

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON RECOMMEND
 INTERNATIONAL MANAGEMENT ACTIVITIES

U.S.-Canada Albacore Treaty

The Highly Migratory Species Advisory Subpanel (HMSAS) offers the following recommendations regarding a possible new fishing regime under the U.S.-Canada Albacore Treaty.

We wish to remind the Council of events that transpired right before the 2018 season started. The Canadian Government, on May 30, notified all U.S. North Pacific Albacore Tuna fishing vessels of the need to apply for, and receive, an *EEZ Albacore Tuna Fishing License for U.S. Vessels* for fishing in the Canadian Exclusive Economic Zone (EEZ). Some in the fishery felt this was cause for termination of the regime under Section 7(a)(ii) of the of Annex C¹. The U.S. Departments of Commerce and State disagreed when that request was made.

The HMSAS remains concerned about disproportionate benefits accruing to Canadian harvesters and fishing communities resulting from the Treaty. Since 1995, the Canadian fleet has taken roughly 68,000 metric tons (mt) of albacore out of the U.S. EEZ while U.S. vessels have taken roughly 5,000 mt from Canadian waters.

Year	Total U.S. Catch	In Canada EEZ	% within Canada	Total Can Catch	In U.S. EEZ	% within U.S.
1995	8,125	463	5.7	1,761	39	2.2
1996	16,962	17	.1	3,321	1,520	45.8
1997	14,325	501	3.5	2,166	660	30.5
1998	14,489	16	.11	4,177	1,822	43.6
1999	10,120	81	.79	2,734	1,826	66.8
2000	9,714	19	.21	4,531	3,311	73.1
2001	11,349	34	.32	5,248	3,813	72.7
2002	10,768	215	2.03	5,379	4,639	86.2
2003	14,161	85	.64	6,847	5,842	85.3
2004	13,473	162	1.21	7,857	6,342	80.7
2005	8,479	195	2.25	4,829	3,023	62.6
2006	12,547	125	0.64	5,833	4,089	70.1
2007	11,908	83	.74	6,041	4,742	78.5

¹7.

(a) A Party may only terminate the Regime by providing written notice to the other Party that during the period of June 15, 2017 to December 31, 2019:

(ii) as a result of domestic fisheries management requirements, regulation or laws, a Party must put in place measures for managing fisheries on albacore or associated species that may not be consistent with, or may undermine, the implementation of the Regime.

2008	11,761	706	6.03	5,464	4,721	86.4
2009	12,340	309	2.51	5,693	5,198	91.3
2010	11,689	245	2.05	6,526	3,341	51.2
2011	10,143	41	.4	5,415	4,641	85.7
2012	14,149	0	0	2,484	0	0
2013	12,310	185	1.5	5,088	1,928	37.9
2014	13,369	655	4.9	4,780	2,132	44.6
2015	11,571	428	3.7	4,324	1,444	33.4
2016	10,686	150	1.4	2,842	1,262	44.4
2017	7,216	72	0.1	1,831	1,373	75
Totals		4,741			67,731	

Source – Data Working Group Spreadsheet(s) presented at 2018 U.S.-Canada DWG Consultation

These Canadian benefits come at the direct expense of U.S. harvesters, processors, and fishing communities. Unlike the early years of the Treaty, most of the fish taken by the Canadian fleet is now delivered into Canadian Ports. The HMSAS is also concerned that there are no mechanisms in place which validate the Canadian data included in the table above.

If it is the will of the State Department to continue with the Treaty by authorizing a future regime, the HMSAS highlights a number of items previously raised by both industry stakeholders and the Council, which remain unaddressed or addressed in a manner that is not sufficient to protect U.S. interests. In particular:

1. **A formal agreement** regarding catch attribution and allocation. This is nothing new and has been requested in the past. If incorporated, it would ensure fish caught by Canadian fishermen in the U.S. EEZ would be attributed to the U.S. when reported to the Regulatory Fishery Management Organizations (and vice-versa). The current regime documents label this a “voluntary arrangement” which is insufficient to protect U.S. interests. Given the progress of the MSE on North Pacific albacore, the need for this is magnified. This needs to be formalized via a binding agreement.
2. Full transparency with Diplomatic Notes. In the past, U.S. albacore fishermen have requested that Diplomatic Notes be shared with them, which the Council affirmed in March 2016. To date, we have not seen any. The Council should, once again, make this request.
3. Full transparency with Negotiations. The current regime was agreed to in March of 2017. Industry had very little participation in those negotiations. We request the Council to ask the State Department to more fully recognize and support U.S. albacore fishing interests in any future negotiations. The Council should also strongly request that no formal agreement on a regime take place before the March 2019 meeting in order to provide the Council an opportunity to provide meaningful advice to the State Department prior to formal authorization of any future regime.
4. In order to address the lack of confidence in reported catch by Canadian vessels in the U.S. EEZ, the Council should recommend consideration of the following actions:

- Requiring Automatic Identification Systems (or Vessel Monitoring Systems) for all Canadian vessels allowed to fish in the U.S. EEZ; and/or
 - Requiring Canadian vessels to Hail-in/Hail-out of the U.S. EEZ, like U.S. vessels are required to do when entering/exiting the Canadian EEZ.
5. During discussions on past regimes, the State Department repeatedly spoke of a phase-out of reciprocal fishing under the Treaty. HMSAS recommends that at this November 2018 meeting, the Council ask the State Department representative if it is still the intention of the U.S. government to phase out fishing by Canada for albacore in the U.S. EEZ.

