



**WESTERN
PACIFIC
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FISHERY
MANAGEMENT
COUNCIL**

**Draft Amendment to the Fishery Ecosystem Plan for Pacific Pelagic
Fisheries of the Western Pacific Region**

**Bigeye Tuna Catch Limits and Responsible Fisheries Development
for the U.S. Pacific Territories**

Executive Summary

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Draft Amendment to the Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region

Bigeye Tuna Catch Limits and Responsible Fisheries Development for the U.S. Pacific Territories

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For further information, contact the responsible parties listed above. To implement this amendment, NMFS will be providing opportunities for public comment through notices in the Federal Register.

Abstract

The Western Pacific Regional Fishery Management Council (Council) is recommending to amend its Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region by:

- 1) Establishing annual longline bigeye catch limits of 2,000 mt for the U.S. Pacific Island Territories of American Samoa, Guam, and Commonwealth of the Northern Mariana Islands (collectively, *Territories*), which is consistent with and more conservative than what was agreed to for the Territories by the Western and Central Pacific Fisheries Commission, of which the U.S. is cooperating member;
- 2) Providing limited authority to the Territories to assign up to 750 mt per year of their annual longline bigeye catch limits through domestic charter arrangements or similar mechanisms with only U.S. vessels permitted under the FEP;
- 3) Establishing criteria for U.S. vessels operating under domestic charter arrangements or similar mechanisms to be further integrated with the Territory's domestic fleet by supporting fisheries development within the Territory.

The purpose and need for this amendment is two-fold: 1) to limit bigeye longline harvests attributable to the Territories, and 2) to manage potential domestic charter arrangements to support responsible fisheries development in the Territories.

Executive Summary

Introduction

The Western Pacific Regional Fishery Management Council (Council) was established by the Magnuson-Stevens Fishery and Conservation Management Act (MSA) to develop fishery management plans (FMPs) or fishery ecosystem plans (FEPs) for U.S. fisheries operating in the offshore waters around American Samoa, Guam, Hawaii and Commonwealth of the Northern Mariana Islands and the U.S. Pacific Remote Island Areas (See Figure 1). Once an FEP or FMP and any associated regulations are approved by the Secretary of Commerce, the regulations are implemented by NMFS, enforced by the NOAA Office for Law Enforcement and the U.S. Coast Guard, in cooperation with State, Territorial and Commonwealth agencies.

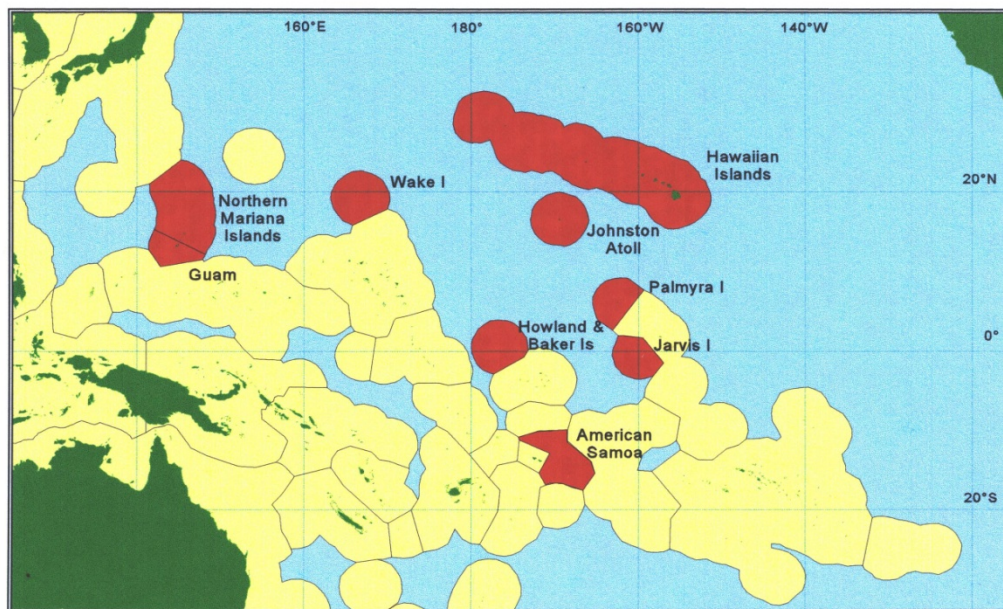


Figure 1: Map of the Western Pacific Region

Note: U.S. EEZ waters under Council jurisdiction indicated in red

Background Information

Pelagic species such as bigeye tuna (hereafter, *bigeye*), which is among the most highly valued fisheries in the Pacific due to its global popularity for sushi and sashimi, and other valuable pelagic species such as swordfish, yellowfin tuna, albacore tuna, mahimahi, ono (wahoo), pomfrets, moonfish (opah), and billfish are found in the U.S. Exclusive Economic Zone (EEZ) around the Territories and surrounding high seas. These species as well as adult bigeye are primarily targeted by longline vessels, but can also be caught with troll and handline methods. Juvenile bigeye are caught incidentally by purse seine vessels targeting skipjack and yellowfin tuna when fishing on fish aggregation devices (FADs), and caught in much smaller numbers by purse seine vessel when they fish on schools of fish unassociated with FADs. Because these species are considered highly migratory, conservation and management of them is subject to

domestic US management as well as agreements made by the WCPFC and Inter-American Tropical Tuna Commission (IATTC) – the U.S. is a cooperating member of both commissions.

In 2004, NMFS determined that Pacific-wide, bigeye tuna was experiencing overfishing (69 FR 78397) and requested the Council to take appropriate action to end overfishing. Pursuant to the MSA, the Council recommended Amended 14 to the Pelagics FMP that contained both domestic and international measures to address bigeye overfishing. NMFS approved Amendment 14's international management measures, but disapproved domestic management measures that would have required new federal permitting and data reporting requirements for Hawaii-based non-longline pelagic fisheries. NMFS felt that the recommended domestic permitting and reporting requirements would be duplicative with existing State of Hawaii regulations, but did agree to work jointly with NMFS Pacific Islands Science Center and the State of Hawaii to enhance the State's permitting and data collection program for small-boat commercial fisheries. In 2005, the Council also established a control date of June 2, 2005 for domestic longline and purse seiners fishing under open access programs in U.S. EEZ waters in the Western Pacific region, including developing longline fisheries in Guam and CNMI. This control date would apply to vessels that are or may begin fishing under open-access programs and would not bind the Council to establishing limited access or other management programs for these fisheries, but it would notify current and prospective fishery participants that additional management measures may be taken by the Council for these fisheries. The implementation of a control date is in recognition of the fact that unlimited expansion of purse seining and longline fishing is untenable with the conservation of highly migratory species such as tuna and other pelagic species.

