

MANAGEMENT REFERENCE POINTS AND MEASURES FOR 2013-2014 FISHERIES

Chapter 5 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 a two-year period beginning on April 1 of the following year—the start of the next fishing year. This agenda item commences the fourth biennial management cycle since FMP implementation, with any regulations proposed by the Council becoming effective on or after April 1, 2013. Such regulations continue in effect for at least two years unless subsequently modified through the Council process.

Amendment 2 to the HMS FMP added text to Chapter 5 authorizing the use of the biennial process to identify, adopt, and review revised estimates of maximum sustainable yield (MSY), optimum yield (OY), and any related status determination criteria (SDC), based on the best scientific information. Attachment 1 excerpts Table 4-3 from the HMS FMP, which shows estimates of MSY and OY at the time the FMP was originally approved. Section 3.2 in the FMP discusses the determination of the primary FMP for managed stocks, as prescribed by National Standard 1 Guidelines at 50 CFR 660.310(d)(7). HMS management unit species are also included in the Western Pacific Fishery Management Council's (WPFMC) Pelagics Fishery Ecosystem Plan. The Council discussed the primary FMP issue during the development of Amendment 2. In a March 15, 2011 letter, the WPFMC Executive Director communicated their recommendations for the designation of the primary FMP for the species included in the HMS FMP (Attachment 2). In considering whether to proceed with reviewing reference points for any HMS FMP management unit species, the Council should consider the primary designation issue. The Pacific Council would not review reference point estimates for any stocks for which the Pelagics FEP is the primary FMP.

At this meeting, the Council will review any biennial changes proposed by advisory bodies and management entities. According to the FMP, if the Council decides to proceed with any such changes, the Council then directs the Highly Migratory Species Management Team to prepare a draft analysis for the measures identified by the Council. This analysis will support Council decision-making at the September meeting—when the Council adopts proposed actions for public review—and the November meeting—when the Council takes final action.

Council Action:

1. Identify potential changes to HMS FMP regulations for future implementation in 2013.
2. Determine if MSY, OY, or SDC for any of the HMS management unit species should be reviewed and revised.

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: Table 4-3, HMS FMP.
2. Agenda Item E.1.a, Attachment 2: March 15, 2011, letter from Kitty Simonds, WPFMC Executive Director, to Samuel Rauch III, Deputy Assistant Administrator for Regulatory Programs.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Consider Revision of Biological Reference Points and Identify Potential Management Changes for Implementation in 2013

PFMC
05/31/12

Table 4-3. Stockwide and regional (CA, OR, WA) catches in thousand (K) mt for management unit species at the time of FMP adoption, with respect to MSY, sustainability, and regional harvest guidelines.

Species (Stock)	MSY (or proxy)	OY (or proxy)	Catches (K mt round wgt, 1995-99 period)			Status		
			Stock-wide	Regional		Regional Catch		Harvest Guideline
				Comm'l	Rec'l	Fract'n	Sust'l?	
1. TUNAS								
Albacore (NP)	120 ^{1/}	(120)	67-128 ^{2/}	10-18	<0.05-1.31	0.16	Y	
Bluefin (NP)	(20) ^{3/}	(15)	13-24 ^{4/}	<1-5	<0.05	0.10	Y	
Bigeye (EPO)	79 ^{5/}	(79)	64-94 ^{4/}	#0.1		<0.01	Y	
Yellowfin (EPO)	270 ^{6/}	(270)	244-306 ^{4/}	1-6	0.12-0.84	0.01	Y	
Skipjack (EPO)	(190) ^{3/}	(190)	137-295 ^{4/}	4-7	<0.1	0.03	Y	
2. BILLFISHES								
Str. Marlin (EPO)	4.5 ^{7/}	(3.4)	2-4 ^{7/}	<0.02	0.03	0.01	Y	
Swordfish (EPO)	(12.5) ^{8/}	(12.5)	8-15 ^{4/}	1-2	<0.01	0.12	Y	
3. SHARKS								
Cm Thresher(Reg'l)	(0.45) ^{9/}	(0.34)	Unkn	0.27-0.33	0.01-0.06	?	Y	0.34 ^{10/}
Pl Thresher(Reg'l)	(0.020) ^{11/}	(0.015)	Unkn	0.004 ^{12/}		?	y	
BE Thresher(Reg'l)	(0.04) ^{13/}	(0.03)	Unkn	0.01-0.03		?	y	
Mako/Bonito(Reg'l)	(0.20) ^{14/}	(0.15)	Unkn	0.06-0.13	0.01-0.08	?	Y	0.15 ^{10/}
Blue (NP)	~120 ^{15/}	(90)	>50 ^{16/}	0.08-0.17 ^{17/}	<0.03	<0.01	Y	
4. OTHER								
Dorado (EPO)	(0.45) ^{3/}	(0.45)	0.22-0.56 ^{18/}	<0.01-0.04	<0.01-0.08	0.04	Y	

MSY: from catch-effort relationships, unless a proxy. **Proxy MSY:** average stock-wide catches over appropriate years or (minimal) local (West Coast) MSYs (LMSY) including local average levels of catch. **OY:** equal to MSY or to 0.75MSY (bluefin tuna, str. marlin, sharks). **Stock-wide Catch:** 1995-99 catches. **Regional Commercial Catches:** 1995-99 West Coast catches from PacFIN data base (Table 2-1); also drift gillnet catches (str. marlin, blue shark) extrapolated from SWFSC Observer Records, 1995-99. Except for albacore, these catches are mainly from within the EEZ. **Regional Recreational Catch:** CPFV (Table 2-57) and RECFIN (Table 2-58) data, and assuming 12.9kg/bluefin, 7.1kg/yellowfin, 2.4kg/skipjack, 7.3kg/albacore, 6.5kg/dorado, 113kg/swordfish, 16.7kg/mako, and 28.1kg/thresher; also, assuming 59kg/str. marlin, 300 sport-caught fish/yr. **Status:** Less certain Y/N is y/n re sustainability. **Harvest Guideline:** for shark species of regional/local concern; equal to the OY proxy.

Footnotes

1. Average MSY over low and high productivity periods (Bartoo and Shiohama 1985, NPALW 2000). See text.
2. NPALW 2000
3. Mean of 1995-99 stock-wide catches.
4. IATTC 2001
5. MSY between 66 and 92 K mt from production models (IATTC 2000).
6. From production model (Tomlinson 2001, IATTC 2000).
7. MSY and catches from Hinton and Bayliff (2002a).
8. Average of 1995-99 catches; an analytically derived MSY is pending.
9. LMSY proxy by Population Growth Rate (PGR) method; is a minimal estimate of MSY (see text).
10. The OY proxy = 0.75MSY.
11. LMSY proxy as average catch during strong El Niño years (here 1983, 1984, and 1997) when species presence became significant.
12. Average catch 1995-99 excluding 1997 (strong El Niño year).
13. Average catch 1982-99.
14. LMSY proxy as average 1981-1999 regional catch; is a minimal estimate of MSY (see text).
15. After Kleiber et al. (see text).
16. Estimated N. Pacific catches after Nakano and Seki (MS) (see text).
17. Catches from SWFSC DGN observer data base, plus other fisheries landings (Tables 2-1,2-40, 2-42). No data on LL bycatches.
18. FAO Area 77 catches.



**Western
Pacific
Regional
Fishery
Management
Council**

March 15, 2011

Samuel D. Rauch III
Deputy Assistant Administrator for Regulatory Programs
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20901

Dear Sam,

The Western Pacific Fishery Management Council (WPFMC) appreciates the Pacific Fishery Management Council's (PFMC) work related to recommending Amendment 2 to their Highly Migratory Species Fishery Management Plan (HMSFMP). However, the WPFMC does not agree with PFMC's currently proposed potential designation of the HMSFMP having primary or shared responsibility for several pelagic management species in the Pacific Ocean, as identified in Table 2-4 (enclosed) of Amendment 2. The WPFMC, which considered this issue at its 150th meeting held last week in American Samoa, concluded that the PFMC's proposal as indicated in Table 2-4 is unsupportable given that several of species identified are either not targeted or harvested in much lower levels by fishermen on the West Coast as compared to fisheries managed under the WPFMC's Pacific Pelagic Fishery Ecosystem Plan (FEP). As stated in Amendment 2, an important principal in determining the primary FMP/FEP is the importance of the species or stock for the fisheries managed under the respective FMP/FEP.

Amendment 2 also indicates that the division of responsibility between NMFS Southwest and Pacific Islands Regions and Science Centers is another important consideration in designating a primary FMP/FEP. Table 2-4 is not consistent with the current division of responsibility between the Southwest and Pacific Islands Centers, which established that PIFSC is the lead on yellowfin, bigeye, skipjack tunas, South Pacific albacore, swordfish, blue marlin, and blue, oceanic, and silky sharks. SWFSC is the lead on North Pacific albacore tuna, Pacific bluefin tuna, and thresher sharks.

We understand that Amendment 2, which is currently under Secretarial review, does not establish the primary FMP/FEP for Pacific pelagic management unit species, but that it allows for the establishment of a process for the WPFMC and PFMC to designate the primary FMP/FEP. By way of the PFMC's potential designations as listed in Table 2-4, it is clear that the WPFMC and PFMC need to formally begin this process and have detailed consultation on these issues. Included is a table that indicates the WPFMC's suggested primary FMP/FEP designations, which also mirrors the PIFSC/SWFSC division of responsibility.

Sincerely,

Kitty M. Simonds
Executive Director

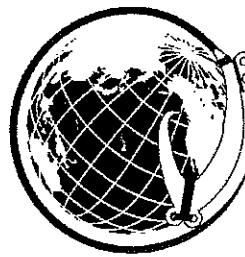
Cc: Michael Tosatto

Sam Pooley

Don McIsaac

Rod McInnis

Enclosures



WESTERN
PACIFIC
REGIONAL
FISHERY
MANAGEMENT
COUNCIL

WPFMC suggested primary FMP/FEP for Pacific Pelagic MUS

Species	Primary FMP/FEP Designations
Tunas	
Albacore tuna, <i>Thunnus alalunga</i> (NPO)	HMS FMP
Albacore tuna, <i>Thunnus alaunga</i> (SPO)	Pelagics FEP
Bigeye tuna, <i>T. obesus</i> (EPO, WCPO)	Pelagics FEP
Skipjack tuna, <i>Katsuwonus pelamis</i> (EPO, WCPO)	Pelagics FEP
Bluefin tuna, <i>T. orientalis</i> (NPO)	HMS FMP
Yellowfin tuna, <i>T. albacares</i> (EPO, WCPO)	Pelagics FEP
Billfish	
Striped marlin, <i>Tetrapturus audax</i> (NPO, EPO)	Pelagics FEP (EPO, WCPO) / HMS FMP (local stock)
Swordfish, <i>Xiphias gladius</i> (NPO, EPO)	Pelagics FEP (EPO, WCPO) / HMS FMP (local stock)*
Sharks	
Bigeye thresher shark, <i>Alopias superciliosus</i>	May be classified as EC species under HMS FMP
Blue shark, <i>Prionace glauca</i> (NPO)	Pelagics FEP (EPO, WCPO)
Common thresher shark, <i>A. vulpinus</i>	HMS FMP (local stock)
Pelagic thresher shark, <i>A. pelagicus</i>	May be classified as EC species under HMS FMP
Shortfin mako shark, <i>Isurus oxyrinchus</i>	Pelagics FEP (EPO, WCPO) / HMS FMP (local stock)
Other	
Dorado (dolphin), <i>Coryphaena hippurus</i>	Pelagics FEP (EPO, WCPO) / HMS FMP (local stock)
Opah, <i>Lampris guttatus</i>	Pelagics FEP (EPO, WCPO) / HMS FMP (local stock- possible additional MUS)

Table 1: Summary of HMS Programmatic Role Designations

Programmatic Area	Lead	Supporting Center(s)
HMS Scientific Studies		
Yellowfin tuna, bigeye tuna, skipjack tuna, South Pacific albacore, swordfish, blue marlin and blue, oceanic whitetip and silky sharks	PIFSC	SWFSC
HMS Monitoring and Data Management		
Longline, Purse Seine, and American Samoa, Guam, Hawaii, Northern Mariana Islands, and pacific remote island areas	PIFSC	SWFSC
California gillnet, North Pacific albacore trollers, PSMFC fisheries	SWFSC	PIFSC
HMS Conservation Advice and International Agreements		
WCPFC Scientific Committee	PIFSC	SWFSC
IATTC Scientific Advisory Committee	SWFSC	PIFSC
South Pacific Tuna Treaty	PIFSC	SWFSC
ISC	Shared SWFSC/PIFSC	
WCPFC Northern Committee	PIFSC	SWFSC
Canada-US Albacore Treaty	SWFSC	PIFSC
MexUS-Pacifico Agreement	SWFSC	PIFSC

DRAFT

FMP will be made in consultation with the WPFMC, allowing changes to primary FMP designations without the need to again amend the FMP.

Although MUS would be identified at the stock level for the purpose of identifying reference points in the respective FMPs, the PFMC would continue to maintain a Pacific-wide management interest in the species, and therefore report reference points for WCPO stocks based on what is reported by the WPFMC.

Table 2-4. Potential primary FMP for HMS MUS.

Species	Potential Primary FMP Designations
Tunas	
Albacore tuna, <i>Thunnus alalunga</i> (NPO)	HMS FMP
Bigeye tuna, <i>T. obesus</i> (EPO, WCPO)	EPO: HMS FMP / WCPO: Pelagics FMP
Skipjack tuna, <i>Katsuwonus pelamis</i> (EPO, WCPO)	EPO: HMS FMP / WCPO: Pelagics FMP
Bluefin tuna, <i>T. orientalis</i> (NPO)	HMS FMP
Yellowfin tuna, <i>T. albacares</i> (EPO, WCPO)	EPO: HMS FMP / WCPO: Pelagics FMP
Billfish	
Striped marlin, <i>Tetrapturus audax</i> (NPO, EPO)	Pelagics FMP (NPO) / HMS FMP (EPO)
Swordfish, <i>Xiphias gladius</i> (NPO, EPO)	Pelagics FMP (NPO) / HMS FMP (EPO)*
Sharks	
Bigeye thresher shark, <i>Alopias superciliosus</i>	May be classified as EC species under HMS FMP
Blue shark, <i>Prionace glauca</i> (NPO)	HMS FMP
Common thresher shark, <i>A. vulpinus</i>	HMS FMP (local stock)
Pelagic thresher shark, <i>A. pelagicus</i>	May be classified as EC species under HMS FMP
Shortfin mako shark, <i>Isurus oxyrinchus</i>	HMS FMP (local stock)
Other	
Dorado (dolphin), <i>Coryphaena hippurus</i>	HMS FMP (local stock)
Possible Additional MUS	
Opah, <i>Lampris guttatus</i>	HMS FMP (local stock)

* The HMS FMP identified EPO swordfish as the managed stock. IATTC conducts stock assessments on EPO swordfish. Recent genetics studies, fishery and demographics data conclude that the NEPO and SEPO stocks may be distinct. The latest IATTC swordfish assessment was conducted for the SEPO only. Due to uncertainty about stock structure, the primary FMP for the NPO stock would be the Pelagics FEP while responsibility for reporting on EPO assessments would be covered under the HMS FMP.

2.5 Establishing Reference Points, ACLs, and Accountability Measures

2.5.1 Process for Revising Numerical Estimates of MSY and OY

The methods for determining MSY (or proxies), OY, and SDC, including the overfishing limit (OFL) are described in the FMP. Existing numerical estimates of MSY and OY in the FMP (shown in FMP Table 4-3) will be retained. Upon the receipt of any new information based on the best available science, the Council may adjust the numerical estimates of MSY, OY, and SDC periodically. Two options are considered:

Option 1: The HMSMT proposes MSY and OY estimates based on the best available science, which are included in the draft Stock Assessment and Fishery Evaluation (SAFE) document submitted to the Council in June of the biennial management cycle described in Chapter 5 of the HMS FMP. The SSC

**HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON MANAGEMENT
REFERENCE POINTS AND MEASURES FOR 2013-2014 FISHERIES**

The Highly Migratory Species Management Team (HMSMT) and the Scientific and Statistical Committee (SSC) discussed the potential need to update reference points (optimum yield (OY), maximum sustainable yield (MSY), and status determination criteria (SDC)) for the HMS Fishery Management Plans (FMPs) Management Unit Species (MUS) as described under the recently-adopted FMP Amendment 2 framework.

Since HMS is subject to the international exception, OY, MSY, and SDC will be linked to reference points established by the Regional Fishery Management Organization assessment process. In addition, the HMSMT believes that the issue of establishing the Primary FMP designation has yet to be resolved. The Executive Directors of the Pacific Fishery Management Council and Western Pacific Fishery Management Council (WPFMC), and some Council members and staff met December 12, 2009, and made a tentative agreement as to the primary FMP for HMS Management Unit Species for each Council's review. However, a March 2011 letter from WPFMC (Agenda Item E.1.a, Attachment 2) expressed disagreement with some designations, and further exchange between the two Councils is still needed to clarify the Primary FMP designations.

For these reasons, the HMSMT does not recommend modifying OY, MSY, and SDC estimates contained in the HMS FMP Table 4.3 at this time.

PFMC
06/21/12

INTERNATIONAL MANAGEMENT ACTIVITIES AND RECOMMENDATIONS

There are two particularly significant issues related to international highly migratory species management, both involving North Pacific albacore tuna, that the Council will consider. Background information on these issues is provided below.

International Management Framework for North Pacific Albacore

The Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee (NC) has included in its workplan for the coming years, 2012-2015, the development of a precautionary framework for the management of North Pacific albacore. The Council's Highly Migratory Species Management Team (HMSMT) provided a comprehensive report on international albacore management in March 2012 (Agenda Item B.2.b, HMSMT Report, March 2012), which is a valuable reference document on this topic.

The next NC meeting (NC8) is scheduled for September 3-6, 2012, in Nagasaki, Japan. According to their workplan, the NC will discuss the precautionary framework at this meeting. The meeting report from NC7 describes the management framework as "including agreed upon biological limit and target reference points and decision rules should those reference points be exceeded." Agenda Item E.2.a, Attachment 1 summarizes the schedule the NC laid out in the workplan for developing the management framework and incorporating it into a new or revised conservation measure for North Pacific albacore.

At the March 2012 meeting the Council tasked the HMSMT to work with the HMS Advisory Subpanel (HMSAS) and Scientific and Statistical Committee (SSC) HMS Subcommittee to further develop information to allow the Council to provide input on the development of a management framework at the June 2012 meeting. The attached HMSMT Report provides information on biological reference points and potential management measures for North Pacific albacore. The HMSMT plans to meet with the HMSAS and the SSC at the June Council meeting and will submit a supplemental report discussing the outcome of these consultations.

The IATTC has also begun considering management frameworks for HMS, including albacore. At the Third Meeting of the Scientific Advisory Committee (May 15-18, 2012), the Secretariat presented a paper *Reference Points, Decision Rules, and Management Strategy Evaluation for Tunas and Associated Species in the Eastern Pacific Ocean*. This paper is included as Agenda Item E.2.a, Attachment 2. Any conservation measure ultimately adopted by the WCPFC would need a complementary measure from the IATTC to be effective in the Eastern Pacific Ocean.

This meeting is the opportunity for the Council to develop any recommendations for early U.S. positions on the NC albacore management framework. The NC will be discussing the management framework at their upcoming meeting, which occurs before the next Council meeting.

Although not directly related to North Pacific albacore, Agenda Item E.2.a, Attachment 3 is a letter from Michael Tosatto, Regional Administrator for the NMFS Pacific Islands Region, reporting outcomes of the Eighth Regular Session of the WCPFC. This meeting was originally scheduled for December 2011 but delayed to March 2012 because of the need to change the venue.

U.S.-Canada Albacore Treaty

At the November 2011 and March 2012 meetings the Council was briefed on and discussed development of a new fishing regime pursuant to the [U.S.-Canada Albacore Treaty](#). The fishing regime, described in Annex C of the Treaty, governs reciprocal access to each country's exclusive economic zone (EEZ) by albacore vessels from the other country. At the December 1, 2011, bilateral negotiation session in Vancouver, BC, no agreement was reached on a replacement for the regime that was to expire with the cessation of fishing in 2011 unless mutually renewed, according to the terms of the treaty. At the March 2012 meeting the Council recommended suspension of reciprocal access in 2012 to "allow stakeholders and managers to better assess the information and data needed to address the long-term reciprocal privileges under the treaty." However, it was noted that an additional bilateral negotiation session on this issue, previously anticipated to occur prior to the March Council meeting, was expected to occur in mid-April 2012. (Agenda Item E.2.a, Attachment 4 is a March 13, 2012 letter sent to Mr. Sam Rauch, Acting Assistant Administrator, NOAA Fisheries, with the Council's recommendation.)

