Responsible Fisheries Assessment of the American Samoa Longline Fisheries

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1. ABSTRACT

American Samoa's pelagic longline fishery is undergoing responsible development as defined by the United Nations Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (Code). The Code is the global standard for how nations should develop and manage responsible fisheries. While aspects of the Code are achieved in many fishery management systems, very few fisheries have actually been assessed against the provisions of the Code in a comprehensive manner. The American Samoa fishery was assessed in 2009 using the provisions of the Code as a scoring system. The methodology and the set of questions were designed to elicit detailed information on the fishery, remaining consistent with the language and intent of the detailed provisions of the Code. The fishery evaluation followed the approach demonstrated in the 2006 and 2008 Responsible Fisheries Assessments (RFA) of the Hawaii longline fisheries. The RFA process applies FAO's internationally-accepted set of criteria which define a responsible fishery managed for sustainability. This comprehensive approach translates the detailed provisions of the Code into questions about compliance that can be answered either "yes, no or some level of compliance" with corresponding scores of 1, 0 or 0.5 points. A total of 283 questions from within 5 prescriptive and applicable Articles of the Code were addressed. The 2009 RFA of the American Samoa longline fishery resulted in a cumulative score of 92.6% compliance (262 of 283 points) with the pertinent Articles of the Code. These include Article 7 Fishery Management (94.3% or 107.5 of 114 points), Article 8 Fishing Operations (92% or 69 of 75 points), Article 10 Integration with Coastal Area Management (88.1% or 18.5 of 21 points), Article 11 Post–harvest Practices and Trade (91.3% or 36.5 of 40 points) and Article 12 Fisheries Research (92.4% or 30.5 of 33 points).

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2. EXECUTIVE SUMMARY

The American Samoa longline fishery is undergoing responsible development as defined by compliance with the global standard for responsible fishery development and management, the United Nations Food and Agriculture Organization Code of Conduct for Responsible Fisheries (FAO 1995).

The fishery was assessed using the Code as a scoring system. The Responsible Fisheries Assessment (RFA) process is a way to assess a fishery against the Code, a comprehensive and internationally-accepted set of criteria that define a responsible fishery managed for sustainability. The 2009 RFA was completed following the methodology of the 2006 and 2008 RFA's completed on the Hawaii longline fisheries (Bartram et al., 2006; Bartram et al., 2008).

The FAO developed a scoring system and a 193 question checklist to facilitate and standardize the application of the Code (Caddy 1996). This was expanded (Bartram et al., 2006) to 283 questions to include Code provisions that were not covered by the original FAO checklist. Scoring was done by PacMar Inc. (Paul Bartram and John Kaneko) applying the FAO methodology (Caddy 1996). Scorecards contain the original language and questions formatted to address each Code provision. Answers provide the rationale for scoring. For transparency, answers are referenced whenever possible with links to electronic documents and websites that provide background and detail. Readers are advised to review the scorecards electronically so that they can link to relevant websites and documents.

The draft 2009 RFA was reviewed by NOAA Pacific Islands Regional Office, the Western Pacific Regional Fishery Management Council and Professor Martin Tsamenyi, Director Centre of Maritime Policy, University of Wollongong, Australia. Comments and edits received were used to strengthen the responses and explanations in the final RFA.

2009 summary scores for the American Samoa Longline fishery follow:

• Article 7 (Fishery Management)	94.3% (107.5 of 114 points)
• Article 8 (Fishing Operations)	92.0% (69 of 75 points)
• Article 10 (Integration with Coastal Zone Mgt)	88.1% (18.5 of 21 points)
• Article 11 (Post-harvest Practices and Trade)	91.3% (36.5 of 40 points)
• Article 12 (Fisheries Research)	92.4% (30.5 of 33 points)
Cumulative RFA Score	92.6% (262of 283 points)

The RFA process documents the working relationships among the agencies that are components of the management system. The agencies directly involved in the integrated management system include NOAA Pacific Islands Regional Office, NOAA Pacific Islands Fisheries Science Center, the Western Pacific Fishery Management Council, the US Coast Guard, the Pelagic Fisheries Research Program at the University of Hawaii and the American Samoa Department of Marine and Wildlife Resources and other agencies in the Territory.