To address the overfishing of bigeye in the Western and Central Pacific Ocean (WCPO), the WCPFC agreed in 2008 on: "Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean" (CMM 2008-01) with the overall objective to reduce fishing mortality on bigeye tuna by 30 percent in the WCPO in the three year period from 2009-2011. CMM 2008-01 has provisions applicable to purse seine, longline, and other fisheries operating in the WCPO. Under CMM 2008-01, the purse seine fisheries are subject to a two month FAD closure in 2009, and a three month FAD closure in 2010 and 2011. Longline fisheries that caught more than 2,000 mt of bigeye in 2004 are to reduce their longline catches by 10% from their 2004 catch in each of the years 2009, 2010, and 2011, for a total 30 % reduction in catch. However, CMM 2008-01 also provides that fresh fish longline bigeye fisheries landing less than 5,000 mt of bigeye per year, only need to reduce longline bigeye catch by 10% of the 2001-2004 average, or in the case of the U.S. only the 2004 level. Under CMM 2008-01, 2004 is the baseline year for the U.S. WCPO longline limit, because the Hawaii longline fishery was significantly restricted from 2001-2004 due to closures resultant from environmental litigation related to sea turtle interactions. China's longline bigeye catches are also to remain at 2004 levels, as opposed to the average catch between 2001-2004, pending an arrangement on how to attribute Chinese catch taken as part of domestic fisheries of Pacific Island Countries.¹

The Territories, which are grouped with the Small Island Developing States (SIDS) under Article 30 of the WCPFC convention, were provided separate and different longline bigeye catch

¹ CMM 2008-01

limits.² First, the Territories are each provided an annual catch limit of 2,000 mt of bigeye in years 2009, 2010 and 2011.³ These catch limits are independent of the catch limit otherwise applicable to the U.S. and reportable to the WCPFC on an annual basis.⁴ Second, the annual bigeye tuna catch limits do not apply to the Territories if they are undertaking responsible development of their domestic fisheries.⁵ Similar to bigeye, the Territories are subject to separate management measures for pelagic species such as swordfish, yellowfin tuna, and albacore tuna if they are undertaking responsible fisheries development. Within the WCPFC, there is no definition of what it means to be undertaking responsible fisheries development. From the Council's perspective, responsible fisheries development involves the process to enhance fisheries infrastructure, fishing efficiency, and fishing gear corresponding to the sustainability of the harvested resource and associated ecosystem components as well as the establishment of appropriate monitoring, control, and surveillance of fishing activities.

The Territories are interested in responsibly developing fisheries (e.g. pelagic longline and troll/handline) for bigeye and other pelagic species, but existing barriers such as a lack of adequate vessels, transportation, infrastructure, and access to markets have been limiting factors (AECOS 1984; ASEAC 2002; Miller 2001; Bartram and Kaneko 2009). Examples of projects that would serve to enhance fisheries development are found in the Marine Conservation Plans (MCPs) of the Territories, which have been approved by the Secretary of Commerce pursuant to Section 204(e)(4) of the MSA (see Appendices 1-4 for more information). Under the Council's Pelagics FEP, requirements already exist to related to monitoring and control of fishing vessels including logbooks, VMS, observers, spatial closures, identification, and measures to reduce protected species interactions.

In American Samoa, there is a longline fishery that primarily targets albacore in the EEZ to sell (frozen) to the local cannery⁶. In 2002, the Council recommended a limited entry program for the American Samoa longline fishery and in 2005, NMFS implemented the permitting system. The longline fishery in American Samoa experienced a rapid increase in participation in the late 1990's that has since declined, and also shifted from primarily as small-vessel (less than 50 ft) fishery to a large vessel (over 50ft) fishery. For example, in 2000, there were approximately 65 small longline vessels active in American Samoa, but in 2009 and 2010, only one of 28 active longline vessels in American Samoa was a small vessel. Some of larger vessels that fish out of American Samoa also hold Hawaii longline limited entry permits and fish for bigeye out of Hawaii during certain periods of the year. The American Samoa longline fleet catches approximately 200-400 mt of bigeye per year, which has been reported to the WCPFC by NMFS. American Samoa is facing significant economic challenges from recent events. First, the long-based Pago Pago cannery, Chicken of the Sea, which employed approximately 2,000 people closed on September 29, 2009. Second, a devastating tsunami hit American Samoa on September 30, 2009, the day after Chicken of the Sea closed, which destroyed approximately 20 local

² Language is consistently applied in WCPFC conservation and management measures that such measures shall not prejudice the legitimate rights and obligations of Small Island Developing State and Participating Territories in the Convention Area who may wish to pursue responsible fisheries development

³ Paragraph 32 of CMM 2008-01

⁴ The annual U.S. WCPO longline bigeye catch limit, as established by CMM 2008-01, is 3,763 mt (74 FR 63999).

⁵ Paragraph 34 of CMM 2008-01

⁶ Currently, Starkist operates a cannery in American Samoa. TriMarine has announced it will begin tuna canning operations at the facility, which was previously occupied by Chicken of the Sea, in 2012.

vessels and a newly constructed fish processing facility. Third, the other long-based cannery in Pago Pago, Star-Kist, announced in May 2010 that it will be laying off approximately 800 employees of its 1,600 employees. The American Samoa-based U.S. longline fleet relies on the cannery as its only market and there is a need to responsibly diversify this fishery and facilitate revival of the once active small vessel fleet. The development of a sustainable and multifaceted fishery sector could help reduce the economic impacts facing American Samoa.

