



Impacts of the Proposed “Technical Amendments” to the Billfish Conservation Act of 2012

April 2018

Background

In 2012, the 112th Congress passed the Billfish Conservation Act (Act) to “address the global population decline of billfish” and “to protect the economic benefits to the US economy of recreational fishing and marine commerce and the traditional cultural fisheries.” In the Act, Section 4 prohibits the sale of billfish¹, but part (c) provides exemptions for traditional fisheries and markets. This exemption applies to billfish caught by US fishing vessels and landed in the Hawaii and the Pacific Insular Areas (American Samoa, Guam, and CNMI). Approximately 2.9 million pounds of billfish were landed by US vessels in Hawaii in 2017. Billfish landings by US vessels in the Pacific Insular Areas on an annual basis are follows: American Samoa (75,000 pounds), Guam (25,500 pounds), and CNMI (2,500 pounds).

The prohibitions in the existing Act does not apply to billfish landed by foreign fishing vessels in the Pacific Insular Areas when exported to non-US markets or retained within Hawaii and the Pacific Insular Areas for local consumption. Foreign fishing vessels are allowed to land billfish in the Pacific Insular Areas, but not Hawaii.

Issue

The 115th Congress (2017-2018) introduced legislation in both the Senate and the House to make “technical amendments” to the Act. Senate Bill 396 (S. 396) and House Resolution 4528 (HR 4528) would prohibit billfish caught by US vessels and landed in Hawaii, American Samoa, Guam, and Northern Mariana Islands to be sold in continental US markets.

Impact

The impact of this legislation would eliminate the sale of over 550,000 lbs of billfish that is annually marketed in the continental United States worth approximately \$830,000 in dockside value. When that dockside value is expanded through wholesale and retail markets, the estimated annual value is approximately \$2.5 million.²

Existing Billfish Sales Documentation Requirements

Since 2001, billfish caught in Hawaii or the Pacific Insular Areas are required under federal regulations to be accompanied with a NMFS certificate if it is being sold to the US mainland markets (50 CFR 635.31; see Attachment 1). The Billfish Certificate of Eligibility requirements include the name of the vessel that landed the billfish, the date, and where it was landed. Under the existing Act, foreign billfish is already prohibited from being sold in continental US markets. Therefore, the existing Billfish Certificate of Eligibility provides documentation requirements for billfish caught by

¹ Billfish: includes blue, black, white, and striped marlin, sailfish, and spearfish Does not include swordfish.

² Estimate based on data in: National Marine Fisheries Service. 2017. Fisheries Economics of the United States, 2015. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-170, 247p.

US vessels and landed in Hawaii and Pacific Insular Areas. There should not be a concern that foreign billfish are being “laundered” through Hawaii, as the federal government requires all billfish sold from Hawaii and the Pacific Insular Areas to the continental US to be documented. Such a concern could be addressed by monitoring and enforcing the existing Billfish Certificate of Eligibility requirements.

Recent Council recommendations regarding legislation to amend the Billfish Conservation Act

At its 169th Meeting, the Western Pacific Council directed staff to provide information to the Secretary of Commerce on the stock status of Pacific billfish and the economic impact of newly introduced amendment to the billfish conservation act that would limit the sale of billfish caught in Hawaii, American Samoa, Guam, CNMI on the US mainland, and further request information from NMFS on the estimated number of billfish killed in US mainland sport fishing tournaments and whether or not the billfish retained goes to local consumption.

At its 172nd Meeting, the Western Pacific Council, directed staff to write to the Secretary of Commerce, cc. the NMFS Assistant Administrator, to communicate the Council’s concerns with the proposed amendments to the Billfish Conservation Act of 2012, whereby proponents have stated the legislation as being a “technical amendment” to fix an existing loophole. The legislation would equate Hawaii billfish landings as foreign catch and ban the sale of Hawaii caught billfish in the US mainland, which would serve no conservation purpose. The letter should note that the amendment would be contrary to Secretary Ross’ initiative to combat the seafood trade deficit as over 500,000 lbs of Hawaii caught billfish are marketed in the US mainland annually.

Congressional Actions

Language in S. 396:

Section 4(c)(1) of the Billfish Conservation Act of 2012 (16 U.S.C. 1827a(c)(1)) is amended by inserting “and retained” after “landed”.

Status of S. 396: *Passed the Senate*

Section 4(c)(1) of the Billfish Conservation Act of 2012 (as amended by S. 396):

(c) Exemptions for traditional fisheries and markets

(1) Subsection (a) does not apply to billfish caught by US fishing vessels and landed **and retained** in the State of Hawaii or Pacific Insular Areas as defined in section 3(35) of the Magnuson-Stevens Fishery Conservation and Management Act ([16 U.S.C. 1802\(35\)](#)).

Language in HR 1887:

(a) Clarification.—Section 4(c)(1) of the Billfish Conservation Act of 2012 ([16 U.S.C. 1827a\(c\)\(1\)](#)) is amended by inserting “and retained” after “landed”.