3. INTRODUCTION

3.1 Why is it important to assess the responsible nature of the American Samoa longline fishery?

The development and operation of the American Samoa longline fishery must proceed in a responsible manner within the context of the pelagic fisheries of the Western and Central Pacific Fisheries Commission (WCPFC) management area. In order to evaluate the responsible nature of the American Samoa longline fishery, an international standard for what constitutes responsible fisheries is required.

The United Nations Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (Code) was established in 1995 (FAO 1995). The Code was developed to assist nations in developing and managing responsible fisheries. It can serve the purpose of evaluating fisheries and fisheries management systems based on a wide range of standard norms and practices compatible with objectives of responsible fisheries and sustainable seafood production. No comprehensive evaluation of the American Samoa longline fishery against the provisions of the Code was available until now.

3.2 What is the Code of Conduct?

The Code is an international agreement that is widely recognized as the most complete operational reference for fisheries management, combining the aims of sustainable fisheries management with environmental conventions and instruments. The Code is a voluntary agreement that sets out principles and international standards of responsible practices to ensure conservation, management and sustainable utilization of living aquatic resources, with due respect for ecosystem and biodiversity. There are no legally binding obligations created for member states by this Code.

The Code is one of the landmarks in a sequence of significant developments relating to responsible fisheries since the 1970s. The Code takes into account the biological characteristics of the resources and their environment and the interests of consumers and other users (FAO 2008). The Code reinforces the obligation of all of those engaged in fisheries to be responsible, not only for biological aspects of fisheries but also the technological, economic, social and cultural facets as well. Governments, managers, scientists, fishers, processors, consumers and others are all accountable to act responsibly.

The general principles, set out in Article 6 of the Code, urge governments to prevent overfishing and excess capacity; ensure compliance with and enforcement of conservation and management measures and establish effective mechanisms to monitor and control activities of fishing vessels; cooperate through sub-regional, regional and global fisheries management organizations; conduct fish trade in accordance with the principles, rights and obligations established in World Trade Organization agreements; protect the rights of fishers and fish workers, especially those engaged in subsistence, small-scale and artisanal fisheries; and promote the interests of food security, taking into account present and future generations (Roheim and Sutinen, 2006).

Although voluntary, the Code has many provisions based on relevant rules of international law, including those reflected in the 1982 United Nations Convention on the Law of the Sea. The Code also includes certain provisions that are binding, notably the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 (FAO 2001: p. 1).

3.3 What are the Objectives of the Code?

The Code consists of 12 Articles, beginning with general statements and principles (Articles 1-6) and leading to specific guidance (Articles 7-12). The detailed and prescriptive Articles include standards not only for conservation and management of fisheries (Article 7) but all aspects of fisheries, including fishing operations (Article 8), aquaculture (Article 9), post-harvest processing and trade of fishery products (Article 11), fisheries research (Article 12) and the integration of fisheries into coastal area management (Article 10).

The Code reaffirms the importance of using the best scientific evidence available when deciding on fishery conservation and management measures and calls for the timely, complete and reliable collection of data for fishery assessment. FAO is mandated by the Committee on Fisheries (COFI), to monitor progress and assist with the implementation of the Code (Clause 4.2). Clause 4.3 of the Code expresses the means for its own revision.

