational Bag Limits for Albacore Tuna: No comment.
2. Deep-set Longline Fishery Landing and Retention Limits for Swordfish: Adopt Alternative 2.

PFMC

11/08/10

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE (WDFW) REPORT ON CHANGES TO BIENNIAL MANAGEMENT MEASURES

The Washington Department of Fish and Wildlife (WDFW) held three public meetings to solicit input on and discuss alternatives for a recreational bag limit for albacore tuna. These meetings were held on May 26 (Westport), September 1 (Montesano), and October 19, 2010 (Olympia).

Recommendation

Based on the input received and our discussions with affected stakeholders, WDFW is recommending Alternative 1, or no action, at this time. Our intent is to maintain status quo (i.e., no bag limit and a state limited entry program for Washington-based charter boats) through the next management cycle. We would be prepared to consider a bag limit once the next albacore stock assessment results are available, which is expected to be in 2011.

Rationale

The Washington recreational albacore tuna catch represents about 0.3-0.8% of the U.S. total catch, and about 0.05% of the pan-Pacific total harvest, so implementing a bag limit would have little to no effect on the conservation of the stock. Also, over 80% of the Washington recreational tuna are caught on charter boat trips and, in 2007, we expanded our charter limited entry program to include albacore, so most of our sport effort has already been limited.

In addition, the current composition of the fleet is self-limiting. The Washington albacore charter fleet is comprised of vessels ranging from 43 to 65 feet in length. It is limited by angler permits associated with the limited entry charter licenses, and the charter vessels' hold capacities limit the number of fish per angler that can be retained. The Washington private boat fleet is also self-limited by the size of vessels and weather conditions. The private boat fleet is generally comprised of vessels ranging from 24-32 feet in length carrying 3-5 anglers per trip that retain a total catch of 20-50 albacore tuna per boat.

For these reasons, WDFW does not see the need for an albacore bag limit at this time. Depending on the results of the next assessment, we will be prepared to work with the Council to develop management measures for albacore fisheries to achieve the appropriate conservation action needed.

Future Plans

Beginning in 2011, WDFW plans to expand our efforts of catch reporting in our private boat fleet by using a proven system of voluntary vessel trip reports that will be distributed to and collected from private boat anglers, adding to the data collected by WDFW port samplers. We will continue our successful charter logbook program to estimate our charter catch estimates.

WESTPORT CHARTERBOAT ASSOCIATION
P. O. BOX 654 • WESTPORT, WASHINGTON 98595

RECEIVED

OCT 13 2010

PFMC

October 12, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

The members of the Westport Charterboat Association are strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time. Our reasons are many and I will highlight the most important ones.

First, our fleet numbers about 30 vessels, 20 of which take albacore trips. In the late 1970's we had over 200 vessels operating out of Westport, and far more taking tuna trips. Almost all of the trips taken today are multiple-day trips. These trips are very expensive to operate. Fuel, live bait, an alternate crew, and the extra equipment required by the USCG for trips lasting more than 12 hours make these trips very marginally profitable unless the vessels are filled to capacity (8-12 depending on the size of the vessel). We started fishing albacore in the mid-1960's in Westport and have never had a bag limit. Although our catch per person rarely exceeds the bag limits in place in Oregon and northern California, our clientele are attracted by the absence of a limit and we strongly believe that if a bag limit were imposed we would suffer unnecessary economic damage. Additionally, albacore fishing takes the pressure off the salmon fishery.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Finally, although we strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.

Respectfully yours,

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

Steve Westrick, President

Subject: Washington Albacore tuna bag limit proposal

From: "Keizer, John A Civ USAF AMC 627 CES/CEO" <John.Keizer@mcchord.af.mil>

Date: Thu, 14 Oct 2010 12:12:57 -0500

To: pfmc.comments@noaa.gov

CC: Michele.Culver@dfw.wa.gov

October 14, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I'm an avid tuna angler and strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time. I will highlight my reasons.

First; I fish out of a 26ft boat as do most of the guys who I know that fish tuna. If I'm very lucky I might make 4-6 tuna trips a year. Weather is always the driving force and limiting factor for privet boat tuna anglers. These trips are very expensive with fuel, live bait, lodging, extra ice and special equipment needed to catch tuna. Most trips run about \$400-500 a day which also limits the amount of angler's taking part in this fishery. Boats in our class can at max harvest and care for only about 20-25 tuna a trip with a crew of 4. There is just not room to hold more iced tuna then that. Additionally, albacore fishing takes the pressure off the salmon fishery during July and August.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Finally, although I'm strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating to this sport fishery in Washington and the coastal community's economy. I hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.
Respectfully yours,

John Keizer
6909 35th St West
University Place WA 98466

Ilwaco Charter Association

P. O. Box 9
Ilwaco, WA 98624

RECEIVED

OCT 21 2010

PFMC

October 18, 2010

Pacific Fishery Management Council
7700 N.E. Ambassador Place Suite 101
Portland, Oregon 97220-1384

Re: Washington Albacore tuna bag limit proposal


Dear Council Members;

The Ilwaco Charter Association is asking the council to put this matter on hold and wait until we find out what the 2011 stock assessment indicates and then we can sit down with all the users and states and see what action we might have to take at that time and putting Washington equal to other states. We have no conservation issue at this time so we feel we should wait. This way we are making our decisions on facts and solid numbers and not perception.

It would be unfair to Washington fishers to make a change now, when in 18 months from now we might have to make another change. This would have some very serious consequences to the charter industry and the sport fishing on the coast of Washington. So I'm asking you to please go with the status quo until the 2011 stock assessment comes out.

We are also in full support and agree with the Westport Charter Associations statements on this issue. Thank you for your time.

Sincerely,



Butch Smith
President Ilwaco Charter Assoc.

Subject: Washington Albacore tuna bag limit proposal**From:** "Keizer, John A Civ USAF AMC 627 CES/CEO" <John.Keizer@mcchord.af.mil>**Date:** Thu, 14 Oct 2010 12:12:57 -0500**To:** pfmc.comments@noaa.gov**CC:** Michele.Culver@dfw.wa.gov

October 14, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I'm an avid tuna angler and strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time. I will highlight my reasons.

First; I fish out of a 26ft boat as do most of the guys who I know that fish tuna. If I'm very lucky I might make 4-6 tuna trips a year. Weather is always the driving force and limiting factor for privet boat tuna anglers. These trips are very expensive with fuel, live bait, lodging, extra ice and special equipment needed to catch tuna. Most trips run about \$400-500 a day which also limits the amount of angler's taking part in this fishery. Boats in our class can at max harvest and care for only about 20-25 tuna a trip with a crew of 4. There is just not room to hold more iced tuna then that. Additionally, albacore fishing takes the pressure off the salmon fishery during July and August.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Finally, although I'm strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating to this sport fishery in Washington and the coastal community's economy. I hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.
Respectfully yours,

John Keizer
6909 35th St West
University Place WA 98466

October 23, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

On behalf of the members of Puget Sound Anglers SnoKing Chapter of Washington we are strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time.

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery. Additionally, albacore fishing takes the pressure off the salmon fishery.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Last, although we strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.

Respectfully yours,

Kevin Lanier

VP PSA SnoKing Chapter consisting of 900 members



October 23, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

On behalf of the members of the 17 chapters of Puget Sound Anglers of Washington we are strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time.

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery. Additionally, albacore fishing takes the pressure off the salmon fishery.

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capped their potential effort through license legislation in lieu of consideration of a bag limit.

Last, although we strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.

Respectfully yours,

Ron Garner
President State Board
Puget Sound Anglers

October 25, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I'm strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time.

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery. Additionally, albacore fishing takes the pressure off the salmon fishery.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

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Last, although I strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. I hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.
Respectfully yours,

Geoff Wilson

Subject: Fwd: "November PFMC HMS agenda item J-2"
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:29:46 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

A total of 9 emails with this message were received.
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----- Original Message -----

Subject: "November PFMC HMS agenda item J-2"
Date: Sat, 23 Oct 2010 11:45:57 -0700
From: mountainequip@comcast.net
Reply-To: Mountainequip@comcast.net
Organization: Mountain Equipment Services, Inc.
To: pfmc.comments@noaa.gov

October 23, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I am strongly opposed to a recreational bag limit for Albacore Tuna in Washington State. Our recreational fleet is the smallest fleet on the West Coast, has the shortest window of opportunity in regards to the weather and has already taken steps to cap the number of vessels fishing in 2007 with the adoption of the limited entry for charter boats. In addition, the commercial catch has not been reduced in any way either through quotas or limited entry so why should the recreational catch be any different, especially considering the very minute impact our recreational fleet has on the overall biomass of N. Pacific Albacore?

Last, I strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known. Our small coastal communities rely on visiting fisherman and a loss of our tuna fishery would put another burden on these small communities.

Thank you.
Respectfully yours,

Todd Schwartz
Recreational Tuna Fisherman
Snohomish, WA

Subject: Fwd: November PFMC HMS agenda item J-2
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:30:15 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: November PFMC HMS agenda item J-2
Date: Sat, 23 Oct 2010 14:00:32 -0700
From: Don <donoverby@earthlink.net>
To: pfmc.comments@noaa.gov

October 23, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I feel until a valid reasons are put forth an albacore tuna bag limit in Washington is wrong. I ask you oppose this proposal.

Don Overby
16843 Sargent Rd SW
Rochester, WA 98579

Subject: Fwd: tuna
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:31:36 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject:tuna
Date:Sat, 23 Oct 2010 14:43:55 -0700
From:Maxfield <maxfield.construction@comcast.net>
To:pfmc.comments@noaa.gov

Please don't put a cap on tune limits for the sportsman

Thanks Ken Maxfield

Subject: Fwd: WA Albacore Bag Limits
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:31:56 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: WA Albacore Bag Limits
Date: Sat, 23 Oct 2010 15:24:22 -0700
From: David Martin <dbmartin_cpa@hotmail.com>
To: pfmc.comments@noaa.gov

October 23, 2010

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery. Additionally, albacore fishing takes the pressure off the salmon fishery.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Last, although we strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.

Respectfully yours,

David B. Martin, CPA
CFO/Controller
The Myers Group
P.O. Box 1170
Clinton, WA 98236
360-321-5776

Subject: Fwd: Tuna bag limit Support
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:32:35 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: Tuna bag limit
Date: Sat, 23 Oct 2010 20:30:09 -0400 (EDT)
From: vandebergla@aol.com
To: pfmc.comments@noaa.gov

Dear Council Members,

I support bag or trip limits for the recreational Albacore fishery in Washington state. I am a sport fisherman and I would like to see the Albacore population spared the fate of the many Pacific Coast Salmon species. Let's protect them and then do the science to figure out what an appropriate harvest is. Thank you for your time.