Delegations from the U.S. and Canada met May 23-24, 2012, in Portland, Oregon, to discuss development of a replacement regime. Agenda Item B.2.b, NMFS Report, is a summary of these discussions provided by NMFS SWR. Canada put forward three proposals. One would promote "fleet etiquette" to address problems with aggressive behavior on the fishing grounds. A second proposal would freeze the list of 110 Canadian vessels authorized to fish in the U.S. EEZ for the duration of any regime. Applications for changes due to *force majeure* or replacement of retired vessels would be subject to a review process and limits are placed on increases in vessel length. The third proposal establishes a bilateral mechanism for industry funding of albacore-related research. However, no agreement was reached on a replacement regime. At the conclusion of the meeting the U.S. delegation head stated that it was very unlikely that a regime would be agreed to for 2012 based primarily on the rational that there was insufficient time to complete a comprehensive evaluation of the benefits of reciprocal access. However, it was noted that completion of an orderly discussion of issues could lead to agreement on a reciprocal fishing regime for future years.

Council Action:

Make recommendations to the U.S. delegation to the WCPFC Northern Committee on U.S. positions, especially with respect to the proposed precautionary framework for North Pacific albacore tuna management. 2) Make recommendations on the Fishing Regime pursuant to the U.S.-Canada Albacore Treaty, as necessary.

Reference Materials:

1. Agenda Item E.2.a, Attachment 1: Northern Committee Schedule for Development of International Management Framework for North Pacific Albacore Tuna and Associated Conservation Measure.
2. Agenda Item E.2.a, Attachment 2: Reference Points, Decision Rules, and Management Strategy Evaluation for Tunas and Associated Species in the Eastern Pacific Ocean (IATTC Document SAC-03-09) by Mark Maunder.
3. Agenda Item E.2.a, Attachment 3: April 17, 2012, Letter from Michael Tosatto, NMFS Pacific Islands Regional Administrator, to Council Chair Dan Wolford Reporting Outcomes of the Eighth Regular Session of the Western and Central Pacific Fisheries Commission.
4. Agenda Item E.2.a, Attachment 4: March 13, 2012, Letter from Dr. Donald O. McIsaac to Mr. Samuel Rauch III.
5. Agenda Item E.2.b, NMFS Report: Report on International Management Activities.
6. Agenda Item E.2.b, HMSMT Report.
7. Agenda Item E.2.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Adopt, as Necessary, Recommendations for 1) Highly Migratory Species under the Purview of the WCPFC, Especially in Regard to Albacore Tuna, and 2) the Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty

PFMC
06/01/12

NORTHERN COMMITTEE (NC) SCHEDULE FOR DEVELOPMENT OF INTERNATIONAL MANAGEMENT FRAMEWORK FOR NORTH PACIFIC ALBACORE TUNA AND ASSOCIATED CONSERVATION MEASURE

September 2012 (NC8):

- Review members' reports on their implementation of CMM 2005-03 and identify and rectify shortcomings (ongoing annually)
- Discuss precautionary approach based management framework

September 2013 (NC9)

- Finalize precautionary approach based management framework

September 2014 (NC10)

- Recommend any changes to [CMM 2005-03](#) (Conservation and Management Measure for North Pacific Albacore).

Notes on Process

- The NC Chair reports to the Commission at the annual meeting each year
- There may be some inter-sessional work among the parties on the development of the framework
- The next North Pacific Albacore stock assessment is scheduled for completion in 2014
- Any changes to CMM 2005-03 would presumably be implemented in 2015

06/01/12

INTER-AMERICAN TROPICAL TUNA COMMISSION

SCIENTIFIC ADVISORY COMMITTEE

3RD MEETING

La Jolla, California (USA)
15-18 May 2012

DOCUMENT SAC-03-09

**REFERENCE POINTS, DECISION RULES, AND MANAGEMENT
STRATEGY EVALUATION FOR TUNAS AND ASSOCIATED SPECIES
IN THE EASTERN PACIFIC OCEAN**

Mark N. Maunder

1. INTRODUCTION

The Antigua Convention commits the IATTC to applying the precautionary approach, in accordance with the United Nations Fish Stocks Agreement (UNFSA):

“The members of the Commission, directly and through the Commission, shall apply the precautionary approach, as described in the relevant provisions of the Code of Conduct and/or the 1995 UN Fish Stocks Agreement, for the conservation, management and sustainable use of fish stocks covered by this Convention.” (Article IV of the Antigua Convention).

The UNFSA states that reference points:

“Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield. Target reference points are intended to meet management objectives.” (Annex II of the United Nations Fish Stocks Agreement (UNFSA 1995))

and decision rules should be used:

“Such reference points shall be used to trigger pre-agreed conservation and management action.” (Annex II UNFSA 1995)

The UNFSA further defines how reference points should be used in decision rules:

“Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average.” (Annex II UNFSA 1995)

The UNFSA provides minimum standards for some reference points:

“The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points.” (Annex II UNFSA 1995)

and decision rules:

“For stocks which are not overfished, fishery management strategies shall ensure that fishing mortality does not exceed that which corresponds to maximum sustainable yield” (Annex II UNFSA 1995)

Both the UNFSA and the Antigua Convention explicitly state that the amount of uncertainty should be taken into consideration when taking management action, and therefore it should be part of the decision rule:

“In particular, the members of the Commission shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.”
(Article IV of the Antigua Convention)

Reference points and decision rules have become a common part of fisheries management worldwide, but there is a large amount of variation among the different management agencies. The IATTC has historically used an informal decision rule that is based on adjusting effort to correspond to a fishing mortality that produces maximum sustainable yield (F_{MSY}), implying that F_{MSY} is a target reference point (TRP). This is inconsistent with the precautionary approach, which states that F_{MSY} is a limit reference point (LRP), and LRP should have a low probability of being exceeded. Given the uncertainty in assessing a stocks status and the natural variability of stocks and fisheries, a strict interpretation of a LRP invalidates F_{MSY} as a TRP. The spawning biomass corresponding to maximum sustainable yield (B_{MSY}) has also been used as an informal reference point, but it is not clear if B_{MSY} has been used as a target or a limit reference point. These informal reference points are based on the original IATTC Convention of 1949, which states that the goal of management is to maintain stocks at levels that support maximum sustainable yield:

“... to facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year ...” (1949 IATTC Convention)

“Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.”
(1949 IATTC Convention)

One interpretation of the 1949 Convention is that the biomass must be at or above B_{MSY} otherwise MSY cannot be taken. One complication of the use of MSY in the tuna fisheries of the eastern Pacific Ocean is that MSY quantities are sensitive to the age of the fish that are captured, which has changed over time as the methods used to catch tuna have changed (Maunder 2002).

MSY may not necessarily be the desired management goal and reference points and decision rules should be tailored to the management goal(s). The precautionary approach considers MSY-based reference points as limits, which implies that managing the stock below B_{MSY} or with fishing mortalities higher than F_{MSY} is not desirable. However, a stock can be managed sustainably below B_{MSY} and with fishing mortalities above F_{MSY} and there have been many stocks that have a long sustainable history at these levels. The catch levels may be lower than optimal because of suboptimal yield per recruit or reduced recruitment, but they are still sustainable, although with a theoretically higher probability of collapse, and may satisfy other societal goals (e.g. high catches of other species, as in the case of skipjack harvested in sets on fish-aggregating devices (FADs) that also catch bigeye and yellowfin tuna).

The implementation of the Antigua Convention and the commitment to the precautionary approach requires the formal use of reference points and decision rules by the IATTC for management of tuna and associated species in the EPO. The choice of appropriate reference points and decision rules requires detailed evaluation through management strategy evaluation (MSE), while remaining within the constraints of the precautionary approach. MSE is a well-developed approach in fisheries science (Butterworth *et al.* 1997; De Oliveira *et al.* 1998; Butterworth and Punt 1999), but requires a significant amount of staff time and computational resources to carry out. In this document we present alternative reference points and decision rules that could be included in future MSE work.

2. REFERENCE POINTS

Reference points are generally categorized by the type of reference point (target or limit) and the quantity that they measure (biomass or fishing mortality). In general, LRP_s indicate states that management does not wish to exceed due to possible undesirable consequences and TRP_s indicate states that management wishes to obtain to maximize benefits from the fishery. Alternative quantities to biomass and fishing mortality can and have been used for reference points, but their use is uncommon. The precautionary approach states that “Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low”, indicating that LRP_s should be substantially different from TRP_s given the typical uncertainty in estimating fish stock status and the variability in fish populations and fisheries. Given that the precautionary approach states that “The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points”, any LRP based on fishing mortality should be at most F_{MSY} , and the TRP lower than F_{MSY} . By analogy (and since F_{MSY} and B_{MSY} are linked in equilibrium in such a way that, if F_{MSY} cannot be a target, neither can B_{MSY}), but not explicitly stated in the precautionary approach, any biomass-based LRP should be at least B_{MSY} , and the TRP should be considerably higher than B_{MSY} . This implies that in general fishing is carried out at a level (possibly substantially) below MSY, and that MSY can only be obtained if uncertainty is negligible, which is consistent with the intent of the precautionary approach. It also suggests that TRP_s should be defined based on the assessment uncertainty, so that, as the assessment uncertainty reduces, the TRP should get closer to the LRP.

The calculation of MSY and the associated reference points requires knowledge of several biological (*e.g.* growth, natural mortality, stock-recruitment relationship) and fishery (*e.g.* selectivity) related quantities. For many stocks, some of these quantities are not available, and managers use proxy reference points (Clark 1991, 1993, 2002). In particular, the stock-recruitment relationship is difficult to estimate, and precautionary reference points based on spawner per recruit (SPR) are used. These proxies are designed to work in a precautionary sense for a range of life histories, and do not require knowledge of the stock-recruitment relationship. An alternative approach is to estimate the MSY based quantities assuming a precautionary value for the steepness of the stock-recruitment relationship. Zhu *et al.* (2012) showed that, due to the yield curve being flat when steepness is high, the risk of loss in equilibrium yield is lower if steepness is under-estimated rather than over-estimated. However, there may be loss in short-term yield if fishing mortality has to be reduced.

For some stocks, the absolute level of the population size and fishing mortality is difficult to estimate and standard reference points are not appropriate. In this case, reference points based on historical biomass or fishing mortality levels may provide LRP_s based on the assumption that those levels occurred in the past and the population remained sustainable, but the outcome is unknown if they are exceeded.

Several reference points are described in Table 1.

3. DECISION RULES

A decision rule specifies the action that is taken given the current status of the fishery. Decision rules can be as simple as taking a constant proportion of the population to more complex rules such as those that accelerate rebuilding when the population is overfished. Decision rules can control several different quantities (*e.g.* fishing mortality, catch), which may relate to other quantities that are more practical to implement (*e.g.* effort, landings). A common decision rule is fishing mortality as a function of biomass, using biomass-based reference points to control changes in the fishing mortality. Figure 1 illustrates such a decision rule, where the fishing mortality is reduced linearly with biomass when the stock is below the biomass-based TRP and fishing ceases when the biomass is below the biomass-based LRP.

The minimum standards outlined in the precautionary approach can be used to define a decision rule based on the following guidelines:

1. B_{MSY} should be considered a limit;

2. The risk of exceeding the limit reference point should be very low;
3. Fishing mortality should not exceed F_{MSY} .

Interpreting these guidelines, B_{MSY} should be the LRP, the TRP should be above B_{MSY} so that the probability of falling below the LRP is low (*e.g.* use the upper x% of the confidence interval (CI) on B_{MSY}), fishing mortality should equal F_{MSY} above the TRP. The choices that need to be made are x%, the fishing mortality at the LRP, and the fishing mortality below the LRP. If the LRP is B_{MSY} , it is unreasonable to cease fishing when the stock is below B_{MSY} , so a simple assumption could be that fishing mortality declines linearly to zero below the LRP. This decision rule is shown in Figure 2. Another option could be that fishing mortality is set to zero at the lowest historical biomass.

A simple rule could be to set the fishing mortality rate at a precautionary level (*e.g.* $F_{MSYx\%}$ or $F_{MSYh=x}$) independent of the biomass level. If a population is depleted below B_{MSY} and fishing remains at F_{MSY} , theoretically the population will rebuild back to B_{MSY} . If F_{MSY} is replaced with a precautionary value, then the population will rebuild faster than if F_{MSY} is used, assuming no estimation or implementation error. The precautionary approach allows for the fishing mortality to be equal to F_{MSY} if the population is above the limit reference point. However, if B_{MSY} is the LRP, this would not result in a low probability of exceeding the LRP. If $F_{MSYx\%}$ is used, then the fishing mortality would get closer to F_{MSY} as the uncertainty is reduced (*e.g.* due to improved data). The presence of a flat yield curve may result in inefficient (low catch-per-unit-of-effort) fishing mortality rates as they approach F_{MSY} , so a target fishing mortality more consistent with management objectives may be desirable as the uncertainty is reduced.

4. OTHER CONSIDERATIONS

Reference points and decision rules are related to the Kobe Plot. The Kobe Plot (see Maunder 2012) represents the status of the stock in terms of biomass (x-axis) and fishing mortality (y-axis). The plot is divided into quadrants based on biomass and fishing mortality corresponding to MSY. The lower right quadrant is the desirable status of the stock implying that the MSY-based reference points are limit reference points with management action occurring if the stock is not in this quadrant.

Many reference points are dependent on the age-specific selectivity of the fisheries (Maunder 2002). If the selectivity changes (*e.g.* if there are multiple fisheries with different selectivities and the allocation of effort among gears change) then the reference point will also change.

Reference points and decision rules are generally developed for a single species. However, most fisheries capture multiple species. This complicates the use of reference points and decision rules because they will differ among species as will the status of each species. Strict application of the precautionary approach may severely constrain catch of some target species due to catch of other species.

4.1. Management strategy evaluation

Management Strategy Evaluation (MSE) is a comprehensive approach to evaluating decision rules (Butterworth *et al.* 1997; De Oliveira *et al.* 1998; Butterworth and Punt 1999). Simulation analysis is used to test the performance of a complete management system under different possible states of nature. The management system includes the data that are collected, the method used to analyze the data, and the decision rule used to determine the management action. This means that MSE takes into consideration the uncertainty of estimating the population status and the reference points. The Kobe matrix (see Maunder 2012) is a form of MSE in which performance measures (such as the probability that a stock remains above LRP) are evaluated in a probabilistic setting (taking into account possible states of nature) under a range of alternative decision rules (such as level of fishing effort). The Kobe matrix differs from a traditional decision table in that it presents strategies that produce a set of prescribed probabilities of exceeding a LRP rather than the probability of exceeding a LRP (in this case) for prescribed management strategies. Therefore, the Kobe matrix is more complicated to calculate and difficult to fit into the decision rule framework.

5. DISCUSSION

The Antigua Convention commits the IATTC to apply the precautionary approach, in accordance with the United Nations Fish Stocks Agreement (UNFSA), which requires the use of reference points and decision rules. It also puts several constraints on the construction of the reference points and decision rules. These constraints may not necessarily be desirable and may be too precautionary, particularly when managing multiple species. Comprehensive management strategy evaluation should be used to identify the most appropriate reference points and decision rules. However, candidate reference points and decision rules need to be chosen before the MSE can be conducted. These candidates need to address the exploitative and sustainability considerations of the fishery. Many aspects of the decision rules are arbitrary (*e.g.* the x 's in $B_{x\%}$, $B_{MSYh=x}$, $B_{MSYx\%}$) and it is not possible to make objective decisions about these aspects based on scientific information alone. Therefore, managers need to decide what candidate decision rules they consider reasonable and the criteria that should be used to evaluate them within a MSE.

To encourage the development of a set of candidate decision rules we provide some suggestions based on the decision rule illustrated in Figure 2. Following the precautionary approach, the LRP = B_{MSY} and the fishing mortality above the TRP is F_{MSY} . The alternatives are the a) TRP, b) fishing mortality at the LRP, and c) biomass when the fishing mortality is zero. Alternative candidates could be simple rules based on using the values for F_{LRP} for all biomass levels.

Quantity	Candidate	Description
TRP	$B_{MSY,h=0.75}$	B_{MSY} calculated with steepness of the stock-recruitment relationship set at 0.75
	$B_{MSY,20\%}$	The 20% percentile of the confidence interval of B_{MSY}
	$B_{MSY,F=0.9FMSY}$	Equilibrium biomass calculated fishing at 90% of F_{MSY}
F_{LRP}	$F_{MSY,h=0.75}$	F_{MSY} calculated with steepness of the stock-recruitment relationship set at 0.75
	$F_{MSY,20\%}$	The 20% percentile of the confidence interval of F_{MSY}
	$0.9F_{MSY}$	F_{MSY} multiplied by 0.9
$B_{F=0}$	0	Biomass is equal to zero
	B_{min}	The lowest observed biomass

REFERENCES

- Butterworth DS, Cochrane KL, De Oliveira JAA (1997) Management procedures: a better way to management fisheries? The South African experience. In: Pikitch EL, Huppert DD, Sissenwine MP (eds) Global Trends: Fisheries Management. American Fisheries Society Symposium 20, Bethesda, pp 83–90.
- Butterworth DS, Punt AE (1999) Experiences in the evaluation and implementation of management procedures. ICES Journal of Marine Science 56:985–998.
- Clark, W.G., 1991. Groundfish exploitation rates based on life history parameters. Can. J. Fish. Aquat. Sci. 48, 734–750.
- Clark, W.G., 1993. The effect of recruitment variability on the choice of a target level of spawning biomass per recruit. In: Kruse, G., Marasco, R.J., Pautzke, C., Quinn II, T.J. (Eds.), Proceedings of the International Symposium on Management Strategies for Exploited Fish Populations. University of Alaska, Alaska Sea Grant College Program Rep. 93-02, Fairbanks, Alaska, pp. 233–246.
- Clark, W.G., 2002. F35% revisited ten years later. N. Am. J. Fish. Manage. 22, 251–257.
- De Oliveira JAA, Butterworth DS, Johnston SJ (1998) Progress and problems in the application of management procedures to South Africa's major fisheries. In: Funk F, Quinn II TJ, Heifetz J, Ianelli

- JN, Powers JE, Schweigert JJ, Sullivan PJ, Zhang CI (eds) Fishery Stock Assessment Models. Alaska Sea Grant College Program Report No. AK-SG-98-01, University of Alaska Fairbanks, pp 513–530.
- Lee, H-H., Maunder, M.N., Piner, K.R., and Methot, R.D. (2012) Can steepness of the stock-recruitment relationship be estimated in fishery stock assessment models? *Fisheries Research* 125-126: 254-261.
- Maunder, M.N. (2002). The relationship between fishing methods, fisheries management and the estimation of MSY. *Fish and Fisheries*, 3: 251-260.
- Maunder , M.N. and Aires-da-Silva, A. (2012) Evaluation of the Kobe plot and strategy matrix and their application to tuna in the EPO. *Inter-Amer. Trop. Tuna Comm., Stock Assessment Report*, 12: 191-211.
- Zhu, J-F, Chen, Y., Dai, X.J., Harley, S.J., Hoyle, S.D., Maunder, M.N., Aires-da-Silva?, A. (2012). Implications of uncertainty in the spawner-recruitment relationship for fisheries management: an illustration using bigeye tuna (*Thunnus obesus*) in the eastern Pacific Ocean. *Fisheries Research* 119– 120: 89– 93.

TABLE 1. Candidate reference points.
TABLA 1. Candidatos de puntos de referencia.

