



**Draft Options Paper**  
**Requiring Landings of PMUS in American Samoa by Longline and Purse Seine Vessels**

**154<sup>st</sup> Council Meeting**  
**June 26-28, 2012**  
**Honolulu, HI**

## **I. Introduction**

At its 150<sup>th</sup> meeting (American Samoa; March 2011), the Western Pacific Regional Fishery Management Council (Council) directed staff to write an options paper investigating the pros and cons of requiring the landing of pelagic management unit species (PMUS) in American Samoa by US longline and purse seine vessels operating in the Western Pacific Region, as well as options for enhancing participation in the longline fishery by American Samoa residents. At the 151<sup>st</sup> meeting (June 2011), the Council considered the options paper and directed staff to refine the options for further consideration. This paper has narrowed the range of options under consideration.

<b>Option</b>	<b>Description</b>
<b>A</b>	Require that all PMUS retained by American Samoa longline permitted vessels and U.S. purse seine vessels in the EEZ around American Samoa be landed in American Samoa
<b>B</b>	Require minimum annual landings for American Samoa longline fishery and penalties to prevent latent Permits/Vessel Inactivity
<b>C</b>	Require minimum annual landings of PMUS by American Samoa longline limited entry permitted vessels
<b>D</b>	Require minimum landing requirements of PMUS by American Samoa longline limited entry permitted vessels over three-year period
<b>E</b>	Require at least one annual landing in American Samoa of PMUS by US purse seine vessels that receive a US manning exemption
<b>F</b>	Require minimum annual landings in American Samoa by U.S. Purse Seine vessels that fish in the US EEZ around Guam, CNMI, PRIA or American Samoa

## **II. Background Information**

US longline and purse seine vessels targeting PMUS in the Western Pacific Region are permitted under the following categories:

- Hawaii longline limited entry permitted vessels (164 permits; 130 active vessels)
- American Samoa longline limited entry permitted vessels (60 permits; 28 active vessels)
- Western Pacific general longline permitted vessels (2 vessels in CNMI)
- South Pacific Tuna Treaty licensed purse seine vessels (45<sup>1</sup> licenses; 38 active vessels)

The longline permit categories were established under the Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region (PFEP) whereas the South Pacific Tuna Treaty licenses were established under the South Pacific Tuna Treaty between the United States and Certain Pacific Islands States.

Also at its 150<sup>th</sup> meeting, the Council recommended an amendment<sup>2</sup> to the PFEP to modify the American Samoa longline limited entry program as follows:

- a. replace the four vessel classes with two, where Class A and B vessels would be considered “small” and Class C and D vessels would be considered “large.”;
- b. restrict permit ownership to U.S. citizens and nationals only and eliminate criteria for having documented history of participation to be eligible for owning a permit, but maintain the priority ranking system based on earliest documented history of fishing participation in vessel class size;
- c. require that permits can only be transferred to U.S. citizens or nationals, and eliminated requirements to have documented participation in American Samoa longline fishery to be eligible to receive a transferred permit; and
- d. reduce the “small” vessel class minimum harvest requirement from 1000 lbs to 500 lbs of PMUS caught with longline gear in the EEZ around American Samoa within a 3-year period. (The existing 5,000 lb minimum harvest requirement of PMUS caught with longline gear in the EEZ around American Samoa for the “large” vessel class would be maintained).

The Council made the recommendations listed above to address programmatic barriers in the limited entry program that may be affecting small vessel participation in the fishery.

## **II. Purpose and Need**

Landing requirements do not exist under existing regulations for the American Samoa longline fishery; however, regulations do require minimum harvests of PMUS with longline gear in the EEZ around American Samoa within a three year period. In all practicality, most if not all of the fish caught by longline vessels in the EEZ around American Samoa, and which are retained on board, are landed in Pago Pago. In other words, it is extremely rare that longline vessels fishing

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<sup>1</sup> 5 licenses under the SPTT are reserved for joint ventures between US and Pacific Islands entities

<sup>2</sup> This Amendment to the PFEP is currently in the drafting/review stage and will likely be transmitted for Secretarial review and approval in the fall of 2012.

in the EEZ around American Samoa land fish outside of Pago Pago. However, as fisheries are dynamic, new markets can appear suddenly (e.g. neighboring Samoa)<sup>3</sup>; therefore, the Council may be interested in management options related to landing requirements in American Samoa to maintain benefits to American Samoa from fishing vessels harvesting PMUS in the EEZ (Option A).