Larry Vandeberg
PO Box 64461
Tacoma, WA 98466

Subject: Fwd: November PFMC HMS agenda item J-2"
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:32:50 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: November PFMC HMS agenda item J-2"
Date: Sun, 24 Oct 2010 19:51:14 -0700
From: Bo Palmer <Bo@DefianceBoats.com>
To: pfmc.comments@noaa.gov <pfmc.comments@noaa.gov>

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

With the limits placed on all of the different fish that are targeted by recreational fisherman. It has created a situation where we are forced to fish Halibut during a few weekends in May while our counterparts in Canada can fish year round. With the limits on Salmon, some species of which have been designated as endangered species. One of the real positives in the last few years have been that more and more fisherman have begun Tuna Fishing. Tuna fishing should be promoted and advertised as a way to relieve pressure on salmon stocks in the Puget Sound and on the Washington Coast. Many of the recreational Tuna Fisherman in Washington used to fish every weekend for Salmon in the puget sound. Or they spent their time rockfishing off the coast. Now I spend almost all of my sportfishing time offshore fishing Albacore. If Tuna Fishing is discouraged in any way, this will lead to more pressure on these other species. Why would this make sense, when Albacore Stocks are abundant and the recreational impact is miniscule. These Albacore are fished by countries from Japan to Mexico and every country in between. Anything that will put more pressure on our Salmon and Rockfish stocks needs to be thought through very carefully. There had better be some very good science behind any decision because the ramifications of the decision will affect much more than just the Albacore Stocks.

I am strongly opposed to a recreational bag limit for Albacore Tuna in Washington State. Our recreational fleet is the smallest fleet on the West Coast, has the shortest window of opportunity in regards to the weather and has already taken steps to cap the number of vessels fishing in 2007 with the adoption of the limited entry for charter boats. In addition, the commercial catch has not been reduced in any way either through quotas or limited entry so why should the recreational catch be any different, especially considering the very minute impact our recreational fleet has on the overall biomass of N. Pacific Albacore?

Last, I strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known. Our small coastal communities rely on visiting fisherman and a loss of our tuna fishery would put another burden on these small communities.

Sincerely,

Bo Palmer

6677 NW Newberry Hill Rd
Silverdale WA, 98367

360-689-6767

Subject: imposition of a bag (trip) limit on Albacore tuna
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 08:33:27 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Date: Sat, 23 Oct 2010 16:48:53 -0700
From: D HEIM <darrinheim@msn.com>
To: pfmc.comments@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

I strongly oppose the imposition of a bag (trip) limit on Albacore tuna.

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery.

Second, there is no compelling biological reason why a bag limit is necessary. Imposition of a bag limit wouldn't reduce our current CPUE to any degree. The only explainable reason for imposition of a limit is a matter of perception. The 2006 stock assessment shows that although the fishing rate is very high in the North Pacific, the biomass is also very high. The 2011 stock assessment will provide information that can be used to determine the need for further regulation throughout the North Pacific and the US West Coast.

Third, in April of this year the Council decided to defer any regulatory action regarding effort limitation in the US commercial fishery until the results of the 2011 stock assessment are known. Why should we be singled out for additional management when only around one half of one percent of the US west coast catch is caught in the Washington recreational fishery? In fact, 2 years ago, charter boats in Washington capped their potential effort through license legislation in lieu of consideration of a bag limit.

Respectfully,

Darrin Heim

Subject: Fwd: November PFMC HMS Agenda item J-2
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 12:44:38 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: November PFMC HMS Agenda item J-2
Date: Mon, 25 Oct 2010 12:06:38 -0700
From: Rob Tobeck <rob@griffinmaclean.com>
To: pfmc.comments@noaa.gov

Dear Council Members,

As a recreational angler and active member of many fishing rights groups, I would like to urge the council to take no action with regards to the recreational albacore catch off the coast of Washington. The facts are that the recreational catch is such a very limited percentage of the overall catch that any limits would do very little if anything with regards to conservation. At this point we haven't even established that there is a conservation need. I would propose that any action would be taken, if needed, after the 2011 stock assessment. Thank you.

Thank You,

Rob Tobeck
Griffin Maclean
Insurance Brokers
1-888-61-Tobeck
Fax 425-822-2737

Subject: Fwd: November PFMC HMS agenda item J-2
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 15:40:27 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: November PFMC HMS agenda item J-2
Date: Mon, 25 Oct 2010 15:32:39 -0700
From: Jason Takayoshi <jasontakayoshi@acuraofbellevue.com>
To: pfmc.comments@noaa.gov

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384
Mark Cedergreen, Chairman

Re: Washington Albacore tuna bag limit proposal

Dear Council members;

On behalf of the members of the 17 chapters of Puget Sound Anglers of Washington we are strongly opposed to the imposition of a bag (trip) limit on Albacore tuna at this time.

The Washington state recreational private boats are self regulated due to holding size capacity of ice and fish storage. This coupled with fuel capacity of the average boat greatly dictates the range that can be covered for fishing the albacore fishery. The catch per person rarely exceeds the bag limits in place in Oregon and northern California. Introducing a bag limit could cause unnecessary economic damage to the coastal communities of Washington State as they rely on the income that is provided by this fishery. Additionally, albacore fishing takes the pressure off the salmon fishery.

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Last, although we strongly oppose a bag limit, a bag (trip) limit less than our neighboring states could be devastating. We hope you will defer consideration of any regulatory action until the results of the 2011 stock assessment are known.

Thank you.
Respectfully yours,

Jason Takayoshi
Member

Subject: Fwd: Tuna Bag Limit
From: "pfmc.comments" <pfmc.comments@noaa.gov>
Date: Mon, 25 Oct 2010 16:59:14 -0700
To: Kit Dahl <Kit.Dahl@noaa.gov>

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

Subject: Tuna Bag Limit
Date: Mon, 25 Oct 2010 16:27:36 -0700
From: Brant Godwin <bgodwin@dunlapsoderland.com>
To: pfmc.comments@noaa.gov

Please put a bag limit in place. There is no reason to not have one even if it is a high one. Nobody needs the amount of fish some people catch. I have heard stories of waste. It seems like every fishery was thought to be inexhaustible at some point and then we find out otherwise. Let's not make tuna the next fishery we destroy by over fishing.

BRANT A. GODWIN

DUNLAP & SODERLAND, PS
901 Fifth Ave., Suite 3003
Seattle, WA 98164
T: (206) 682-0902
F: (206) 682-1551

bgodwin@dunlapsoderland.com

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RECOMMENDATIONS TO REGIONAL FISHERY MANAGEMENT ORGANIZATIONS

At the September meeting the Council made recommendations to the U.S. delegation to the Inter-American Tropical Tuna Commission annual meeting, which took place September 27-October 1 in Antigua, Guatemala. Attachment 1 provides a brief summary of meeting outcomes in relation to the recommendations made by the Council.

The Western and Central Pacific Fisheries Commission (WCPFC) will hold their Seventh Regular Session December 6-10 in Honolulu, Hawaii (WCPFC7). Attachment 2 is the provisional annotated agenda. Attachment 3 summarizes issues likely to arise at WCPFC7, focusing on those of potential interest to the Council.

Attachment 4 describes recommendations made by the Western Pacific Fishery Management Council relative to conservation and management of bigeye tuna proposals for WCPFC7. The WPFMC provided comments at their June 28-July 1, 2010, meeting, which were reiterated at their October 12-14, 2010, meeting.

As additional materials related to WCPFC7 become available, they may be provided supplementally.

Council Action:

Adopt Recommendations for the U. S. Delegation to the Western and Central Pacific Fisheries Commission Seventh Regular Session.

Reference Materials:

1. Agenda Item J.3.a, Attachment 1: 81st Meeting of the Inter-American Tropical Tuna Commission Summary of Outcomes.
2. Agenda Item J.3.a, Attachment 2: Western and Central Pacific Fisheries Commission (WCPFC) Seventh Regular Session Provisional Annotated Agenda.
3. Agenda Item J.3.a, Attachment 3: Issues arising at the Western and Central Pacific Fisheries Commission Seventh Regular Session.
4. Agenda Item J.3.a, Attachment 4: Western Pacific Fishery Management Council recommendations on conservation and management of bigeye tuna.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt Recommendations for the U. S. Delegation to the Western and Central Pacific Fisheries Commission Seventh Regular Session

Kit Dahl

81ST MEETING OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION SUMMARY OF OUTCOMES

The 81st meeting of the IATTC was held in Antigua, Guatemala, September 27-October 1, 2010. The IATTC meeting was preceded by the 23rd meeting of the Parties to the Agreement on the International Dolphin Conservation Program (September 24) the 1st meeting of the Committee for the Review of Implementation of Measures Adopted by the Commission (September 24), the 9th meeting of the Joint Working Group on Fishing by Non-Parties (September 25), and the 10th meeting of Working Group on Finance (September 25).

This document describes issues and outcomes of particular interest to the Pacific Council. It partially relies on summary notes prepared by Ms. Heidi Hermsmeyer, NMFS Southwest Region.

Mr. Donald Hansen participated as one of the U.S. Commissioners. Dr. Kit Dahl participated in the U.S. delegation on behalf of the Council.

Consensus Issue

In advance of the meeting China circulated a letter on participation by Chinese Taipei (Taiwan). They argued the “Chinese Taipei can only participate in the work of the Commission in its character as a fishing entity” and for that reason no national symbols (flag, emblem, etc.) could be displayed, the Chinese Taipei delegation should be seated after participating states, and no references should be made that have “sovereign implications” (e.g., use of the title “Republic of China”). The other members of the Commission were unwilling to accede to these demands and in response China announced at the beginning of the meeting that they would not join consensus on any matter. Obviously, this created a serious obstacle to the completion of the work of the Commission.

Proposals Considered

Table 1 summarizes proposals considered by the members, based on a list circulated by the Secretariat on the last day of the meeting and notes circulated to the U.S. delegation by Heidi Hermsmeyer. In addition to those listed, Ms. Hermsmeyer noted discussion of a proposal to amend the current longline transshipment resolution (C-08-02) to require longline vessels to be on an authorized list. The proposal was not presented in resolution form and will be taken up at the next meeting.

As noted in Table 1, three proposals were agreed to as recommendations without consensus: the seabird mitigation resolution proposed by the European Union and Japan, the fishing on data buoys resolution proposed by the U.S., and the update of the current tuna conservation resolution (C-09-01), discussed below.

Outcomes of Interest to the Council

As noted, China’s unwillingness to join consensus stymied much material progress at this meeting. In fact, there was some concern that if a budget could not be adopted the Commission Secretariat would cease to function. A diplomatic workaround was devised to allow member contributions.

