



Pacific Fishery Management Council

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Dan Wolford, Chairman
Donald O. McIsaac, Executive Director

November 16, 2011

Russell F. Smith III
Deputy Assistant Secretary for International Fisheries
NOAA, Office of International Affairs
Building HCHB, Room 6224
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Mr. Smith: *Russell -*

At its November 2-7, 2011, meeting the Pacific Fishery Management Council (Pacific Council) discussed recommendations to the U.S. delegation to the upcoming Eighth Regular Session of the Western and Central Pacific Fisheries Commission (WCPFC8). The Council decided it would be most appropriate to forward to you the comments of its two advisory bodies, the Highly Migratory Species Advisory Subpanel and the Highly Migratory Species Management Team. I have attached their statements as the Council recommendations to the U.S. delegation. Briefly, these recommendations are:

- To address overfishing of bigeye tuna, implement a seasonal purse seine closure, similar to the one currently implemented by the Inter-American Tropical Tuna Commission (IATTC) in the Eastern Pacific Ocean, require full catch retention in purse seine fisheries, and maintain the bigeye longline catch quotas first implemented in CMM 2008-01.
- Support measures to minimize cetacean and whale shark mortality in the WCPFC Convention Area.
- Introduce a measure similar to IATTC Resolution C-11-10 to prohibit retention of oceanic whitetip sharks.
- Support proposals to increase compliance with WCPFC conservation and management measures.
- Push for the adoption of appropriate reference points for all managed stocks in the WCPFC Convention Area by 2014.
- Encourage greater cooperation between the WCPFC and IATTC to establish and implement uniform management measures in the overlap area of the respective Convention Areas.
- Do not support elements in the Regional Observer Program that would apply the same observer requirement to small vessels (often defined as vessels 24 meters or less in length) that apply to larger purse seine and longline vessels.

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I look forward to working with you and the entire U.S. delegation during WCPFC8 to promote the adoption of necessary and appropriate measures.

Sincerely,



D. O. McIsaac, Ph.D.

KRD:kam

Attachments: Agenda Item I.1.b, Supplemental HMSAS Report, November 2011
Agenda Item I.1.b, Supplemental HMSMT Report, November 2011

c.c Council Members

HMSMT Members

HMSAS Members

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HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON COUNCIL
RECOMMENDATIONS ON INTERNATIONAL HIGHLY MIGRATORY SPECIES
MANAGEMENT

WCPFC8

The Highly Migratory Species Advisory Subpanel (HMSAS) supports that the Council advise the U.S. delegation that on bigeye, yellowfin and skipjack tuna fisheries, the conservation measures developed for the large purse seine and longline vessels are not appropriate to our smaller scale commercial fisheries (which are similar to what other countries refer to as “artisanal fisheries”). However, the following general recommendations are suggested:

- The Western and Central Pacific Fisheries Commission should work with the Inter-American Tropical Tuna Commission in harmonizing regulations applicable to the overlap area.
- In establishing conservation and management measures, the goal should be to provide uniform implementation that achieves compliance in both Convention Areas.
- Uniform, complete and timely catch data is needed to insure fair and effective management measures.
- Observer requirements for larger U.S. purse seines and longline vessels are not suitable for smaller vessels.
- Support conservation measures that lead to recovery of the managed stocks.

The HMSAS also discussed the North Pacific albacore management framework contained in the Northern Committee workplan. As this framework is further developed, fisheries that do not target albacore but have albacore bycatch (or retained incidental catch) should be subject to the conservation measure.

U.S.-Canada Treaty

The HMSAS had a long discussion with Mr. Dave Hogan from the State Department, representatives from National Marine Fisheries Service, and west coast states government representatives. It is apparent that some of the albacore fishermen wish to have the treaty terminated for a variety of factors, including:

1. While a variety of market and regulatory roadblocks are hindering the U.S. fishery, the Canadians appear to have greater government support to expand their fishery and develop export markets.
2. The fleets are no longer comparable in terms of the composition of the fleet (vessel size, capacity, age, etc.), leaving the U.S. fleet at a competitive disadvantage to the Canadian fleet. This is reflected in the increasing size of Canadian vessels.
3. The aggressive and disruptive behavior of Canadian fishermen on the grounds reduces the catch of U.S. fishermen, in contravention of informal rules of behavior previously agreed to by U.S. and Canadian fishermen.
4. The recent catch histories in the respective Exclusive Economic Zones have strongly favored the Canadian fleet.

5. The Coast Guard is not equitable in its boarding and inspections of Canadian vessels versus U.S. vessels.

These opinions are not shared by all U.S. albacore fishermen.

In addition, it is apparent that U.S. processors and buyers of albacore tuna wish to continue the U.S.-Canada Treaty based on a perceived economic benefit to our coastal communities.

Given the above discussion, there are some points of agreement in the HMSAS and we request the Council to provide the following information to the U.S. delegation:

1. Compare 2011 Canadian fleet capacity and vessel size to what it was in 2001.
2. Determine the amount caught by Canadian vessels in U.S. waters and landed and sold in Canada compared to the U.S. landings from 2001 to 2011.
3. Research tonnage landed and unloaded by Canadian vessels in the U.S. that are actually sold and transported to Canadian buyers.
4. Research potential effects of treaty changes such as for Canadian vessels reducing areas of access in U.S. waters, reducing the length of season, reducing the number of vessels allowed in U.S. waters, and if any or all of these changes are implemented, whether the U.S. fleet would make up the difference in tonnage.
5. As noted above, the HMSAS did not achieve consensus on a Council recommendation to the U.S. Department of State to issue a letter of termination by December 31, 2011.
6. The HMSAS requests the Council task the Enforcement Consultants to report on the number of boardings and scope of inspections of Canadian albacore troll vessels fishing in U.S. waters.