In addition, there are several American Samoa longline permits issued to inactive vessels. Many of these inactive vessels are in the small vessels (< 50ft in permit classes A and B). An active small vessel longline fleet is believed to provide an important pathway for participation in the fishery by members of the American Samoa fishing community (i.e. lower capital and operating costs). At the end of 2008, when initial American Samoa longline limited entry permits began to expire, many permit holders with inactive vessels could not renew their permits because they did not meet their minimum harvest requirements. However, because the limited entry program awards permits based on the longest history in the fishery by the smallest vessel class, many of these permit holders reapplied and were reissued their same permits. Since permit reissuance, many of the inactive vessels have remained inactive. Therefore, under this situation, it is possible that the reissuance of available permits to those with inactive vessels is restricting active participation into this component of the fishery. To potentially remedy this situation, one option would be to develop a penalty system for inactive vessels, whereby permits would not be reissued to an applicant that for some period of time has had an inactive vessel (Option B).

As mentioned, the American Samoa longline permit holders are required to make minimum harvests from the EEZ within a three year period. Currently, there are 20 vessels that hold dual American Samoa and Hawaii longline permits. However, these vessels primarily fish out of Hawaii for bigeye tuna. Arguably, if the dual-permitted vessels fished out of American Samoa on a regular basis, potentially more local economic benefits could be derived in terms of crew jobs and revenue for ancillary business that supply fuel, fishing gear, groceries, etc. Therefore, the option of reducing the period available, from three years to every year, to make qualifying minimal landings in American Samoa is included herein (Option C).

Lastly, another related issue is the rebuilding of the WCPO U.S. purse seine fleet with ventures between U.S. and mostly Taiwanese companies. From 2006-2009, approximately 25 vessels were built in Taiwan and flagged to the U.S. These vessels are licensed by NMFS under the South Pacific Tuna Treaty Act. U.S. Coast Guard (USCG) regulations implementing the Jones Act (P.L. 66-261) prevent US purse seine vessels that were not built in US to fish in the US EEZ. Vessel documentation, fisheries endorsements, and manning requirements also fall under USCG jurisdiction to implement the Jones Act. Currently, the USCG regulations allow vessels that “go in and out of” American Samoa to be exempted from vessel manning requirements, i.e., only a U.S. captain is required, whereas without the exemption, all officers (e.g., captain, engineer, navigator) onboard would have to be U.S. citizens.<sup>4</sup> As it is often costly to employ and difficult

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<sup>3</sup> In March 2012, the Samoa Observer reported that Yuh Yow Fishing Company (China) is interested in establishing a cold storage facility in Apia, Samoa. The article notes that there is also interest for the cold storage to become a fish processing facility as well.

[http://www.samoaobserver.ws/index.php?option=com\\_content&view=article&id=38272:taiwan-fishing-plant&catid=50:headline&Itemid=62](http://www.samoaobserver.ws/index.php?option=com_content&view=article&id=38272:taiwan-fishing-plant&catid=50:headline&Itemid=62)

<sup>4</sup> Coast Guard and Marine Transportation Act (CGMTA) of 2006 (section 421) as amended by the Coast Guard Authorization Act (CGAA) of 2010 (section 904).

to find three US vessel officers, there is a strong incentive for US purse seine vessels to take advantage of the manning requirement exemption. Under the current situation, a US purse seine vessel owner seeking the manning exemption must demonstrate that the vessel calls on American Samoa at least once per calendar year for the purposes of, but not limited to, obtaining a safety examination, International Oil Pollution Prevention inspection, landing catch, taking on provisions, exchanging crew member(s), and/or completing repairs or dry-docking. Since 2006, the Council has been concerned with foreign built U.S. flagged purse seine vessels receiving exemptions to manning requirements, but not landing fish in American Samoa, thus believed not to be providing any benefits to American Samoa. It was not until July 2011 that the USCG began to require US purse seine vessels to call on American Samoa at least once per year in order to receive the manning exemption. The manning exemption is scheduled to expire at the end of 2012. One option could be to require minimum landings by US vessels that receive the manning exemption (Option E).