American Samoa seafood marketing potentials were assessed by TEC, Inc. (2007). Three scenarios for new development directions identified by TEC represent points along a spectrum of possible futures for American Samoa's longline fishery. New Direction 1 emphasizes the potential for fresh export, particularly of high quality bigeye tuna, via air cargo to Hawaii. New Direction 2 emphasizes processing pelagic species (e.g. swordfish) into value-added products for freezing and export via ocean cargo. New Direction 3 emphasizes close cooperation through a longline fishermen's association or cooperative to process and market canned or pouched albacore products in oversea markets under an American Samoa brand. In 2009, a preliminary responsible fisheries development plan was completed for the American Samoa longline fishery, and in that plan, all three directions were found to be components of responsible fisheries development, but also dependent on several projects to overcome existing barriers (Bartram and Kaneko 2009).⁷ Existing barriers include limited air freight, lack of fresh fish processing and cold storage facilities, limited longline vessel dockage in Pago Pago Harbor, fish handling and HACCP training, and market development. However, with the 2011 emergence of TriMarine taking over the old Chicken of the Sea facility in Pago Pago, some of these barriers are starting to be addressed (e.g. fresh fish export).

CNMI has 50-100 small pelagic and bottomfishing vessels. In 2009, an emerging longline fishery began operating out of CNMI with two vessels targeting bigeye, yellowfin tuna, and other pelagic species. In the 1980's, CNMI used to be the base of several U.S. purse seine vessels, but those operations ceased in that decade. CNMI's local tourism market coupled with its close proximity to Guam and large Asian markets make responsible fisheries development a key area for economic growth. Fisheries development needs for CNMI include longline vessel capacity, large vessel docking space, fish processing and cold storage facilities, fish handling and HACCP training, and marketing development. According to Governor Fitial in his 2010 state of the Commonwealth report to the CNMI legislature, the CNMI economy is in severe disarray.⁸ Governor Fitial mentioned in his report that the predicted effect of the U.S. federalization of CNMI minimum wage rates and visa requirement would result in a loss of about 44 percent of CNMI's total gross domestic product, 60 percent of its jobs, and 45 percent of its real personal income by 2015. He also stated the CNMI is now experiencing these adverse economic effects were that are projected by 2015.⁹

Guam currently has hundreds of small scale fishing vessels that troll for pelagics and bottomfish using handline methods. There is one recently FEP permitted longline vessel on Guam, but it is currently inactive. Guam also used to homeport several U.S. purse seine vessels, but that ceased in the late 1980's. Due to its strategic location and regional air service hub, Guam also used to be

⁷ See <http://www.wpcouncil.org/pelagic-fisheriestoday.html>

⁸ <http://pidp.eastwestcenter.org/pireport/2011/January/01-03-03.htm>

⁹ Ibid.

a principal transshipment port for many foreign longline vessels, but the numbers of foreign vessels port calls to Guam has significantly decreased over recent years. The decline in foreign port calls is believed to be linked to the U.S. Shark Finning Prohibition Act and landing agreements between foreign vessels and neighboring Pacific Island Countries that restrict foreign vessels landing in Guam. Because of its history of a transshipment port, Guam does have cold storage facilities, but is lacking fish processing facilities. A fisheries development need in Guam is local capital for purchasing or leasing larger vessels that could allow local Guam fishermen to participate in larger scale, offshore tuna fisheries. Guam is close to large Asian markets, serviced by daily from flights to and from Honolulu, and has an expanding local population and markets related to tourism and the U.S. military buildup.

The Council supports responsible fisheries development in the Territories and has identified (in addition to the proposed action) potential regulatory options under the FEP, as well as non-FEP options that involve broader initiatives that could result in fisheries development in the Territories. Examples of FEP regulatory options include region-wide limited access program and region-wide port access; however, the benefits of such options are unlikely to result in near-term capital investments into longline fisheries and associated infrastructure in the Territories. For example, creating a regional longline limited access program would likely result in bigeye landings to continue to be focused in Hawaii (one of the Pacific Islands region's largest markets) and little or no new capital being infused into the Territories, as vessels would likely remain fishing out of Hawaii, and not in the Territories, therefore not providing direct benefits to the Territories from landings, servicing/provisioning, or processing in the Territories. In other words, this could benefit individual owners of vessels that currently operate in the Territories, but perhaps would not directly benefit the development of fisheries within the Territories if vessels leave to fish and land their catch in Hawaii. Furthermore, an influx of vessels could result in overcapacity and local depletions, for which the Hawaii longline limited entry was established to avoid. A region-wide port access program would allow for longline landings in Hawaii without a Hawaii limited-entry permit, but could result in vessels leaving the Territories to fish out of and land fish in Hawaii, thereby also not providing benefits from landings, servicing/provisioning, or processing in the Territories.

Non-FEP options could involve joint-ventures with foreign entities, regional access agreements such as or similar to the South Pacific Tuna Treaty¹⁰ or bilateral access agreements with neighboring Pacific Island countries. Pursuing such options could result in influx of capital that would serve to promote fisheries development in the Territories; however these initiatives require broader international negotiations.

Domestic chartering agreements are a current opportunity for the Territories to support responsible fisheries development through the use of closely monitored U.S. fishing vessels that could lead to local fisheries infrastructure development such as fish processing and cold storage

¹⁰ The South Pacific Tuna Treaty (SPTT) is a treaty between the U.S. and Pacific Island countries, and administered by the Forum Fisheries Agency (FFA). The SPTT provides licenses for up to 40 U.S. purse seiners, with an option for 5 additional licenses reserved for joint venture arrangements, to fish for tuna in the EEZs of the Pacific Island Parties. Since 1988, when the SPTT entered into force, under the Economic Assistance Agreement associated with the SPTT (\$ 18 million per year from U.S. government), and the corresponding industry payment (\$ 3 million per year), the U.S. contribution through the end current treaty period in 2013 will total \$ 450 million to the Pacific Island States Party to the SPTT (WCPFC TCC5 2009).

facilities, longline fishing training, and the creation of multi-sector jobs from fish processing, construction, and ancillary businesses. As U.S. longline fishermen based in Hawaii are subject to annual bigeye catch limits that have been reached in 2009 and 2010, there are incentives for these fishermen to seek agreements with the Territories, which are subject to different and separate catch limits under the WCPFC. Such incentives by U.S. fishermen form the basis to infuse capital and training into the Territories to support fisheries development.