Ref. point	Limit/Target	Quantity	Description
F_{MSY}	Limit	F	F that corresponds to MSY
B_{MSY}	Limit	B	B that corresponds to MSY
$SPR_{x\%}$	Target/Limit	B	B that corresponds to $SPR/SPR_{F=0} = x$
$F_{SPRx\%}$	Target/Limit	B	F that corresponds to $SPR/SPR_{F=0} = x$
$B_{MSYx\%}$	Target	B	The (upper) x% of the CI for B that corresponds to MSY
$F_{MSYx\%}$	Target	F	The (lower) x% of the CI for F that corresponds to MSY
$B_{x\%}$	Limit	B	The (lower) x percentile of the historic biomass estimates
$F_{x\%}$	Limit	F	The (upper) x percentile of the historic fishing mortality estimates
$B_{MSYh=x}$	Target	B	The biomass corresponding to MSY when steepness of the stock-recruitment relationship is set at a precautionary level
$F_{MSYh=x}$	Target	F	The fishing mortality corresponding to MSY when steepness of the stock-recruitment relationship is set at a precautionary level

Punto de referencia	Límite /Objetivo	Cantidad	Descripción
F_{RMS}	Límite	F	F correspondiente al RMS
B_{RMS}	Límite	B	B correspondiente al RMS
$SPR_{x\%}$	Objetivo/ Límite	B	B correspondiente al $RPR/SPR_{F=0} = x$
$F_{SPRx\%}$	Objetivo/ Límite	B	F correspondiente al $RPR/SPR_{F=0} = x$
$B_{RMSx\%}$	Objetivo	B	El x% (superior) del IC para B correspondiente al RMS
$F_{RMSx\%}$	Objetivo	F	El x% (inferior) del IC para F correspondiente al RMS
$B_{x\%}$	Límite	B	El percentil x (inferior) de las estimaciones de biomasa histórica
$F_{x\%}$	Límite	F	El percentil x (superior) de las estimaciones de biomasa histórica
$B_{RMSh=x}$	Objetivo	B	La biomasa correspondiente al RMS cuando se fija la inclinación de la relación población-reclutamiento en un valor precautorio
$F_{RMSh=x}$	Objetivo	F	La mortalidad por pesca correspondiente al RMS cuando se fija la inclinación de la relación población-reclutamiento en un valor precautorio

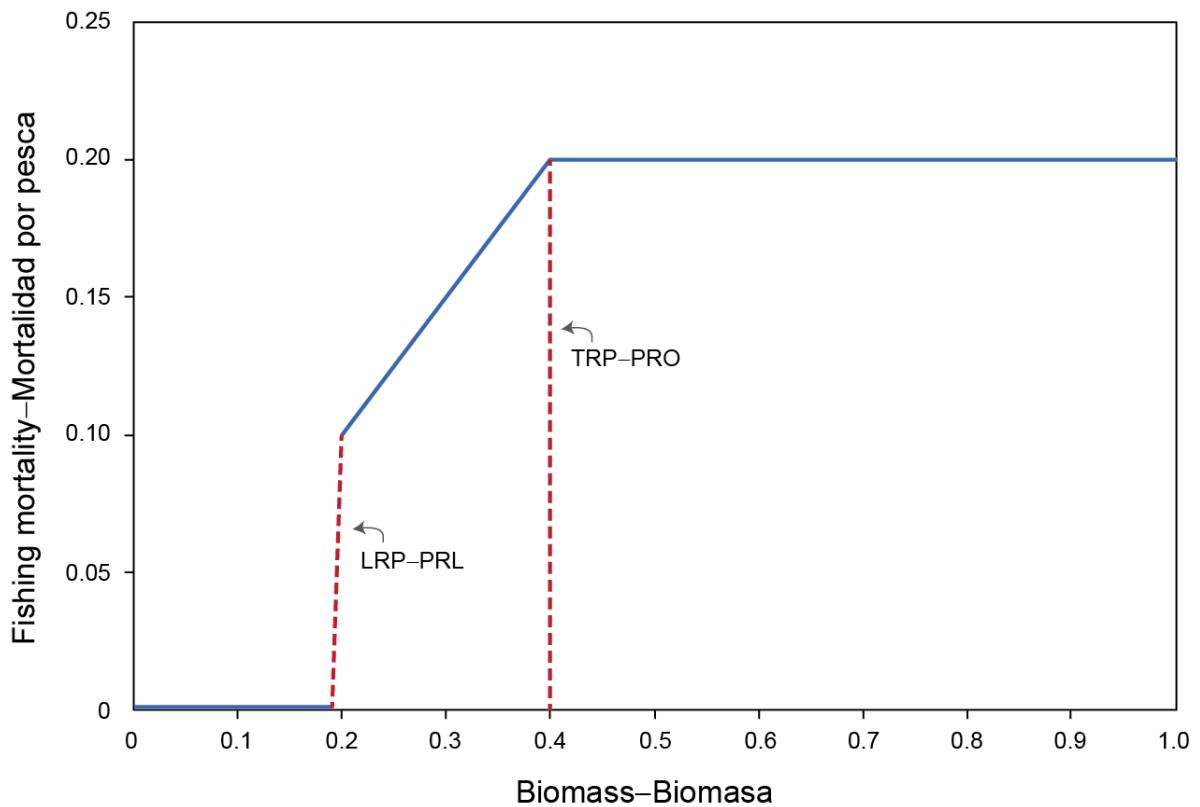


FIGURE 1. Example decision rule that accelerates the rebuilding of the stock when the biomass is below the biomass based TRP and ceases fishing if the biomass is below the biomass-based limit reference points.

FIGURA 1. Ejemplo de regla de decisión que acelera la reconstrucción de la población cuando la biomasa está por debajo del PRO y la pesca cesa si la biomasa está por debajo a los puntos de referencia límite basados en biomasa.

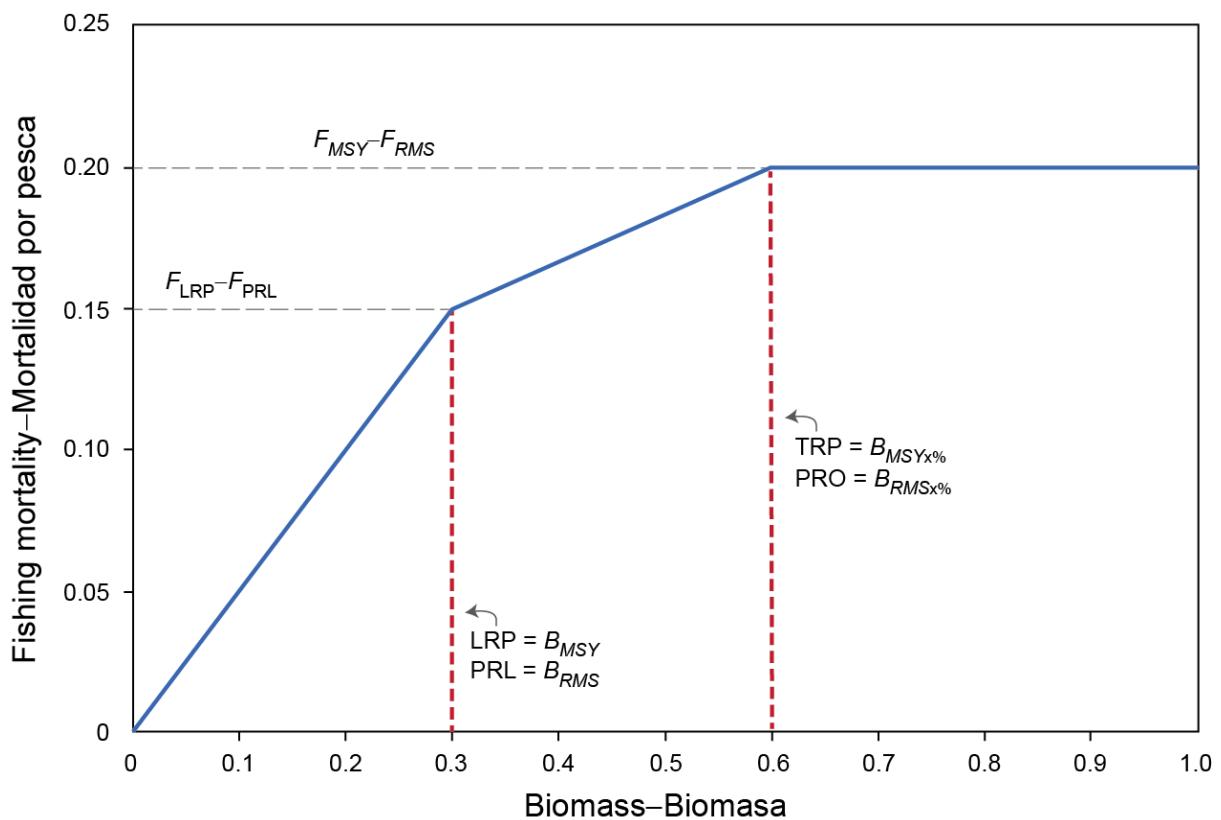


FIGURE 2. Decision rule based on the precautionary approach guidelines. F_{LRP} is the fishing mortality rate at the LRP. $B_{MSYx\%}$ is the (upper) x% of the confidence interval on B_{MSY} .

FIGURA 2. Reglas de decisión basada en las directrices del criterio de precaución. F_{LRP} esta tasa de mortalidad por pesca en el PRL. $B_{RMSx\%}$ es el x% (superior) del intervalo de confianza en B_{RMS} .

RECEIVED

APR 17 2012

PFMC

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1601 Kapiolani Blvd., Suite 1110
Honolulu, Hawaii 96814-4700
(808) 944-2200 • Fax: (808) 973-2941

APR 13 2012

Manuel Duenas, Chair
 Western Pacific Fishery Management Council
 1164 Bishop Street, Suite 1400
 Honolulu, HI 96813

Eric A. Olson, Chairman
 North Pacific Fishery Management Council
 605 West 4th Avenue, Suite 306
 Anchorage, AK 99501-2252

Dan Wolford, Chairman
 Pacific Fishery Management Council
 7700 NE Ambassador Place, Suite 101
 Portland, OR 97220-1384

Dear Chairmen Duenas, Olson and Wolford:

I am writing to inform you of the outcomes of the Eighth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC or Commission), held in Guam, March 26-30, 2012 (after having been postponed from its originally scheduled dates in December 2011). By way of this letter, I would like to share NMFS' initial assessment of the regulatory actions that will be needed to implement the recent decisions of the Commission.

Conservation and management measure for tropical tunas

The existing conservation and management measure (CMM) for bigeye tuna and yellowfin tuna, 2008-01, was adopted in December 2008, and expired at the end of March 2012. The objective to adopt a durable revised measure was not achieved at WCPFC8, but a decision was made to extend the existing measure, with a few alterations described below, until February 28, 2013. It is expected that a more thoroughly revised measure will be adopted at the next regular session to be held in Manila Philippines in early December 2012.

The main provisions of the existing tropical tunas CMM that will remain in effect for the coming year. The changes made to the CMM are: First, two areas of high seas (high seas pockets 1 and 2 – see attached) that were closed to purse seine fishing are now open. Because many purse seine fleets do not fish in these high seas pockets due to restrictions in bilateral access arrangements with Pacific islands states; the main beneficiary of this change is the Philippines, which had argued strongly for opening the areas because of disproportionate adverse impacts on its domestic purse seine fleet which traditionally fished in the westernmost of the two areas.



The new measure includes a number of conditions on Filipino purse seine fishing vessels that hold their catch on ice, including a limit on the number allowed and special reporting requirements for vessels that fish in the high seas pocket 1 and a prohibition on fishing in the high seas pocket 2. Second, the eight WCPFC members that are parties to the Nauru Agreement are to limit purse seine fishing effort in their collective exclusive economic zones to the level exerted in 2010, which is substantially greater than the previous effort limit under CMM 2008-01. Third and finally, the bigeye tuna longline catch limit for China for 2012 is specified as 11,748 metric tons, the amount China most recently reported to have caught in the WCPFC Area in 2004.

Regulatory action will likely be needed to implement for U. S. fisheries, certain purse seine elements of this Commission decision for U.S. fisheries as well as to establish the longline catch limit for bigeye tuna at the same recent level (3,763 metric tons) for 2012. Because this Commission decision became effective immediately, and in line with past practices, NMFS intends to promulgate these regulations under the authority of the Western and Central Pacific Fisheries Convention Implementation Act.

Conservation and management measure for oceanic whitetip shark

The WCPFC adopted a U.S. proposal to prohibit retaining, transshipping, storing on a fishing vessel, or landing oceanic whitetip shark in all western and central Pacific Ocean fisheries. The measure is similar to those adopted by the Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas. The measure goes into effect on January 1, 2013; however, there is a possibility that the measure will be amended at the next regular session, in December 2012, based on the results of the stock assessment that is anticipated to be completed by then. Regulatory action will be needed to implement this measure for U.S. fisheries. NMFS intends to take such action under the authority of the Western and Central Pacific Fisheries Convention Implementation Act.

Conservation and management measure to protect cetaceans from purse seine fishing operations

The WCPFC adopted a measure to prohibit the setting of purse seines on tuna schools associated with cetaceans that are sighted prior to commencing the set. The measure also prescribes actions and reporting requirements that must be followed in the event that a cetacean is encircled by a purse seine. This measure generally mirrors existing domestic prohibitions in the Marine Mammal Protection Act on setting of purse seines on cetaceans. If NMFS determines that further regulatory action is needed to implement the measure, it will do so under the authority of the Western and Central Pacific Fisheries Convention Implementation Act.

Other decisions

In addition to the measures described above, the WCPFC made a number of decisions that dealt with procedural matters which require no regulatory action by the United States. These decisions included extending the WCPFC's compliance monitoring scheme, which was first implemented in 2011 on a trial basis, and extension of the WCPFC's charter notification scheme, which was due to expire after a two-year trial period.

The WCPFC received the results of its first independent performance review, but little time was available to consider its recommendations. The recommendations are expected to receive considerable attention at the next WCPFC meeting. Another notable decision was the acceptance of two first-time Cooperating Non-Members, the Democratic People's Republic of Korea and St. Kitts and Nevis, along with nine other continuing Cooperating Non-Members.

Please let me know if you have any questions or concerns regarding the implementation of WCPFC decisions taken at its most recent meeting.

Sincerely,



Michael D. Tosatto
Regional Administrator

Attachment – High seas pockets

cc. Rodney R. McInnis
William W. Stelle, Jr.
James W. Balsiger, Ph.D.
Samuel Pooley, Ph.D.

Attachment 1





Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | www.pcouncil.org
Dan Wolford, Chairman | Donald O. McIsaac, Executive Director

March 13, 2012

Mr. Sam Rauch, III, Acting Assistant Administrator
NOAA Fisheries, National Marine Fisheries Service
1315 East-West Hwy, Room 1532
Silver Spring, MD 20910

Dear Mr. Rauch:

The Pacific Fishery Management Council (hereafter, the Council) met on March 2, 2012, and made the following recommendations on the future status of the U.S.-Canada Albacore Treaty.

The Council supports continuation of the U.S.-Canada Albacore Treaty. However, any future negotiation on a replacement for the Fishery Regime that expired on December 31, 2011, should not be implemented for the 2012 fishing season. Suspension of reciprocal access in 2012, or longer if necessary, will allow stakeholders and managers to better assess the information and data needed to address the long-term reciprocal privileges under the treaty.

The Council notes that the composition of the Canadian fleet, Canada's marketing efforts, and the fleet's fishing methods have changed dramatically over the past 10 years. Such changes have resulted in an increase in Canadian fishing effort in U.S. waters, increased catch per vessel, and crowding on fishing grounds in U.S. waters. The ability of Canadian permit holders to lease their permits to other vessel owners also favors higher catch and catch per unit of effort by the Canadian fleet. These conditions have led to confrontations between U.S. and Canadian vessels on U.S. fishing grounds, an unhealthy situation.

The Council looks forward to completion of an economic study that, among other things, would compare Canadian catch in the U.S. Exclusive Economic Zone (EEZ) in the mid 1990s to catch in recent years. The Council believes that Canadian catch has increased substantially and much more of the Canadian catch is delivered back to Canadian ports instead of U.S. ports. This suggests that Canada is gaining a disproportionate benefit from the Treaty compared to the U.S. But more information is needed to substantiate this view.

To reiterate, the Council is fully aware that termination of the Treaty and suspension of the Fishing Regime are separate issues. The Council's position is to keep the Treaty in place while suspending the Fishing Regime.

When a new agreement is negotiated, the terms specified in the Exchange of Notes at the conclusion of the last agreement should be included. The Exchange of Notes states in part:

In the event that an international fisheries management organization such as the Inter-American Tropical Tuna Commission (IATTC) adopts measures for international management of North Pacific albacore using a national catch allocation system, the Parties agree that the portion of any national allocation received by Canada and the United States attributable to the catch taken in the EEZ of the other country shall be reallocated by each country to the country in whose EEZ that catch was taken, or shall otherwise implement the national allocations in a manner that ensures respective future fishing opportunities under international management reflect total catches in each country's EEZ.

Please keep us informed about plans for the next bilateral meeting, scheduled for April 11-12, 2012, in Portland, Oregon.

Sincerely,



D. O. McIsaac, Ph.D.
Executive Director

KRD:rdd

c: Council Members
Mr. Mark Helvey, NMFS SWR
Mr. David Hogan, Deputy Director, U.S. Department of State
Mr. Felix Young, Senator Dianne Feinstein's Office
Highly Migratory Species Advisory Subpanel
Highly Migratory Species Management Team

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON INTERNATIONAL
MANAGEMENT ACTIVITIES, INCLUDING THE U.S.-CANADA ALBACORE TREATY

Introduction

The situation summary for this topic identifies two issues: 1) the management framework being developed by the Western and Central Pacific Fisheries Commission (WCPFC) Northern Committee (NC) and 2) the U.S. Canada Albacore Treaty (Treaty). This Report focuses primarily on the international management framework but also includes a brief discussion related to the Treaty.

International Management Framework for North Pacific Albacore

At the March 2012 meeting the Council tasked the Highly Migratory Species Management Team (HMSMT) to work with the HMS Advisory Subpanel (HMSAS) and Scientific and Statistical Committee (SSC) HMS Subcommittee to further develop information to allow the Pacific Fishery Management Council (Council) to provide input on the development of a management framework at the June 2012 meeting. The HMSMT met April 30-May 2, 2012, to discuss this assignment. This report provides information on the identification of biological reference points (BRPs) for albacore and development of an inventory of potential management measures should domestic management be necessary in response to internationally agreed controls on albacore fishing mortality.

International Activities

Regional fishery management organization (RFMO) activities regarding management frameworks for albacore and other tunas were described in the March 2012 HMSMT report (Agenda Item B.2.b). The Northern Committee adopted a management framework (also referred to as the Canadian proposal) and will begin developing reference points in September 2012 for the North Pacific albacore stock. The Inter-American Tropical Tuna Commission (IATTC) has not established a timeline for comparable goals in the Eastern Pacific Ocean (EPO) although there has been some discussion by the Secretariat of establishing a complimentary framework for the EPO. In addition, the March 2012 HMSMT Report (Agenda Item B.2.b) described the Strategy Matrix proposal considered at the Kobe II meeting of all tuna RFMOs. Although the Strategy Matrix is different from the Northern Committee's framework, the HMSMT noted that management decisions for both frameworks are consistent in that they could be based upon the level of risk and the timeframe appropriate for the fishery.

Some new information on management strategies for tunas was presented at the IATTC Scientific Advisory Committee meeting during May 15-18, 2012. Regarding management strategy evaluations for tunas in the EPO, Dr. Mark Maunder provided an informative overview of reference points and decision rules (Document SAC-03-09, Agenda Item E.2.a, Attachment 2, June 2012). He also described conditions and complications in developing appropriate reference points for international tuna management. Although North Pacific albacore was not specifically addressed in Maunder's paper, the guidelines he describes would apply to a single species fishery such as the one for albacore.

**Reference Points for Stocks Managed Under the Council's Fishery Management Plan for U.S.
West Coast Fisheries for Highly Migratory Species (HMS FMP)**

The Council plays two roles with respect to establishing biological reference points for North Pacific albacore. First, domestically, there is an obligation to specify them, and the HMS FMP provides specific guidance on how they should be specified in relation to maximum sustainable yield (MSY). Second, the

Council may make recommendations through the U.S. government (NMFS and the State Department) for reference points the U.S. should advocate at the RFMO level.

While the HMS FMP provides a framework for identifying target and limit reference points and the Magnuson-Stevens Act (MSA) requires councils to specify MSY, optimum yield (OY), and status determination criteria (SDC) for managed stocks, the Council has not proposed catch controls for the west coast albacore fishery, in part because the U.S. west coast fishery accounts for a fraction of total catch within the international context. Furthermore, pursuant to National Standard 1 guidelines, managed species in the HMS FMP, including North Pacific albacore, are exempted from the requirement to identify the allowable biological catch (a reduction from the overfishing limit based on scientific uncertainty), and the annual catch limit. The HMS FMP also states that should an RFMO establish reference points for management, those may take precedence over any established under the FMP.

Chapter 4 in the HMS FMP describes BRPs for stocks managed under the FMP: MSY, OY, and SDC.

The MSA requires MSY to be specified in the FMP. Determining a plausible value for MSY for North Pacific albacore is difficult, because of the lack of a stock-recruit relationship ($h=1$). In this case it is necessary to establish a proxy value for MSY. The Council has done this in their Groundfish FMP where proxy values have been established for different species groups, for example $B_{MSY}=SSB_{40\%}$.

The MSA also requires specification of OY, which is a target reference point. OY is defined as “The amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities and taking into account the protection of marine ecosystems” and is determined by MSY “as reduced by any relevant economic, social or ecological factor.” The HMS FMP defines an OY control rule for species not considered vulnerable in which OY is equal to MSY. In other words, the fishery should be managed (in terms of controlling fishing mortality) so that it produces MSY. MFMT and MSST are limit reference points. The HMS FMP defines the MFMT as F_{MSY} . Given the default OY control rule, F_{MSY} would function as both a target and limit reference point (i.e., maximizing yield as a target but over the long term not exceeding this level of fishing mortality). According to the HMS FMP, the MSST for North Pacific albacore would be $0.7B_{MSY}$ given the natural mortality rate of 0.3 used in the most recent stock assessment (ISC 2011). Note that the Kobe or phase plot frequently produced by RFMO scientists for tropical tunas implies F_{MSY} and B_{MSY} as limit reference points in that the quadrants in these diagrams are specified by the quantities $F_{CURRENT}/F_{MSY}$ and $B_{CURRENT}/B_{MSY}$. As noted above, because of the difficulty in determining a plausible value for MSY for North Pacific albacore, it would be necessary to base these limit reference points on proxy values.

SDC are defined as the maximum fishing mortality threshold (MFMT) and the minimum stock size threshold (MSST). The MFMT, when translated into an annual quantity, is referred to as the overfishing limit (OFL). Figure 1 (reproduced from the HMS FMP), below, is a graphical representation of control rules related to these references points, based on guidance for complying with MSA National Standard 1 published in 1998 (Restrepo, *et al.* 1998). This figure is similar to, although more specific in defining targets and limits, as that shown in *Developing a fishery management regime for stocks managed by the Northern Committee* (WCPFC-NC6-DP-01). The March 2012 HMSMT Report (Agenda Item B.1.b) provides a summary of WCPFC-NC6-DP-01.