Objectives of the Code are defined in Article 2, as follows:

(a) establish principles, in accordance with the relevant rules of international law, for responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects;

(b) establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of fisheries resources and fisheries management and development;

(c) serve as an instrument of reference to help States to establish or to improve the legal and institutional framework required for the exercise of responsible fisheries and in the formulation and implementation of appropriate measures;

(d) provide guidance which may be used where appropriate in the formulation and implementation of international agreements and other legal instruments, both binding and voluntary;

(e) facilitate and promote technical, financial and other cooperation in conservation of fisheries resources and fisheries management and development;

(f) promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities;

(g) promote protection of living aquatic resources and their environments and coastal areas;

(h) promote the trade of fish and fishery products in conformity with relevant international rules and avoid the use of measures that constitute hidden barriers to such trade;

(i) promote research on fisheries as well as on associated ecosystems and relevant environmental factors; and

(j) provide standards of conduct for all persons involved in the fisheries sector.

3.4 What are the Core Principles of the Code?

The core principles of the Code (elaborated in Article 6) aim to promote responsible fishing by seeking to:

- maintain the quality, diversity and availability of fishery resources for present and future generations;
- prevent overfishing and excess fishing capacity;
- ensure the conservation of not only target species but also associated and dependent species belonging to the same ecosystem;
- prevent the degradation of fisheries habitats in marine and fresh water ecosystems with attention to the integration in coastal zone management;
- ensure that in the absence of best scientific information, the application of the precautionary approach is imperative;
- eliminate the use of non-selective and environmentally unsound fishing gear;
- promote the research and the collection of data in order to improve fisheries knowledge;
- encourage States (i.e., nations) to employ effective control over vessels that fly their flag;
- facilitate effective participation by all stakeholders in decision-making in relation to determining conservation and management policies and laws;
- make the trade of fish and fisheries products consistent with relevant international agreements, including the World Trade Organization Agreement and should not result in environmental degradation or negative social impacts;
- maintain safe and healthy fisheries work environments and food quality controls in the processing and distribution of fisheries products; and
- consider aquaculture and culture-based fisheries with minimal environmental impacts as a diversification for income and diet.

3.5 Prescriptive Articles of the Code

The Code contains prescriptive Articles which focus the principles and objectives into 6 major aspects of responsible fisheries. These include,

- Article 7 Fisheries Management
- Article 8 Fishery Operations
- Article 9 Aquaculture
- Article 10 Integration with Coastal Area Management
- Article 11 Post-harvest and Trader Practices
- Article 12 Fisheries Research

These 6 Articles contain multiple detailed provisions and sub-provisions that provide guidance for nations to meet the objectives of the Code in developing and managing

responsible fisheries. At the same time, the provisions in these Articles have formed the basis for evaluating fisheries which range from the selective use of provisions and principles in seafood sustainability assessment and ecolabeling schemes, or through comprehensive application of the Code through the Responsible Fisheries Assessment process demonstrated in the evaluation of the Hawaii longline fisheries (Bartram et al., 2006; Bartram et al., 2008).

4. METHODOLOGY

4.1 RFA Approach

The 2009 RFA of the American Samoa longline fishery followed the methodology and scorecards used in the 2008 assessment of the Hawaii longline fisheries (Bartram et al., 2008).

The FAO created a checklist for some but not all of the prescriptive Code provisions for use in evaluating fisheries (Caddy 1996). Provisions of Articles 7, 8, 10, 11 and 12 that were not included in Caddy's checklist were converted into question format following the Caddy approach in the RFA of the Hawaii longline fisheries (Bartram et al., 2006 and Bartram et al., 2008). The American Samoa longline fishery RFA used the comprehensive set of questions addressing each provision of the 5 Articles that currently apply to the fishery. Provisions of Article 9 dealing with aquaculture development were not used in the RFA because they are not presently applicable to American Samoa longline fisheries for wild pelagic fish.

The American Samoa RFA scorecards (Appendix A) applied the FAO scoring method and checklist developed by Caddy (1996) expanded to the comprehensive list (Bartram et al., 2008) in which each provision is scored separately and scores can be summed separately for each provision of the detailed Articles (7, 8, 10, 11 and 12). Most of the questions can be scored as "yes (1 point)" or "no (zero points)", with allowance for possible half (1/2 point) scores. The questions are not weighted and therefore the scores should be interpreted with this consideration in mind.