Although Japan, Mexico, and the United States met on the margins to discuss the issue, no proposal for Pacific bluefin tuna conservation measures was considered.

The staff recommendation (see Document IATTC-81-06b) to form an ad hoc working group to develop an operational definition of current level of effort directed towards North Pacific albacore as specified in paragraph 1 of Resolution C-05-02 was not addressed.

Resolution C-09-01 (*Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean*) was essentially rolled over as an “agreement” to cover the 3-year period 2011-2013 with the same measures that applied in 2010 to apply in 2011. In summary, key measures are a 62-day closure for class 4-6 purse seine vessels, the purse seine closure area west of the Galapagos Islands to reduce bigeye catch (referred to as “el corralito”), the longline national bigeye catch limits, and the purse seine full retention provision. The European Union and Japan argued strongly for the application of a 73-day purse seine closure and commensurate reductions in the longline catch limits for 2011 (as proposed for 2011 in C-09-01), but the major Latin American fishing countries, including Ecuador and Mexico, were unwilling to agree. The text includes a provision similar to C-09-01 for the “out years” (2012-2013) stating that in each subsequent year (2011 and 2012) the conservation measures will be evaluated and measures for the next year “ratified or adjusted.” This leaves open the possibility that if the positive trends in the current bigeye and yellowfin stock assessments are not borne out in future stock assessments (or assessment updates) the Commission could adjust the measures to be more precautionary.

Since China blocked consensus, the tuna conservation measures could not be adopted as a binding agreement (Resolution). The United States discussed a similar situation with respect to Columbia at the 2009 Commission meeting as a formula for addressing the consensus issue. At that meeting, Resolution C-09-01 was adopted *ad referendum* in concert with a duplicate agreement, which allowed Columbia to join consensus at a later date (with a deadline of July 15, 2010) after consulting with their government before final approval. In the current situation, the expectation is that diplomatic pressure can be put on China to join consensus in this way to create a binding agreement. However, it is not clear that China explicitly committed to the *ad referendum* process to consider joining consensus pending governmental consultations. In the absence of a binding agreement there was reference to members complying with the measures voluntarily consistent with the recommendation. However, it is unclear how realistic this is for member countries. For example, under domestic law (the Tuna Conventions Act and the High Seas Fishing Compliance Act) the United States may promulgate regulations to implement only those resolutions actually adopted by the IATTC (i.e., binding resolutions).

The United States circulated a letter to the Secretariat requesting that they analyze a total allowable catch (TAC) program for purse seine and longline fisheries, to be discussed at next year’s meeting (attached). The request was not discussed on the floor. This request may be reinforced by a workshop planned by the International Seafood Sustainability Foundation to consider rights-based management in tuna fisheries. Although not yet announced, it is likely to occur before the next Commission meeting.

Belize volunteered to host the next meeting with Ecuador as an alternative. Meeting dates were not set although it is expected that the time frame will revert to June consistent with the timing of the annual meeting in previous years.

Table 1. Proposals circulated and/or discussed. (Circulated proposals labeled, others from notes.)

Name	Proponent(s)	Disposition
A-3. Resolution to Mitigate the Impact on Seabirds of Fishing for Species Covered by the Commission	European Union, Japan	Adopted as a recommendation, China blocking consensus
B-3. Resolution on Scientific Observers for Longline Vessels	European Union, Japan	Carried over to next meeting
C-1. Resolution a Tropical Tunas and Swordfish Certification Scheme	European Union	Carried over; need to merge C-1 and C-2
C.2 Resolution on IATTC Catch Documentation Scheme	Japan	Carried over; need to merge C-1 and C-2
D-1-A. Resolution for the Establishment of a List of Active Longline Vessels	European Union	Not agreed to due to objection by Korea
E-1-A. Resolution on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing	Canada, European Union	Carried over to next meeting
F-1. Resolution on Prohibiting Fishing on Data Buoys	United States	Adopted as a recommendation, China blocking consensus
G-1. Creation of the Special Sustainable Development Fund for Fisheries for Highly Migratory Species to Strengthen the Institutional Capacity of Developing Countries	Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Carried over to next meeting or implemented without a resolution
H-1. Resolution Establishing the Committee for the Review of Implementation Measures Adopted by the Commission	European Union, Guatemala, United States	Carried over to next meeting or implemented without a resolution
I-1. Calculating Contributions to the IATTC Budget	Working Group on Finance	Consensus blocked
I-2. Budget for 2011	Working Group on Finance	Consensus blocked; previous provisional budget used to allow voluntary contributions
J-1-A. Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean in 2011-2013	Revision of C-09-01	Adopted as a recommendation, China blocking consensus
K-1. Modification of proposal IATTC 80 A1-A, Resolution on IUU Fishing (to replace C-05-07)	Belize, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Carried over to next meeting
L-1. Resolution Strengthening C-05-03 on sharks	Belize, Columbia, Costa Rica, El Salvador, Guatemala, Nicaragua, Panama	Text not circulated, not discussed
M-1. Resolution on the Election of the Chair and Vice-Chair of the IATTC	European Union, United States	To be reflected in meeting minutes as rules of procedure
Resolution on the Review of the Performance of the Organization	Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Venezuela at	Carried over to next meeting
Resolution on the Adoption of Trade Measures to Promote Compliance	United States	Carried over to next meeting
Proposal to Change Size Limit for Inclusion on the IUU Vessel List 24 meters to 22 meters		Agreed but China blocked consensus

Note: Alphanumeric labels denote the revision process; for example proposal B-3 merges similar proposals B-1 and B-2 made by the European Union and Japan.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Blvd
Long Beach, CA 90802-4213

Dr. Guillermo Compeán
Director, Inter-American Tropical Tuna Commission
8604 La Jolla Shores Drive
La Jolla, California 92037-1508

Re: U.S. Request to Evaluate a Total Allowable Catch Program

Dear Dr. Compeán:

According to several recent reports, publications, and workshops¹, the time is ripe to increase the use of effective rights-based management that aligns the economic incentives of fishermen and states to the common overall goals of sustainable and economically viable fisheries, conservation of biodiversity, and net socioeconomic benefits. Conservation measures in the IATTC Convention Area have become increasingly restrictive to control fishing mortality levels, which makes reaching consensus to adopt such measures inherently difficult. In addition, some countries dispute, or are seeking to change, their current circumstances under the IATTC's capacity regime. The Commission has had limited success in resolving capacity issues, and this has affected negotiations on several conservation and management measures.

The IATTC staff has previously recommended that the Commission examine alternative means to reduce the fleet size in the purse-seine fishery toward the Commission's target of 158,000 cubic meters, in order to facilitate the conservation of the stocks of yellowfin, bigeye, and skipjack tunas and the economic viability of the fisheries. If the Commission continues to manage the purse-seine fishery using primarily IATTC Resolution C-02-03 and the Regional Vessel Register (*i.e.*, limits on vessel well volume) and closure periods, there will continue to be economic inefficiencies in both the purse-seine and longline sectors, and many discussions at the Commission will continue to be hampered by disagreements over capacity limits and related allegations of illegal, unreported, and unregulated (IUU) fishing activities.

The United States requests that the Secretariat conduct a quantitative cost-benefit analysis of implementing a total allowable catch (TAC) program in the purse seine and longline fisheries targeting tunas in the IATTC Convention Area for 2012 and beyond. The United States is interested in comparing various TAC programs to determine which is the most beneficial and feasible, including: 1) a global TAC (*i.e.*, competitive among members and vessels); 2) national TACs; 3) national TACs with individual fishing quotas allocated to vessels of each nation; 4) individual fishing quotas allocated to vessels irrespective of flag; and 5) an industry-financed buyback (perhaps with an initial World Bank loan) of excess rights and/or vessels. These

¹ For example, The Bellagio Framework for Sustainable Tuna Fisheries: Capacity controls, rights-based management, and effective MCS, 2010, and Conservation and Management of Transnational Tuna Fisheries, by Robin Allen, James Joseph and Dale Squires, 2010.

programs should be analyzed for the purse-seine and longline sectors, as well as the possibility of combining these sectors in a TAC program.

The analysis should compare each program with the current management regime (i.e., 2010 measures). In other words, each TAC program should be compared to the measures that are currently in place to limit catch and effort (e.g., closure periods and areas, catch limits, and the Regional Vessel Register and the requirements of Resolution C-02-03). The analysis should also include discussion of additional management elements of TAC programs, such as: 1) which species or age classes of tuna the TAC would apply to; 2) different options for establishing initial allocation schemes; 3) initial estimates of what those allocations would be; 4) administrative, monitoring and enforcement costs; 5) transferability of quotas; 6) closure options when a TAC is reached; and 7) assistance to developing countries. The United States requests that this analysis be completed 60 days before the 2011 Commission annual meeting, circulated in advance to the members, and presented at that meeting by the principal analysts, and that sufficient time be allocated on the agenda to allow for a full discussion of the results, in order to allow the Commission to consider these management options for 2012 and beyond.

Please circulate this letter to the other Commission members.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rodney R. McInnis". The signature is fluid and cursive, with the first name "Rodney" being more prominent.

Rodney R. McInnis
Commissioner



**COMMISSION
SEVENTH REGULAR SESSION**

Honolulu, Hawaii, USA
6-10 December 2010

PROVISIONAL ANNOTATED AGENDA

**WCPFC6-2009/03
6 December 2010**

AGENDA ITEM 1. OPENING OF THE MEETING

The Session will open at 09:00 on Monday, 6 December 2010.

The Commission Chair Satya Nandan will welcome delegates from WCPFC Members, Cooperating Non-Members and Participating Territories (CCMs), Observers, IGOs and NGOs.

1.1 Welcoming addresses

The dignitaries from the USA will provide a welcome address.

Following the opening ceremony, the Chair will deal with procedural matters of the Session.

1.2 Adoption of agenda

The provisional agenda for WCPFC7 was prepared and distributed on 7 September 2010 in accordance with Rule 1 of the Commission's Rules of Procedure. In accordance with Rule 3, Members may propose supplementary items up until 30 days before the meeting. The Commission will be asked how it wishes to deal with supplementary items, if any.

1.3 Meeting arrangements

The Commission will review the Provisional Schedule. The Chair will outline any logistical and administrative arrangements in place to support the meeting, proposed meeting times and any social engagements.

AGENDA ITEM 2. MEMBERSHIP

2.1 Status of the Convention

The Commission will receive a brief report on the status of the Convention.

2.2 Applications for Observer status

In accordance with Rule 36 of the Commission's Rules of Procedure, the Commission will be advised of any applications for observer status that were received from non-government organisations 50 days in advance of the Session. The Commission will be advised of those observers that were subsequently invited to participate in the Session.