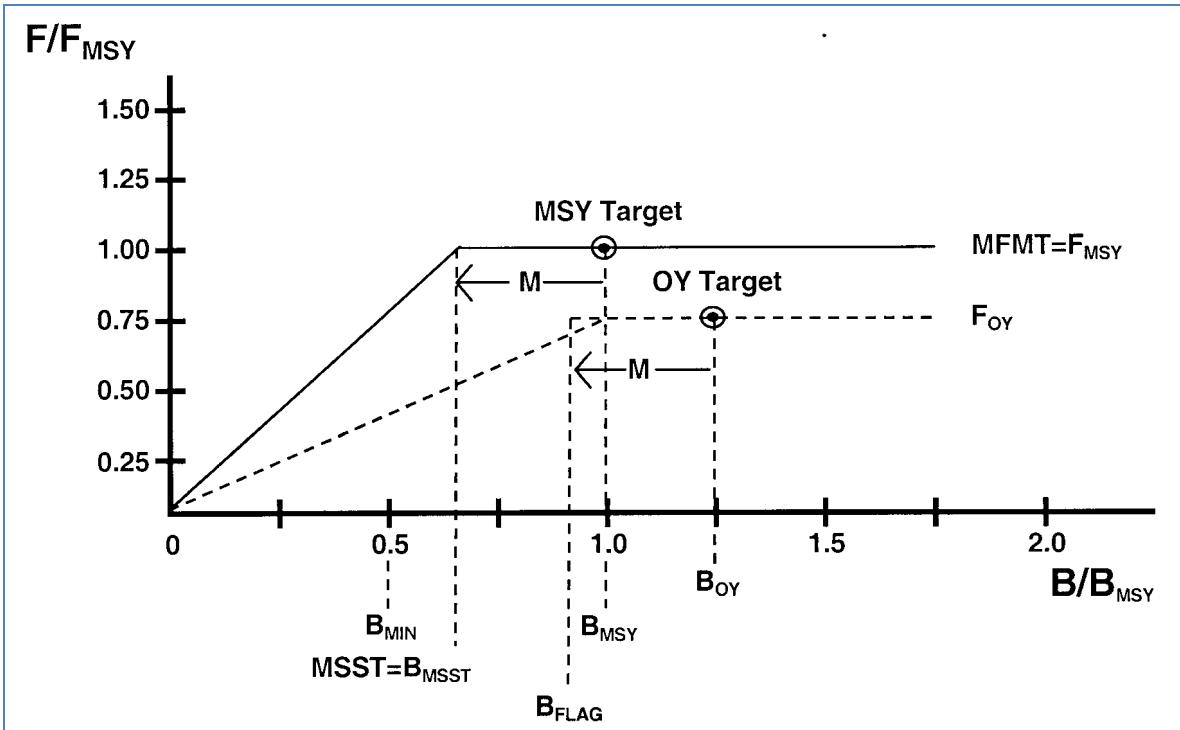


Figure 1. General model of MSY and OY control rules (Figure 4-1 in the HMS FMP).

For comparison, the Council has considerable experience setting reference points for groundfish and coastal pelagic species. For example, the Council extensively deliberated over appropriate reference points and harvest policies for groundfish (Ralston, et al., 2000). As described in Chapter 4 of the Groundfish and Coastal Pelagic Species (CPS) FMPs, the Council set reference points and selected F_{MSY} proxy values to account for uncertainty and the Council's risk policies. Due to uncertainties in the stock-recruitment relationship for many groundfish species, $SSB_{40\%}$ was selected as a reasonable proxy to strike a balance between obtaining a large fraction of the MSY if recruitment is highly insensitive to reductions in spawning biomass and preventing a rapid depletion in stock abundance if recruitment is found to be extremely sensitive to reductions in spawning biomass. For CPS a different approach was selected, based on their life histories and management goals. MSY is defined to be a harvest strategy that provides CPS biomass levels at least as high as the F_{MSY} approach while also providing relatively high and relatively consistent levels of catch. The Allowable Biological Catch (ABC) for the portion of the stock in the United States is a reference point proxy that accounts for scientific uncertainty and the Council's risk policy. In cases where the SSC has quantified a range of probability of overfishing, the Council applies a Buffer based on their preferred level of risk aversion ($ABC=B*Buffer*F_{MSY}$). The general harvest control rule for actively managed CPS is compatible with MSA guidelines to prevent overfishing and useful for CPS that are important as forage. To protect the stock when biomass is low, the control rule specifies a biomass value below which directed harvest is not allowed; and when directed harvest is allowed, it is limited to a fraction of the biomass available to the fishery, assuring the harvest rate will not exceed F_{MSY} . As discussed above, the Council role in setting reference points for HMS may be more complicated, because of the potential role played by RFMOs.

Management Measures

The HMSMT has prepared a presentation for their joint meeting with the HMSAS at the June 2012 Council meeting entitled “Potential Alternatives for North Pacific Albacore Management.” This presentation will orient HMSAS members to the international management context in which the North Pacific albacore fishery operates, and reviews potential management alternatives in case a future international RFMO conservation measure requires Council action to manage the domestic fishery. The HMSMT plans to use HMSAS input on potential management strategies to inform the design of a decision document template for domestic management, which could be used to address a future management need. It is expected that the results of these discussions will be included in a supplemental HMSMT Report.

References

ISC. 2011. *Stock Assessment for Albacore Tuna in the North Pacific Ocean in 2011*, Report of the Albacore Working Group Stock Assessment Workshop. July 2011.

Ralston, S., J.R. Bence, W.G. Clark, R.J. Conser, T. Jagielo, and T.J. Quinn II. 2000. West Coast Groundfish Harvest Rate Policy Workshop, Appendix to *Status of the Pacific Coast Groundfish Fishery through 2000 and Recommended Acceptable Biological Catches for 2001*. Pacific Fishery Management Council, October 2000. Available at http://www.pcouncil.org/wp-content/uploads/SAFE_October_2000.pdf.

Restrepo, V.R., G.G Thompson, P.M. Mace, and 8 others. 1998. *Technical Guidance on the Use of Precautionary Approaches to Implementing National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act*. NOAA Technical Memorandum F/SPO. July 1998.

U.S.-Canada Albacore Treaty

At this time the HMSMT offers no recommendations on negotiations for a fishing regime pursuant to the U.S-Canada Albacore Treaty. However, the HMSMT would like to set the record straight regarding an allegation made in a widely circulated email on this subject. In a May 21, 2012, email Mr. Chip Bissell, fishery consultant for the American Albacore Fishing Association, states in part:

I have particular concern regarding the apparent landings by Canadian vessels at ports that are not on the list set forth in the treaty.

It also appears that NMFS has provided the Council with incomplete and misleading data with respect to treaty-related landings. ...[T]he Council was not informed of the existence and extent of landings by Canadian vessels to “non-treaty” ports. ...I have made a preliminary review of Council materials and am inclined to believe that NMFS, the HMS-MT, and the SWFSC may have been selectively misrepresenting treaty-related landings data from the Council, stakeholders, and this delegation. (emphasis in original)

The HMSMT would like to make clear that we have never intentionally misrepresented landings by Canadian albacore vessels in U.S. ports. Mr. Bissell's claim is based on data presented in Agenda Item I.1.a, Attachment 2, November 2011. This report was prepared by Council staff. Staff ran a query on PacFIN landings filtered by the ports named in Annex B of the U.S.-Canada Albacore Treaty, which lists authorized U.S. ports. As a result landings in Ilwaco were omitted from the data used in that report. Staff was unaware that the U.S. Customs Service, the Federal agency responsible for enforcing these landings requirements, classifies the Annex B ports by customs district. In an explanatory note to NMFS Mr. George R Kisel, Port Director for the Port of Astoria, explained that "CBP's Port of Astoria (Port Code 2901) consists of Astoria, Oregon, and the outlying areas of Warrington, Oregon, Ilwaco, Washington, and Chinook, Washington. Any entries filed at the outlying areas are considered filed at the Port of Astoria, with the 2901 port code. While Canadian-flagged vessels have been authorized to fish for tuna in U.S. waters, they have been required to file entries on their cargo as foreign merchandise."

The HMSMT is responsible for compiling the annual HMS SAFE Report, the principal public data source for HMS landings on the west coast. Where the HMS SAFE has separately reported Canadian landings (in the section on commercial fisheries in Washington State) no ports were excluded from the report. The HMSMT has never misrepresented or selectively omitted information about albacore landings. The HMSMT encourages any entity or individual requiring a better understanding of data to seek our assistance.

PFMC
06/01/12

NATIONAL MARINE FISHERIES SERVICE REPORT
HIGHLY MIGRATORY SPECIES

U.S. – Canada Albacore Treaty Meeting: Delegations to the Treaty met in Portland, Oregon on May 23-24. The U.S. delegation was represented by Council members and staff, the harvesting and processing sectors, the Oregon Albacore Commission, the states of Oregon and Washington, Department of State, NMFS, NOAA's Office of Law Enforcement, and the U.S. Coast Guard. Canada was represented by their Department of Fisheries and Oceans including enforcement, Consulate General, harvesters, and the Canadian Highly Migratory Species Foundation.

After the data exchange for the 2011 fishing season, the Canadians offered a fishing regime proposal for 2012 and beyond. The reason for their proposal is that no fishing regime currently exists for 2012 because the previous one expired at the end of the 2011-fishing season. The Canadian proposal addressed three key themes: restricting vessel size when replacing a vessel allowed to fish in the U.S. EEZ; prohibiting the leasing/transfer of Canadian vessel licenses with permits to fish in the U.S. EEZ; and contributing funds to scientific research. The U.S. harvesters have repeatedly raised the first two issues as problematic and this was Canada's initial effort to resolve concerns about increased capacity and aggressive fishing behavior. The Canadians did not offer to reduce the 110 vessels that were allowed to fish in the U.S. EEZ during the last regime.

The U.S. delegation considered the proposal and internally discussed offering an interim fishing regime for 2012 but in subsequent bilateral discussions with the Canadians, acknowledged that the U.S. delegation was not in a position to offer an agreement for reciprocal fishing in 2012. The meeting was concluded by the United States stating that the 2012 suspension should not be viewed as a step for getting rid of the Treaty but rather as a way to strengthen it and that we would be working towards a 2013 regime. Both countries agreed to continue working and sharing additional data that would be taken up by both the Data and Economic Working Groups.

Scientific Advisory Subcommittee (SAS) to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) Meeting. On May 30, 2012, the 3rd Meeting of the SAS to the U.S. Section to the IATTC met in Carlsbad, California. The SAS drafted recommendations to be presented to the General Advisory Committee (GAC) to the IATTC. These recommendations include, but are not limited to: 1) support of IATTC staff recommendations for tuna conservation measures in 2012 – 2013 for yellowfin, bigeye, and skipjack tuna, 2) support for IATTC staff recommendations for North Pacific albacore tuna that calls for the establishment of an *ad hoc* working group to develop an operational definition of the “current levels” of effort specified in Resolution C-05-02 and that the resolution be amended to require that the 6-month reports also include information on effort in addition to the currently required reporting on catch; 3) support for providing similar conservation measures to silky sharks as was done last year for oceanic whitetip sharks; 4) support for efforts to facilitate discussions between Mexico and Japan and other IATTC members for improving coordination and communication on issues related to Pacific bluefin conservation., and 5) support for the sea turtle recommendations of the Inter-American Convention for the Protection and Conservation of Sea Turtles. Lengthy discussions also revolved around the impact of FAD fishing with the SAS suggesting the GAC consider the

importance of synthesis and evaluation of reported data to monitor compliance of proposed FAD management measures.

General Advisory Committee Meeting. On May 31, 2012, the 18th Meeting of the General Advisory Committee (GAC) to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) met in Carlsbad, CA. Dr. Rick Deriso of the IATTC gave a presentation that highlighted stock status updates for the yellowfin, bigeye, skipjack, and North Pacific albacore tuna. Jeremy Rusin, chair of the SAS, presented committee recommendations to the GAC for consideration at the 2012 annual IATTC meeting. Lengthy discussions revolved around the recent vessel buyback workshop and the IATTC Capacity Working Group. Other regional fisheries management organizations have recently passed resolutions on capacity. Potential impacts of these resolutions and how they may be handled by the IATTC were discussed. There was agreement that the vessel buyback programs as currently proposed would be difficult to implement and would not likely have any conservation benefits. Other lengthy discussions revolved around but were not limited to: 1) IATTC Resolution C-05-02 (Resolution on Northern Albacore Tuna) and its potential effect on U.S. and Canada Albacore Treaty; 2) cross-training observers to serve in both eastern Pacific Ocean and the Western and Central Pacific Ocean; 3) the Antigua Convention and its U.S. legislative status; 4) the potential for individual boat quotas as a conservation measure; and 5) proposals and resolutions, both current and potential, which may be discussed as part of the 2012 IATTC meetings.

**HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON
INTERNATIONAL MANAGEMENT ACTIVITIES AND RECOMMENDATIONS**

International Management Measures

The Highly Migratory Species Advisory Subpanel (HMSAS) received a presentation from the Highly Migratory Species Management Team (HMSMT) on a suggested way to move forward on management measures for the North Pacific Albacore fleet in the international and domestic arena. The HMSAS looks forward to working with the HMSMT on potential alternatives on future management, taking into account the following concerns:

- The information on potential management regimes is displayed in a manner that the US strategy in US international negotiations is not revealed.
- The information is not acted on to institute domestic regulations until there is a clear agreement among North Pacific albacore fishing nations as to how each country will abide by the agreed upon international regulations.
- Regulations are not implemented that put the US fleet at a disadvantage on the fishing grounds or access to a fair share of the international allowed harvest.
- Regulations that are generated from the information developed by the HMSMT are capable of being fairly enforced to regulate the fishermen from all the countries that catch North Pacific albacore to include catches described as bycatch and catches harvested by fleets termed as artisanal.

The HMSAS appreciates that the HMSMT presented their ideas to the HMSAS for comment and look forward to a cooperative working relationship if the Council directs the HMSMT to move ahead with the necessary research.

Advice to the Western and Central Pacific Fisheries Commission (WCPFC) and Northern Committee

The HMSAS recommends that the Council advise the US delegation to the WCPFC and Northern Committee on the following.

A North Pacific albacore stock assessment was produced in 2011 by the International Science Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) Albacore Working Group (WG), the assessment investigated major commonly used biological reference points to assess the status of the stock relative to these reference points. The assessment and all relevant assessment information and analysis were distributed to member nations and the two Pacific Ocean regional management organizations responsible for albacore management, the WCPFC and Inter American Tropical Tuna Commission (IATTC).

The Northern Committee of the WCPFC has opted to use the 10 lowest spawning stock biomass (SSB) years average as a limit reference point. The IATTC has not as yet responded to the WG proposals, but the WG was informed that an equilibrium-based reference point is desired. The HMSAS supports the concept of this WG to address this issue.

Under the 2011 assessment none of the accepted biological reference points (BRPs) would be limiting at the current level of harvest or abundance. The near term outlook of the 2011 assessment does not see any change in status during the next several years, so the WG does not see any urgency in establishing a BRP for the stock until the next assessment in 2014, to which the HMSAS agrees.

The HMSAS supports the establishment of a BRP that will maintain the North Pacific albacore stock at a sustainable level near the long term MSY yield level. The level of scientific uncertainty prevents harvesting at the MSY level and supports the efforts of the International Albacore WG to develop surrogate biologically-based reference points that approach MSY harvest rates while maintaining a spawning biomass near the MSY biomass level.

The HMSAS believes that we may be faced with two separate management regimes, one for the eastern Pacific and another for the western Pacific. The HMSAS finds this troubling, and is strongly opposed to unilateral efforts to limit one segment of the fishery while others are free to fish unencumbered. Harvest regulations must be uniform across the entire area of the stock and applied equitably. One must also be cognizant that the entire North American harvest is 18 percent or less of the entire North Pacific harvest and efforts to manage only this small fraction in isolation will not benefit the resource, the fishermen, or communities dependent on the harvests.

HMSAS urges the Council to allow the international management process to continue through the Regional Fishery Management Organization (RFMO) process and the body charged with providing science on North Pacific Albacore to both RFMOs, the International Scientific Committee. Council action will only apply to U.S. west coast albacore vessels and will not limit foreign activity in the eastern Pacific Ocean. The US fishery is a small portion of the international fishery. Limitations on the US fleet will only diminish its ability to maintain the already small portion of the current international albacore harvest. We are also concerned that a premature setting of management criteria could confuse the international process and make it more difficult to reach an international accord.

In addition, we would also like to note that it is important that we have Council representation at the WCPFC and NC meetings.

US-Canada Albacore Treaty

The HMSAS remains in support of the suspension of the US/Canada fishing regime under the US/Canada albacore treaty. The HMSAS reasons for the suspension were stated in the March 2012 report (Agenda Item B.2.b, Supplemental HMSAS Report). To develop, out of haste, a regime for 2012 would ignore the necessity for a reasonable time period to discuss or negotiate fair and equitable proposals.

The HMSAS now advises the Council that all of the Canadian documentation included in the “Presentation to the PFMC” (Agenda Item E.2.c, Public Comment, June 2012) is not new, and was presented and vetted thoroughly by the US delegation at the May 23-24, 2012, bilateral treaty meeting in Portland, Oregon. The HMSAS also finds the information incomplete and can be misleading.

For 7 out of the last 10 years, the Canadian fleet extracted about 80 percent of their total catch from US waters. According to Canada's data, during 2004-2011 (except for 2005 and 2010) their total catch in the US EEZ was over 4,000 tons per season, of which most was landed in Canada. This translated into an outflow of 10-15 million US dollars based on ex-vessel prices without any multipliers involved. The report of the US-Canada data WG suggests that it would take the US fleet a catch of 1,000 additional tons to make up the lack of the Canadian fleet in US ports. Most fishermen think this is achievable.

The HMSAS has listened to the industry representatives to the US delegation and is satisfied that the Canadian proposals were carefully reviewed at the 2012 Portland meeting. The HMSAS believes that the Canadian proposals represented the status quo and offered no basis for a compromise solution. Therefore, the HMSAS still maintains that the fishing regime should be suspended through 2012.

PFMC
06/21/12

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON INTERNATIONAL MANAGEMENT ACTIVITIES AND RECOMMENDATIONS

This report provides information from discussions during the June 2012 Highly Migratory Species Management Team (HMSMT) meeting with 1) the Highly Migratory Species Advisory Subpanel (HMSAS), regarding potential future international and domestic management measures for North Pacific albacore, and 2) the Scientific and Statistical Committee (SSC), regarding biological reference points.

Meeting with the HMSAS on Potential Future Management Measures for North Pacific Albacore

The HMSMT made a presentation to the HMSAS entitled “Potential Alternatives for North Pacific Albacore Management.” This presentation was intended to address the Council assignment for the HMSMT to further develop information that would allow the Council to provide input on the development of a management framework for north Pacific albacore. The presentation clarified the international and domestic aspects of north Pacific albacore management. Further discussion focused on the need to proactively develop potential domestic management measures in the event of a less favorable stock assessment outcome and subsequent adoption of Regional Fishery Management Organization (RFMO)-based conservation and management measures.

In order to maintain maximum flexibility to meet future management needs through a streamlined process, the HMSMT suggests developing a template of options that includes the broadest possible range of potential management alternatives. The HMSMT reiterated concern over potential harm to the U.S. West Coast fishery interests if domestic management is imposed without commensurate measures on other nation’s fleets. The HMSMT advocated identifying which potential management measures are feasible and effective, which are desirable, and which should be avoided.

At the Council’s direction, the HMSMT could work with the HMSAS on development of this option template and report on progress at future meetings.

Meeting with the SSC Regarding Biological Reference Points

The HMSMT concurs with the SSC that if MSY reference points cannot be calculated for north Pacific albacore due to the lack of a stock recruitment relationship, reference points should be biologically based (e.g. $F_{SPR\%}$). Further discussion with the SSC focused on their suggestion that there may be value in conducting a Management Strategy Evaluation (MSE). The SSC stated that an MSE requires a robust assessment model and well-defined management objectives. If the Council makes a recommendation to an RFMO to conduct an MSE for albacore, the Council could provide a suite of defined management objectives consistent with the FMPs management goals and objectives for evaluation.

The HMSMT recommends the Council encourage the Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission to adopt compatible:

- Reference points.
- Management frameworks for north Pacific albacore.
- Definitions of “current effort” and reporting requirements, in order to improve compliance with current conservation measures.

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON INTERNATIONAL MANAGEMENT ACTIVITIES AND RECOMMENDATIONS

The Scientific and Statistical Committee (SSC) met with the Highly Migratory Species Management Team (HMSMT) and the Highly Migratory Species Advisory Subpanel (HMSAS) to discuss (1) the management framework and (2) limit and target reference points for North Pacific albacore tuna. Dr. Kit Dahl (Pacific Fishery Management Council staff) provided context for the various issues related to this agenda item that were pertinent for SSC consideration. Dr. Suzanne Kohin (Southwest Fisheries Science Center) gave a presentation which summarized the issues on which the HMSMT desired SSC input.