U.S. longline vessels operating out of Hawaii with only a Hawaii longline limited entry permit are subject to the U.S. WCPO annual bigeye catch limit of 3,763 mt, and the EPO annual bigeye catch limit of 500 mt for vessels over 24 meters. In December 2009 and November 2010, NMFS closed the WCPO to longline fishing for Hawaii-based longline vessels because the fishery was predicted to reach its WCPO limit. The EPO remained accessible to these vessels because the 500 mt limit was by vessels over 24 meters was not reached in either year. It is believed that domestic chartering arrangements between the Territories and Hawaii-based longline vessels could reduce the potential for the U.S. WCPO limit to be reached. The economic difference from fishing in the WCPO vs. the EPO by Hawaii-based longline vessels in latter part of year is unknown, but fishing in the WCPO by Hawaii-based longline vessels in the winter months usually means shorter trips, resulting in higher quality fish and reduced operating costs associated with fuel and provisions.¹¹ However, domestic charter arrangements would likely come at some economic cost in relation to what is negotiated and agreed by parties.

An important factor related to this draft amendment is the Hawaii seafood market, which is believed to represent one of the largest tuna markets in the Pacific Islands region, and the largest per capita tuna consumption in the U.S. The Hawaii market is being supplied with an ever increasing amount of imported tuna including bigeye and according to trade statistics, the amount of tuna directly imported to Hawaii has more than doubled in the last 10 years, and the amount of bigeye imported directly has increased 6-fold in the same period (See Figures 18 and 19). The amount of imported tuna into Hawaii is even greater when factoring in tuna imported directly to the West Coast, which is then flown or shipped for Hawaii markets. Unfortunately, statistics on interstate commerce of seafood products is not collected by state or federal governments.¹²

It is believed that foreign longline tuna fisheries supplying Hawaii and other U.S. markets are less regulated and less monitored than longline fisheries managed under the FEP. It is also believed that foreign longline fleets are taking advantage of the essentially limitless bigeye catch limits provided agreed by the WCPFC for the SIDs and Participating Territories. The Council is concerned that the transferred effect of increasing foreign tuna imports into the Hawaii market could have greater impacts to target and non-target stocks and protected species than if the market was primarily supplied with well regulated, closely monitored U.S. vessels managed under the FEP. The Council believes that the U.S. should facilitate opportunities for its Territories to develop their fisheries to supply U.S. markets with U.S. caught fish.

¹¹ NMFS Pacific Islands Fisheries Science Center is currently investigating the economic impacts of WCPO longline bigeye limits on Hawaii longline fishermen.

¹² The tracking of interstate commerce of fisheries products is difficult and information is not readily available. A current NOAA-funded study by a University of Hawaii researcher examining interstate commerce of foreign imports into the Hawaii market is ongoing and results are expected in the fall of 2010.

The U.S. longline fisheries operating in the WCPO are believed to be responsible fisheries, due to the stringent regulatory regime under the FEP that involves catch reporting, VMS, observers, protected species bycatch mitigation and handling, closed areas, and limited entry programs. For example, the Hawaii longline and American Samoa longline fisheries received a score of 94 percent and 92.6 percent, respectively, when evaluated against the United Nations Food and Agriculture Organization's Code of Conduct for Responsible Fisheries (Bartram et al 2008; Bartram et al. 2009).

Purpose and Need

Given the needs associated with the fisheries development aspirations of the Territories described above, as well as need to responsibly limit potential bigeye harvests in Territories, the purpose of this amendment is to implement effective conservation and management controls that are necessary to prevent overfishing of bigeye tuna, as well as establish regulatory structure that supports the responsible development of fisheries in the Territories.

Proposed Action

In accordance with the MSA and other applicable laws and statutes, the Council is recommending to amend its FEP for the Pelagic Fisheries in the Western Pacific Region by:

- 1) Establishing longline annual bigeye catch limits¹³ of 2,000 mt for the U.S. Pacific Island Territories of American Samoa, Guam, and Commonwealth of the Northern Mariana Islands; collectively, *Territories*), which is consistent with, and more conservative, than what the Territories are provided for under the Western and Central Pacific Fisheries Commission¹⁴ (WCPFC);
- 2) Providing limited authority to the Territories to assign up to 750 mt per year of their annual longline bigeye catch limits through domestic charter arrangements or similar mechanisms with only U.S. vessels permitted under the FEP;
- 3) Establishing criteria to further integrate U.S. vessels managed under the FEP and operating under domestic charter arrangements or similar mechanisms with a Territory's domestic fleet.

As mentioned earlier, in order to be consistent with CMM 2008-01, chartered vessels must be integral to the domestic fleet of a Territory. The Council believes that all U.S. longline vessels managed under FEP and operating in the Western Pacific Region are integral to the Territories

¹³ The proposed action is not an annual catch limit (ACL) as intended under the MSA and defined in NS1. Annual Catch Limits have a specific legal definition under National Standard 1, and pelagic highly migratory species under the management of RFMOs are exempted from MSA ACL requirements. The Council is developing a separate amendment which would establish a process for specifying ACL for non-highly migratory management unit species.

¹⁴ The U.S. is a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) and a member of the WCPFC. WCPFC's area of competence is generally west of 150° W longitude, except for an area of overlap with the Inter-American Tropical Tuna Commission east of 150° W longitude in the South Pacific. See Figure 2.

because of common federal management and control. However, this FEP amendment would establish criteria for further integrating U.S. vessels under charter arrangements with a Territory's domestic fleet. First, in lieu of all landings being made in the Territory by chartered U.S. vessels, due to a lack of infrastructure, transportation, or markets, at least three landings of average poundage for U.S. longline vessels would be required annually in a Territory. Second, any vessel and/or vessel association that is party to the agreement must annually contribute to at least one of the following per year of the arrangement:

- 1) Funding in support of fisheries development projects;
- 2) Fisheries infrastructure development;
- 3) Fishing industry training; and/or
- 4) Fishing industry employment.

The Council purposely did not proscribe further details related to the contributions listed above and believes that specific details should be left to the parties of the domestic chartering arrangement. However, it is undeniable that in order to fulfill these criteria, vessels owners operating under domestic chartering arrangements will have to work closely with the respective Territory, NMFS, and Council, and further that the Territories' MCPs and associated process will provide appropriate identification of fisheries development needs of the Territories. Ultimately, NMFS will determine if a domestic chartering agreement is meeting the criteria. If three landings are not feasible in the first year of the arrangement due to lack of infrastructure and based on a determination by the Territory, at least three landings shall be made in the second year of the arrangement, and reasonable increases in landings in the chartering Territory shall be made in subsequent years of the domestic chartering arrangement. To implement this amendment, NMFS will develop a process and timetable to review domestic charter arrangements, as well as what happens if a vessel is not meeting its obligations under the arrangement, and an appeal process for vessel owners to contest any negative decision by NMFS.