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Status of HR 1887: *Referred to the Subcommittee on Water, Power and Oceans; hearing on the bill in April 2018.*

Pacific billfish stock status

Pacific blue marlin (*Makaira nigricans*) is not subject to overfishing or in an overfished condition.

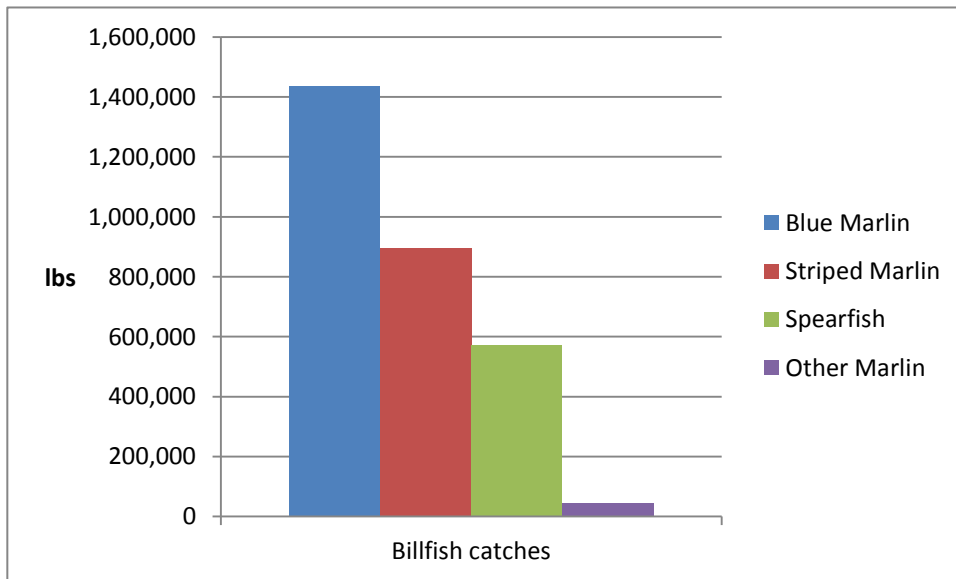
Northwest Central Pacific striped marlin (*Kajikia audax*) is experiencing overfishing and is overfished. The Western and Central Pacific Fisheries Commission (WCPFC) has agreed to catch limits for this stock in the WCPO. Under the WCPFC measure, the United States is provided annual catch limit for North Pacific striped marlin of 457 mt, whereby recent US catches by vessels landing striped marlin in Hawaii have been less than the limit.

There are no stock assessments available for other marlin species, sailfish, or spearfish.

Commercial Billfish Landings in the Western Pacific

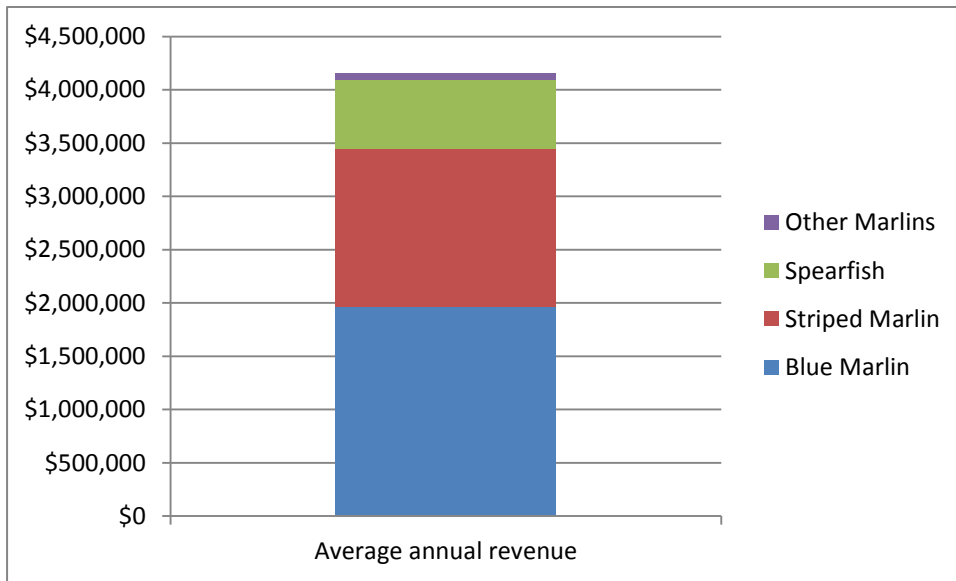
The following are data of billfish catch and revenue from 2011-2015 for each of the island areas under the Council’s jurisdiction in the Western Pacific.

Figure 1: Hawaii average annual commercial catch of billfish (not including swordfish), 2011-2017



Source: WPRFMC. 2018. Stock Assessment and Fishery Evaluation Report Pacific Island Pelagic Fisheries.