Questions have been scored in such a way that a fishery that meets these criteria in the respondent's opinion is scored a full point, with the possibility recognized that, in some cases, a response intermediate between wholly positive and wholly negative will be likely (Caddy 1996). The particular approach taken to translating the answers to such questions into quantitative terms is certainly debatable, and other weightings for the scores are certainly possible. It is justifiable, however, if only because a scoring of the questionnaire by those involved or interested in the fisheries conservation and management process should lead to a clarification of the current situation of a given fishery.

The score given for each question in the RFA checklist is justified by a relatively short narrative that provides an explanation of actions, progress or difficulties encountered and discusses the applicability to the particular Code provision under consideration. For transparency, each narrative justification is referenced to websites and other mostly electronic sources that provide further detail and links for information. For example, following links provided in many electronic references will often connect to relevant national

laws, international agreements or arrangements that are being implemented by U.S. agencies. Readers are advised to review the scorecards electronically so that they can rapidly connect to these electronic links.

FAO developed the Code before the ecosystem approach became the new paradigm for responsible fisheries management. Subsequently, FAO prepared technical guidelines indicating which of the Code's provisions reinforce ecosystem-based management. The phrase "furthers ecosystem approach to fisheries" is added to selected provisions in the RFA questionnaire based on FAO (2003).

The draft 2009 RFA was reviewed by NOAA Pacific Islands Regional Office, the Western Pacific Regional Fishery Management Council and Professor Martin Tsamenyi, Director Centre of Maritime Policy, University of Wollongong, Australia. Comments and edits received were used to strengthen the responses and explanations in the final RFA.

5. RESULTS

5.1 Primer on how the American Samoa Longline Fishery is managed.

Most U.S. fisheries operating in federal waters are managed under a framework consisting of federal government agencies and regional fishery management councils. For the American Samoa longline fishery the primary entities (Figure 1) are the same for the Hawaii longline fisheries. These include the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) and Pacific Islands Fisheries Science Center (PIFSC), the Western Pacific Fishery Management Council (Council) and the U.S. Coast Guard.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) governs U.S. fisheries within federal waters extending to 200 miles offshore within the U.S. Exclusive Economic Zone (EEZ). The American Samoa longline fishery operates under the same federal regulations when they fish in international waters outside of the EEZ. The MSA sets national standards for how U.S. fisheries are to be managed for sustainability. Other laws and agencies play a role in how fisheries are managed, but the MSA forms the core of the management framework.

The MSA established a series of regional fishery management councils with the responsibility for preparing Fishery Management Plans (FMPs). FMPs are prepared and amended by the Council with input from diverse stakeholders, public comment and scientific input through Plan Teams, Advisory Panels and the Science and Statistical Committee. Rules on how a fishery should be managed are based on the best available science. The Council prepares FMP amendments (as needed) that evaluate alternatives and propose a preferred alternative to NOAA for review, action, rule-making and implementation by the Secretary of Commerce using an Administrative Procedures Act (1946) driven process.

For the American Samoa longline fishery, PIFSC's monitoring programs are the primary source of fishery data that support domestic and international pelagic fisheries management. PIFSC and the Pelagic Fisheries Research Program (PFRP) of the University of Hawaii sponsor scientific research in support of federal fisheries management. Enforcement of the

rules and regulations in the American Samoa longline fishery is performed by NOAA and the U.S. Coast Guard.

American Samoa's longline fishery also falls under the jurisdiction of the regional fishery management organization, the Western and Central Pacific Fisheries Commission (WCPFC). NOAA regulations for longline fisheries in the WCPFC management area are designed to comply with WCPFC management measures.