If the Territories are provided different catch limits in future WCPFC conservation and management measures, then Territory catch limits will likely need reconsideration. The Council will review Territory catch limits on an annual basis and may recommend modifications to the limits based on available scientific information as well as management measures promulgated by the WCPFC). U.S. vessels permitted under the FEP and operating under Territory charter arrangements would be required to follow all applicable FEP regulations such as logbook reporting, limited entry permits, VMS, observer coverage, protected species mitigation, and other applicable regulations required for commercial fishing vessels. For example, if a domestic charter arrangement existed between a U.S. vessel owner and American Samoa, that fishing vessel would still have to have an American Samoa limited entry permit to fish within the EEZ around American Samoa. If the vessel does not have permit, than the vessel's fishing under the arrangement would be conducted on the high seas. Furthermore, if that vessel wanted to land fish in Hawaii, it would be required to have a Hawaii longline limited entry permit.

Reasons for choosing the preferred alternatives

The Council chose the preferred alternatives for multiple reasons.

First, the Council believes that responsible fisheries development involves establishing appropriate catch limits for species subject overfishing (e.g. bigeye). The Territories have been provided separate and different longline bigeye catch limits under CMM 2008-01, specially 2,000 mt per year, or if conducting responsible fisheries development, than bigeye longline catches are unlimited. Without catch limits for the Territories, there is potential for unrestricted bigeye catches attributable to the Territories if fishing is increased over current levels. This would be contrary to MSA management objectives to end overfishing of bigeye tuna.

Establishing 2,000 mt annual catch limits for each of the three Territories does not mean that an additional 6,000 mt bigeye would be caught. The Council restricted the total amount a Territory could annually assign under a domestic charter arrangement(s) to 750 mt out of its 2,000 mt annual bigeye catch limit. Because Hawaii is the largest U.S. market in the region, and interest in Territory domestic charter arrangements has come from Hawaii longline vessels, the Council predicts that the majority of fishing under Territory domestic charter fishing arrangements will likely occur on the high seas adjacent to the U.S. EEZ of the Hawaii Archipelago. The range of bigeye harvests as result of the proposed action is between 750 mt and 2,250 mt, as the each of the Territories are limited in the amount of bigeye they could assign under a domestic charter arrangement to 750mt per year. The Council has concluded that this amount of additional bigeye mortality will have a negligible impact on the status of the bigeye stock for the following reasons:

1) Bigeye is considered a Pacific-wide stock, but separated into two management areas: the WCPO managed by the WCPFC, and the EPO managed by the IATTC. Within these management areas, several regions are identified for the purposes of the spatially disaggregated stock assessments. The area where fishing is expected to occur under the proposed action is in north-central Pacific Ocean. Primarily, this area is within Region 2 of the WCPO bigeye tuna stock assessment, and is where fishing mortality on bigeye is significantly lower than along the equator. Therefore, any increases in fishing in this area would have a proportionately lower impact to bigeye fishing mortality than compared to other regions with much higher fishing pressure.¹⁵ In other words, the effect of the proposed action on the status of bigeye is negligible in terms of fishing mortality, as the largest impact to the WCPO bigeye stock occurs in the equatorial regions (See Figures 2 and 4).

2) A primary impact to the stock in terms of fishing mortality and what is reducing the Maximum Sustainable Yield (MSY) of bigeye is the large scale purse seine fishery incidentally catching bigeye on FADs (See Figure 3). In 2009, the Council recommended to prohibit all purse fishing on FADs in the Pacific Remote Island Areas¹⁶, Guam, CNMI, and American Samoa. The U.S. purse seine fishery (36 vessels in 2010)

¹⁵ The north-central Pacific Ocean includes Region 2 and the northern third of Region 4 which are statistical areas used in the spatially disaggregated WCPO bigeye stock assessment.

¹⁶ The Pacific Remote Island Areas include Johnston Atoll, Palmyra Atoll, Kingman Reef, and Wake, Howland, Baker, and Jarvis Islands.

operating in the WCPO catches approximately 4,000-7,000 mt of bigeye incidentally per year, which depending on the year, is more than the U.S. longline fishery operating in the WCPO. If this catch was expressed in number of fish vs. weight, the U.S. purse seine fishery incidentally captures an estimated 10 times the number of fish than does the U.S. longline fishery. This is because purse seine fishing with FADs results in the harvest of juvenile bigeye while the longline fishery targets adult bigeye. If approved and implemented, the conservation benefit of the Council's recommendation may compensate for potential bigeye catches resultant under this proposed action.

Second, supporting fisheries development in the Territories is important to develop sustainable and responsible longline fisheries to fill U.S. markets, maintain local food security, as well as provide multi-sector jobs in a Territory that contribute to its long-term economic growth and stability. The economic realities of the Western Pacific Region are such that the Hawaii bigeye market is the largest in the U.S. Pacific Islands, the largest per capita market in U.S. and one of the largest in the Western and Central Pacific Ocean. The scale of this market cannot be supplied entirely by current domestic fisheries in Hawaii, and must import foreign caught bigeye and other pelagic species. The proposed action will help the Territories supply U.S. markets with U.S. caught fish which is important for two reasons:

- 1) The longline fisheries managed under the FEP are amongst, if not the most closely monitored and environmentally responsible longline fisheries in the Pacific.
- 2) Supply of domestic market by domestic fisheries reduces the carbon footprint of fishing which minimizes fisheries contributions to global climate change;
- 3) Responsible fisheries development increases local food security in the Territories.

Third, the Council has repeatedly emphasized the need for fisheries development in the Territories and identified the current barriers for viable and diversified fisheries. These include lack of vessel capacity, infrastructure, markets, and transportation. Vessel chartering arrangements are a common tool for fisheries development in the WCPO region whereby one party has vessels to offer and the other party has available resources or an allocation of such resources that it needs assistance in harvesting. Vessel chartering often involves foreign vessels being chartered by a chartering entity (government or business) whereby the vessel can fish on behalf of the chartering entity without having to reflag. Recognizing that under current legal interpretations, the Territories lack assignable interest in entering into charter agreements, the Council proposes to establish clear but limited authority under the FEP for Territories to assign interest in their established catch limits. The Council further proposes that the Territories can only assign interest in the catch limits to U.S. vessels with valid FEP permits because these vessel are strictly managed under the FEP, closely monitored by NMFS, and subject to enforcement by the U.S. Coast Guard and NMFS wherever these vessels fish on the high seas or in the EEZ.