The Northern Committee (NC) of the Western and Central Pacific Fisheries Commission has submitted a schedule for developing a precautionary framework for the management of North Pacific albacore tuna (Agenda Item E.2.a, Attachment 1). The Pacific Fishery Management Council (Council) has the opportunity to provide comments on this schedule prior to the upcoming meeting of the NC in September 2012. The SSC recommends that a Management Strategy Evaluation (MSE) should be an integral part of this proposed framework development process and the Council could provide valuable input on the evaluation criteria used in the MSE process. For example, evaluation criteria could include maximizing long-term yield or stabilizing annual yields depending upon management goals.

As part of the above process, the NC will develop limit and target reference points for North Pacific albacore tuna. The Council has the opportunity to comment on possible approaches for developing these reference points. The SSC supports the conceptual model being proposed by the NC as it closely aligns with the current stock status determination process used in the Council's Groundfish Fishery Management Plan (FMP). The SSC notes, however, that B_{MSY} was proposed as a potential limit reference point in one of the documents associated with this agenda item (Agenda Item E.2.a, Attachment 2). While B_{MSY} may be an appropriate target reference point, it is not an appropriate limit reference point. If used as a limit reference point, one would expect the stock to be overfished approximately half the time due to assessment and management imprecision when fishing at F_{MSY} .

The SSC concurs with the International Scientific Committee (ISC) Albacore Working Group that spawning potential ratio (SPR) reference points (e.g., $F_{40\%}$, $F_{30\%}$) should be considered as potential F_{MSY} proxies for albacore in any MSE sponsored by the NC.

Finally, the SSC notes that it currently gives only a cursory review to stock assessments conducted by Regional Fishery Management Organizations (RFMOs) for HMS species primarily due to the lack of detail that is presented to the SSC for review. These reviews are not comparable to the in-depth reviews that stock assessments receive during the Stock Assessment Review Panel process conducted by this Council. Therefore, the Council must rely on the rigor of the analysis and review process conducted by the RFMOs for assessing stock status.



April 27, 2012

Governor Christine Gregoire
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002
USA

Dear Governor Gregoire:

Thank you for taking the time to discuss with me the renewal of the Canada-United States Albacore Tuna Treaty, and its importance to Washington and British Columbia tuna fishers, fish processors and service suppliers, including the jobs and families these industries support in both our jurisdictions.

As discussed, from our perspective, failing to permit a tuna fishing regime in 2012 under the Treaty to continue to allow United States and Canadian based vessels to enter each other's waters and ports, would be counter-productive for all concerned on both sides of the border. A lot of progress has been made on the West Coast to realize the mutual benefits of successful fisheries cooperation in this and many fisheries over the past ten years. Three other international fisheries agreements for halibut, salmon, and hake/whiting are in place. The trans-boundary nature of many fish stocks, and the complexity of fisheries conservation and management, means that positive working relationships and collaborative approaches are crucial here as elsewhere. It would be unfortunate to go backwards – something that would be in no one's interest.

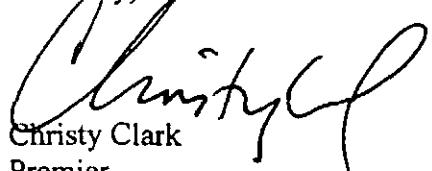
My understanding is that shared access under the Treaty has been of broad mutual benefit to Washington, Oregon and British Columbia:

- Immediately, it provides US vessels access to Canadian ports for crew changes, supplies and exports, and BC vessels access to Washington and Oregon ports. These arrangements are valuable and will be lost without a new regime in place for 2012.
- Ongoing, it provides stable, long-term access to the resource for each of our jurisdiction's fleets. Albacore tuna is highly migratory. This year tuna might be concentrated in US waters, and next year in Canadian waters. The stock is also expected to continue moving north with climate change. In the 1950s, I am told, the Pacific tuna fishery was conducted off Mexico.
- Broadly, the Treaty is key to fisheries and marine conservation given the trans-boundary nature of the stock. It also provides the basis for joint market development, including the joint Marine Stewardship Council certification of the Canadian and US tuna fisheries. Canadian vessels have supported jobs in processing and services in Washington and Oregon ports, and vice versa.

I also understand, as you conveyed, that there are serious concerns relating crowding and the conduct of British Columbia fishers in US waters that need to be listened to and resolved. I intend to consult with BC tuna fishers to see if they are prepared to immediately address these issues. I understand that a proposal has been brought forward to deal with these matters (see attachment) and I will emphasize the need to reach an understanding and protocol as a necessary condition for proceeding with any negotiation.

I appreciate greatly your willingness to work together, and with our respective federal governments, over the next few weeks to see if we can get this fishery back on track on at least an interim basis for 2012, in the mutual interest of all our affected coastal communities in Washington, Oregon and British Columbia. Our jurisdictions on the West Coast have pioneered collaborative approaches in so many areas to realize shared and mutual benefits for our citizens. I am hopeful we can encourage the same approach here.

Sincerely,



Christy Clark
Premier

enclosure

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

April 30, 2012

Dr. Kerri-Ann Jones
Assistant Secretary for Oceans and
International Environmental and Scientific Affairs
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Dr. Jones:

Last week, I spoke with British Columbia Premier Christy Clark regarding the Canada-U.S. Albacore Tuna Treaty and I wanted to share my perspective on this issue with you.

Premier Clark and I had a very candid conversation regarding the concerns of our fishers and those from Oregon and California regarding the Canadian fleet's fishing behavior and crowding issues in U.S. waters. In response, Premier Clark informed me she intended to consult with her fishing industry to see if they are willing to immediately address these two areas of concern. I told Premier Clark that I would request the scheduling of a bi-lateral meeting as quickly as could be arranged. I also indicated that if these two issues can be addressed immediately and sufficiently at a bi-lateral meeting, I would support continuation of the Fishing Regime as a one-year interim step while the broader matters relating to the Treaty are being negotiated.

As you know, Washington and British Columbia have had a long, extensive and cooperative relationship on many different issues. I hope we can find a way to successfully resolve these issues regarding the Albacore Tuna Treaty.

Sincerely,

A handwritten signature in blue ink that reads "Christine O. Gregoire".

Christine O. Gregoire
Governor

cc: The Honorable Christy Clark, Premier of British Columbia
The Honorable Jerry Brown, Governor of California
The Honorable John Kitzhaber, Governor of Oregon
Phil Anderson, Director, Washington State Department of Fish and Wildlife.





4829 MAPLEGROVE STREET
VICTORIA, BC V8Y 3B9

PHONE 250-658-0179 CHMSF@ieccorporate.com

Presentation to the Pacific Fisheries Management Committee

- Highly Migratory Species Management Session -

AM June 22, 2012 San Mateo, California

To the Board Members of the Pacific Fisheries Management Council:

First of all I would like to thank you for the opportunity to make this presentation.

As Executive Director of the **Canadian Highly Migratory Species Foundation**, I am here representing our Board of Directors and Members. Our Membership includes 213 fishermen, buyers, processors, brand label marketers, and scientists. Included in this number are 87 vessels, buyers, processors who are certified under our Marine Stewardship Program for Pacific Albacore Tuna- including a number of US processors.

We recently became aware of a Council Resolution that took place on March 2, 2012 that recommended the end of a pacific albacore reciprocal fishing regime between the United States and Canada that has lasted 31 years. While we understand there was a presentation made to this Council in favour of ending this agreement, we have not had the opportunity to review the presentation, and we are not aware of any other presentations made presenting ternate points of view held by many.

We, and perhaps you, are aware of the significant impact the end of the current reciprocal fishing regime will have on the lives of both American and Canadian fishermen, their families, buyers, processors and their staff, markets, and prices related to Pacific Albacore- my presentation, however, is simply to provide you with information related to other impacts this decision will have.

The CHMSF in collaboration with the Western Fish boat Owners Association (WFOA) have in the past shared costs and data in order to more easily fund the full assessment process for Marine Stewardship Assessment which resulted in both of our fisheries achieving MSC Certification. Over the past two years we have continued that collaboration which has allowed us to undertake, and succeed, in achieving our Annual MSC Audit at a cost saving to both. The end of the current fishing regime jeopardizes not only ongoing communication between CHMSF and WFOA but the possibility of collaborative funding arrangements which will result in greater costs for each Association.

In addition, levy's generated by the fishing efforts of US and Canadian fishermen support associations such as the CHMSF, WFOA, and AAFA. The lack of a reciprocal fishing regime jeopardizes this program, reduces the viability of these organizations, and the collective work done by each to support the Pacific Albacore Tuna Industry-- specifically the costs related to annual Audits and upcoming MSC Full Assessment requirements.

The CHMSF, the British Columbia Tuna Fisherman's Association (BCTFA), the Province of British Columbia, and the Government of Canada collaborate in various research projects related to Albacore Tuna. These research projects generate data related to tuna length-frequency, by-catch, mercury, Omega-3, Heavy Metals (Cadmium, Lead), and, since the disaster in Japan, radioactive contamination of fish, which I see now may become an issue in Bluefin caught off the California coasts. This data is shared with our US colleagues (both scientists, and fishermen) and benefits the collective efforts of managing stocks. In 2011 the Canadian industry established, and presented to our US colleagues a protocol for increasing annual funding to support joint research projects identified by the Tuna Data Working Group made up of both American and Canadian members. The lack of a reciprocal fishing regime, as it impacts the potential income of fishermen who fund the research program has, as a fall-out of the decision to cancel the 2012 reciprocal fishing regime, resulted the suspension of this research program.

Over the past number of years the CHMSF, in collaboration with industry has expanded its marketing efforts to introduce high quality sashimi grade albacore to international Sushi Markets. Such efforts have resulted in the price for Albacore tripling to the benefit of all fishermen. As US industry modernizes their equipment - upgrading to blast freezers - they have equal access to these new markets. In addition the CHMSF has recently begun financially supporting marketing efforts of our MSC Processors to attend trade shows internationally. One of the largest Canadian buyers of US caught Albacore is one of our significant participants in these programs allowing them to market US caught Albacore internationally through our marketing efforts. The lack of a reciprocal fishing regime in 2012, will significantly reduce these efforts, directly impacting US fish sales to Canadian buyers, and will dramatically affect market supply thus resulting in markets accessing product from other countries.

Besides negatively affecting the current and future livelihoods of fishermen, buyers, processors, brand label marketers, and port communities of both countries, the decision to support an end to our historical fishing regime has direct impacts on issues related to sustainable fishing, stock management, research, and marketing. All of which supports the health of the overall north pacific albacore tuna stock, and ensures that conservation issues are addressed jointly and collaboratively to our mutual benefit.

On behalf of the Directors, and Members, of the CHMSF I urge the Members of the Board of Directors of the Pacific Fisheries Management Council to reconsider their recommendation and to support the continuation of a reciprocal fishing regime for 2012 which will in-turn facilitate continuing negotiations and the continuation of the US/Canadian Bilateral Pacific Albacore Treaty under which both US and Canadian fishermen have worked cooperatively, collaboratively, and to the mutual benefit of both, for thirty-one years.

**W. E. Lorne Clayton, RPBio.
Executive Director
Canadian Highly Migratory Species Foundation**

RENEWED US/CANADA ALBACORE TUNA TREATY

Prepared for the June 22, 2012 Pacific Fishery Management Council meeting by the British Columbia Tuna Fishermen's Association

May 29, 2012

ISSUE: Pacific Fishery Management Council (PFMC) recommendation to United States National Oceanic and Atmospheric Administration (NOAA) to suspend reciprocal fishing under the US/Canada Albacore Treaty for the 2012 season.

NEGOTIATIONS SUSPENDED – CONSEQUENCES

- The loss of reciprocal Treaty fishing privileges imposes significant hardships upon many of each country's tuna fishing businesses, upon the buyers and processors in both countries who rely upon the tuna fishery, and upon the businesses in the coastal communities, which benefit from the presence of tuna vessels in their harbours, be they American or Canadian.
- A number of community businesses in both countries have voiced their support for the Treaty and for the continuation of the fishing regime for 2012.
- U.S. coastal communities and businesses have benefitted significantly from the presence of Canadian fishermen. These benefits are discussed in an Economic Impact Study prepared by the US/Canada Albacore Treaty Economic Working Group. The Study determined that Canadian tuna fishing vessels contribute up to \$16 million to US coastal communities annually (Table 1). These direct benefits are now at risk.
- Under the Port Access provisions of the Treaty, US and Canadian fishermen have enjoyed access to listed ports in each others' countries for sale and transhipment of tuna, and for supplies, fuel, repairs etc. Since the Fishing Annex of the Treaty expired in December, 2011, the port access provisions of the Treaty, under which Canadian and US vessels had access to each others' ports, are no longer in effect.
- As a consequence, Canadian vessels wishing to enter US ports must now do so under the terms of the US Nicholson Act. They are prohibited from landing tuna. US vessels wishing to use Canadian ports must do so under the terms of the Canadian Coastal Fisheries Protection Act.
- Finally, if the Treaty fails, the US/Canada Albacore Treaty Data Working Group would cease to exist which would compromise the quality, content and timeliness of data collected and exchanged, to the detriment of stock assessment, and would likely jeopardize MSC certification.

BACKGROUND

Fishery has changed in the last 15 years.

- In 1981, as a result of the creation of Exclusive Economic Zones (EEZ) in both countries, a number of US albacore vessels fishing off the coast of B.C. were arrested and escorted in to Prince Rupert. Shortly thereafter the US/Canada Albacore Tuna Treaty ("the Treaty") was ratified.

- For the first 15 years of the Treaty vessels from each country fished in each others' waters. Typically there were many more American vessels fishing in Canadian waters than there were Canadian vessels fishing in US waters. The two fleets fished cooperatively.
- In the mid 1990's, declining salmon stocks and prices pushed a growing number of Canadian salmon trollers into the albacore fishery. Tuna prices were low and catches were modest.
- By the late 1990's, Canadian participation had increased to well over 200 vessels. Due to the distribution of the northern albacore in those years, a majority of those vessels fished much of their season in US waters.
- Increased numbers of Canadian vessels led to US fishermen's complaints about crowding and as a result the first of a series of vessel limitation regimes in 2002. Over the past decade, through three limitation regimes, the Canadian fleet fishing the US EEZ has been reduced from a high of 218 vessels in 2000 to 110 vessels under the 2008 regime. That regime has now expired.

US and Canadian catch then and now

- Over the first 15 years of the Treaty, the total Canadian catch of albacore seldom exceeded 500 mt (Figure 1). Thereafter, it grew steadily to its present level of approximately 5,500 mt. This increased catch is a result of a combination of increased numbers of Canadian vessels, an increase of experience in the Canadian fleet, improvements in both electronics and freezing technology, and the replacement of a number of smaller Canadian vessels by larger vessels.
- Over the last five years the total Canadian catch has been in a narrow range of 5,000 to 6,500 mt whereas the US catches over the same period have shown a modest upward trend. Approximately 75 percent of the Canadian fleet's landings have been caught in US waters

New and more lucrative markets. □Demand for albacore is growing and the stock is healthy

- Canadian fishing vessels brought with them the highly efficient blast freezer systems they had developed in the salmon troll fishery. These freezer systems produced higher quality fish than did the US brine freezing systems, which were the standard in the US fleet at that time. There has since been a steady shift in the US fleet to blast freezers and higher quality product.
- The higher quality product produced by US and Canadian vessels enabled albacore tuna processors to develop a lucrative international market for frozen albacore tuna loins. As a result of this new market, the landed price for quality blast frozen albacore tuna has risen from under one dollar per pound a decade ago to close to three dollars per pound at the end of the 2011 season.
- Albacore market demand is up and the resource is stable with no evidence that overfishing is occurring. In brief, the future looks good for albacore as confirmed by Marine Stewardship Council joint certification of both countries' fisheries.

Tuna close to shore. Crowding on the grounds and in US ports

- With the advent of better fish-finding technology both the US and Canadian fleets have become more adept at locating tuna. In the fall months particularly, when the tuna tend to concentrate nearer the coast, congestion in good fishing areas led to close encounters between vessels of both fleets, particularly in 2011. This led to complaints from US fishermen about aggressive fishing behaviour by Canadian fishermen

- US fishermen have expressed concern about Canadian vessels causing congestion in US ports, and causing delays in access to unloading and fueling facilities.

Growth in vessel size and permit transfers

- US fishermen have also expressed concern about the growth in the average size of Canadian vessels, and about the sale and temporary transfers of Canada's US EEZ permits within the Canadian fleet.

US fishermen press for suspension of Treaty fishing privileges; US government agrees

- The fishing annex to the Treaty, negotiated in 2008, governed access to each other's waters. That annex expired on December 31, 2011 and renegotiation has not occurred.
- In a joint letter to the US Department of State dated November 11, 2011, the American Albacore Fishermen's Association (AAFA), and the Western Fishboat Owners Association (WFOA), asked the US government to terminate reciprocal fishing rights under the Treaty.
- On March 2, 2012, PFMC passed a recommendation supporting the industry position of no renewal of the fishing provisions of the Treaty for the 2012 fishing season.
- It is our understanding that the PFMC's recommendation was based on submissions made by US harvesters with little or no input from the US (and Canadian) communities, businesses, buyers and processors who would be affected by the PFMC's decision.
- On March 13, 2012 PMFC's Executive Director sent a letter to NOAA's Acting Assistant Administrator supporting continuation of the Canada/US Albacore treaty, but recommending suspension of the Treaty Fishing Regime to allow stakeholders and managers time to address "long term reciprocal privileges under the Treaty".
- The US government supported the harvesters' position, the effect of which was to freeze any prospect of renegotiating the fishing provisions of the Treaty, thereby denying mutual fishing access for both countries fleets for the 2012 fishing season.
- For the past 18 months the US and Canadian governments have not been able to agree on a re-start to negotiations. During this time Canadian industry and government have prepared and presented proposals to address US harvesters' concerns.

CANADIAN PROPOSALS

- The BCTFA has discussed the US fleet concerns concerning crowding, aggressive behavior and fishing capacity. We have come up with some proposals with the hope they will show our US counterparts that we take these issues seriously and are prepared to work towards a resolution. These proposals were presented to the US Treaty delegation at the recent bilateral meetings held in Portland, Oregon, May 23 and 24, 2012.

Proposal on Fleet Etiquette (Attachment 1).

- In this proposal Canada outlines revisions to Annex C of the Treaty. It proposes the establishment of a industry working group from both countries. Complaints will be investigated and dealt with in real time. Repeat offenders may be subject to sanctions by its government.

- In addition, in Attachment 2, BCTFA offers some ideas to encourage and facilitate improved tuna fleet behavior. In Attachment 3, BCTFA provides some common sense "Rules of the Road" for fleet etiquette.

Proposal on Fishing Capacity (Attachment 4)

- In this proposal, Canada outlines revisions to Annex A that would freeze the transferability of Canadian fishing privileges during the existing Treaty fishing regime. This will allow permanent licence transfers between vessels of the same length and will freeze the size of vessels in the Canadian fleet.

Proposal to Improve Research Funding

- Further to the above proposals, the Canadian delegation indicated it was prepared to discuss Canadian funding for joint scientific research projects, and any other topics the US delegation felt were appropriate for bilateral funding.
- We believe that this initiative will be important to maintaining the MSC certification of the albacore fishery and international commitments to the IATTC and Western Pacific Fisheries Commission.

ADDITIONAL ELEMENTS

Albacore Fishing Season Length

- The Canadian delegation is prepared to shorten the fishing season for its vessels in US waters.

Canadian Fleet Size in US Waters.

- This is a most sensitive issue for the Canadian side. Many people's livelihoods are at stake. However, US delegates have raised the issue of fleet size so many times that we now feel compelled to address this issue head-on, if that is what's needed to restart negotiations.

CANADIAN INDUSTRY REQUEST

- The Canadian tuna industry is committed to negotiation of an amended Treaty that provides acceptable benefits to each Party. The Canadian albacore fishing fleet respectfully requests that the PFMC revisit its recommendation to suspend reciprocal fishing for 2012,

Larry Teague, President
 British Columbia Tuna Fishermen's Association
 Box 372, Shawnigan Lake, BC V0R 2W0
 Phone 250 743-5002
 Fax 250 743-1139
 Email bctfa@shaw.ca
 Website www.BCTFA.com

Figure 1. Canada / US northern albacore catch

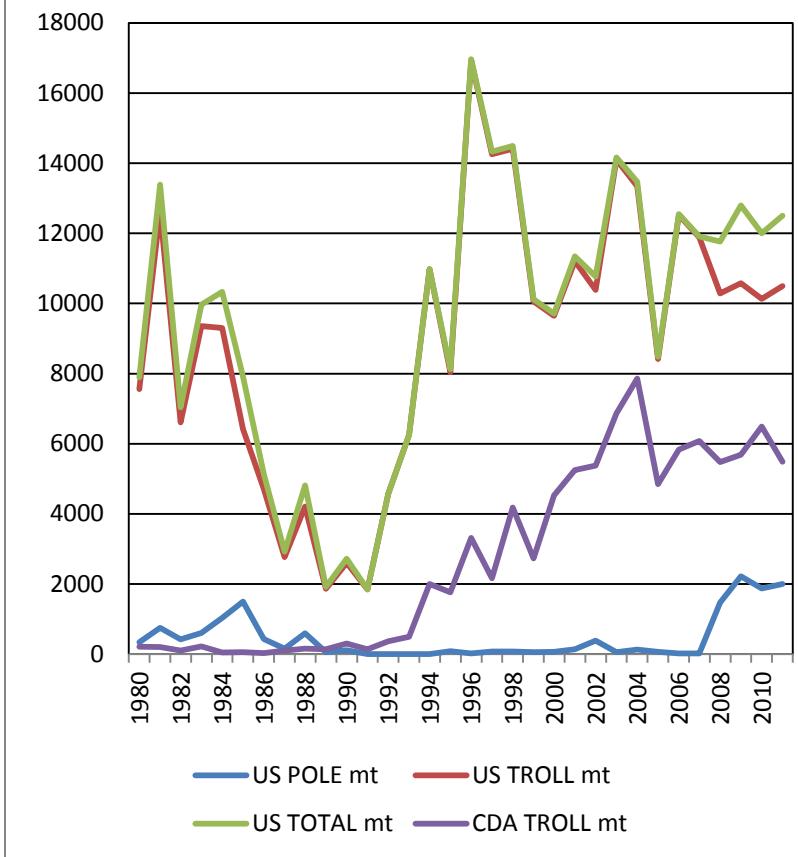


Table 1. Prepared by US – Canada Albacore Treaty Economic Working Group Members,
April 2012.