2.3 Applications for cooperating Non-Members status

The Commission will consider applications for cooperating Non-Member (CNM) received during 2010. The advice and recommendations of the TCC6 in relation to applications received, considered on the basis of procedures provided for in CMM 2009-11 will be available to the Commission.

AGENDA ITEM 3. MEMBER REPORTS

3.1 Annual reports by the CCMs

Article 23 and Article 32 require CCMs to report on implementation of the Convention and any CMMs or other matters which may be agreed from time to time. If not already done so (in the form of Part 1 reports submitted to the Scientific Committee (SC) and Part 2 reports submitted to the TCC), hard copy and/or electronic version reports should be forwarded to the Executive Director at least 30 days in advance of WCPFC7 in the format agreed by the Commission. The Chair may invite each CCM to provide a brief summary of the key issues of their Annual Report to the meeting.

3.2 Statements of Non-Members

Non-Members are invited to supply similar reports as described under Agenda Item 3.1 for vessels and fishing activities in the Convention Area for which they are responsible. Hard copy and/or electronic versions of this report should be forwarded to the Executive Director at least 30 days in advance of the Seventh Regular Session of the Commission (WCPFC7). The Chair may invite Non-Members to provide a brief summary of key issues of their report to the meeting.

AGENDA ITEM 4. SCIENCE ISSUES

4.1 Report of the Sixth Regular Session of the Scientific Committee

The Chair of the SC, Mr Naozumi Miyabe (Japan), will provide a summary of the outcomes of the Sixth Regular Session of the Scientific Committee (SC6) which was held 10-19 August, 2010 at Nuku'alofa, Kingdom of Tonga.

The Commission is invited to review the outcomes of the SC5, seeks additional clarification and request additional scientific advice as necessary, and determines a programme of action to implement agreed responses to the scientific advice and recommendations received.

4.2 Stock status of key tuna species and evaluation of CMM-2008-01

The Science Service Provider will present stock assessment of key tuna species (the result of bigeye and skipjack tuna assessment) and evaluation of the bigeye and yellowfin tuna management measure (CMM-

2008-01). The Commission is invited to review the outcomes of 2010 full stock assessment of bigeye and skipjack tuna and any amendments necessary to CMM-2008-01.

4.3 Strategic Research Plan and future work programme and budget for 2011-2013

The SC Chair will present a proposed work programme and budget for scientific services and scientific research for 2011 and an indicative budget for 2012 and 2013.

The Commission will consider the 2011-2013 SC work programme for adoption. The Commission may refer to the advice and recommendations of the Finance and Administration Committee (FAC) in relation to budget considerations.

AGENDA ITEM 5. NORTHERN COMMITTEE

5.1 Report of the Fifth Regular Session of the Northern Committee

The Chair of the NC, Mr Masanori Miyahara (Japan), will present a summary of the outcomes of the NC6 which was held 7-10 September, 2010 at Fukuoka, Japan, with the NC Reference Points Workshop on 6 September 2010. The Chair will report on the NC's response to requests from the Commission on CMMs and present the advice and recommendations of the NC6 to the Commission in respect of northern stocks (Pacific bluefin tuna, North Pacific albacore and North Pacific swordfish).

The Commission is invited to review the outcomes of the NC6, seek additional clarification and request additional scientific and management advice as necessary, and determine a programme of action to formulate and implement CMMs in respect of the northern stocks.

5.2 Future work programme and budget for 2011-2013

The NC6 Chair will present a proposed work programme and budget for 2011-2013. The Commission is invited to identify items with implications for the Commission's work programme and budget during the presentation.

The Commission will consider the 2011-2013 NC work programme for adoption. The Commission may refer to the advice and recommendations of the FAC in relation to budget considerations, noting that costs associated with the NC work programme in respect to northern stocks is supported by the NC Members.

AGENDA ITEM 6. TECHNICAL AND COMPLIANCE COMMITTEE

6.1 Report of the Sixth Regular Session of the Technical and Compliance Committee

The Chair of the TCC, Mr Noan Pakop (Papua New Guinea), will present a summary of the outcomes of the Sixth Regular Session of the Technical and Compliance Committee (TCC6) which was held 30 September - 6 October, 2010 at Pohnpei, Federated States of Micronesia. The Chair will report on the TCC's response to requests from the Commission in relation to the implementation of CMMs and present the advice and recommendations of the TCC to the Commission in matters relating to the functions of the TCC.

6.2 Future work programme and budget for 2011-2013

The TCC Chair will present a proposed work programme and budget for 2011 and an indicative budget for 2012 and 2013.

The Commission will consider the 2011-2013 TCC work programme for adoption. The Commission may refer to the advice and recommendations of the Finance and Administration Committee (FAC) in relation to budget considerations.

AGENDA ITEM 7. REGIONAL OBSERVER PROGRAMMES

The Commission will be consider a report of activities of the Regional Observer Programme (ROP) and issues to be addressed for proper implementation of the ROP, including any recommendations from TCC, including ROP Data Management and Costs.

AGENDA ITEM 8. VESSEL MONITORING SYSTEM

The Commission will consider a report of intersessional activities of the Vessel Monitoring System (VMS), including the status of the SLA between FFA and WCPFC and the issues with the current arrangement. The Commission will consider the VMS Cost Recovery options and discuss issues raised by the recently completed VMS Security Audit.

AGENDA ITEM 9. AD HOC TASK GROUP – DATA

The Commission may consider, subject to the outcomes of the TCC6, provision of monitoring, control and surveillance data by chartered vessels and ongoing advice and recommendations on data rules and procedures, with initial focus on the issue of data provision by chartered vessels.

AGENDA ITEM 10. CONSERVATION AND MANAGEMENT MEASURES

10.1 Review of existing conservation and management measures

Twenty-five CMMs and four Resolutions relating to vessel records and vessel markings, the sustainability of highly migratory fish stocks, mitigation of by-catch, elements of the Commission's MCS Scheme and capacity reduction adopted during the Multilateral High Level Conference, the Preparatory Conference and preceding sessions of the Commission continue to apply (<http://www.wcpfc.int/conservation-and-management-measures>).

The Commission is invited to consider the implementation and any proposed refinements to the existing CMMs and Resolutions in light of advice and recommendations from its subsidiary bodies and experience gained by Members and by the Secretariat in implementing Measures during 2010.

10.2 Report by PNA Members on the implementation of the Vessel Day Scheme

WCPFC4 (paragraph 325) noted that the Vessel Day Scheme (VDS) was operational and that the VDS is the measure adopted by PNA Members of the Commission for managing capacity and fishing effort in the EEZs of PNA Members. It was agreed that the PNA would provide a report to the Commission on the implementation of the VDS at each annual session of the Commission.

10.3 Consideration of new measures and other conservation requirements

The Commission is invited to consider the formulation of new or supplementary CMMs in accordance with new information and analysis provided by its subsidiary bodies.

[Supplementary information to be provided after TCC6]

AGENDA ITEM 11. ANNUAL REPORT ON THE WORK OF THE COMMISSION

The Chair will invite the Executive Director to present the annual report on the work of the Commission for the 2010 calendar year. The Commission will discuss inter-sessional activities of the Commission, including any highlighted issues associated with the Secretariat performance and priority issues before the Commission.

AGENDA ITEM 12. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Chair of the FAC will present a summary of the agenda items and issues, advice and recommendations considered at the Fourth Meeting of the Finance and Administration Committee (FAC4), 5-10 December 2010 for further consideration, refinement as necessary and adoption by WCPFC7. A Provisional Annotated Agenda for this meeting is available on the WCPFC website.

AGENDA ITEM 13. SPECIAL REQUIREMENTS OF DEVELOPING STATES

In accordance with Article 30 of the Convention and recommendations and advice of its subsidiary bodies, the Commission is invited to consider means for assisting developing States, participating territories and possessions build capacity in relation to the conservation and management of highly migratory fish stocks in the Convention Area.

13.1 CCM's report on the implementation of Article 30

As agreed by the Commission at WCPFC6 (paragraph 381, WCPFC6 Summary Report), developed CCMs will report to the Commission on their implementation of Article 30 of the WCPFC Convention.

AGENDA ITEM 14. COOPERATION WITH OTHER ORGANISATIONS

In accordance with Article 22 of the Convention, the Secretariat will report on efforts to date, and activities planned for 2011, to strengthen cooperation, consultation and collaboration with other RFMOs and relevant national and international organisations.

[Supplementary information to be provided after TCC6]

AGENDA ITEM 15. PERFORMANCE REVIEW

WCPFC6 noted that because there was no budget for a performance review to be undertaken in 2010, the review was postponed for future consideration.

The Commission is invited to consider i) whether or not to proceed with a review in 2011 and, if so, ii) the terms of reference for the review, iii) the process to support the review, and iv) an appropriate budget for the review.

AGENDA ITEM 16. WORK PROGRAMME AND BUDGET FOR 2011 AND INDICATIVE WORK PROGRAMME AND BUDGET FOR 2012 AND 2013

In accordance with Article 18 of the Convention and Regulation 3 of the Financial Regulation, the Commission will, taking into account the recommendations of its subsidiary bodies, and any other matters with implications for the 2010 work programme, decide on a work programme and budget for 2011 and an indicative budget for 2012 and 2013.

AGENDA ITEM 17. ADMINISTRATIVE MATTERS

17.1 Election of officers

The Commission may consider the selection of:
Chair of the Commission; and
Chair of the Scientific Committee.

17.2 Next meeting

WCPFC7 will consider a venue and dates for its next regular session in 2011.

AGENDA ITEM 18. OTHER MATTERS

The Commission will consider any other matters raised under Agenda Item 1.2.

AGENDA ITEM 19. SUMMARY REPORT

The Commission will adopt a Summary Report of its Seventh Regular Session.

AGENDA ITEM 20. CLOSE OF MEETING

The meeting is scheduled to close at 1700 on Friday, 10 December 2010.

