



**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

October 11, 2012

*Via Email To: [pfmt.comments@noaa.gov](mailto:pfmt.comments@noaa.gov)*

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

Re: Agenda Item J.1.c – U.S.-Canada Albacore Treaty and Efforts at Progress

Dear Mr. Wolford and Council members:

Following the Council's recommendations in March and June of this year, U.S. fishermen sought information that would allow evaluation of the treaty. In efforts to avoid the delays that have plagued previous treaty discussions, American albacore fishermen attempted to initiate dialog and information sharing with the Department of State and National Marine Fisheries Service. Fishermen sought to promote progress toward evaluation of the treaty and its impacts. It is well understood that appropriate evaluation of the treaty is essential to any consideration of a future fishing regime.

**Data Needs:**

Despite repeated recommendations for action and requests for information that could enable progress by stakeholders, none of the requested documents and data sets has been provided by either NMFS or the Department of State.

NMFS has decided to review AAFA's request under the Freedom of Information Act and has requested over \$5,000 to provide just a small portion of the information requested. As a result of NMFS' decision, U.S. fishermen must now pay for data in order to evaluate the treaty and better protect the fishery that is their livelihood. Not only must fishermen pay for such information, NMFS has allowed valuable months to slip by. As a result, U.S. fishermen are heading into November without the U.S. delegation having discussed or addressed the concerns that led to the failure of negotiations last November.

The current course of action, or rather inaction, by the DOS and NMFS is disconcertingly similar to years past.

It is essential that reliable information serve as a foundation for evaluating the treaty. Without the right information and, equally as important, sufficient time for evaluation of potential options, rushing into negotiations would only be counter-productive.

**Data Quality:**

In the course of discussions with NFMS personnel and FOIA Coordinator, it has come to light that years of inadequate monitoring and a persistent lack of compliance with treaty requirements have rendered NMFS unable to advise U.S. fishermen or this Council with respect to the nature and extent of Canadian vessels fishing in the U.S. EEZ and landing in U.S. ports.

Despite the need for effort limitations that prompted the 2004 amendment, inadequate data collection, monitoring, and enforcement have allowed the treaty to continue producing negative impacts on U.S. albacore fishermen.

Recent efforts to assess the performance of the amendment's effort limitation regime have raised concerns over the lack of transparency surrounding the treaty's interpretation, monitoring, enforcement, and reporting.

American albacore fishermen support appropriate management measures through the application of sound science and quality data. Yet the Council must not tolerate poor data and inaccurate reports that misrepresent and negatively impact a U.S. fishery while allowing a foreign fishing fleet to increase capacity and effort in the U.S. EEZ.

**Scientific Policies & Review:**

Fishermen are frustrated to find what appear to be significant errors in reports that have been presented before this Council at past meetings; meetings at which decisions were made regarding the U.S. albacore fishery and the U.S.-Canada albacore treaty. At the April Council meetings of 2010 and 2011, reports were presented before the Council for consideration of effort limitation in the U.S. albacore fishery. Clarifications obtained from authors of those reports suggest that these reports, and others, have carelessly comingled U.S. and Canadian albacore fishery data without appropriate disclosure, transparency, or establishment of an appropriate scientific foundation for such actions. These practices may have served, either intentionally or unintentionally, to misrepresent or obscure the cumulative negative impacts suffered by U.S. albacore fishermen as a result of the operations of a foreign fishing fleet in the U.S. EEZ.

NOAA has in place standards for scientific integrity, a scientific code of conduct, and a code of ethics for science supervision and management.<sup>1</sup> It is essential that the scientific reports and data analysis presented to this Council be held to these standards since the future of the U.S. albacore fishery at stake. With the treaty's negative impacts on the U.S. albacore fleet, we ask the Council to consider initiating an independent review of reports and data which have been presented to this Council.

**Protect and Promote U.S. Albacore Fishery:**

The HMS FMP is required to contain measures applicable to foreign fishing, measures which are necessary and appropriate to protect, restore, and promote the long-term health and stability of the U.S. albacore fishery.<sup>2</sup>

In considering recommendations regarding this treaty, we ask the Council to recommend efforts that protect, restore, and promote a vital U.S. albacore fishery.

---

<sup>1</sup> NOAA Administrative Order 202-735D, Scientific Integrity Policy (rev. 2011).

<sup>2</sup> Contents of Fishery Management Plans, Magnuson-Stevens FCMA §303, 16 U.S.C. 1853.

Pacific Fishery Management Council

Re: Agenda Item J.1.c – U.S.-Canada Albacore Treaty and Efforts at Progress

*(Cont'd)*

In summary, we believe that the lack of communication and information from the State Department and NMFS continues to hinder progress toward addressing the long-standing concerns surrounding the treaty. We respectfully ask the Council to:

1. Present a letter to NFMS and the Department of State, requesting they specify what measures they have implemented to address the concerns that led to the expiration of the reciprocal fishing regime under the treaty;
2. Request NMFS waive FOIA fees associated with providing U.S. fishermen with information pertaining to this treaty;
3. Consider initiating an independent review of reports and data that have been presented to this Council regarding the U.S. albacore fishery.
4. Recommend pursuit of policy options that protect, restore, and promote the health and stability of the U.S. albacore fishery.

Thank you for your time and consideration.

Sincerely,

  
\_\_\_\_\_  
Chip Bissell  
American Albacore Fishing Association