U.S. Economic Impacts of Processing Canadian Caught Albacore on Output

Table 1.					
Year	Region	Direct	Indirect	Induced	Total Impact
2011	Oregon	7,064,521	4,118,748	1,697,125	12,880,394
	Washington	1,757,160	884,223	533,637	3,175,020
	OR+WA	\$8,821,680	\$ 5,002,971	\$ 2,230,762	\$ 16,055,414
2010	Oregon	2,599,850	1,515,761	624,568	4,740,179
	Washington	1,916,886	964,599	582,145	3,463,630
	OR+WA	\$4,516,736	\$ 2,480,361	\$ 1,206,713	\$ 8,203,810
2009	Oregon	617,113	359,788	148,250	1,125,152
	Washington	1,758,322	884,808	533,990	3,177,120
	OR+WA	\$2,375,435	\$ 1,244,596	\$ 682,241	\$ 4,302,272
2008	Oregon	3,596,989	2,097,112	864,113	6,558,214
	Washington	2,271,948	1,143,270	689,975	4,105,194
	OR+WA	\$5,868,938	\$ 3,240,383	\$ 1,554,088	\$ 10,663,408

Proposal on fleet etiquette – Revisions to Annex C

5 (bis)

1. Taking into consideration the Proposal to Encourage and Facilitate Improved Tuna Fleet Behaviour (Code of Behaviour) adopted by the Parties (or fishing association entities of the Parties as the case may be), any vessel owner or vessel captain engaged in fishing pursuant to the Fishing Regime may complain to an in-season contact representing the vessels of his Party of any alleged violation of the Code of Behaviour by the crew of any vessel of the other Party as soon as may be practicable. The complaint should include the following information:
 - the name, radio call sign or vessel identification of the vessel whose crew is alleged to have violated the Code of Behaviour
 - the nature of the alleged violation
 - the date and location where the alleged violation took place.
2. The in-season contact will forward the complaint to all other in-season contacts designated by both the Parties one or more of whom will take responsibility to further investigate the complaint and liaise with one or more in-season contacts designated by the other party.
3. Should the in-season contacts involved in the investigation of the complaint reach a consensus on the nature of the violation and any possible sanction, this consensus will be forwarded by the in-season contact designated by the party of the alleged violator to the violator, to the fishing association representing the alleged violator, to the fishing association of the complainant and to the authorities of each of the parties designated by the Party to receive complaints under this section. The association of the alleged violator will be responsible for imposing any sanction on the alleged violator, failing which, the designated authorities of the parties shall further consult to arrive at a conclusion respecting the alleged facts and whether a sanction may be imposed by either of the parties consistent with their rules and regulations, including those related to licensing.
4. Should the in-season contacts involved in investigating the complaint fail to reach a consensus, the complaint will be forwarded by the in-season contacts involved in the investigation to the designated authorities of the parties referred to under 3. for further action.
5. It is desirable for any complaint filed, investigation conducted and sanction imposed to be carried out as soon as possible after the date of the alleged violation and, in any event, during the course of the fishing season in which the alleged violation took place.

Proposals to Encourage and Facilitate Improved Tuna Fleet Behaviour

The issue of crowding and aggressive behaviour is an issue across both Canadian and United States fleets.

In response, the British Columbia Tuna Fishermen's Association has developed a number of proposals to encourage and facilitate improved tuna fleet behaviour with a focus on:

- Improved communication between United States and Canadian fishermen
- Increased awareness of all albacore fishermen of the critical importance of proper behaviour on the grounds.

The British Columbia Tuna Fishermen's Association proposes the following:

EDUCATION

- to work with United States counterparts to revise the existing British Columbia Tuna Fishermen's Association Code of Conduct.
 - to seek agreement on a revised Code of Conduct from the Western Fishboat Owners Association and the American Albacore Fishing Association.
 - to add the revised Code of Conduct to Canadian and United States tuna logbooks
- to attach a copy of the International Collision Regulations to the Canadian and United States tuna logbooks
 - Most if not all Canadian skippers have a Fishing Masters Certificate, granted by the Canadian Ministry of Transportation. Certification ensures that the skipper has a comprehensive working knowledge of the International Collision Regulations.
- to offer a program to teach appropriate fishing behaviour to Canadian skippers based on the Code of Conduct, and would be pleased to explore the possibility of a joint education programme with their American counterparts.
- to distribute a wheelhouse window sticker to every Canadian tuna fisherman, for placement on the inside of the window facing the helmsman. The sticker will be worded to be a constant reminder to Canadian skippers that they are guests in American waters, and that access to American waters is contingent upon their behaviour.

INFORMATION

- to develop a reporting program to inform both fleets of the fishing conditions in Canadian waters. This could take place in the form of a weekly update to the Western Fishboat Owners Association and the American Albacore Fishing Association providing a synopsis of the fishing opportunities available north of the border. Such a report will encourage communication between fleets and will spread the fleet out over more of the coast, resulting in reduced effort in American waters.

DISPUTE RESOLUTION

- to encourage Canadian fishermen to monitor and use VHF channel 72 to communicate with US fishermen on the grounds. Getting in the habit of communication with other vessels about their course, their fishing activity and their intentions is crucial to safe fishing. Talking to others when there has been a close call, whether caused by inattention or other factors, is critical to pre-empting the escalation of tension on the grounds.
- to form a joint United States / Canada Dispute Resolution Committee when communication on Ch. 72 has not been effective in addressing a problem. The committee could be comprised of an equal number (5 or 6?) of respected and experienced senior American and Canadian tuna fishermen, retired or active, who will be available in-season to receive complaints and contact their counterparts to deal with those complaints. Any complaints received would be brought to both the skipper's and the vessel owner's attention immediately, to be dealt with promptly.
 - Continued joint efforts should occur to determine an appropriate process through which complaints which are not resolved on the grounds can be effectively dealt with.

The British Columbia Tuna Fishermen's Association looks forward to discussing these matters with our American friends.

The British Columbia Tuna Fishermen's Association

ALBACORE FLEET ETIQUETTE

“RULES OF THE ROAD”

B.C. Tuna Fishermen's Association

There have been a number of incidents reported down through the years related to aggressive fishing and poor seamanship. These incidents may have unintended consequences. Please consider using these common sense rules. If we all “play” by the same rules, our job will be a lot easier and less stressful.

1. A circling boat is considered sacred-avoid it like the plague. **NEVER** cross through the area inside his circle-don't even get close. A good rule of thumb is, if conditions allow, leave room enough for him to “reverse” his circle
2. Some boats prefer not to circle, especially in bad weather. If you see a boat making noticeable tacks between A and B, regard it as his spot. Don't move in, pull a circle or cut across his tack and force him off his fish.
3. **Don't** fish close to other boats. In general, stay **one mile** away. If you know the other boat, the courteous thing to do is call him on the VHF and ask to come in closer. This will save you getting cussed out on channel 72! If you're called on the VHF, reply. If you call someone, state your boat name so that whom you are calling knows who to reply back to. We all make mistakes, apologize, and he will get over it a lot sooner.
4. Remember that larger vessels are not as maneuverable as smaller ones. Their circles will be larger and they require more room to turn.
5. In poor visibility and/or bad sea conditions, the safe working distance between vessels is **ONE MILE MINIMUM**. Remember a collision at sea can ruin your entire day, maybe your whole trip!
6. Leave **LOTS** of room when drifting at night. Boats drift at different speeds. **Two miles** all around is generally considered minimum, but safe distances increase with wind, swell height and current.
7. Boats with any type sea anchor drift slower than other boats. If you are using one, make sure you are **up-wind** of all other boats, never down-wind of the fleet. Failure to do so invites disaster. Vessels with steady sails drift faster so they should be down-wind of all vessels
8. Channel 72 is generally considered a safety channel at night to monitor emergencies, drifting problems, freighter traffic, etc. If you are traveling at night, make arrangements ahead of time with traveling partners to switch to another channel after dark. Other people are trying to sleep but want to monitor Channel 72 (and 16) without listening to someone's dinner menu or who won the baseball game.

9. When a “Jig” boat encounters a “Bait” boat and observes “men in the rack” the courteous distance away should be a **mile**. It should also be noted that if you observe a bait boat making erratic course changes, it’s probably because the skipper is chasing a school using his sonar. Cut him some slack to pursue his fish.
10. When in doubt as to what to do, which way to turn, etc., call the other guy and inform him of your intentions. This alleviates frustration and a possible confrontation. At the end of the day, **INTERNATIONAL COLLISION REGULATIONS** takes precedence over “Fishing Etiquette”.

“Watch out for the other guy”

“Show Courtesy”

“Communication is the answer to confrontation”

Proposed Revisions to Annex A
Canadian Proposal – May 23, 2012

Annex A

1(b)

With regard to the transfer of licenceslist of Canadian vessels, the list of Canadian vessels shall remain fixed for the entirety of the fishing season-Regime as defined in paragraph 2 of Annex C. No vessels shall be added to or replaced on the list during the fishing season except pursuant to paragraph 1(c) below.

1(c)

In the event of force majeure or other cause for an exceptional request by the captain or owner of a Canadian vessel on the list in 1(a) for replacement of a vessel is received by the Canadian Government within a season, it shall convene an ad hoc review panel will be convened by the Government of Canada to review the request and determine whether the request is warranted. If the finding is positive, the basis for the finding and the information regarding the replacement vessel per paragraph 1(a) shall be transmitted to the Government of the United States prior to the vessel entering the EEZ of the United States. The following are circumstances in which vessel replacements may be granted to Canadian vessels:

- (i) A vessel may be replaced by another Canadian vessel of the same size or shorter in overall length. Vessel replacements of this type are not permitted to occur within a fishing season as defined in paragraph 2 of Annex C.
- (ii) In the event of a force majeure request for a vessel replacement within a fishing season, the replacement vessel shall not exceed the length overall of the original vessel it is replacing by more than 10 feet. Any subsequent replacements of that first replacement vessel must be of the same size or shorter than the vessel being replaced. Any replacement vessel shall not exceed the length overall of the original vessel it is replacing by more than 10 feet. Any subsequent replacements of that first replacement vessel must be of the same size or shorter than the vessel being replaced.



GALLAGHER TRANSPORT INTERNATIONAL INC.

CUSTOMS BROKERS • FREIGHT FORWARDERS
DENVER • PORTLAND

www.gallaghertransport.com

Thursday, May 31, 2012

Pacific Fishery Management Council
Meeting June 20-26, 2012 San Mateo, CA

Re: United States /Canada Albacore Treaty

Dear PFMC,

We are customs brokers with offices in Portland, Oregon/Vancouver, Washington and Denver, Colorado. For many years we have been heavily involved in assisting Canadian and American fishing vessel owners with documentation and requirements of U.S. Customs & Border Protection, U.S. Coast Guard and FDA.

As customs brokers, we are in a unique position to view the economic impact of this treaty both directions. Since the reciprocal fishing regime under the Albacore Tuna Treaty between the United States and Canada has now expired, we are beginning to see the negative effect of the loss of this regime on both sides of the border. We have clients who are Canadian owners and operators of fishing vessels, and they are truly frightened at the looming financial crisis the loss of this treaty is becoming. And we have clients who are American owners or operators who are seeing a critical problem as a result of being barred from Canadian ports.

We would like to express that we believe this treaty and the reciprocal fishing regime are extremely important to both the United States and Canada. This is important not only to us individually as a company, but is important to all the approved fishing ports from British Columbia to Northern California that the fishing vessels visit. Allowing the United States and Canadian fishing fleets the option to follow the albacore tuna between the EEZs and sell at ports in the United States and Canada impacts many businesses. They participate in the economy of those cities to a large degree as they take on fuel, supplies and food and shop for other needed items. This is hugely important, because in this challenging economic environment these small seaports on the west coast are hit harder than most areas of the U.S. And for these small cities there is no industry moving in to create significant job opportunities.

We feel that it is very important to retain the Albacore Tuna Treaty that has existed since 1981 and the reciprocal fishing regime. Throughout the last 30 years the treaty has been an important part of the staggering volume of bilateral trade between the United States and Canada. It is important as a means of regulating each country's EEZs in a fair and prudent manner.

In sum, we urge both the United States and Canada to resume their reciprocal fishing regime for 2012 and to begin, immediately, to negotiate a longer term treaty into the future. This is important to bilateral relations between both countries and is a clear sign of the friendship and close ties Canada and the United States have with each other.

Sincerely,

Patrick Gallagher, President
Gallagher Transport Int'l, Inc.

DENVER OFFICE

PO BOX 39005
4730 OAKLAND ST. #210
DENVER, CO 80239
PH 303-365-1000
FAX 303-365-2000
infoden@gallaghertransport.com

PORLAND OFFICE

2705 E 20th ST PO BOX 55488
VANCOUVER, WA 98661 PORTLAND, OR 97238
PH 360-750-8830 PH 503-255-8101
FAX 360-750-8722

infopdx@gallaghertransport.com

10616 ALMOND AVE
OAK VIEW, CA 93022

OFFICES
OF
HENRY M. (CHIP) BISSELL IV

TELEPHONE: (805) 649-0721
LEGALDIVER@SBCGLOBAL.NET

June 7, 2012

VIA EMAIL: pfmc.comments@noaa.gov

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

Re: PFMC Meeting of March 2, 2012 Agenda Item B.2.c
Data Sources with Corresponding Replacement Charts

Dear Council Members,

At the March Council meetings, I presented a series of charts to the Council in connection with concerns over the inequity of the U.S.-Canada Albacore Treaty and calls to continue suspension of the treaty's reciprocal fishing regime at least through 2012. The U.S. fleet, along with albacore processors and businesses that depend on and support U.S. fishermen, have called for suspension of the fishing regime in efforts to enable development of broad stakeholder support for a future fishing regime under the treaty.

Recently, while reviewing data on the historical trends of Canada's of catch and effort levels fishing for albacore within the U.S. EEZ, I discovered that some of the charts I presented at the March Council meeting included several data values that were miscalculated in the spreadsheet used to prepare the charts.

Accompanying this letter are copies of the original charts presented on March 2, 2012 and corresponding replacement charts that reflect the corrected values. It was also discovered that some of the values in the original charts inadvertently confused metric ton (2,204.6 lbs) and ton (2,000 lbs) units. This was an unfortunate oversight and simply the result of human error. The accompanying replacement charts reflect the correct units and values. Any confusion this may have generated is regretted.

These charts were presented to illustrate Canada's increased effort in U.S. waters and to provide perspective regarding landings of foreign versus U.S. fishing vessels. Rather than individual numeric values, these charts represent the increased level of foreign fishing in the U.S. EEZ under the treaty and the disproportionate impacts on the U.S. fleet in comparison to Canadian landings in authorized treaty ports. This has not changed with the replacement charts.

In addition, data for the charts is provided along with references identifying their source. Principal data sources include official reports and catch records database of the Canada Department of Fisheries and Oceans. Efforts have been made to present the Council with trends in the level of Canada's fishing in the U.S. EEZ, as opposed to values that have been "expanded" or "supplemented."

Thank you for your time and consideration.

Yours truly,



Chip Bissell

Encl: Data Sources and Corrected Data with Replacement Charts (5 pp.)

Data Sources and Corrected Data
 with Replacement Charts
(originals provided for reference)

Chart Data (mt)	Data Sources (See below)		
	Canada Catch in US EEZ (Note 1)	(Note 2)	(Note 3)
1993	0		
1994	60		
1995	30		
1996	843		
1997	480		
1998	1,553		
1999	1,625		
2000	2,739		
2001	3,577		
2002	3,865		
2003	5,825		
2004	6,141		
2005	2,978		
2006	3,508		
2007	3,820		
2008	3,333		
2009	3,904		
2010	3,312*		

3,608 Average of 2009 & 2010

652% % Change from 1997 (pre-1998) to Average of 2009 & 2010

283 Average of Pre-1998 Levels

* = preliminary

U.S. Albacore Vessels (Note 5)	Other Gear US Vessels		Troll/Pole US Vessels
	Other Gear US Vessels	Troll/ Pole US Vessels	
1993	35	608	
1994	38	708	
1995	48	476	
1996	30	724	
1997	22	1,191	
1998	52	861	
1999	36	822	
2000	40	760	
2001	21	979	
2002	16	734	
2003	14	885	
2004	9	779	
2005	10	597	
2006	7	634	
2007	14	672	
2008	12	523	
2009	12	680	
2010	- -	642	

Landings at US Ports (Note 4)			
US Vessels Catch & Landings (mt)	US Vessels (# of Landings)	Canada Landings (mt)	Canada Vessels (# of Landings)
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
--	--	--	--
12,786	2,266	397	31
11,586	2,620	357	35
11,131	1,923	1,359	114
12,307	2,872	650	47
10,864	2,602	958	76

Data Sources:

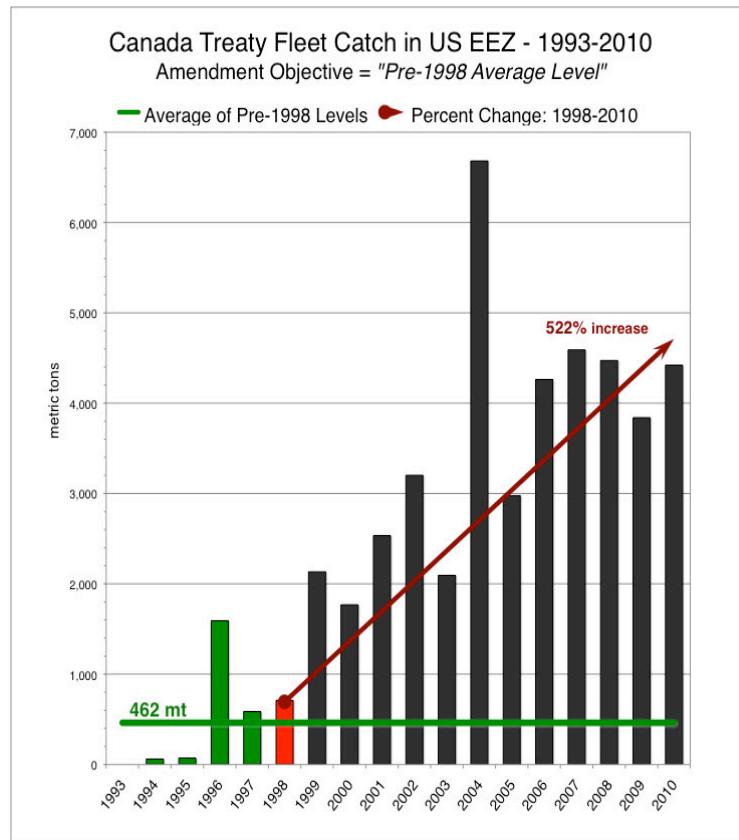
- Note 1: 1993-1994 Canada catch data from 2010 Canadian North Pacific Albacore Troll Fishery (July 2011), DFO, J. Holmes; with US EEZ obtained with proportions from *Economic Potential for Offshore Highly Migratory Species* (2001), D. Pepper for BC Seafood Council and distributed by DFO & BCTFA.
- Note 2: 1995-2005 Canada catch in US EEZ data from *The Canadian Albacore Tuna Catch and Effort Relational Database* (2007), M. Stocker et al, DFO. (1996, 1998 and 2003 values replaced due to corrupt formulas)
- Note 3: 2006-2010 Canada catch in US EEZ data from DFO Statistical Database of Albacore Tuna Catch, DFO Regional Data Services (2011), J. Davidson et al.

Note 4: 2006-2010 US and Canada landings at US ports data (albacore landings and number of vessel landings) from PacFIN.

