

Agenda Item F4  
Supplemental Public Comment  
March 2016



Agenda Item F.4.d  
Supplemental Public Comment 2  
March 2016

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Pacific Fishery Management Council  
Dorothy M. Lowman, Chair  
7700 NE Ambassador Place  
Suite 101  
Portland, OR 97220

March 12, 2016

**Re: Agenda Item F.4 Recommendations for International Management Activities  
Including U.S. – Canada Albacore Treaty Area Fishery Update**

Dear Chair Lowman and Council Members:

I represent the American Albacore Fishing Association (AAFA), which is an organization of commercial albacore pole and line and troll fishermen who collectively harvest almost half of the total U.S. albacore catch. As you will see in your briefing book, we have already submitted a letter regarding Agenda item F.4: Recommendations for International Management Activities including U.S.-Canada Albacore Treaty Area Fishery Update. I do not want to repeat the letter in my testimony here today but I will touch upon some of the points from the letter as well as our position on the timeliness of this agenda item.

As you are aware, the Treaty, which has been in effect since 1981, represents an important and complex agreement between the United States and Canada concerning North Pacific Albacore and, among other things, establishes a reciprocal fishing regime with Canada. This regime terminates after the 2016 fishing season.

As many of you are also aware, there are two working groups that were established in 2011: the Data Working Group and the Economic Working Group. These groups provide vital catch and socio-economic data important to evaluating the effectiveness of the Treaty. In fact, the groups were established specifically for the purpose of providing input for Treaty evaluation. Presently, the money exchange rate between our countries has changed as has the albacore market. Thus the economic and

catch data is absolutely critical to evaluating Treaty effectiveness. The information the working groups provide not only informs stakeholders, such as albacore fishermen, it is the main source of information used by the Council, the National Oceanographic and Atmospheric Administration (NOAA), and the Department of State (Department) in judging the benefits of the reciprocal fishing regime to the U.S. albacore industry.

The albacore industry is therefore both perplexed and concerned that the Council has placed this important issue on the agenda before the U.S. government has finalized the data and before the U.S. government has provided the data to the stakeholders and before any consultations with U.S. Treaty stakeholders. It appears that when the item was placed on the agenda neither NOAA nor the Council had yet received any Working Group data for the U.S. and to date the Canadian data has not been received.

Due to the lack of analysis of the data by stakeholders or U.S. government, the stakeholders and U.S. government have not had the opportunity to formulate a U.S. position concerning how to proceed, or whether to proceed, with the Treaty or reciprocal fishing regime. Given these circumstances we believe that any Council deliberations on this topic at this time would be premature and could mislead Canada with regard to U.S. intent in the upcoming negotiations. As you are likely aware, due to Council placement of the item on the agenda, representatives from Canada have traveled to the United States to make a presentation regarding the importance of the Treaty to Canada.

In addition to not having received any data or analysis, the stakeholders have not received a copy of the diplomatic notes from the last negotiation authorizing the 2013 – 2016 fishing regime or the Letter of Intent sent to Canada by the Department of State outlining the U.S. intent to end reciprocal fishing at the end of the 2016 fishing regime. It is our understanding that as of May 2015 the notes had not yet been exchanged. It is also our understanding that until the diplomatic notes are exchanged with Canada, the Treaty is not formally in force and instead operates on a provisional basis.

If I may remind the Council, on two separate occasions (November 20, 2012 and March 13, 2012) the Council wrote to the Department of State reminding the Department the importance of including language with respect to the following in the exchange of notes:

*“in the event that an international fisheries management organization...adopts measures for the 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 US attributable to the catch taken in the EEZ of the other country shall be reallocated by each country in whose EEZ that catch was taken or shall otherwise...reflect total catches in each country’s EEZ”*

The inclusion of this text and formally bringing the agreement with Canada into force through exchange of notes is extremely important as international organizations such as the Western Central Pacific Fisheries Commission and the Inter-America

Tropical Tuna Commission begin to embark on a process that could require its member nations to define albacore quota and allocate catch. If this occurs, each nation would submit an account of catch history. It is therefore crucial that all tuna caught within the U.S. Exclusive Economic Zone (EEZ) accrue to the U.S. catch account for this purpose and the diplomatic notes are supposed to outline this agreement. If catches harvested in the U.S. EEZ do not accrue to the United States, the outcome would be an unjust and hence smaller albacore catch allotment to the U.S. on the high seas and therefore result in an economic loss to the United States. If the notes have in fact been exchanged with Canada we thank the State Department for executing this task and we respectfully request a copy of those diplomatic notes.

AAFA believes the Council has an important role to play in the U.S.- Canada Albacore Treaty evaluation and we welcome your deliberation once the data and facts have been received and analyzed by the stakeholders as well as the Council and its subpanels. However, in the absence of this information, it would be impossible to adequately evaluate the Treaty at this time. Given this is the state of play, the Council would be jumping-the-gun if they were to engage in any deliberations or engage in testimony on this topic at this meeting. As you have heard from the management team subpanel, that panel arrived at the same conclusion.

Therefore, we respectfully request that discussion on this agenda item be limited to inquiring when the final data for 2015 will be released to the Council and the stakeholders; requesting the appropriate agencies release the data to the stakeholders; requesting the State Department acquire the Canadian data, including the percent of total albacore catch within Canadian waters that is caught within 12 nm of the Canadian coast; requesting the exchange of diplomatic notes with the inclusion of the above text take place; requesting a copy of the notes be shared with the stakeholders; and requesting that a U.S. delegation meeting be scheduled in the near term to discuss the data and set a U.S. position.

In terms of evaluation of the Treaty we believe that it is first important to review not only the 2015 but also the 2016 data before deciding the future of the Treaty and fishing regime. This year due to weaker conditions within the salmon and Dungeness crab fisheries, we anticipate more vessels fishing albacore during the fishing season. It is important to review the impact of the Canadian vessels in U.S. waters under such conditions, such as, when there is greater pressure on the albacore fishery, in order to fully understand the impact of those vessels on the U.S. albacore fleet.

I would note for the record that the Council also has in their briefing books a letter from the Western Fish Boat Owners Association (WFOA), an organization representing albacore troll-vessel owners and supporting businesses in California, Oregon, Washington, Alaska, and Hawaii. In WFOA's letter to the Council they state "a full review of all the data is required to enable a complete evaluation of the Treaty and formulation of management recommendations".

We thank you for considering our request to refrain from Council deliberations on this topic until the catch and socio-economic data are released and analyzed, and until the U.S. delegation has had the opportunity to review and discuss the 2015 data.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole M. Ricci", written over a horizontal line.

Nicole M. Ricci

American Albacore Fishing Association

CC: Heidi Taylor, NMFS  
David Hogan, U.S. State Department