

WESTERN FISHBOAT OWNERS ASSOCIATION



P.O. Box 992723
Redding, CA 96099

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

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

Agenda Item J.1.c
Supplemental Public Comment 3
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October 30, 2012

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

Re: U.S./Canada Albacore Treaty Issues and Observations

Dear Mr. Wolford:

Western Fishboat Owners Association (WFOA) would like to provide its comments and recommendations for Council action regarding the U.S.-Canada albacore treaty.

As the 2012 albacore season comes to a close, it marked the first time since the treaty was adopted in 1981 there has been no reciprocal fishing. It was a good opportunity to gain some perspective from the fishermen that live and work at sea fishing for albacore off the U.S. west coast, and how the lack of a regime has impacted their operations.

WFOA members report better fishing conditions existed on the grounds this season, and U.S. fishermen were able to adequately supply U.S. processors. The ability to fish in an orderly manner is what WFOA has been seeking since the inception of the treaty in 1981, which was promoted at the time by U.S. albacore fishermen. This was the result that was realized in the 2012 season. Most fishermen from large vessels to small, as well as some recreational fishermen have commented on the "peacefulness" that resulted in better ability to stay on the albacore in the narrow historical band off the NW and the lack of crowding at-sea and in port.

One issue WFOA found problematic in the absence of a fishing regime is the inability to enter Canadian ports to unload product and take on foreign crews. Despite a mechanism by the Canadian government to allow US vessels to unload or conduct crew transfers, and despite a number of applications filed by US boats to do such, not one single request was granted. Also, Canadian buyers were lacking fish this season and could only buy albacore over U.S. docks which took competition out of the market. Fishing vessel owners paying for freight and handling to ship fish from the U.S. to Canada by land resulted in at least a 10% price reduction to fishermen for albacore sold.

The ability to pick up foreign crews in Canada on some vessels was also costly to US fishermen. Vessel owners have had to resort to having to make transfers in Mexico, American Samoa, or Guam to comply with Customs and Border patrol regulations. WFOA is working with Congress to make crew transit consistent within ports, and to perhaps make it possible to arrange transit through the U.S. We

encourage the Council as a stakeholder and advocate of U.S. fishing to add it's support to this effort when and if it is appropriate.

We would also like to bring to the Council's attention reports of an apparent loophole whereby some Canadian fishermen are working in U.S. waters through questionable permit transfers or use. Some Canadian boats have been "creatively" measured to comply with state laws less than five net tons. Some 50-60 net ton vessels have suddenly become five net tons thus obtaining a state registration #, combined with a "paper" U.S. owner and are on the grounds in 2012 in the U.S. EEZ fishing for albacore.

Further, WFOA wishes to bring to the Council's attention that there has been little serious movement by Canada on fleet reform, and negotiations have come to a standstill. We have only now received some preliminary information on economics, which we expect more to follow, that needs to be thoroughly reviewed. In light of the slow progress we are asking the Council's support not in not formulating a plan for 2013 until more complete economic data is presented. WFOA also would like to see concrete proposals to address the areas still of concern to U.S. fishermen. Just to name a few, issues such as port access, clarification of fish caught in the U.S. EEZ applying to future U.S. quota, ramifications of potential Canada/EU free trade agreement putting the U.S. at a competitive disadvantage especially if Canada catches fish in the U.S. EEZ and markets it in the EU.

Overall, WFOA hopes the Council will recognize that we have participated in good faith to develop a mutually advantageous fishing regime for both nations, and that WFOA has repeatedly sought to fairly resolve the existing differences. WFOA is now in the process of accessing the season and formulating a position regarding the future. This process is ongoing and based on members input as well as adequate data from the working groups. WFOA urges the PFMC to support U.S. albacore fishermen's positions that a fishing regime not be established until key issues are resolved.

The Western Fishboat Owners Association (WFOA) and American Albacore Fishing Association (AAFA), together representing the vast majority of US troll and baitboat albacore vessels on the West Coast, have recently consulted on the treaty issues. Both associations have been, and remain, in agreement on the US/Canada albacore issues mentioned above. We would like to remind regulators and managers that sometimes the two organizations may present the issues in different ways, however, all should be aware that the two organizations are in basic agreement with each other and plan to cooperate fully in bringing these issues to the attention of the Council, the State Department, and NOAA/NMFS.

If you have further questions I will be glad to respond to them.

Sincerely,



Wayne Heikkila
Executive Director

cc: Mr. Dave Hogan - U.S. Department of State
Mr. Mark Helvey - NOAA/NMFS
WFOA Board of Directors