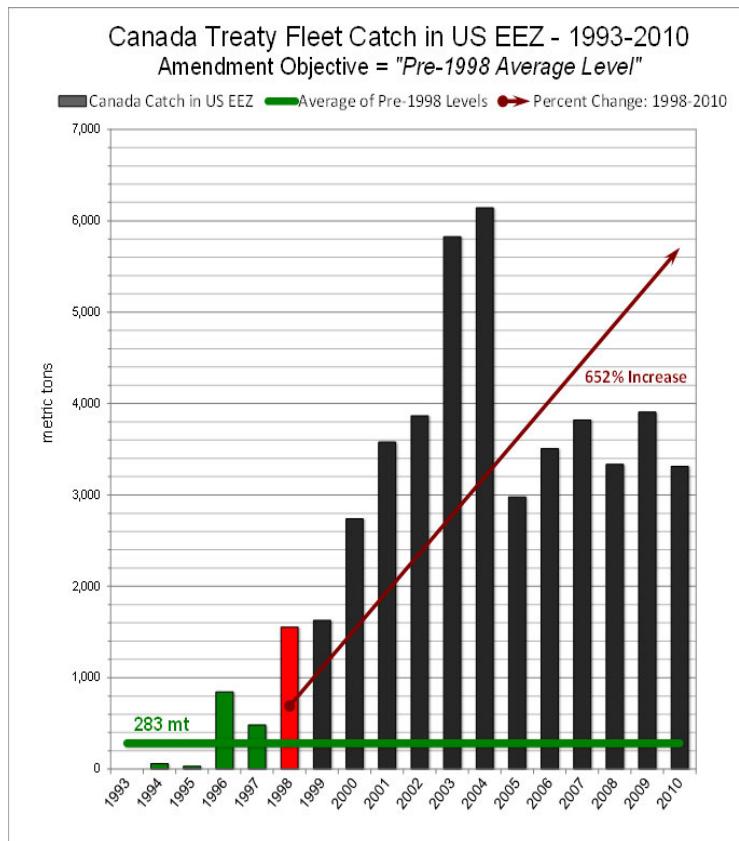
Note 5: "US Troll/Pole" & "Other Gear" vessel numbers from PacFIN. "Other Gear" values not used in charts.

Reasons for replacement charts:

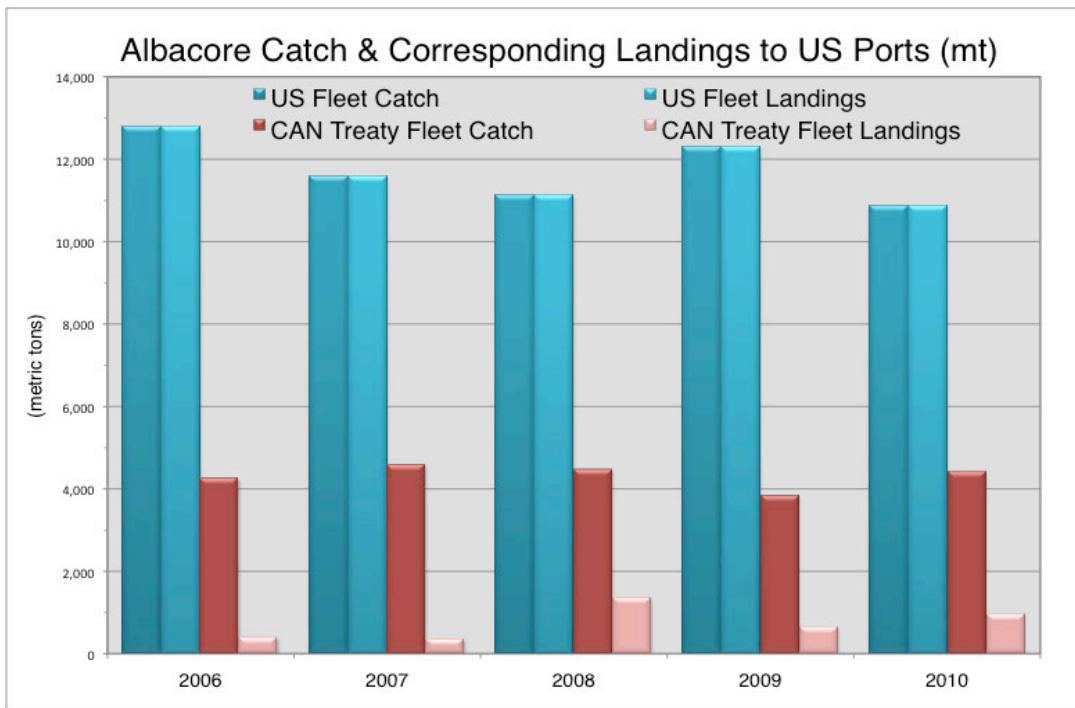
- Formula corruption miscalculated catch values for 1996, 1998 and 2003. The replacement charts reflect correct values.
- The charts inadvertently confused metric ton (2,204.6 lbs) and ton (2,000 lbs) units of some catch values. This was an unfortunate oversight and simply the result of human error. The replacement charts reflect correct metric ton units. Any confusion this may have generated is regretted.



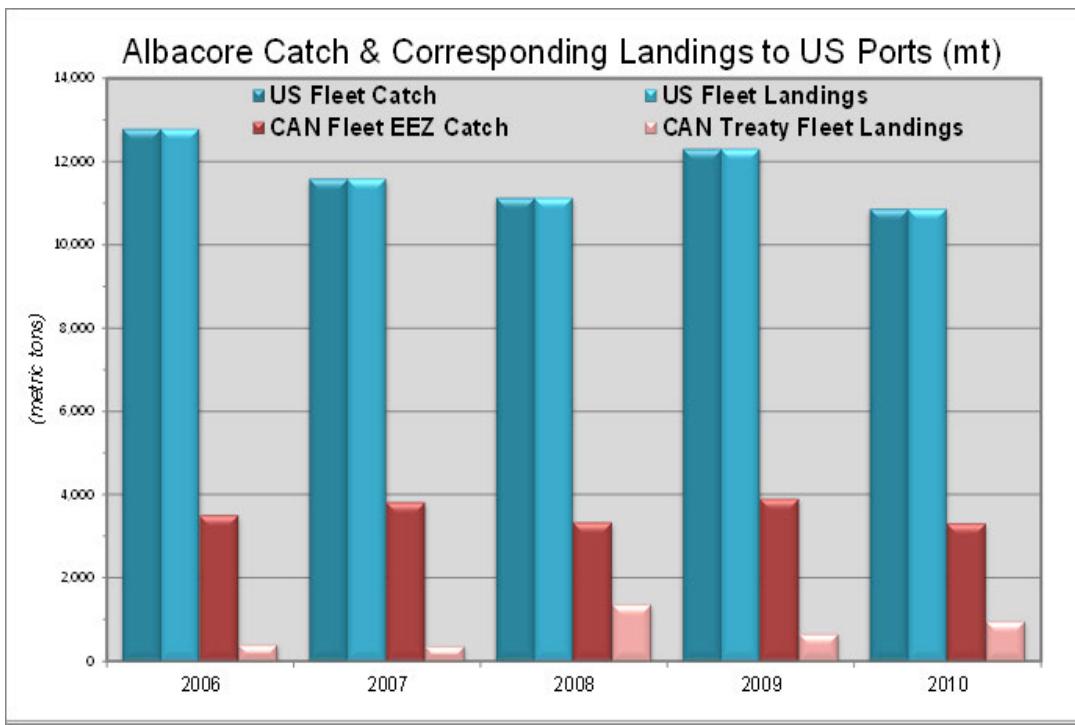
Replacement Chart
(corrected)



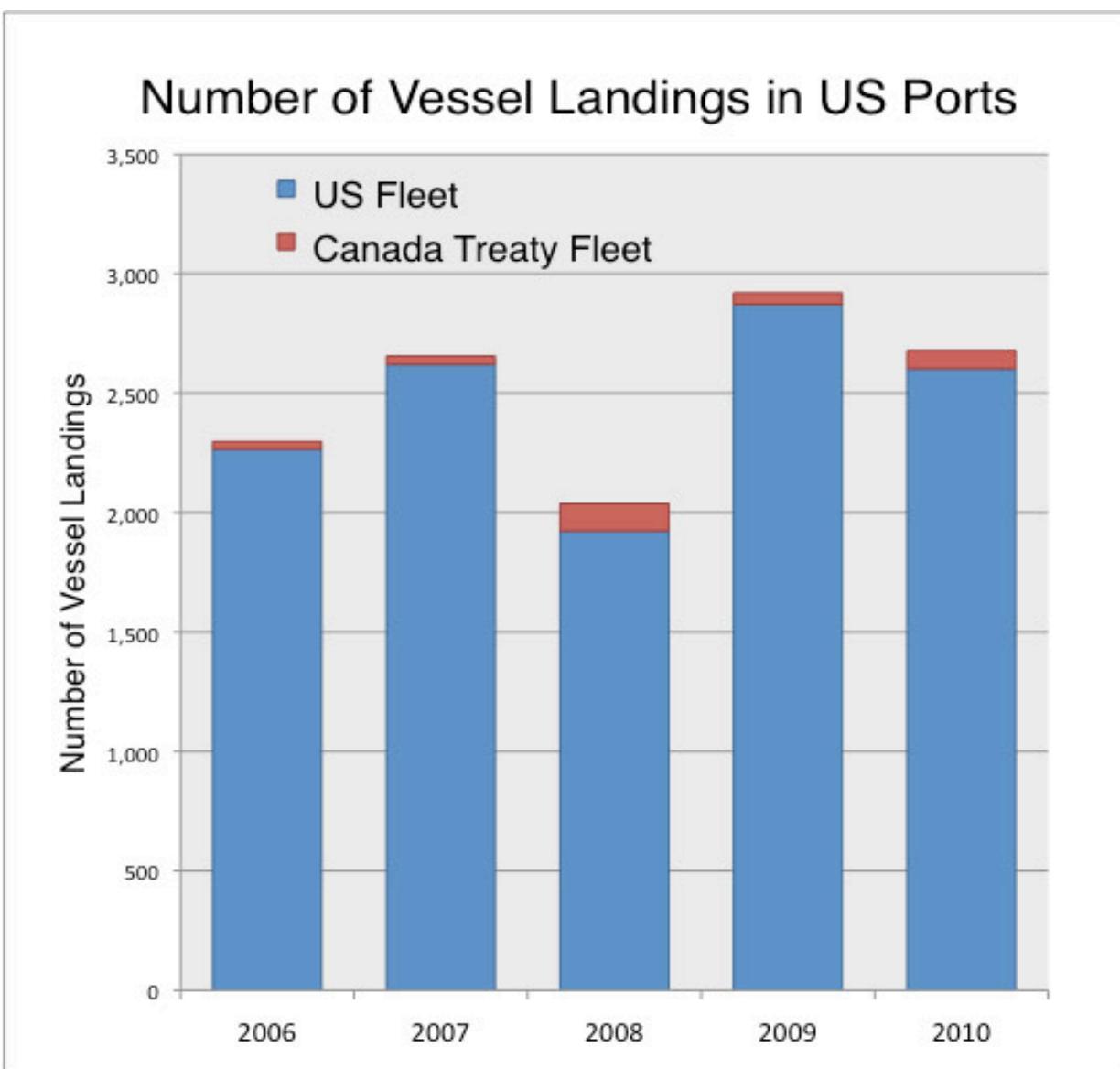
Original Chart

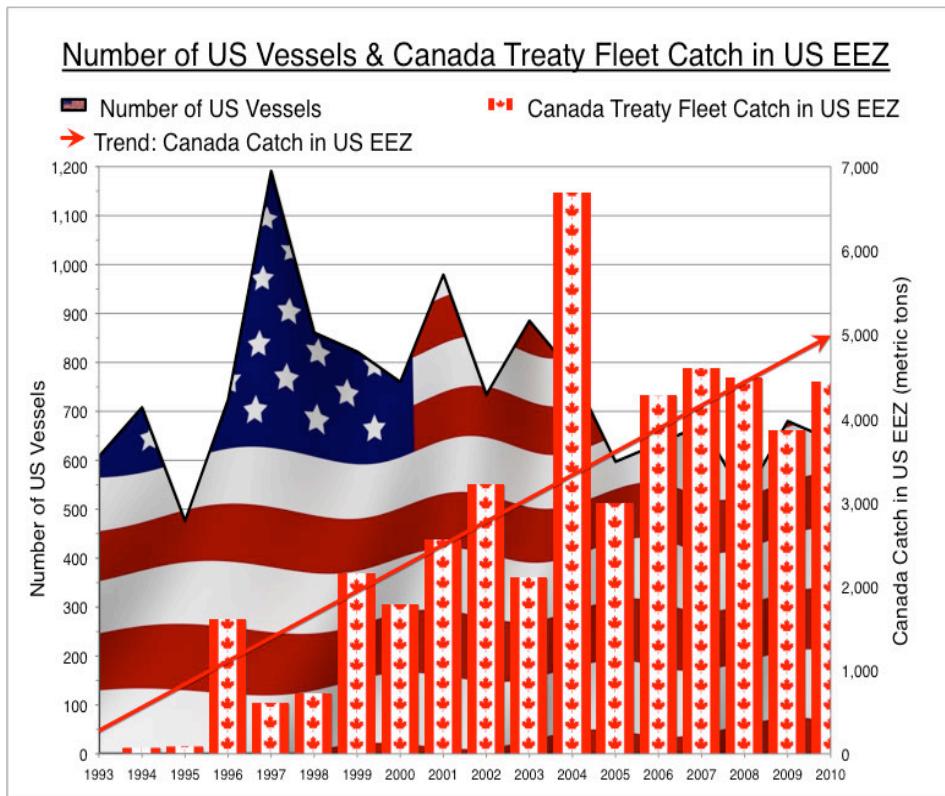
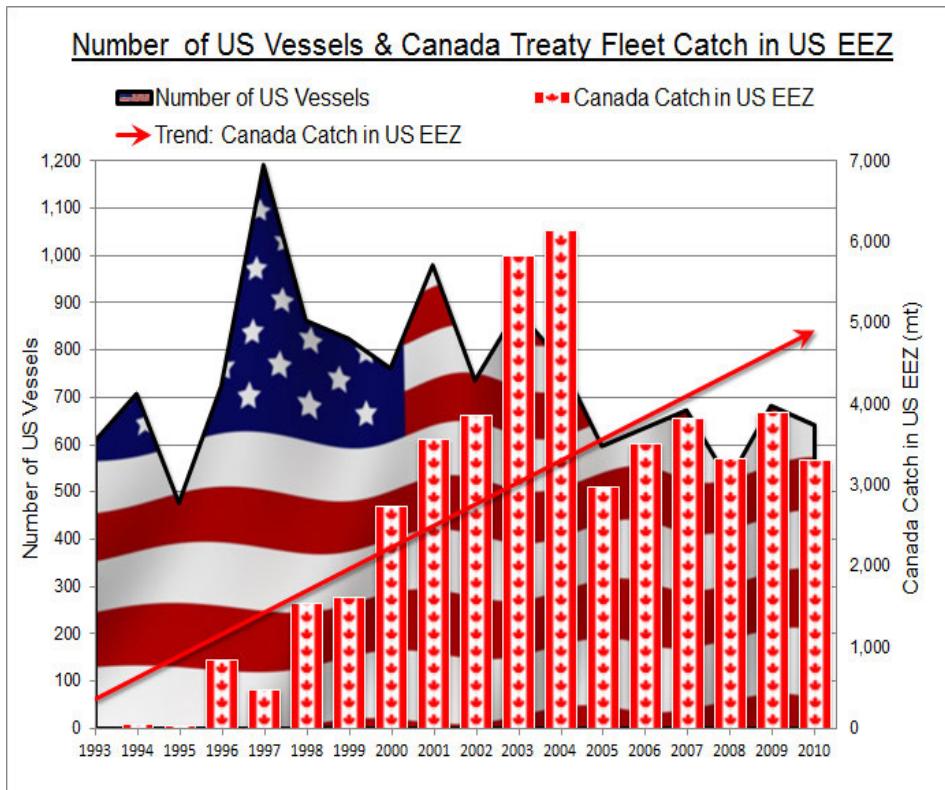


Replacement Chart (corrected)



**Original Chart
(Unchanged)**



Original Chart**Replacement Chart
(corrected)**



Kit Dahl <kit.dahl@noaa.gov>

Fwd: USA and Canadian Albacore Treaty

1 message

PFMC Comments <pfmc.comments@noaa.gov>

To: Kit Dahl <kit.dahl@noaa.gov>

Fri, Jun 8, 2012 at 10:37 AM

----- Forwarded message -----

From: <fvpursuit@aol.com>

Date: Fri, Jun 8, 2012 at 10:29 AM

Subject: USA and Canadian Albacore Treaty

To: HoganDF@state.gov, seafood@intergraonline.com, colin@borstein.com, KitDahl@noaa.gov, pfmc.comments@noaa.gov

Sirs, Madams,

We are commercial albacore fishermen. This will be the 53rd season for Mr. Vanderpool,

the 48th season for myself, the 27th season for Sonja Kathryn Vanderpool-Buxton, and the

22 season for Emily Vanderpool. Albacore fishing is our family profession. We operate

much as the family farm. We feed the nation, as well as feed the world.

We fully support the treaty between USA and Canada. It is totally beneficial for all concerned.

Yes, we agree there are men and women in both the USA fleet, and the Canadian fleet who do not

operate in a gentlemanly manner. It happens. Do we wish otherwise, of course, but it is absolutely

not a platform on which destroy the treaty.

We desperately need healthy processors. We realize that by not allowing the Canadians access
the processors will be deprived of the tonnage thus the revenue.

We have delivered to USA processors, as well as into Canada to Canadian processors. Without
a healthy market venue, we might as well stay tied to the docks.

The only thing in the treaty that should be addressed is the fish caught in USA

waters by Canadians, should be included in the USA count for access in future negotiations. Likewise any fish USA vessels catch in Canadian waters, should be included in Canadian landings.

It is vital to us to see a healthy fishery. The Canadians provide us with a good balance. Albacore is a highly migratory fish, no one owns the fish until it is landed upon the vessel.

Lastly, we have accessed Canadian waters more seasons than not. Also, there is a large area off the Washington coast which would not be available to us without the treaty. These waters have had very profitable fishing for us over the years.

Respectfully submitted,
Kyle Vanderpool
Kathryn Kendrick Vanderpool
Sonja Kathryn Vanderpool Buxton
Emily Vanderpool
F/V Pursuit
503-739-3322
P.O. Box 642
Loleta, Ca 95551

--
Thank you for your comments to the Pacific Fishery Management Council. Your comments have been received and will be forwarded to the appropriate staff member for processing.

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220
Phone: 503-820-2280
Toll Free: 1-866-806-7204
Fax: 503-820-2299
Twitter: <http://Twitter.com/PacificCouncil>



AMERICAN ALBACORE FISHING ASSOCIATION

www.AmericanAlbacore.com

4364 Bonita Road, #311, Bonita, California 91902

Tel: (619) 941-2307 ♦ Fax: (619) 863-5046 ♦ Toll Free (866) 851-3918

June 10, 2012

VIA EMAIL: pfmc.comments@noaa.gov

Mr. Dan Wolford, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Agenda Item E.2.c: Recommendations regarding Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty

Dear Mr. Wolford and Council members:

At the March Council meeting, U.S. albacore fishermen welcomed the Council's unanimous vote to recommend continued suspension of the treaty's fishery regime through at least 2012.

The Council's position has support from a number of Senators and Representatives of the House. American albacore fishermen appreciate their support and are encouraged by the Council's recognition of the need to address these treaty issues.

U.S. albacore fishermen are united, both in support of this effort and in opposition to continuing negotiations at this time. In recognition of this rare solidarity of U.S. fishermen and the opportunity it affords, we ask the Council to not change its recommendations.

For over a decade, U.S. fishermen have complained of the inequity of this treaty. And for over a decade, the negotiation process has proven unsuccessful. When the U.S. and Canada met last month to discuss the treaty, the State Department pointed out that many of the concerns raised in the 2008 negotiations remain unresolved to this day, and for that matter, can be traced all the way back to the motivations for the 2002 Amendment process. These recent treaty meetings recognized that delayed efforts and a lack of follow-up to previous negotiations have contributed the current situation.

In 2003, Assistant Secretary of State John Turner testified before the Senate Foreign Relations Committee regarding the treaty amendment just concluded. He testified:

"U.S. fishermen have fished significantly in Canadian waters only in approximately three out of the last 20 years, while Canadian fishermen have continued to fish regularly in U.S. waters." "The imbalance in benefits flowing from the treaty has become particularly acute in recent years. Since 1998, Canada has more than doubled its albacore tuna fishery in U.S. waters..."

Pacific Fishery Management Council

Re: Agenda Item E.2.c: Recommendations regarding Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty

He testified that the U.S. sought "*to reduce Canadian fishing effort in U.S. waters to tolerable and more equitable levels...*" and that this was felt to be "*necessary to protect U.S. fishermen...*"

In the subsequent rulemaking process, NOAA's summary explained how the Treaty was negotiated at a time when Canada's EEZ asserted jurisdiction over albacore, while the U.S. did not recognize or assert a comparable claim to jurisdiction. The 2004 Federal Register (Vol. 69, No. 84, 4/30/2004) recited significant facts:

"Beginning in 1998, Canada sharply increased its fishing effort in U.S. waters from its historical average of about 75 vessels to 200 or more vessels a year. This was due at least partly to a shift into the albacore industry by displaced Canadian salmon vessels. U.S. fishing in Canadian waters, however, did not increase during this period.

In 2000, the U.S. albacore fishing industry complained to the Departments of State (DOS) and Commerce that U.S. fishing grounds were overcrowded by the enlarged Canadian fleet fishing in U.S. waters, and that Canadian fishers were receiving disproportionate benefits under the Treaty."

NMFS estimates that between 1 and 2 percent of total U.S. fishing effort has been conducted in Canadian waters the past 10 years."