### **III. Options**

#### **A) Require that all PMUS retained by American Samoa longline permitted vessels and U.S. purse seine vessels in the EEZ around American Samoa be landed in American Samoa**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• No change for AS based longline vessels from current operations</li> <li>• Ensures that vessels harvesting fishery resources from EEZ around American Samoa to maximize benefits to the American Samoa economy through required landings (offloading operations, refueling, and provisioning)</li> </ul>	<ul style="list-style-type: none"> <li>• Would reduce operational flexibility for purse seine vessels that have greater range and that fish broader distance from American Samoa (e.g. fishing in EEZ on beginning of trip)</li> <li>• Would reduce operational flexibility for longline vessels that may wish to land fish in other ports (e.g. Cook Islands, Samoa)</li> <li>• Would only apply to 12 U.S. flagged purse seine vessels that were built in U.S. and authorized to fish in EEZ by USCG. The Taiwanese-built U.S. flagged purse seine vessels are prohibited from fishing in the U.S. EEZ under USCG regulations (Jones Act)</li> <li>• Unlikely to increased supply of raw product for canneries and/or export processing facility</li> <li>• Would require additional monitoring of US purse seine fleet by the USCG and NMFS OLE</li> </ul>

**B) Require Minimum Annual Landings of PMUS in American Samoa Longline Fishery and Penalties to Prevent Latent Permits/Vessel Inactivity**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"><li>• Could open up permits in fishery for participants that want to actively fish</li></ul>	<ul style="list-style-type: none"><li>• The demand for new entry in the small vessel classes for fishing in EEZ around American Samoa is not believed to be high due to various economic factors</li><li>• May force fishing trips on vessels that are in disrepair, resulting in safety at sea concerns</li></ul>

**C) Require Minimum Annual Landings of PMUS by American Samoa Longline Limited Entry Permitted Vessels**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"><li>• Potential increased landings from the 20 dual-permitted longline vessels may provide benefits to American Samoa economy through offloading operations, refueling, and provisioning</li><li>• No significant changes to current operations of American Samoa based longline vessels</li><li>• May lead to more participation in fishery by American Samoa community residents if permits are given up by permit holders with inactive vessels and replaced with active vessels</li><li>• May lead to more participation in fishery by American Samoa community residents if permits are given up by dual-permitted vessels because of high costs associated with annual landing requirements and replaced with locally-active vessels</li></ul>	<ul style="list-style-type: none"><li>• May reduce operational flexibility and would force dual-permitted vessels fishing out of Hawaii to make annual minimum landings with potential impacts related to fuel costs, market prices</li><li>• May force targeting switch for dual permitted vessels from bigeye to albacore if Pago Pago capacity for accepting fresh bigeye is reached</li><li>• Operational changes for dual-permit vessels likely result in economic impacts to fishery participants</li><li>• This option may lead to increases effort and hook density in the EEZ, which could reduce catch rates from current levels</li></ul>

**D) Require Minimum Landing Requirements of PMUS by American Samoa Longline Limited Entry Permitted Vessels Over Three-year Period**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• Would ensure that some fish harvest in the EEZ around American Samoa is landed in American Samoa.</li> <li>• No major change from status quo in terms of current practice by permitted longline vessels (what's caught in EEZ around AS is landed in AS).</li> </ul>	<ul style="list-style-type: none"> <li>• Unlikely to lead to more participation by community residents in longline fishery as this would result in little change to status quo.</li> <li>• Unlikely to result in increased economic benefits in terms of raw material supply or ancillary support businesses as it would be little change from status quo.</li> </ul>