Fourth, the Council recommended criteria for Territory charter arrangements to further integrate chartered U.S. vessels with a Territory's domestic fleet. There are no existing WCPFC guidelines for what it means for chartered vessels to operate integral to a Territory's domestic fleet. The

Council's position is that all U.S. longline vessels operating in the WCPO are managed under a single FEP with common management and control, and therefore are already integral to the Territories in the sense that they are part of a larger fleet of U.S. longline vessels operating in the WCPO. Many of the current longline vessels based out of American Samoa and CNMI have fished out of Hawaii or currently own Hawaii longline limited entry permits, highlighting the fact that there are significant and regular connections between longline vessels in the Territories and longline vessels in Hawaii.

Some have argued that in order for chartered vessels to be deemed as operating as "integral", all catches by chartered vessels must be landed in the ports of the chartering Territory. The Council agrees that landings are important, but without adequate infrastructure, markets and or transportation, requiring all catches to be landed in the chartering territory's ports is not practical, efficient, nor consistent with established federal regulations for chartered U.S. longline vessels operating in the Atlantic (see 50 CFR §635.5).

The Council believes that the implementation of the proposed action should only establish precedent for domestic vessel chartering. In other words, only WCPFC members that have Participating Territories and which have control over their flag vessels wherever they fish should be allowed to follow the domestic chartering model established under the proposed action.¹⁷ Other members of the WCPFC without Participating Territories should establish different criteria or guidelines for foreign vessel charter arrangements due to issues associated with vessel monitoring, control, and consistent management regulations. Furthermore, because Territory domestic charter arrangements would only involve vessels permitted and regulated under a single FEP, strict monitoring through the use of permits, logbooks, VMS, and observers provides confidence that potential landings made outside the Territories and in U.S. ports would be accurately monitored and recorded. It is believed that other WCPFC members that may be chartering vessels and supplying imported bigeye to U.S. do not match the level of monitoring of environmentally responsible fishing¹⁸ practices that U.S. longline fisheries are required to follow under the FEP.

Sixth, though the bigeye stock may respond positively to current and future management measures, it is likely that current or enhanced WCPFC catch limits will remain in place for the foreseeable future. Therefore, domestic charter arrangements which will build Territory catch history for potential future allocations.

¹⁷ Other WCPFC members Territories located within the Convention Area are New Zealand (Tokelau) and France (French Polynesia, New Caledonia, and Wallis and Fortuna).

¹⁸ Responsible fishing involves catch logbooks, observer coverage, VMS, gear identification, spatial management, and gear requirements to reduce protected species interactions.

Alts. for Territory Annual Longline Bigeye Catch Limits	Summary Table of Impacts to Environmental Resource Categories					
	Target and Non-Target Species	Protected Species	Marine Habitat	Public Health and Safety	Fishe ry Participants and Fishing Community	Administration and Enforcement
1A- No Action (Status Quo)	Minor existing impacts from current effort and harvests. Potential for unrestricted catches of bigeye if catch limits not established.	Current effort results in minor impacts that are mitigated through suite of FEP regulations	Minor existing impacts from current effort and gear used in fishery	Current regulatory regime resulting in race to WCPO bigeye quota which could pose safety risks. Increased unregulated foreign imports could pose food safety risk to public.	Fisheries development needs continue in Territories; lack of diversified fishery in American Samoa and lack of participation in larger scale offshore fisheries in Guam and CNMI.	Existing management activities and catch monitoring and enforcement.
1B- 1,000 mt annual BET limit	Longline catches of bigeye restricted, which would have some associated minor positive benefits to non-target species. No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.
1C- 2,000 mt annual BET limit	Minor existing impacts. Longline catches of bigeye restricted, which would have some associated minor positive benefits to non-target species. No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.

Alts. for Providing Assignable Interest to the Territories	Impacts to Environmental Resource Categories					
	Target and Non-Target Species	Protected Species	Marine Habitat	Public Health and Safety	Fishery Participants and Fishing Community	Administration and Enforcement
2A- No Action, Status Quo	Minor existing impacts; Potential for unrestricted catches of bigeye if catch limits not established.	Existing impacts managed based on current levels of effort and suite of FEP regulations.	Minor existing impacts due to rare gear loss events. No impact to EFH, HAPC for any managed species.	Minor existing impacts.	Fisheries development needs continue; lack of diversified fishery in American Samoa and lack of participation in larger scale offshore fisheries in Guam and CNMI.	No additional impacts.
2B- Provide the Territories the ability to assign up to 750mt of their annual longline bigeye catch limits through arrangements or similar mechanisms with FEP permitted vessels only (Preferred)	If Territories enter in to domestic chartering arrangements, fishing expected to occur in areas with proportionately low fishing mortality levels, reducing impacts to bigeye stock. Impacts to non-target species not expected to be significant as level of fishing not expected to increase over recent baseline levels	Potential chartering of FEP permitted vessels could increase WCPO U.S. longline effort above 2010 levels; however, the related increased potential for protected species interactions is not expected to be significant as expected effort levels would be within U.S. longline WCPO baseline levels (2004-2010) found not to jeopardize protection species populations or their recovery.	No change from status quo.	No change from status quo.	Assignable interest to 750 mt of bigeye annually would leave at least 1250 mt of annual bigeye catch available to existing longline fisheries in the Territories. Hawaii-based longline vessels operating under Territory charter arrangements could benefit if US WCPO bigeye limit is not reached and fishing in WCPO for bigeye could continue without interruption.	Would require NMFS to establish procedures to track and assign catches under domestic chartering arrangements.
2C- : Provide the Territories the ability to assign interest in their annual longline bigeye catch limits through arrangements or similar mechanisms with FEP permitted vessels and foreign vessels	Longline catches of bigeye restricted, but depending on how much catch Territories able to assign would have varying impacts. Allowing foreign chartering arrangements may result in more catches of bigeye and non-targets than if only domestic charter arrangements allowed.	Potential chartering of FEP permitted vessels and foreign vessels could increase longline effort in the WCPO above 2010 levels, thus increasing potential impacts to protected species.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	No change from status quo.	No change from status quo unless longline fishing by Territory vessels is increased over current levels.	Would require NMFS to establish procedures to track and assign catches under domestic and foreign chartering arrangements.