ISSUES ARISING AT THE WESTERN AND CENTRAL PACIFIC FISHERIES
COMMISSION SEVENTH REGULAR SESSION

The Western and Central Pacific Fisheries Commission (WCPFC) will hold their Seventh Regular Session December 6-10 in Honolulu, Hawaii (WCPFC7). Three subsidiary committee meetings provide advice in support of the Plenary: The Science Committee meeting (SC6), August 9-19; the Northern Committee meeting (NC6), September 7-10 (see [Agenda Item K.3.a, Supplemental Attachment 4, September 2010](#) for a summary); and the Technical and Compliance Committee meeting (TCC6) September 30-October 5. Conservation and Management Measures (CMM), which represent binding agreements for applicable fisheries are adopted at the Regular Session. Other matters are also addressed, including Cooperating Nonmember status; placing vessels on the IUU Vessel List; the regional observer program (ROP); Commission VMS; other monitoring, control, and surveillance (MCS) issues; and Commission work planning and budget. Issues arising at WCPFC7 Regular Session for which the Council may wish to provide recommendations to the U.S. delegation include:

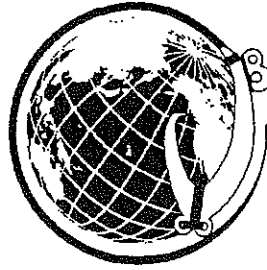
- Bluefin tuna: NC6 adopted a proposed CMM for bluefin tuna, with Korea expressing a reservation (see discussion in [Agenda Item K.3.a, Supplemental Attachment 4, September 2010](#)). Assuming support for the measure can be gained from Korea, this CMM will be considered at WCPFC7 by the Plenary.
- Striped marlin: The TCC recommended “that any CMM developed for this species should be developed jointly with all other members of the Commission, for consideration by WCPFC7.”
- North Pacific albacore: NC6 did not adopt any proposals for changes to CMM-2005-03, the current measure. Since North Pacific albacore is considered an NC species it is unlikely that any proposals will be considered at WCPFC7 absent an NC meeting on the margins.
- Tuna conservation: The current measure, CMM 2008-01, applies through 2011. The measure was again evaluated in 2010 (see [WCPFC-SA-WP-05](#)). In 2010 the SC requested an evaluation of the effects of the various exemptions in the measure. The evaluation concluded “For the most part, the individual exemptions have a relatively modest impact on the indicators [F/F_{MSY} and SB/SB_{MSY}]. It is again demonstrated that measures need to be implemented across all fishery sectors with significant bigeye catches if meaningful reductions of fishing mortality are to be achieved.” SC6 reiterated previous advice that CMM 2008-01 was likely to meet one of its objectives, not exceeding levels of fishing mortality on the WCPO yellowfin tuna stock beyond the level experienced either in 2004 or the annual average of the period 2001–2004. However, it is extremely unlikely to meet the objective of “reducing fishing mortality on the WCPO bigeye tuna stock to at least 30% below the level experienced either in 2004 or the annual average of the period 2001–2004. Furthermore, if the high seas pockets closure results in effort being transferred to high seas areas to the east, where bigeye tuna generally form a greater proportion of the purse-seine catch, the objectives of CMM-2008-01 will be even less likely to be achieved” ([SC6 Summary Report](#), pp. 53-54). With respect to CMM 2008-01, paragraph 46, on the continued applicability of the measures in place in 2011 in subsequent years, TCC6 recommended the “Commission should make a decision during WCPFC7 – in advance of pursuing further development of a successor to CCM 2008-01

– that all those provisions of the CMM with timeframes that continue through 2011 will continue in force, as they apply in 2011, until such time as they are explicitly repealed or replaced with alternative provisions.”

- Port state measures: TCC6 reviewed a European Union proposal on port state measures intended to deter illegal, unregulated, and unreported (IUU) fishing. Such measures are being proposed across the tuna RFMOs consistent with the FAO Port State Measures Agreement. The proposed CMM would apply to certain fishing vessels entering a nation’s port (or certain other vessels transporting fish) that are not flagged to the state (i.e., foreign vessels). Applicable vessels would have to report to the competent authority specified information at least 72 hours in advance of entry. Vessels that have demonstrably engaged in IUU fishing would be prohibited entry except in cases of *force majeure* or distress. The TCC recommended that the European Union proposal be used as the basis for a CMM to be considered at WCPFC7.
- Catch documentation schemes: TCC6 reviewed two proposals (from the European Union and Japan) for catch documentation schemes (CDS) in the form of CMMs, a concept paper submitted by Papua New Guinea, and a consultancy report on CDS best practices. CDS proposals have also been introduced in other RFMOs (e.g., IATTC, see Attachment 1). Under CDS fish consignments imported or re-exported by a member must be accompanied by specified documentation. Only fish caught by vessels authorized to fish in the Convention Area would be eligible for such documentation. The PNG proposal describes CDS as: “In a nutshell, a CDS is designed to trace the origin of a fish from where it was caught, by who, how it was caught, stored and processed before it was sent to the market for consumption.” CDS are another tool to combat IUU fishing. TCC6 formed a working group composed of FFA representatives to consolidate the information provided on CDS into a report to be considered at WCPFC7, presumably to aid development of a CMM.
- Interpretation of Paragraph 3(j) of CMM 2007-03: CMM 2007-03 establishes a list of vessels presumed to have carried out IUU fishing and paragraph 3(j) states vessels that “are under the control of the owner of any vessel on the WCPFC IUU Vessel List” may be presumed to have carried out IUU fishing. The interpretation of this provision is relevant when a single entity controls multiple vessels, a common occurrence in major distant water fishing nations. For that reason, interpretation of this provision has been a source of controversy. The U.S. has taken a lead role in developing a proposal on the applicability of this provision ([WCPFC-TCC6-2010 DP/05](#)). TCC6 recommended further development of the paper based on input from members with a view towards discussion at WCPFC7.
- Cross-endorsement of observers between the WCPFC and IATTC: The Secretariats of the two Commissions have developed a Draft MOU for Cross Certification of Observers between the WCPFC and IATTC. The draft was discussed at IATTC but no action was taken by the members. It may be discussed at WCPFC7. See [WCPFC-TCC6-2010-33](#).
- Overlap in Convention Areas: The WCPFC and IATTC Convention Areas overlap in the South Pacific in an area bounded by 150° and 130° W longitude. The applicability of measures and requirements of the two RFMOs was discussed at both IATTC and TCC6.
- IUU listings: CMM 2007-03 governs the process for adding and removing vessels from the WCPFC IUU Vessel List. WCPFC7 will review the Provisional IUU Vessel List prepared at TCC6 and determine inclusion on the WCPFC IUU Vessel List.
- Cooperating Nonmembers: Each year the Commission rules on applications for Cooperating Nonmember (CNM) status. For 2011 the following countries have applied for CNM status: Belize, Democratic People’s Republic of Korea (“North Korea”), Ecuador, El Salvador, Indonesia, Mexico, Panama, Senegal, Thailand, and Vietnam.

- Compliance monitoring: At TCC6 Australia presented a working paper *Proposed Structure and Process for the Western and Central Pacific Fisheries Commission Compliance Monitoring Scheme*. This working paper is intended to provide a basis for discussion and development of the Compliance Monitoring Scheme by the Compliance with Conservation and Management Measures (CCMM) Working Group and the Technical and Compliance Committee (TCC). Canada presented a *Draft Proposal to Establish a Process for the Review and Reporting of Compliance Information*. TCC6 agreed that intersessional work by the CCMM Working Group, based on guidance at WCPFC7, should continue with the results presented at TCC7 in 2011.

Committee meeting reports and papers may be obtained from the WCPFC website (<http://www.wcpfc.int/>). In particular, delegation papers and other materials related to TCC6 and NC6 indicate the full range of issues that may be considered at WCPFC7; these may be obtained at <http://www.wcpfc.int/meetings/2010/6th-regular-session-technical-and-compliance-committee>.



**Western
Pacific
Regional
Fishery
Management
Council**

July 13, 2010

Charles Karnella
~~Dr. Rebecca Lent~~ NMFS PIRO
Director Honolulu
Division of International Affairs
NOAA Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Dear Rebecca:

The recent 148th Council Meeting in Hawaii produced several recommendations concerned with the international fisheries management, more specifically with the conservation and management measures stemming from the Western and Central Pacific Commission

1. The Council recommended the U.S. advocate for several options related to a new bigeye and yellowfin conservation measure, which may include the following:
 - Purse seine bigeye tuna catch limits for all purse seine fleets in the Western and Central Pacific Ocean
 - Mandatory port sampling
 - More extensive FAD fishing closures and monitoring of FAD fisheries
 - Evaluation of the FFA/PNA vessel day scheme for bigeye conservation
 - Options for non-calendar year longline fishing years
 - Rolling three year catch limits for longline fisheries
 - The Council further requested NMFS PIRO respond to the letters sent by the Council requesting consideration of these issues. Council staff should work with the staff of NMFS PIRO International Division to address these issues.
2. The Council recommended the U.S. draft a conservation and management measure for consideration by the WCPFC that would require CCMs to require their vessels to mark fishing gear.
3. The Council recommended the U.S. ensure that the WCPFC working group on CCM compliance with conservation and management measures continues its work to provide the WCPFC a process and mechanisms to censure or sanction a CCM that is not in compliance with conservation and management measures.

The first recommendation is concerned primarily with the conservation and management measures for bigeye and yellowfin tuna. This Council continues to be skeptical about attempts to conserve bigeye catches by purse seiners through effort limitation or operational restrictions on FADs. Moreover, since the US has adopted catch limitation as an overall policy to reduce overfishing, it seems inequitable that bigeye catch limits are applied to US longline fisheries but not to the US purse seine fishery. Further, management of incidental catches by catch limits, such as red snapper in the gulf shrimp trawl fishery are mechanisms that are working to reduce fishing mortality from unintentional catches.

This Council strongly advocates that purse seine bigeye catch limits be sought for all fleets, since its will likely be the only way to achieve tangible reductions in purse seine bigeye catches, which will complement the reduction in bigeye catches by longliners. Having a purse seine bigeye catch limit will also be an incentive for the US and other purse seine fleets to minimize bigeye catches and thus not be shut down.

Otherwise, the lack of catch limits in the purse seine fishery will mean a continuing decline of the maximum sustainable yield in weight for Pacific bigeye as a result of the large juvenile catch by purse seiners, which reduces the yield per recruit. As such, longline fleets will be faced with increasingly stringent bigeye catch limits which will have limited conservation benefits with unrestricted purse seine bigeye catches.

Most of the elements of recommendation 1 are self explanatory; mandatory port sampling is important to more accurately determine the volume of purse seine caught bigeye and more extensive FAD closures will be required in the absence of purse seine bigeye catch limits. The Vessel Day Scheme (VDS) in which the Parties to the Nauru Agreement (PNA) countries have such a vested interest should be evaluated with respect to its impact, if any on bigeye conservation.

Much has been written and discussed about the VDS and high seas pocket closures as if these would benefit bigeye and other tuna stocks, but the PNA group is seeking to maximize revenues from fishing within their EEZs. If this does not result in decreases of purse seine bigeye catches then the VDS will likely have no conservation benefits.

The non-calendar year schedules for catch limits and multi-year catch limits should at least be discussed by the WCPFC since longliners are going to have to live with bigeye and possibly other species catch limits for the foreseeable future and more flexibility should be given for countries on how these limits may be managed, without compromising the conservation goals. The last part of recommendation 1 indicates that the Council has approached the Pacific Islands Region about these issues but not received responses to all communications.