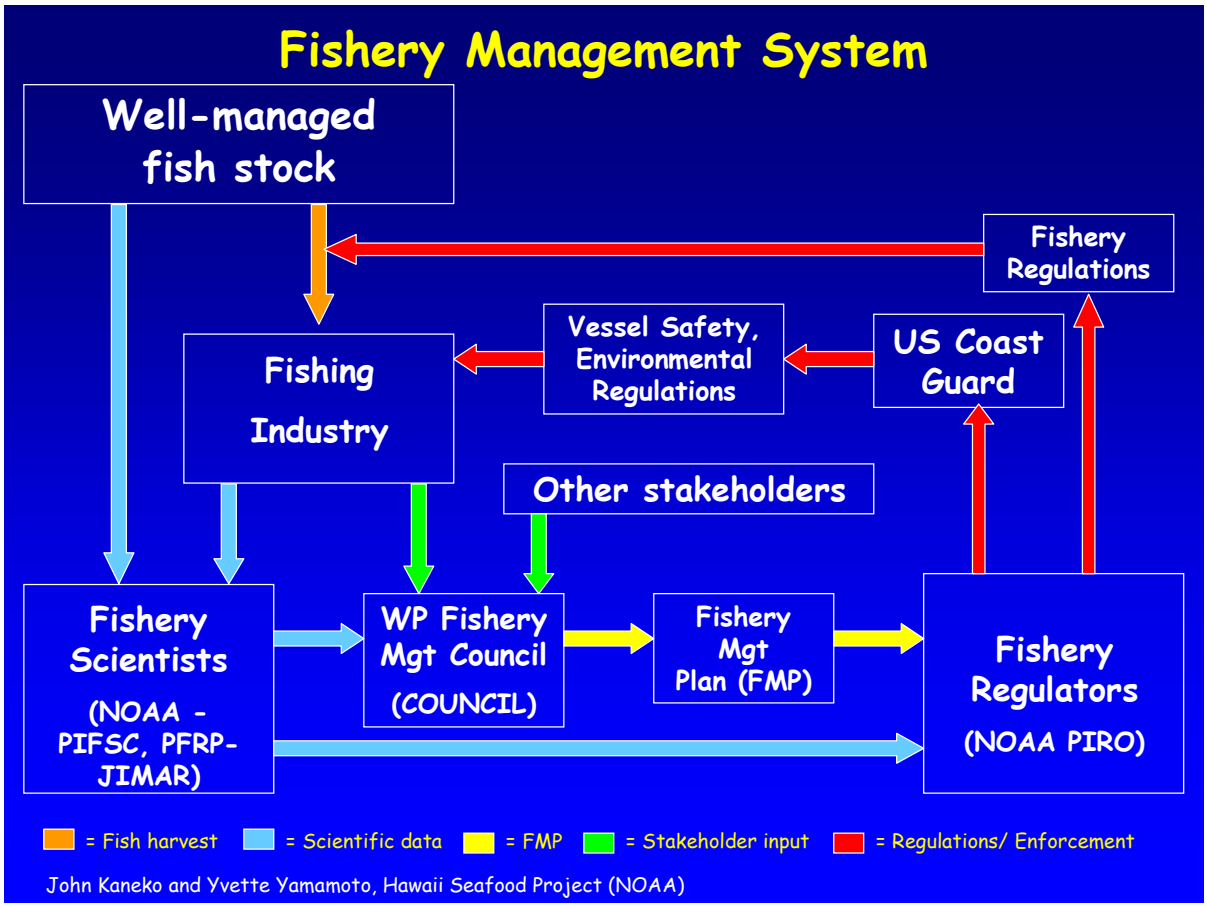

FIGURE 1. Fishery Management Framework

5.2 Does the American Samoa Longline Fishery Comply with the Code?

The Code sets goals for fisheries without the expectation of simultaneous or instantaneous fulfillment of all goals in every fishery. Some provisions of the detailed Code articles (7-12) express the intentions of fishery management, whereas other clauses express the actual effects of implementing management measures.

The detailed 2009 RFA scorecards in Appendix A evaluate the American Samoa longline fishery based on 283 questions concerning fishery management (Article 7), fishing operations (Article 8), post-harvest activities and trade (Article 11), fisheries research (Article

12) and fisheries interactions with coastal area management (Article 10), although the latter is only weakly linked to the American Samoa longline fishery that operate in the open ocean.