**E) Require at least one annual landing in American Samoa of PMUS by US purse seine vessels that receive a USCG manning exemption**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• Would contribute to consistent supply of raw product for canneries (existing facilities rely on foreign caught fish as well)</li> <li>• Consistent and/or increased landings would provide benefits to American Samoa economy through offloading operations, refueling, and provisioning</li> <li>• Would facilitate port sampling of US purse seine vessels by NMFS in a US port to monitor catches of bigeye and other species</li> </ul>	<ul style="list-style-type: none"> <li>• May not be implementable as US purse not fishing in US EEZ or permitted under MSA/Council PFEP</li> <li>• Assumes Pago Pago-based canneries have the need for raw product and capacity to accept fish from required landings by US purse seine fleet</li> <li>• Manning exemption is scheduled to expire on December 31, 2012 (Coast Guard Authorization Act (CGAA) of 2010 (section 904).</li> </ul>

**F) Require Minimum Annual Landings of PMUS in American Samoa by U.S. Purse Seine Vessels that Fish in the US EEZ around Guam, CNMI, PRIA or American Samoa**

<b>Pros</b>	<b>Cons</b>
<ul style="list-style-type: none"> <li>• Would contribute to consistent supply of raw product for canneries and export processing facility</li> <li>• Ensure that vessels harvesting fishery resources from EEZ around American Samoa provide some benefits to the American Samoa economy through required landings (offloading operations, refueling, and provisioning)</li> <li>• Would facilitate port sampling of US purse seine vessels by NMFS in a US port to monitor catches of bigeye and other species</li> </ul>	<ul style="list-style-type: none"> <li>• Not implementable if US purse seine fleet if not fishing in US EEZ or permitted under MSA/Council PFEP</li> <li>• Would reduce operational flexibility for purse seine vessels that fish in the Western Pacific</li> <li>• Very little purse seine effort in US EEZ in WCPO (less than 5 % annually) therefore no significant increase in landings would be expected</li> <li>• Would only apply to 12 U.S. flagged purse seine vessels that were built in U.S. and authorized to fish in EEZ by USCG. The Taiwanese built U.S. flagged purse seine vessels are prohibited from fishing in the U.S. EEZ under USCG regulations (Jones Act)</li> </ul>

**IV. Discussion and Council Action**

For practical reasons, most if not all of the PMUS harvested and retained by longline vessels in EEZ around American Samoa are landed in American Samoa. While the three-year minimum harvest requirement provides operational flexibility to American Samoa longline permit holders that may not have an active vessel in American Samoa or that choose to fish in another area of the Western Pacific Region, it could be precluding community participation in the fishery if otherwise that permit would be fished regularly in American Samoa. Options that would potentially force more fishing within the American Samoa EEZ include Options B and C.

Participation by indigenous Samoans in the longline fishery was highest in 2002, with approximately 90 alia vessels making landings that year. Participation in the small vessel longline fleet (<50 ft) has decreased steadily, with only one alia vessel making landings in 2011. An active small vessel longline fleet is believed to provide an important pathway for community participation in the longline fishery; however a multifaceted fisheries development program is needed to regenerate interest in this small vessel fleet. It does not appear that there is currently significant interest in participation in the small vessel fleet, therefore inactive vessels not meeting their annual harvest requirements do not appear to limit participation at this time.

The increased number of dual permitted longline vessels fishing out of Hawaii in recent years is believed to have reduced fishing effort in the EEZ around American Samoa. This could be having benefits to active vessels fishing out of American Samoa in terms of catch rates and market prices.

The US purse seine fishery is licensed under the SPTT and High Seas Fishing Compliance Act (HSFCA) and not licensed by MSA/Council PFEP. Manning regulations are administered by the USCG, and so using the vessel's manning requirement exemption as criteria to impose landing requirements, without a PFEP permit, and without fishing in the US EEZ, is likely beyond the Council's jurisdiction under the MSA/PFEP. However, the Council may have the authority under the MSA/PFEP to require purse seine landings of PMUS caught in the US EEZ in the Western Pacific Region, but enforceability such a measure may be complicated because the PFEP does not license US purse seine vessels. In addition, only 12 out of 38 US purse seine vessels can fish in the US EEZ due to the Jones Act, so such a requirement may have disproportionately effects one component of the US purse seine fleet over another, without providing significant benefits to American Samoa canneries or catch monitoring of this fleet.

To carry any of these options forward, the Council will need to clearly identify its objectives (e.g. conservation and management, economic, community participation) for establishing landing requirements for US longline and purse seine vessels operating in the WCPO.