Recommendation 2 stems from the marine debris caused by discarded fishing gear, including FADs, and the need to be able to tie these to specific fishing vessels. The last recommendation is asking that conservation and management measures some with some teeth so that failure to comply results in some form of punitive action, such as export prohibitions or likeminded measures that provides an incentive for countries to abide by CMMs.

Please let me know if you have any questions about these recommendations or would like to discuss them further.

Sincerely



Kitty M. Simonds
Executive Director

cc: Bill Gibbons-Fly, Department of State
Mike Tosatto, acting Regional Administrator, Pacific Islands Region
Eric Schwaab, NOAA Assistant Administrator for Fisheries



Council Recommends Stricter Bigeye Tuna Measures for Purse Seiners, Expedited Assessment of Hawaii False Killer Whales, Hawaii Recreational Bottomfish Deferral

HONOLULU (15 October 2010) The Western Pacific Regional Fishery Management Council concluded its three-day meeting in Honolulu yesterday with recommendations regarding federal management of US Pacific Island pelagic fisheries and marine protected species as well as program planning and administrative matters.

To address the overfishing status of Pacific bigeye tuna, the Council reiterated its June 2010 recommendations that stricter measures should be applied to the catch of the species by purse-seine vessels. Pacific bigeye tuna are managed internationally by the Western and Central Pacific Fisheries Commission (WCPFC) and the Inter-American Tropical Tuna Commission (IATTC). The Council recommended that the United States, which is party to the WCPFC, transmit draft management proposals to the Commission for consideration prior to its Dec. 6 to 10, 2010, meeting in Hawaii that would establish bigeye tuna catch limits for purse seiners, mandatory port sampling, effective fish aggregation device (FAD) fishing closures, evaluation of the use of a vessel day scheme for bigeye conservation, rolling three-year catch limits for longline fisheries and mandatory gear marking for all for fishing vessels in the WCPFC convention area.

Although not its target species, the US purse seine fleet (which falls under the auspice of the US Department of State) catches twice as much bigeye tuna as the Hawaii longline fleet. The overfishing of bigeye tuna coincides with the increasing use of FADs by US and other purse-seiners, which target skipjack tuna to be canned. The purse-seine FADs also attract juvenile bigeye and yellowfin tuna, species that are targeted in their adult stage by longliners, including the Hawaii-based fleet, for the fresh fish and sashimi markets.

The Council also recommended that the United States request that the WCPFC evaluate the use of catch limits for pelagic fisheries in the Western and Central Pacific Ocean. A similar study is being conducted by the IATTC for the Eastern Pacific Ocean. The WCPFC bigeye tuna catch limit for the US longline fleet, which consists of the Hawaii fleet plus one vessel operating out of the West Coast, is 3,763 mt annually through 2011. In 2009, the Hawaii quota was reached at the end of December. This year it is expected to be reached in mid-November.

~~In addition to the catch limit, the Hawaii deep-set longline fleet targeting tuna may be facing more closed areas around Hawaii as well as a suite of additional mandatory gear requirements to address protection of false killer whales. The false killer whales are currently not listed under the Endangered Species Act (ESA) nor are they designated as depleted under the Marine Mammal Protection Act (MMPA). There are two stocks of Hawaii false killer whales, the pelagic stock and the insular stock. They visually look the same, but have genetic differences.~~

~~Under the standards established by the MMPA, the estimated level of false killer whale mortalities and interactions with the Hawaii longline fleet are too high. The National Marine Fisheries Service (NMFS) assembled a team to develop a plan to reduce hooking and entanglement of false killer whales by the fishery. The plan contains several elements such as captain and crew training to safely release captured false killer whales and a series of fishery time-area closures that are linked in size and duration with the level of interactions.~~

~~—more—~~



SEVENTH REGULAR SESSION
Honolulu, Hawaii, USA
6-10 December 2010

**SUMMARY REPORT, RECOMMENDATIONS OF THE TECHNICAL AND
COMPLIANCE COMMITTEE**

**WCPFC7-2010/18
22 October 2010**

Paper prepared by Secretariat

ISSUES:

1. TCC6 was held in Pohnpei, Federated States of Micronesia between 29 September and 5 October 2010, chaired by Noan Prakop of Papua New Guinea, and attended by over 170 participants from CCMs, CNMs and Observers.
2. The TCC Report is on the Web www.wcpfc.int under the secure CCM section for the reference of the Commission and is attached hereto for endorsement of the Commission.

ADVICE AND RECOMMENDATIONS:

3. WCPFC7 is invited to endorse the report of the Sixth Regular Session of the Technical Compliance Committee.

SUMMARY:

AGENDA ITEM 2 – PRIORITY MCS ISSUES BEFORE THE COMMISSION

ROP and FADs Closure

4. The ROP Annual report was endorsed by TCC6 with highlights for action being:
 - a) clarification of the CCMs responsibility for ROP data flow to the Science data provider, SPC, **and** the Commission for analyses;
 - b) ROP audits for completion for ROP certification prior to 2012;
 - c) cross endorsement of Observers between WCPFC and IATTC;
 - d) requirement for clarification of definitions, especially with respect to FADs sets, data gaps, and Compliance issues regarding fishing on FADs

AHTG – Data

5. Priorities for the AHTG-Data included data provision and attribution for chartered vessels. The catch attribution study is being undertaken by Gillett, Preston and Associates.

VMS

6. The VMS report was endorsed to the Commission with the following highlights:

- a) CMMs access to Commission data in their EEZs;
- b) Bracketed text;
- c) SSP modifications to have administrative rights to the Commission VMS Data;
- d) Boundary areas for VMS;
- e) Commission VMS Security Audit where there was agreement to extend the audit to both the Commission and FFA VMS;
- f) Reporting of anomalies on the high seas;
- g) Activities in the overlap area IATTC and WCPFC.

RFV and Interim Registry

7. TCC6 noted the following highlights and issues for further work:
 - a) Recommendation on annual fee of US\$2500 for non-member carriers and bunkers;
 - b) Use of US\$230,000 from non-member 'nominal fee';
 - c) Compliance with and clarification of data requirements for posting of a vessel on the RFV;
 - d) Development of an electronic registry;
 - e) Proposed SSPs for the RFV from USA.

Cost Recovery for Commission Operations

8. TCC6 recommended that a consultant study be commission for this initiative as it was very complex.

IUU Provisional Vessel List

9. TCC6 reviewed the draft IUU Vessel List and the Current WCPFC IUU Vessel List endorsed the Provisional IUU Vessel List in the TCC6 report Attachments D and E. TCC6 could not make any recommendations on six Chinese vessels listed by the Solomon Islands and urged the two parties to resolve the issues. The following vessels are proposed for the Provisional IUU Vessel list:

Neptune – Georgia
Fa Chun No. 126 - Vanuatu
Liao Dagan Yu 55049 - China
Fu Lien No 1 – No Nationality
Jinn Feng Tsair No 1 – Chinese Taipei
Senta – Panama
Yu Fong 168 – Chinese Taipei

10. CMM 2007-03 outstanding issues included:
 - a) Paragraph 3(j) – Vessel owner IUU
 - b) Paragraphs 15 and 25 on national satisfaction
 - c) 120 days prior notice

CCM's compliance with CMMs

11. Members noted the complexity of completing the Annual Reports and proposed criteria for the Secretariat to revise the reporting scheme using the information management system where possible. The Secretariat seeks the advice and direction of WCPFC7 on its proposal to amend the IMS as well as the Annual Report to address the criteria proposed by the TCC6 small working group (WCPFC7- 2010/25).

12. *Data Gaps* TCC6 endorsed the continued provision of the report on data gaps to the TCC and noted the importance of the provision of complete and accurate data to the Commission and

urged CCMs to improve the provision of this data and where problems occurred, CCMs were to provide a draft plan as to how these difficulties could be overcome so other CCMs could assist to in this matter.

Committee on Compliance with Conservation and Management Measures

13. Australia, working with Canada and others is expected to present a CMM on this item to WCPFC7.

KOBE II

14. Reports on the KOBE II workshops in 2010 and responses to recommendations are included in the Science Committee report and are appended as a separate paper to this report.

Review of CMMs

15. The following CMMs were reviewed:

- a) CMM 2005-02 [South Pacific Albacore]
 - b) CMM 2007-01 [ROP] accenting the value of ROP data to both conservation and management activities
 - c) CMM 2007-04 [Seabird Mitigation Measures] with more work required to mitigate bycatches of seabirds with a focus on deep set line shooters
 - d) CMM 2008-01 [Bigeye and Yellowfin] noting the prime importance of this CMM to the future work of the Commission, **and** highlighting the necessity to extend the 2011 provisions due to expire until a new measure can be developed. Further, the requirement for a mechanism to address non-compliance was an issue identified for further work and advice
 - e) CMM 2009-02 [FADs Closure and Catch Retention] noting the need for further clarification of the definition of FAD by some CCMs
 - f) CMM 2009-06 [Transshipment] is a CMM requiring more attention by WCPFC7 on the practicalities of implementing the measure
 - g) CMM 2009-10 [Monitoring of Purse Seine Port Landings]
- with those requiring WCPFC& attention listed earlier in this meeting.

AGENDA ITEM 3 – ADDITIONAL MCS ISSUES BEFORE THE COMMISSION

16. The following matters were discussed:

- a) ***Port State Measures*** – the EU is expected to table a revised CMM for WCPFC7 consideration.
 - b) ***Catch Documentation Scheme*** – The FFA members are expected to consider the four papers presented under this discussion and present a report to WCPFC7.
17. Other matters including: role of capacity in overfishing, North Pacific Striped Marlin, and port monitoring of purse seine catches had already been addressed in other agenda items.

AGENDA ITEM 4 – APPLICATIONS FOR NON-MEMBER STATUS

18. Ten applications had been received by the Secretariat, and one (Panama) could not be assessed as it was not in the language of the Commission. All nine were recommended for CNM status pending the submission of additional information in accordance with the CMM 2009-11. CNM applicants included: Belize, Democratic Peoples' Republic of Korea, Ecuador, El Salvador, Indonesia, Mexico, Panama (which has resubmitted their application in English for consideration by the Commission), Senegal, Thailand, and Vietnam.

AGENDA ITEM 5 – SPECIAL REQUIREMENT OF SMALL ISLAND DEVELOPING STATES

19. FFA Members volunteered to develop a template for developing CCMs to report their assistance to SIDs for future Commission meetings.