Alts. for Chartering Arrangement Criteria	Impacts to Environmental Resource Categories					
	Target and Non-Target Species	Protected Species	Marine Habitat	Public Health and Safety	Fishery Participants and Fishing Community	Administration and Enforcement
3A- No Action, Status Quo	Without required logbooks and catch reporting chartering arrangements could lead to unreported catch.	Lack of observer coverage and catch reporting for chartering arrangements could result in unreported or unmonitored interactions with protected species.	No impact to EFH, HAPC for any managed species.	No impacts to public health and safety.	Unlikely to provide benefits to fishing community as no requirements to provide fisheries development assistance would be established.	No additional burden on NMFS to track catches made under chartering arrangements.
3B-: Territory permits, FEP regulations, all catch offloaded in Territory, vessel servicing in Territory	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor chartering arrangement catches.	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor interactions with protected species by vessels under chartering arrangements.	Same as status quo	Same as status quo	Would promote responsible fisheries development in Territories if existing infrastructure are upgraded to support landings.	NMFS would need to establish process to track catches made under chartering arrangements.
3C- : Territory Permits, FEP regulations, all catch offloaded in Territory, vessel servicing in Territory, chartered vessels must provide additional benefits related to funding, infrastructure, training, employment	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor chartering arrangement catches.	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor interactions with protected species by vessels under chartering arrangements.	Same as status quo	Same as status quo	Would promote responsible fisheries development in Territories if existing infrastructure are upgraded to support landings. Additional required benefits would help to overcome existing barriers to development.	NMFS would need to establish process to track catches as well as verify that parties to the chartering arrangements were meeting additional benefits criteria related to fisheries development.
3D-: For U.S. Vessels only, Territory Permits, at least 3 landings per year, vessel servicing in Territory, chartered vessels must provide additional benefits related to funding, infrastructure, training, employment (preferred)	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor chartering arrangement catches.	Logbooks, catch reporting, observer coverage, VMS would allow NMFS to closely monitor interactions with protected species by vessels under chartering arrangements.	Same as status quo	Same as status quo	Would promote responsible fisheries development in Territories. Provides a greater incentive to enter into charter arrangements as US vessels could land into other markets while necessary infrastructure is being developed.	NMFS would need to establish process to track catches as well as verify that parties to the chartering arrangements were meeting additional benefits criteria related to fisheries development.

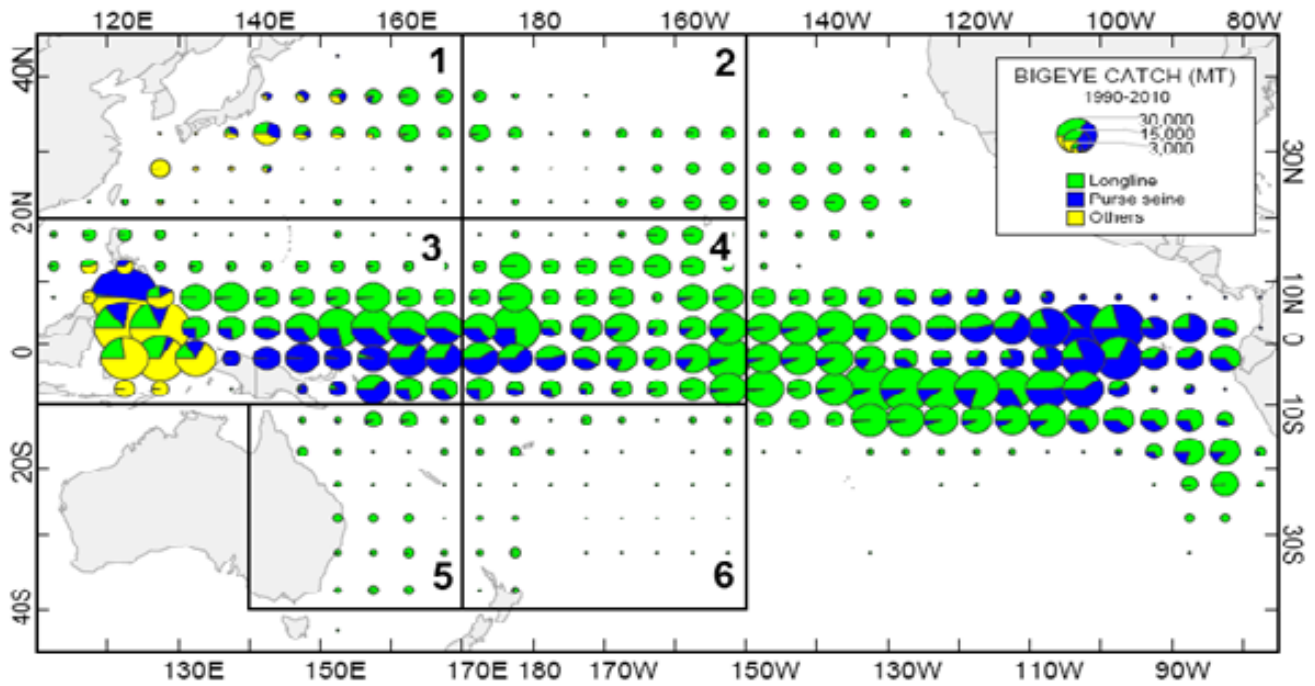


Figure 2: Distribution of bigeye tuna catch, 1990-2010

Note: The six-region spatial stratification used in stock assessment for the WCP-CA is shown. Bigeye longline catches in the Eastern Pacific may not be fully covered.

Source: Williams, P. and P. Terawasi. 2011. WCPFC-SC7-2011/GN WP-1. Overview of tuna fisheries in the WCPO, including economic conditions.