Figure 2: Hawaii average annual revenue from commercial billfish landings (not including swordfish), 2011-2017

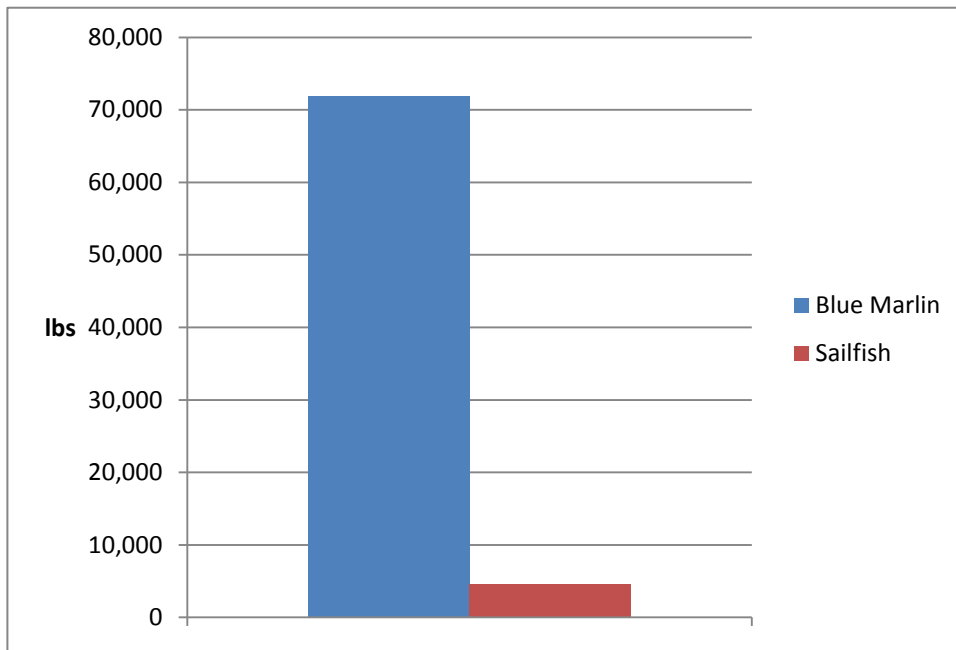


Source: WPRFMC 2017 Stock Assessment and Fishery Evaluation Report Pacific Island Pelagic Fisheries.

It is generally estimated that 20% of Hawaii billfish landings (~589,000 lbs) are sold to US mainland markets annually, worth approximately \$830,000 annually in ex-vessel revenue.³

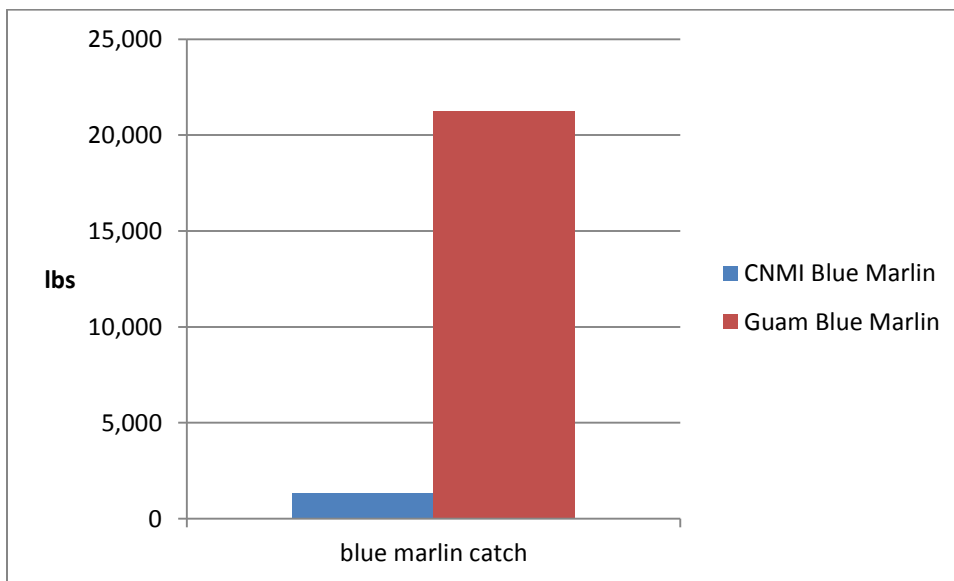
³ Loke, M., Geslani, C., Takenaka, B., and Leung, Pingsun. (2012). Seafood consumption and supply sources in Hawaii, 2000-2009. *Marine Fisheries Review* 74(4), 44-51.

Figure 3: Average annual American Samoa commercial landings of blue marlin and spearfish, 2011-2017



Source: WPRFMC 2017 Stock Assessment and Fishery Evaluation Report Pacific Island Pelagic Fisheries.

Figure 4: Average annual pounds of blue marlin landed commercially in CNMI and Guam, 2011-2017 and spearfish



Source: WPRFMC 2016 Stock Assessment and Fishery Evaluation Report Pacific Island Pelagic Fisheries.