AGENDA ITEM 6 - FUTURE WORK PROGRAMME

20. This item was discussed and an update will be presented for the consideration of WCPFC7.

AGENDA ITEM 7 – SUPPLEMENTARY ITEMS

21. Issues raised by SC6 and NC6 are included in the respective reports to the Commission.
22. TCC6 recommended the conduct of the commission performance review in 2011. A proposed terms of reference for this review is presented for consideration of the Commission.
24. Under relations with other organizations, the EU is expected to table a revised Observer Cross Endorsement MOU to WCPFC7; the Commission is invited to note the NPAFC MOS that has been signed by the Chair of WCPFC and transmitted to NPAFC for their annual meeting in November.
25. Intersessionally it has been determined that an amendment to the MOU with SPC is required to allow SPC access to VMS data for stock assessment and cross verification of observer reports. WCPFC7 is invited to consider and endorse this MOU.



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CONSERVATION AND MANAGEMENT MEASURES

WCPFC7-2010/30
21 October 2010

Prepared by the Secretariat

ISSUES:

1. TCC6 reviewed several CMMs and four required further discussion and decision by WCPFC7, namely:
 - CMM 2007-03 – IUU Listing;
 - CMM 2008-01 – Bigeye and Yellowfin Tuna;
 - CMM 2009-01 – Record of Fishing Vessels;
 - CMM 2007-04 – By-Catch Mitigation.
2. CCMs may raise other CMMs for discussion at WCPFC7.

ADVICE AND RECOMMENDATIONS

3. CMM 2007-03 [IUU listing] This discussion will be supported by three papers:
 - the implementation of para 3(j) by the USA;
 - review of paras 15 and 25 by Tonga for FFA members to insert ‘national satisfaction for listing and removal from the iuu list where the infraction was inside a coastal State waters;
 - general review of the CMM by New Zealand for the small working group.
4. CMM 2008-01 [Bigeye and Yellowfin] The Commission discussion will determine the priority of this CMM in 2011 with decisions required on:
 - the interpretation of para 46 and the requirement of extension of all 2011 measures until a new measure can be developed and approved;
 - the development and agreement on a catch data scheme (CDS) with FFA members taking the lead in the review of four proposals on this item;
 - measures for non-compliance with the CMM.
5. CMM 2009-01 [Record of Fishing Vessels and Interim Register of Non-Member Carriers and Bunkers] TCC discussions raised questions with respect to the ‘nominal fee’ for non-member carriers and bunkers and TCC6 recommended it become an annual fee. There are other issues surrounding these vessels with respect to other Commission costs (VMS, ROP for transhipments, etc.) which will be presented to WCPFC7 for resolution. The

minimum data requirements as per para 6 of the CMM prior to posting on the web need to be agreed. At present most CCMs are not providing all the information required. Decisions need to be taken with respect to the further development of an electronic register, and adoption of a unique vessel identifier with appropriate direction to the Secretariat.

6. CMM 2007-04 [By Catch Mitigation] TCC6 asked that WCPFC7 task SC to provide further information on by catch mitigation measures with special attention to deep set line shooters.
7. CCMs may propose other amendments to CMMs.
8. WCPFC7 is invited to review the proposed amendments to CMM 2007-03, CMM 2008-01, CMM 2009-01 and CMM 2007-04 as well as any others proposed by CCMs and provide decisions to the Secretariat and Commission accordingly



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FFA MEMBERS PROPOSED CMM FOR NORTH PACIFIC BLUE STRIPED MARLIN

WCPFC7-2010-DP/07
7 November 2010

Paper prepared by FFA Members



FFA

5 November 2010
File Ref: GG/89

Professor Glenn Hurry
Executive Director
WCPFC Secretariat
KOLONIA, POHNPEI
Federated States of Micronesia

Dear Professor Hurry,

NORTH PACIFIC STRIPED MARLIN

I write in my capacity as Chair of the Forum Fisheries Committee on behalf of the 17 members of the Forum Fisheries Agency.

FFA members have expressed concern over the last few years about the status of North Pacific Striped Marlin and the inability of the Commission to introduce a Conservation and Management Measure.

FFA members have prepared the attached draft CMM for consideration at WCPFC 7. We see this as a simple solution that provides flexibility to all CCMs to decide how to achieve conservation and to rebuild this stock.

We hope that this contributes to the productive debate regarding management of this stock, which appears to be in a critical conservation status.

If you have any queries, please do not hesitate to contact Mr Wez Norris (wez.norris@ffa.int).

Yours sincerely,

Stanley Arua
Chair
Forum Fisheries Committee

FFA Members' – Draft Proposal for North Pacific Striped Marlin

Submitted for consideration at WCPFC 7, December 2010

The Commission For The Conservation And Management Of Highly Migratory Fish Stocks In The Western And Central Pacific Ocean:

Noting with concern that the best available scientific advice from the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) on the status of North Pacific Striped Marlin shows that the stock is subject to fishing mortality above levels that are sustainable in the long term;

Further noting the advice from the ISC that fishing mortality on the stock should be reduced from the 2003 levels;

Also noting that the Pacific Islands Forum Fisheries Agency (FFA) Members will be adopting a system of zone-based longline limits to replace the current system of flag-based arrangements within their Exclusive Economic Zones (EEZs);

Acknowledging the advice from the Scientific Committee that the information provided by the ISC does not support classification of North Pacific Striped Marlin as a "northern stock" under Annex 1 of the WCPFC Rules of Procedure;

Adopts in accordance with Article 10 of the WCPF Convention:

1. This Measure shall apply in high seas and EEZs within the convention area north of the equator.
2. For the purposes of this measure, vessels operated under charter, lease or other similar mechanisms as an integral part of the domestic fleet of a coastal State, shall be considered to be vessels of the host State or Territory. Such charter, lease or other similar mechanism shall be conducted in a manner so as not to charter known IUU vessels.
3. Nothing in this measure shall prejudice the legitimate rights and obligations of Small Island Developing State Members and participating territories in the Convention Area seeking to develop their own domestic longline fisheries.
4. The total catch of North Pacific Striped Marlin by longline fishing gear will be subject to a phased reduction such that by 1 January 2013 the catch is [80%] of the levels caught in 2000 to 2003.
5. Each flag/chartering CCM with longline vessels fishing in the convention area north of the equator shall be subject to the following catch limits for North Pacific Striped Marlin for the years 2011 and beyond:
 - a. 2011 [10%] reduction of the highest catch between 2000 and 2003;
 - b. 2012 [15%] reduction of the highest catch between 2000 and 2003;
 - c. 2013 and beyond: [20%] reduction of the highest catch between 2000 and 2003;
6. Each flag/chartering CCM shall decide on the management measures required to ensure that its flagged/chartered vessels operate under the catch limits specified in paragraph 5, noting that previous examples of such measures have included effort reductions, gear modification and spatial management.

7. By 30 April 2011, each flag/chartering CCM shall report to the Commission verifiable information regarding its catch of North Pacific Striped Marlin by its flagged/chartered longline vessels north of the equator.
8. Each year CCMs shall report in their Part 2 annual reports their implementation of this measure, including the measures applied to flagged/chartered vessels to reduce their catch and the total catch taken against the limits established under paragraphs 5 and 7.
9. This measure shall be reviewed annually.

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON RECOMMENDATIONS TO REGIONAL FISHERY MANAGEMENT ORGANIZATIONS

The Highly Migratory Species Advisory Subpanel (HMSAS) wants to thank Dr. Dahl for reviewing the issues to be considered by the WCPFC7 meeting and for highlighting the issues that affect our west coast-based fisheries. Identifying upcoming issues has been one of the fishermen's biggest challenges in getting information from the Departments of Commerce and State.

Recommendations for the U.S. Delegation to WCPFC7

The HMSAS urges the Council to make the following recommendations to the U.S. Section of the Western and Central Pacific Fisheries Commission (WCPFC) and the U.S. Delegation for WCPFC7:

1. Bluefin Tuna: Clarify the Council's understanding that the proposed Northern Committee Resolution on Pacific Bluefin Tuna applies only in the Convention Area, i.e., west of 150 degrees west. Further that the years 2002-2004 as used in the resolution have no precedential value in any formulation of a similar resolution east of 150 degrees west in the Inter-American Tropical Tuna Commission (IATTC) since that time period would be disadvantageous to U.S. fishermen.
2. Striped Marlin: Do not support the passage of any conservation resolution on North Pacific Striped Marlin until after the results of the 2011 assessment are known. The sixth meeting of the Technical and Compliance Committee was conducted September 30 to October 5, 2010. The committee noted in their final report:
"Japan noted that North Pacific striped marlin was discussed on the margins of the NC6 meeting. It indicated ISC plans to conduct a new stock assessment in 2011 using new data and a new stock structure that includes a western and eastern part, and suggested a new CMM could be considered after this stock assessment is completed in 2011. IATTC scientists recently conducted a stock assessment for the eastern stock of the species and established that stock levels are much higher than MSY, and much higher than in the past."
3. North Pacific Albacore: Do not support the passage of any resolution on North Pacific albacore until after the results of the 2011 assessment are known.
4. Tuna Conservation: No Comment
5. Port State Measures: Since the Food and Agriculture Organization Agreement on Port State Measures only requires that notice of arrival at a port be given "sufficiently in advance," serious reconsideration should be given to the proposed requirement that notice be given 72 hours in advance. Instead, the HMSAS proposes a more practical and shorter period of time such as 24 hours or less should be chosen.

6. Catch Documentation Schemes: With regard to a catch documentation scheme, serious consideration should be given to originating a practical scheme for volume fisheries such as the albacore troll and baitboat fishery. This is in contrast to the current proposals which could be interpreted that each fish would have to be individually identified.
7. Interpretation of Paragraph 3(j) of CCM 2007-03: While we do not know the U.S. changes or additions to WCPFC-TCC-6-2010 DP/05. It appears that it would be unfair to list as illegal, unregulated, and unreported (IUU) all of one owner's vessels because the captain on one of those vessels committed an offense which put the vessel on the IUU list. The listing should not be automatic.
8. Cross Endorsement of Observers: The U.S. should strongly support the immediate establishment of the Memorandum of Cooperation on observers between the WCPFC and the IATTC. The U.S. should also seek an exemption for the albacore troll and baitboat vessels from an observer requirement since that fishery is free of bycatch, interference with marine mammals, seabirds, or sea turtles.
9. Overlap in Convention Areas: Encourage the WCPFC and IATTC to immediately resolve conflicts including but not limited to:
- a. Reporting procedures that exist in the "overlap area" and the current uncertainty regarding the conflicting application of regulations, which is adversely affecting the albacore troll and baitboat fishery.
 - b. VMS requirements
 - c. Potential certificates of origin
 - d. Vessel marking
10. IUU Listings: No Comment.
11. Cooperating Nonmembers: No Comment.
12. Compliance and Monitoring: Encourage the WCPFC to continue work on compliance and monitoring with special emphasis on full reporting from member countries and reduction in paperwork burdens.
13. Vessel monitoring system (VMS) reporting should be reduced in frequency from every hour to twice daily because a) there are no closed areas outside of countries Exclusive Economic Zones for the albacore fleet; b) it is not effective in advancing the conservation and management measures; c) the cost to fishermen is excessive; and d) it is unreasonable to keep VMS activated while the vessel is in port or outside of the Western and Central Pacific Fisheries Convention Area.
14. Take the position that any cost recovery for the expenses of VMS and/or observers should be based and calculated according to the value of the fish products harvested.