PFMC
11/7/11

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON COUNCIL
RECOMMENDATIONS ON INTERNATIONAL HIGHLY MIGRATORY SPECIES
MANAGEMENT

Western and Central Pacific Fisheries Commission

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

Bigeye Tuna

In view of the ongoing concern over the stock of bigeye tuna in the Pacific Ocean, the HMSMT recommends that the Council supports strengthening measures above those imposed through the Western and Central Pacific Fisheries Commission (WCPFC) bigeye tuna conservation measure (CMM 2008/01). Specifically, the HMSMT recommends supporting a seasonal purse seine closure of the WCPFC Convention Area similar to what currently exists in the Inter-American Tropical Tuna Commission (IATTC) Convention Area to reduce fishing mortality on bigeye tuna. This recommendation is based upon the presumption that such a closure will be easier to enforce than the current WCPFC seasonal closure of purse seine fishing with fish aggregating devices (FADs). Adoption of a seasonal Convention-wide closure would also promote consistency across Regional Fishery Management Organizations.

The HMSMT further recommends that the bigeye tuna longline catch quotas be maintained at the levels specified in conservation and Conservation and Management Measures 2008/01.

In regards to catch retention, the HMSMT recommends supporting a conservation measure requiring full retention of all tuna caught with purse seine gear, including juvenile bigeye, yellowfin, and skipjack tuna, to discourage the practice of high grading.

Setting on Cetaceans and Whale Sharks

There were several proposals submitted to WCPFC7 regarding the take of cetaceans and whale sharks in the purse seine fisheries. It is expected that proposals will again be put forward at WCPFC8 to prohibit intentional setting on cetaceans and/or whale sharks, require logbook and observer reporting of observed interactions with cetaceans and whale sharks, and establish best handling practices to ensure release of live, unharmed cetaceans and/or whale sharks to the extent practicable. The HMSMT recommends that the Council support these proposals to minimize cetacean and whale shark mortality in the WCPFC Convention Area.

Prohibition on Oceanic Whitetip Shark Retention

At the 2011 IATTC annual meeting, a resolution prohibiting retention of oceanic whitetip sharks was adopted (C-11-10). Oceanic whitetip sharks are a pan-Pacific shark species which has experienced significant declines. If a similar proposal is discussed at WCPFC8, the HMSMT recommends that the Council support such a measure to protect this vulnerable species across its range.

Other Relevant Issues

The HMSMT recommends that the Council generally support proposals presented at WCPFC8 that would increase compliance with WCPFC conservation and management measures and provide the WCPFC with a process and mechanisms to censure or sanction members of the WCPFC that are not in compliance. Such proposals may address vessel chartering arrangements, improved catch documentation, port state measures, Exclusive Economic Zone entry and exit notification schemes, or other issues.

The WCPFC Chairman's proposed way forward on conservation and management of skipjack, bigeye and yellowfin tunas (Agenda Item I.1.a, Supplemental Attachment 5) indicates that the development and adoption of appropriate target and limit reference points for management of tropical tunas by 2014 is a high priority. The HMSMT recommends that the Council support efforts to develop and adopt appropriate reference points for all managed stocks in the WCPFC Convention Area by 2014.

The HMSMT also recommends that the Council continue to support the International Scientific Committee of Tuna and Tuna-like Species in the North Pacific Ocean (ISC)'s multi-species biological sampling program to improve stock assessments.

U.S. – Canada Albacore Tuna Treaty

The HMSMT also discussed the U.S. - Canada Albacore Treaty and provides the following considerations and recommendations to the Council to advise the U.S. delegation to the upcoming treaty re-negotiation meetings.

The U.S. – Canada Albacore Treaty was entered into between the United States and Canada in 1981. The treaty establishes the terms for Canadian fisherman to fish for North Pacific albacore in U.S. waters and reciprocal privileges for U.S. fishermen in Canadian waters. On December 31, 2011, reciprocal fishing privileges under the current treaty will expire and four options may be considered for 2012 or beyond:

- a) The United States and Canada do not reach agreement on reciprocal fishing privileges for 2012 and beyond, and the U.S. or Canada sends a notice of termination of the treaty by December 31 to terminate the treaty by 2013;
- b) The United States and Canada do not reach agreement and there would be no reciprocal fishing privileges for 2012 but the treaty would remain and negotiations on reciprocal fishing privileges could continue for subsequent years;
- c) The United States and Canada reach agreement on reciprocal fishing privileges, but either the United States or Canada gives notice by December 31 to terminate the treaty by 2013; or
- d) The United States and Canada reach agreement on reciprocal fishing privileges, and neither country gives notice to terminate the treaty.

Based on available information, it does not appear that the treaty is negatively affecting the sustainability of the North Pacific albacore stock. The HMSMT has inadequate information to evaluate the treaty's ramifications to the U.S. fisheries and coastal communities if reciprocal fishing privileges ended in 2011. The HMSMT notes that it could include consideration of the

treaty in its assignment regarding albacore management strategies. If the Council wishes, the HMSMT could gather further information on the ramifications of terminating or otherwise modifying the treaty.

PFMC
11/07/11