The amendment has been unsuccessful at reducing Canadian fishing effort to "*tolerable and more equitable levels.*"

The State Department has expressed its support for efforts to reexamine the basis for the 2002 Amendment, and it seeks to incorporate such efforts into the development of future terms of the Treaty. U.S. fishermen welcome this support. At the recent meetings in Portland, Dave Hogan observed that the intensity of Canada's participation and investment in the Treaty fishery has inadvertently fostered the very conditions that we must now address.

To help advance these efforts, the U.S. has requested Canada provide catch and effort data going back to at least the mid-1990s. The State Department and U.S. fishermen believe such data would be useful.

In treaty negotiations, the desire for a continued fishery regime has stood in the way of resolving issues. History has demonstrated that suspension of the fishery regime is essential to progress.¹ Contrary to Canada's fears, suspension is not a step to undermine the treaty. Rather, suspension is a process to get back on track, to be able to develop a new fishery regime.

NMFS' Report to the Council confirms that the possibility of suspension is responsible for prompting Canada's recent proposals. Unfortunately, these proposals only underscored the need for the U.S. to independently evaluate the treaty before resuming negotiations.

¹ Many of the issues, circumstances, and complaints that prompted the Treaty Amendment remain unresolved to this day. Sporadic implementation and delays have plagued the Treaty. *Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species, as Amended Through Amendment 2*, §1.6.2 (July, 2011).

Pacific Fishery Management Council

Re: Agenda Item E.2.c: Recommendations regarding Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty

Attempting to put in place a quick fix for the 2012 season is unacceptable. As they say, “*Now is not the time to put a band-aid on a bullet wound.*”

Back in January of 2011, AAFA wrote the State Department with its concerns over the future of the treaty. The 2008 negotiations were contentious and it was clear the treaty was in trouble. Despite the struggle of the 2008 negotiations and numerous letters to NMFS and the State Department, there was no effort to develop an amendment that could regain broad stakeholder support.

Following negotiations in December 2011, fishermen learned that the negotiations had produced an Economic Working Group. Canada appears pleased with the Economic Working Group. In contrast, U.S. fishermen are not pleased at having been excluded from participation. A careful review of the economic study raises more questions than answers: questions about the study’s design and how decisions were made in those closed meetings. Informed of these concerns, the State Department has acknowledged there are issues that need to be examined with respect to the operations of the Economic Working Group.

Discussions with Working Group scientists have raised concerns over the study’s findings. When Canadian vessels make landings at U.S. ports, virtually all of those landings are exported to Canada. In the eyes of the IO-PAC economic model, when fish are exported, the opportunity for creating new economic impacts ends. Improper characterization of U.S. buyers as albacore processors rather than wholesale seafood dealers exporting albacore to Canada, could underestimate the significance of U.S. vessels while considerably overestimating the economic impacts of Canadian landings.

Reliable science is but one of the issues that need to be resolved before negotiating a new fishery regime. A lack of timely and complete data has plagued the treaty for decades. Treaty regulations are inadequate and enforcement policies have fostered a perception of partiality.

What is certain is that U.S. fishermen do not have an even playing field. To continue to subject the livelihoods of U.S. fishermen to such a process is not only unjust it may also be unique.

When Congress adopted the Magnusson-Stevens Act in 1976, a primary objective was the elimination of foreign fishing in U.S. waters. And it was largely effective. This treaty fishery is the only foreign fishery still operating in the U.S. EEZ. It is also the only U.S. fishery that has declined while a foreign fishing fleet increased its operations in U.S. waters.

It has become apparent that the privileges and benefits of the treaty are so prized by Canadian fishermen that Canada strongly opposes even a temporary suspension to address these long-standing issues. Canada has chosen to use political might and its media in attempts to establish a new fishery regime.

Fishermen are very concerned by efforts to link this albacore treaty to other fisheries. If there are benefits to the U.S. and Canada that lie outside this fishery, the U.S. albacore fishery must not be sacrificed so other interests may gain.

Pacific Fishery Management Council

Re: Agenda Item E.2.c: Recommendations regarding Fishery Regime Pursuant to the U.S.-Canada Albacore Treaty

There are many difficult issues that must be addressed candidly and without prejudice. The redirection of resources from negotiations to these evaluation efforts will enable rapid progress toward developing a long-term resolution of Treaty issues.

We urge the Council to:

1. Affirm its recommendation of March 2, 2012 wherein:

"The Council supports continuation of the U.S.-Canada Albacore Treaty. However, any future negotiation on a replacement for the Fishery Regime that expired on December 31, 2011, should not be implemented for the 2012 fishing season. Suspension of reciprocal access in 2012, or longer if necessary, will allow stakeholders and managers to better assess the information and data needed to address the long-term reciprocal privileges under the treaty."

2. Recommend the State Department 2012 Treaty negotiations for 2012 and redirect resources toward advancing U.S. stakeholder efforts to evaluate the Treaty and develop a range of options for consideration of a future fishing regime; and
3. Task the HMS Management Team to assist stakeholder efforts with data needs and facilitate timely progress of these efforts.

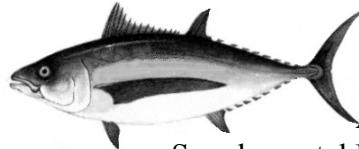
Thank you.

Sincerely,



Chip Bissell
American Albacore Fishing Association

WESTERN FISHBOAT OWNERS ASSOCIATION



Agenda Item E.2.c
Supplemental Public Comment 3
June 2012

P.O. Box 992723
Redding, CA 96099

Ph. (530) 229-1097
Fax (530) 229-0973

wfoa@charter.net
wfoa-tuna.org
PacificAlbacore.com

June 18, 2012

Pacific Fisheries Management Council
Don McIssac - Executive Director
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: Western Fishboat Owners Association on North Pacific Albacore Stock Status and Management.

Council Members and Advisory Bodies:

A stock assessment was produced in 2011 by the International Science Committee Albacore Working Group which has membership from all the major nations fishing albacore. The assessment also investigated major commonly used biological reference points to assess the status of the stock relative to these reference points. The assessment and all relevant assessment information and analysis were distributed to member nations and the two Pacific Ocean regional management organizations responsible for albacore management, WCPFC and IATTC. The document was also submitted for formal scientific peer review through the Center for International Experts and the comments received from this review will be examined and acted upon in a Working Group meeting set for July, 2012. Currently the Albacore Working Group is waiting to receive advice from RFMO's on what BRPs to utilize in the next stock assessment scheduled for 2014. The report of the Albacore Working Group can be found at: http://iod.ucsd.edu/courses/sio270a/documents/isc_11_npac_tuna_stock_assessment.pdf

At present the Northern Committee of Western and Central Pacific Fisheries Commission (WCPFC) has opted to use the 10 lowest spawning stock biomass (ssb) years average as a limit reference point. The Inter American Tropical Tuna Commission (IATTC) has not as yet responded to the Working Group proposals, but the Work Grouping was informed that an equilibrium based reference point is desired. Under the 2011 assessment none of the accepted BRPs would be limiting at the current level of harvest or abundance. The near term outlook of the 2011 assessment does not see any change in status during the next several years so the working group does not see any urgency in establishing a BRP for the stock until the next assessment in 2014.

Western Fishboat Owners Association (WFOA), and American Fishermen's Research Foundation (AFRF) support the establishment of a biological reference point that will maintain the north Pacific albacore stock at a sustainable level near the long term MSY yield level. WFOA realizes that the level of scientific uncertainty prevents harvesting at the MSY level and supports the efforts of the International Albacore WG to develop surrogate biologically based reference points that approach MSY harvest rates while maintaining a spawning biomass near the MSY biomass level.

The U.S. albacore industry is very concerned that we may be faced with two separate management regimes, one for the eastern Pacific and another for the western Pacific. WFOA/AFRF are strongly opposed to unilateral efforts to limit one segment of the fishery while others are free to fish unencumbered. Harvest regulations must be uniform across the entire area of the stock and applied equitably. One must also be cognizant that the entire North American harvest is 15% or less of the entire North Pacific harvest and efforts to manage only this small fraction in isolation will not benefit the resource, the fishermen, or communities dependent on the harvests.

We understand that there are those that are concerned that over-harvesting will occur in the absence of harvest limits, but in the current fisheries economic and environmental factors limit the harvest. As we have repeatedly stated in presentations to all management bodies, the greater concern is IUU fishing similar to the unregulated high seas gillnetting in the past. The strong growth in Asian fisheries with possible movement of effort into the Eastern Pacific Ocean also continues to be of major concern. Regulating US fisheries will not solve this problem; in fact, reduction in US effort will likely lead to more IUU fishing. To date, the observations by actively fishing US albacore vessels in mid-Pacific has been the most effective means of observing and reporting IUU fishing vessels.

WFOA strongly urges the PFMC to allow the international management process to continue through the RFMO process and the body charged with providing science on North Pacific Albacore to both RFMOs, the International Scientific Commission. Council action will only apply to U.S. west coast albacore vessels and will not limit foreign activity in the EPO. The U.S. fishery is a small portion of the international fishery. Limitations on the U.S. fleet will only diminish its ability to maintain the already small portion of the current international albacore harvest. We are also concerned that a premature setting of management criteria could confuse the international process and make it more difficult to reach an international accord.

Thank you for your support, and hope the Council continues on the path of supporting international management as it indicated when placing tunas species under International management.

Sincerely,

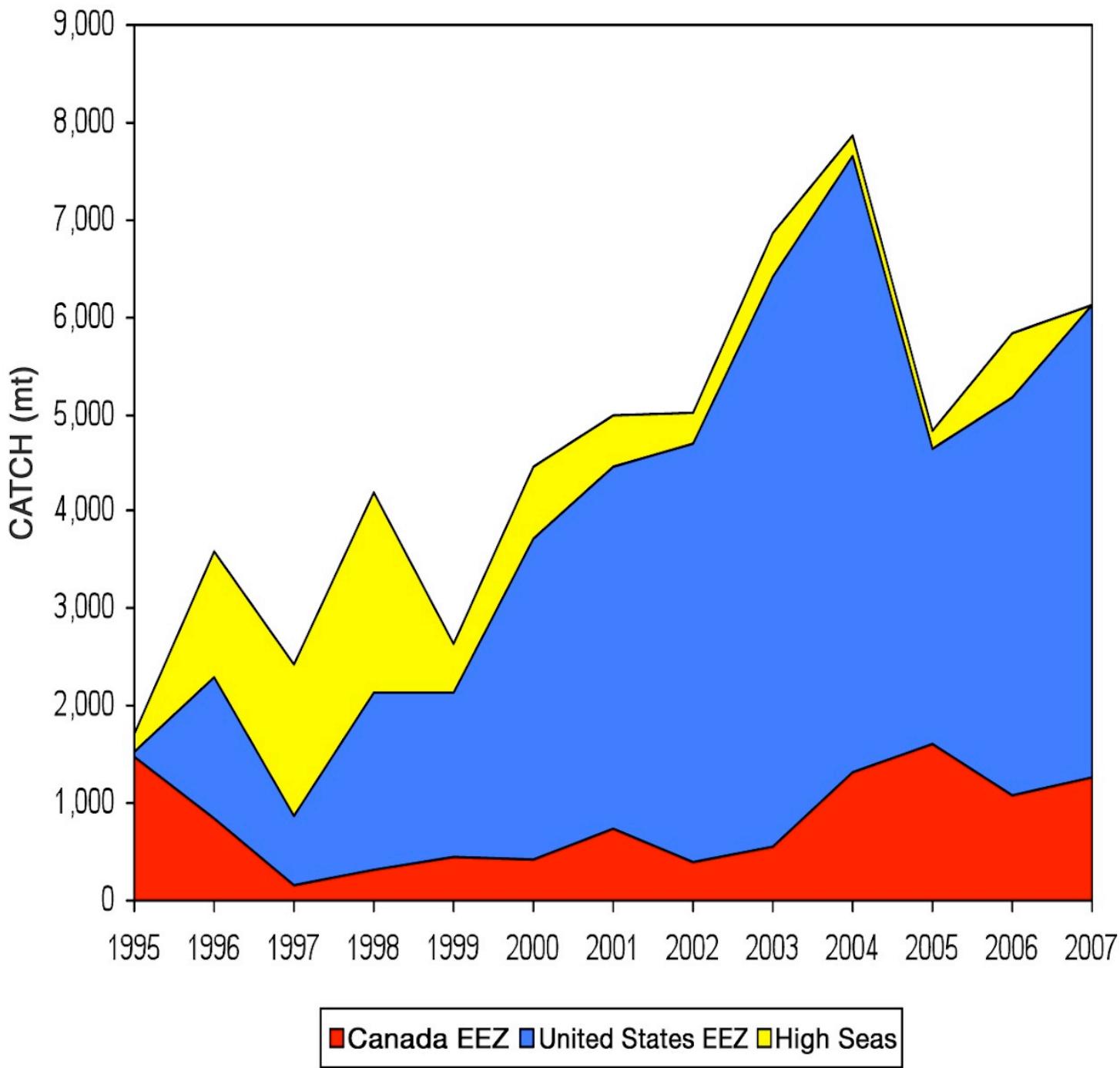


Wayne Heikkila
Executive Director

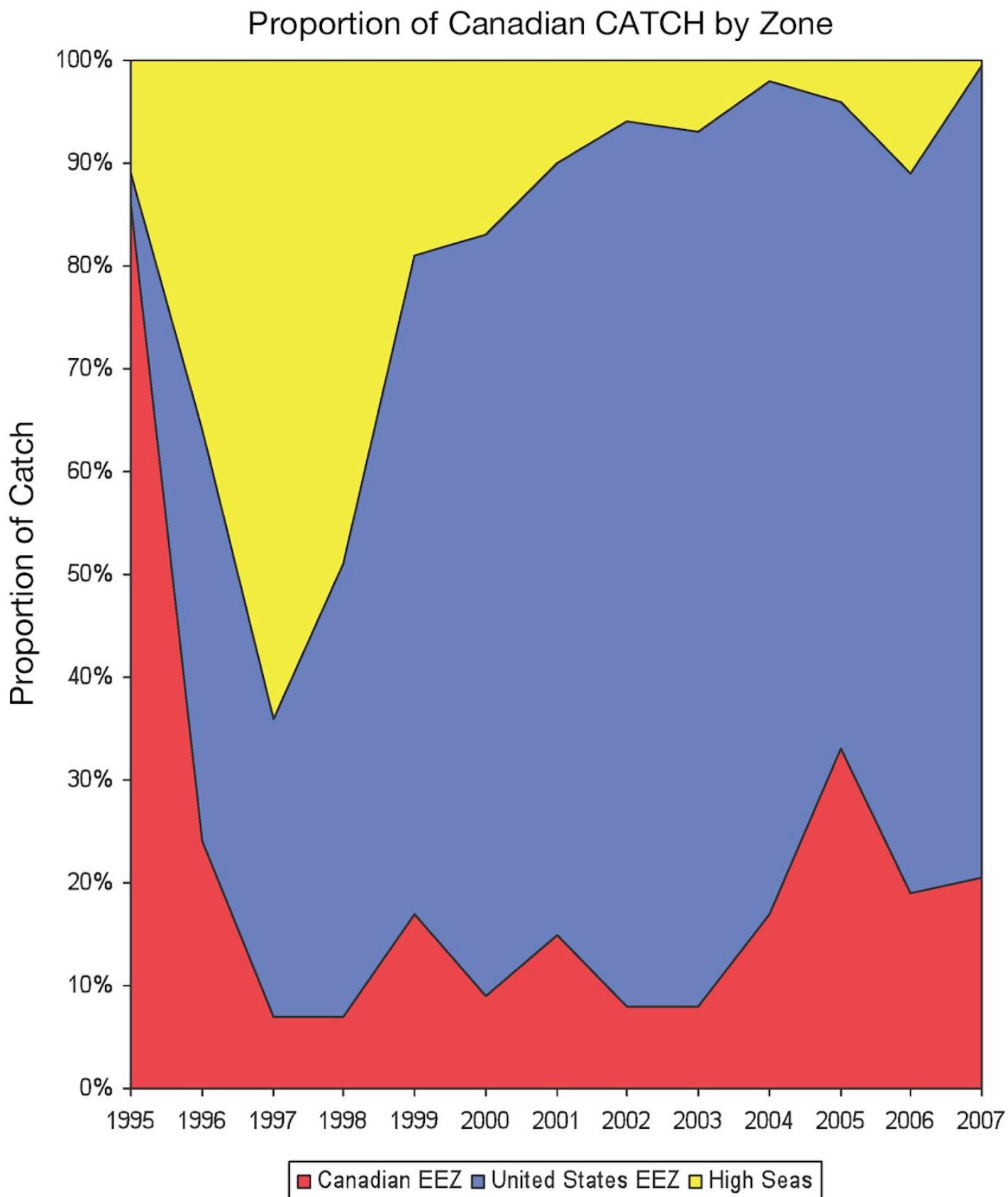
cc: American Fishermen's Research Foundation

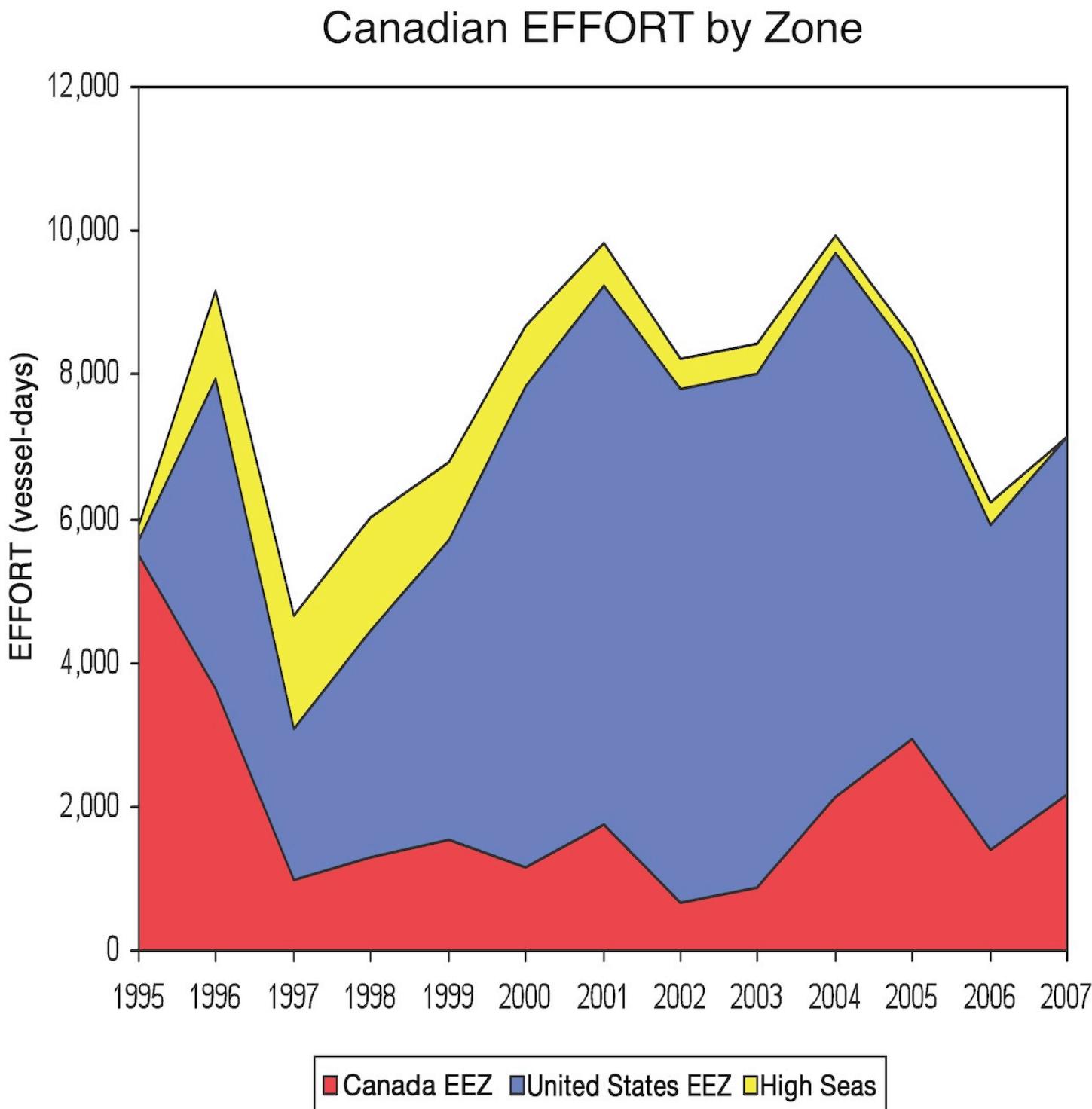
From *The 2006 and 2007 Canadian North Pacific Albacore Tuna Troll Fisheries*,
John Holmes and Max Stocker, Department of Fisheries and Oceans, Canada

Canadian CATCH by Zone



From *The 2006 and 2007 Canadian North Pacific Albacore Tuna Troll Fisheries*,
John Holmes and Max Stocker, Department of Fisheries and Oceans, Canada





From *The 2006 and 2007 Canadian North Pacific Albacore Tuna Troll Fisheries*,
John Holmes and Max Stocker, Department of Fisheries and Oceans, Canada