Request for albacore and other research funding

The Council should remind the Commerce and State Departments of the request for and importance of contributing to the voluntary fund under the auspices of the WCPFC Northern Committee set aside for North Pacific albacore. At NC6 the following recommendation was passed:

Given the voluntary nature of the fund, NC members are strongly encouraged to contribute to part of the proposed costs to support the ISC work by nominating specific project(s) they would like to contribute to.

The North Pacific albacore research proposal appears in document ISC8 Plenary Report Annex 9, Biological Sampling Plan for North Pacific Albacore, available on the WCPFC website. As always, additional money is needed for albacore research in the areas of life history, natural mortality rate, etc.

Implementing Legislation for the IATTC and the WCPFC

The Council should send a letter to the Secretary of State and Secretary of Commerce urging them, on behalf of the Administration, to submit a clean bill which would correct the implementing legislation for the U.S. Canada Agreement on Pacific Whiting and the WCPFC, as well as implementing legislation for the Antigua Convention. This clean bill must not dilute the safeguards for American fishermen against U.S. government unilateral regulation in international HMS fisheries.

PFMC

11/9/10

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON
RECOMMENDATIONS TO REGIONAL FISHERY MANAGEMENT ORGANIZATIONS

The Highly Migratory Species Management Team (HMSMT) discussed recommendations that the Council might consider making to the U.S. delegation to the Western and Central Pacific Fisheries Commission (WCPFC). Numerous issues and proposals will be discussed at the WCPFC meeting; however, the HMSMT only provided recommendations on issues that seemed most relevant to the Council.

Pacific Bluefin Tuna

The HMSMT recommends that the U.S. delegation to the WCPFC support the proposed Conservation and Management Measure (CMM) for bluefin tuna that was adopted by the Northern Committee. The proposal adopted by the Northern Committee improves conservation of bluefin tuna by removing exemptions and extends the duration of the measure for another two years. The proposal was adopted by the Northern Committee with a reservation from Korea, so it is unclear whether this proposal will be presented at the WCPFC meeting. Regardless, the HMSMT recommends supporting a conservation measure to reduce fishing mortality on Pacific bluefin tuna in the North Pacific Ocean.

Striped Marlin

The HMSMT recommends that the U.S. delegation to the WCPFC support proposed conservation measures that limit the fishing mortality of striped marlin in the North Pacific Ocean. The most recent stock assessment of striped marlin was conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) in 2007. The stock assessment report indicated concern over the status of striped marlin with conservation advice to reduce the fishing mortality rate of striped marlin from the current level (2001-2003). In 2009, a proposed CMM for striped marlin was discussed at the WCPFC; however, it was not adopted and further discussion was postponed until this year. It is likely that this issue will be discussed again at this year's annual WCPFC meeting. The HMSMT also notes that the ISC is conducting a striped marlin assessment in the spring of 2011.

North Pacific Albacore

With regard to North Pacific albacore, the HMSMT recommends the current measure that limits the total level of fishing effort for North Pacific albacore (CMM-2005-03) remain in place in the absence of a more comprehensive CMM. The Northern Committee did not adopt any proposals to change the current albacore CMM (CMM-2005-03) in 2010. In addition, there will be an ISC North Pacific albacore stock assessment in 2011 and the HMSMT recommends the Council request the assessment results relative to appropriate reference points for management.

Tropical Tunas

With regard to tropical tunas (i.e., bigeye, yellowfin, and skipjack tunas), the HMSMT notes that in view of ongoing concern over the stock of bigeye tuna in the western and central Pacific Ocean, the measure currently in place (CMM-2008-01) should at a minimum be maintained. The current CMM for tropical tunas was adopted in 2008 and will remain in effect until 2011 and beyond, unless it is amended by the WCPFC. If this measure is reopened for negotiation in 2010, the HMSMT would support strengthening the current measure.

Other Relevant Issues

The HMSMT recommends that the Council generally support proposals presented at the WCPFC that would increase compliance with WCPFC CMMs and provide the WCPFC with a process and mechanisms to censure or sanction members of the WCPFC that are not in compliance.

The HMSMT recommends that the Council support the adoption of the Memorandum of Cooperation (MOC) between the WCPFC and the Inter-American Tropical Tuna Commission (IATTC) for cross certification of observers. The HMSMT agrees that cross training observers to meet requirements of each Commission and certifying them to observe vessels that fish in both Conventions Areas would be beneficial and more efficient for industry, the Commissions, and data collection purposes.

The HMSMT also recommends that the Council continue to support the ISC's multi-species biological sampling program to improve stock assessments.

PFMC

11/08/10



AMERICAN ALBACORE FISHING ASSOCIATION

www.AmericanAlbacore.com

4252 Bonita Road, #154

Bonita, CA 91902

P (619) 941 2307 F (619) 863 5046 Toll Free (866) 851 3918

November 6, 2010

Attn: Mark Cedergreen, Chairman
PACIFIC FISHERY MANAGEMENT COUNCIL
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Agenda Item J.3.c: IUU Fishing & Recommendations to RFMOs, and
Agenda Item K.4.c Future Council Meeting Agenda & Workload Planning

Mr. Chairman and members of the Council,

The American Albacore Fishing Association (AAFA) represents a sizeable portion of the U.S. commercial albacore troll and pole & line fishery. Our association was founded by fishermen seeking to ensure sustainable tuna fisheries through application of the best available science. We believe that effective management is essential to continuing the long tradition of this artisanal and family-oriented tuna fishery.

Our fishermen are strongly motivated to promote responsible management of tuna stocks. AAFA has led the way in implementing market-based incentive programs and rigorous traceability measures.

One doesn't have to look far to see the impetus for successful management. In today's information age, the marketplace welcomes seafood products from responsibly managed fisheries while rejecting those from overfished stocks.

Agenda Item J.3.c: IUU Fishing & Recommendations to RFMOs

AAFA is discouraged by repeated RFMO meetings that allow progress on important management matters to be sidetracked by short-term political and economic interests. We ask the Council to encourage the U.S. section and the WCPFC as a whole, to work harder at establishing and adhering to formal agendas and preparing meeting schedules adequate to address all proposed management matters.

1. IUU Fishing

AAFA seeks to extend support to the WCPFC and the Northern Committee, and cooperate in accelerating adoption of measures to eliminate illegal, unreported, and unregulated

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(IUU) fishing. The continued existence of IUU fishing reduces the accuracy of fishery data and undermines the efficacy of corresponding fishery science.

2. Traceability Requirements

AAFA also supports the development and implementation of rigorous traceability requirements to ensure compliance with WCPFC conservation measures. AAFA has designed and put into practice a traceability program that is not burdensome yet allows albacore to be traced from vessel capture to consumer plate. The AAFA program identifies the vessel, captain, flag, fishing gear, catch species, date of offload, weight, and party taking ownership.

We extend our support to the WCPFC and recommend implementing similarly strict measures to better detect IUU fishing in order that it may be addressed and eliminated.

3. Scientific Data Compliance

AAFA welcomes the opportunity to assist WCPFC scientific bodies in obtaining accurate and complete data on Pacific albacore stocks and encourages other fishing organizations and industry members to contribute appropriate data in a timely manner.

4. VMS Program Modification

AAFA pole & troll fishing vessels travel the Pacific Ocean in search of albacore. Depending on a variety of conditions, they may need to travel great distances for their catch. The WCPFC VMS program requirements are inequitably burdensome on the U.S. troll and pole & line fleet.

These VMS requirements impair the ability of our fleet to remain flexible and able to adapt to changes in fishing conditions. We ask the Council to recommend the U.S. make every effort to obtain an exemption from VMS program for vessels of the U.S. troll and pole & line fleet operating from west coast ports.

5. Renewed Leadership and Support for Necessary Science

AAFA encourages the United States to redouble efforts to provide leadership, scientific advice, and financial support within the WCPFC to accomplish the work necessary to protect and manage these important tuna stocks.

The Council has previously expressed its support for the U.S. to contribute funds toward the Biological Sampling Plan Proposal for North Pacific Albacore, as recommended by the International Scientific Committee's Albacore Working Group. ISC8/Annex 9. This sampling proposal is designed to gather essential biological data ("vital rates") that would help to significantly improve the accuracy of stock assessments.

We respectfully ask the Council to repeat this recommendation for the U.S. to contribute funds toward this project and actively encourage its commencement.

IATTC Meeting Schedule

The European Union has submitted a recommendation to hold the IATTC 2011 annual meeting in La Jolla, California from June 29 through July 8. This scheduling would provide the

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Council with an opportunity at its June meeting to develop timely recommendations for the U.S. delegation. AAFA prefers this location to more distant destinations and believes the schedule of associated meetings would benefit. AAFA requests the Council forward its support for this meeting schedule to the IATTC.

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Improvement of HMS Permit Database and Characterization of Albacore Fishery Participants

At the Council's April meeting, there was interest expressed in improving the HMS permit database and exploring the possibility for implementing a moratorium period, e.g. 3-5 years, on the issuance of new HMS permits for gear types that harvest albacore.

Such a temporary moratorium would provide a valuable snapshot of the database to allow thorough review of the HMS permits and enable progress toward a better understanding of the nature and extent of HMS permits for participants in the albacore fishery.

AAFA respectfully requests the Council direct the HMS Management Team, with assistance from the HMS Advisory Subpanel and support from National Marine Fisheries Service, to undertake steps to:

1. Improve the accuracy of the HMS permit database by identifying permits which:
 - a. Have selected gear types associated with the albacore fishery; and,
 - b. Which have an adequate measure of albacore landings over an appropriate period.
2. Implement a moratorium on the issuance of new HMS permits for such gear types;

These steps would facilitate the HMS Management Team's steps to:

3. Improve the accuracy of the HMS permit database by removing inaccurate, invalid and erroneous entries while providing the Council and NMFS with a better understanding of the character and scope of the participants in the albacore fishery.

AAFA believes these measures will significantly improve the accuracy of the HMS permit database, the credibility of U.S. albacore fishery statistics, and greatly enhance the Council's ability to manage this important fishery.

Thank you for your time and consideration.

Sincerely,

Chip Bissell
American Albacore Fishing Association