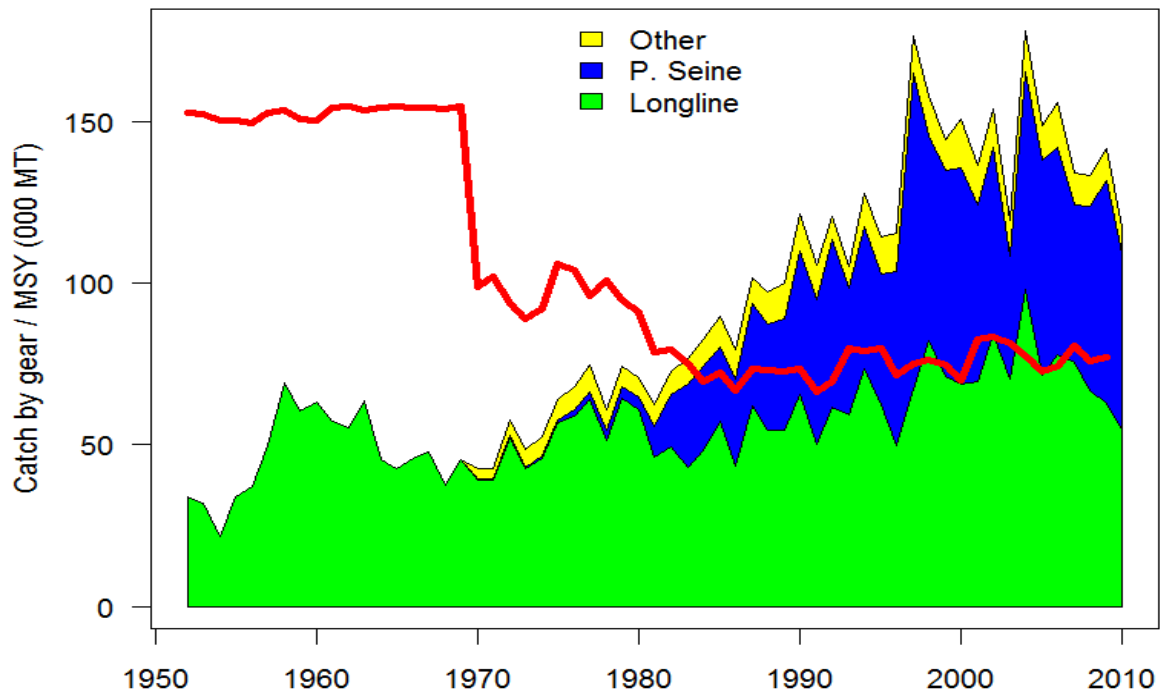


Figure 3: History of the annual estimates of *MSY* (compared with annual catch split into three sectors

Source: 2011 WCPO Bigeye Tuna Stock Assessment. WCPFC-SC7-2011/SA- WP-02.

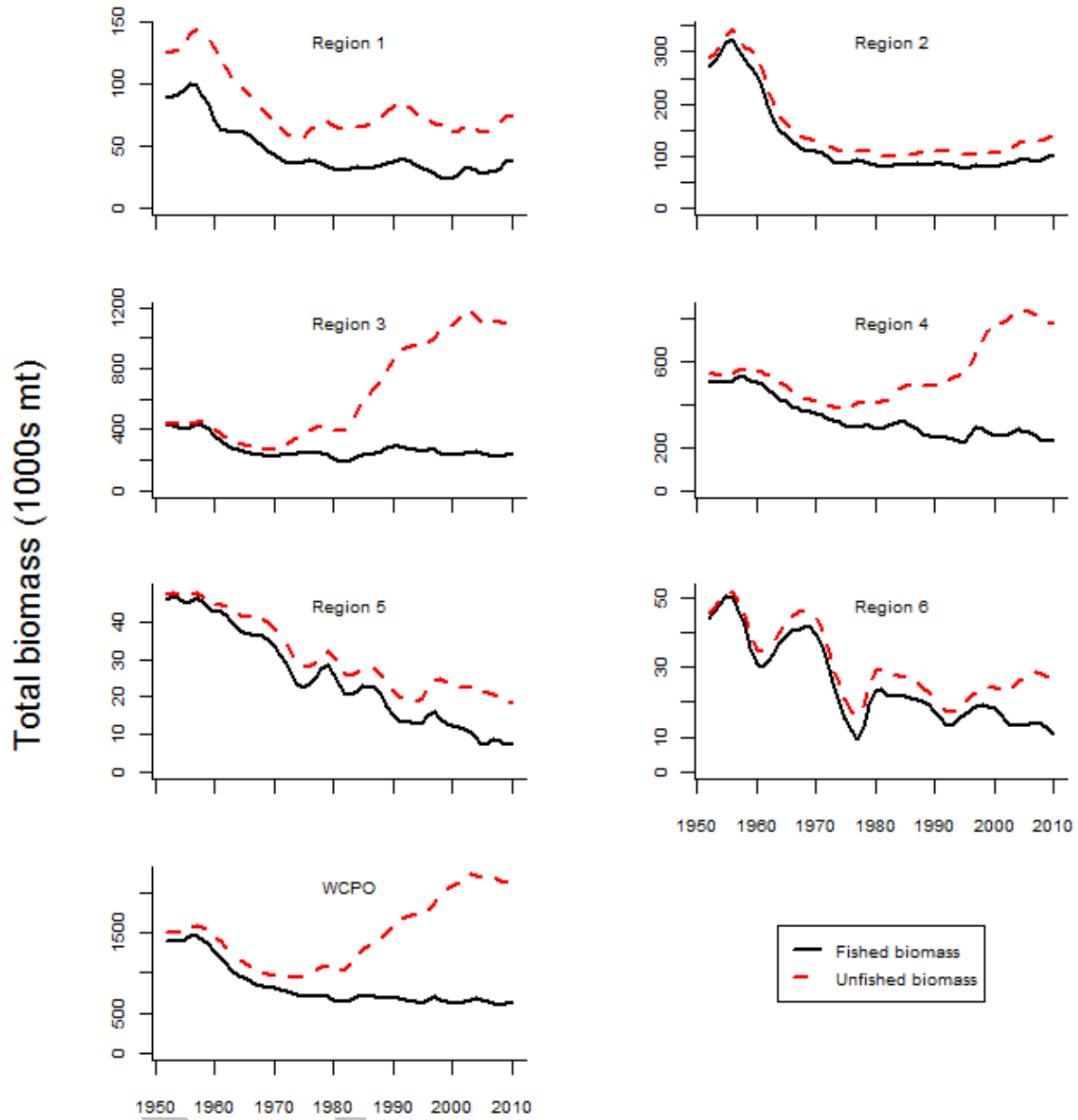


Figure 4: Estimate total biomass trajectories (black lines) with biomass trajectories that would have occurred in the absence of fishing (red dashed lines) for each region and for the WCPO

Source: 2011 WCPO Bigeye Tuna Stock Assessment. WCPFC-SC7-2011/SA- WP-02.