There are a number of U.S. albacore fishermen who would like to maintain access to fish albacore in the Canadian EEZ. The reasoning is we do not know how the ocean warming is going to affect the albacore migration. Also, the area north of Washington in the Canadian EEZ can produce harvest opportunities in some years.

Western and Central Pacific Fisheries Commission (WCPFC)

North Pacific Albacore

Concerning the suggested direction to the U.S. Delegation to the WCPFC, the HMSAS has been informed that the WCPFC may discuss data collection for North Pacific albacore. There is mention in the briefing papers that there is a movement to define the meaning of the WCPFC resolution to limit harvest effort increase over the average of the harvest during the 2002 to 2004 years. In discussions with NMFS personnel, there are different ways to measure harvest effort such as days at sea, number of vessels, total national harvest, and catch per unit effort (CPUE). We have been informed that NMFS intends to convene a workshop in February to analyze the different methods of measuring effort. The goal on the February workshop is to determine the effort measurement that will be most beneficial to the U.S. albacore fleet in the management strategy evaluation (MSE) evaluation model and future international negotiations.

U.S. harvesters of North Pacific albacore remain committed to participating in the ongoing MSE for North Pacific albacore. We ask the Council to strongly consider sponsoring two HMSAS members to attend the March 2019 workshop in Japan. We also note the beginning of the March 2019 Council meeting may overlap with the MSE Workshop which is scheduled for March 5 – 7.

South Pacific Albacore

The HMSAS recommends to the Council that it confirm and support the advice of the WCPFC-Permanent Advisory Committee (PAC) given to the WCPFC U.S. Section (Agenda Item J.2, Supplemental Attachment 2). Starting on page three of Supplemental Attachment 2 there are seven South Pacific albacore recommendations. While the U.S. troll fishery on the high seas of the WCPFC Treaty Area is a small fishery, it was developed 35 years ago by cooperation between the Commerce Department and the Western Fishboat Owner's Association. In more recent years, this fishery has diminished in size due to high fuel costs and U.S. cannery difficulties in American Samoa. The American Samoa longline fleet has faced many of these same problems.

Recommendations 20 through 26 are an attempt to correct the unfair and debilitating impacts which competing foreign fleets have had on both the U.S. troll and longline fisheries. Recent poor harvests in the North Pacific are increasing the importance of this fishery to the U.S.

Recommendation 25 is particularly important to U.S. harvesters since it suggests to the Commission that since the albacore troll fleets of the U.S. and New Zealand account for less than 3% of the South Pacific albacore catch, the management measures under consideration might be best applied only to the longline fleets. This question, first raised in the WCPFC-Science Committee meeting, and passed on verbatim by the WCPFC-Technical and Compliance Committee for Commission decision, could avoid the imposition of an overly conservative Target Reference Point on the U.S. fleet.

Pacific Bluefin

The same PAC Recommendation paper sets forth on page 6 recommendations 38 and 39 which relate to Pacific Bluefin. Recommendation 39 is particularly relevant to U.S. harvesters of bluefin, but requires some explanation to be fully understood. The particular Joint Northern Committee Inter-American Tropical Tuna Commission (IATTC) recommendations referred to there are to be found in Agenda Item J.2, Supplemental Attachment 3, attached after page 5 and headed “Outcomes of the 2nd Joint IATTC-WCPFC-NC Working Group meeting on the management of Pacific bluefin tuna”. I will pause for a minute so you can find that document for reference.

Paragraph 2 asks the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean to conduct projections of some harvest scenarios, the first four of which set out situations where the west/east split on proposed harvested increases are for the first time projected at a 60-40, or 50-50 split between the western and the eastern North Pacific. Admittedly, this is a small step in correcting the current imbalance between the allowable harvests on each side of the North Pacific for bluefin tuna. There is also a double asterisk which in essence says this shall not pre-empt a different allocation decision between west and east. Nevertheless, the information on how such a split will impact the progress of the rebuilding of the bluefin stocks is important information to have in order to obtain a more equitable balance between the Eastern Pacific and Western Pacific harvests. As the stock rebuilds, HMSAS recommends that the U.S. reserves the right to revisit the allocation, to achieve a more equitable balance as the science supports increasing the catch, HMSAS would like a formula such as 60:40 split. The HMSAS hopes the Council continues to support the U.S. position in these negotiations.

Pacific Bluefin Tuna Proposed Rule

The HMSAS has some significant concerns about the proposed rule regarding the commercial fishery for Pacific bluefin tuna (PBF) 2019-20. In particular, the 48-hour pre-trip call-in procedures and the implications thereof. The California purse seine fishery is prosecuted in an opportunistic fashion. Fishery participants leave the dock intending to target mackerel, squid, or other CPS stocks; but based on information received after leaving the dock, could change the target species. The pre-trip call in procedure could deprive U.S. of the opportunity to harvest PBF when

available (sometimes on very short notice) and subject U.S. to a “penalty if it lands PBF and the pre-trip notification was not received.”

What happens if due to a mixing of species, a vessel targeting yellowfin tuna has an incidental take of a ton or two of PBF? Would that vessel be required to release or discard the PBF because it didn't provide the pre-trip notification?

In summary HMSAS suggests a 24 hour instead of the 48 hour pre-notification and an incidental take allowance of up to 2 mt PBF, if there is no notification.

PFMC
11/06/18