The American Samoa longline fishery scores high in both expressed intentions of fishery management and in actual implementation of desired management measures. The reason why compliance with desired management objectives is so high is that the fishery is regulated through the American Samoa longline limited access permit system and other U.S. regulations. Any violations of this system and associated rules can jeopardize continued participation by permit holders, so there are strong practical incentives for compliance with many of the objectives of the Code that are reflected in federal management of the American Samoa longline fishery.

2009 summary RFA scores for the American Samoa Longline Fishery are listed below. The scores within each Article are presented in Tables 1-5.

- Article 7 (Fishery Management) 94.3% (107.5 of 114 points)
- Article 8 (Fishing Operations) 92.0% (69 of 75 points)
- Article 10 (Integration with Coastal Zone Mgt) 88.1% (18.5 of 21 points)
- Article 11 (Post-harvest Practices and Trade) 91.3% (36.5 of 40 points)
- Article 12 (Fisheries Research) 92.4% (30.5 of 33 points)

  Cumulative RFA Score 92.6% (262 of 283 points)

Table 1. Compliance of American Samoa Longline Fisheries with Code: Article 7 (Fisheries Management) Scorecard

(1) Code Provisions	(2) Best Possible Score	(3) Am. Samoa Longline Fisheries' Score	(4) Am. Samoa Longline Fisheries' Score as % of Best Possible Score (3)/(2)
7.1 *General*	23	22.5	97.8%
7.2 *Management objectives*	14	13.5	96.4%
7.3 *Management framework and purposes*	12	11	91.7%
7.4 *Data gathering and management advice*	11	11	100%
7.5 *Precautionary approach*	15	15	100%
7.6 *Management measures*	23	20.5	89.1%
7.7 *Implementation*	15	13	86.7%
7.8 *Financial institutions*	1	1	100%
Article 7 Overall	**114**	**107.5**	**94.3%**

Table 2. Compliance of American Samoa Longline Fisheries with Code: Article 8 (Fishing Operations) Scorecard

(1) Code Provisions	(2) Best Possible Score	(3) Am. Samoa Longline Fisheries' Score	(4) Am. Samoa Longline Fisheries' Score as % of Best Possible Score (3)/(2)
8.1 *Duties of all States*	10	8	80.0%
8.2 *Flag State duties*	14	12.5	89.3%
8.3 *Port State duties*	4	4	100%
8.4 *Fishing operations*	14	13.5	96.4%
8.5 *Fishing gear selectivity*	7	7	100%
8.6 *Energy optimization*	2	1	50.0%
8.7 *Protection of the aquatic environment*	4	4	100%
8.8 *Protection of the atmosphere*	7	7	100%
8.9 *Harbours and landing places for fishing vessels*	6	5.5	91.7%
8.10 *Abandonment of structures and other materials*	2	2	100%
8.11 *Artificial reefs and fish aggregation devices*	5	4.5	90.0%
Article 8 Overall	**75**	**69**	**92.0%**

Table 3. Compliance of American Samoa Longline Fisheries with Code: Article 10 (Integration of Fisheries into Coastal Area Management) Scorecard

(1) Code Provisions	(2) Best Possible Score	(3) Am. Samoa Longline Fisheries' Score	(4) Am. Samoa Longline Fisheries' Score as % of Best Possible Score (3)/(2)
10.1 *Institutional framework*	7	6	85.7%
10.2 *Policy measures*	8	7	87.5%
10.3 *Regional cooperation*	4	4	100%
10.4 *Implementation*	2	1.5	75.0%
Article 10 Overall	**21**	**18.5**	**88.1%**

Table 4. Compliance of American Samoa Longline Fisheries with Code: Article 11 (Post-Harvest Practices and Trade)

(1) Code Provisions	(2) Best Possible Score	(3) Am. Samoa Longline Fisheries' Score	(4) Am. Samoa Longline Fisheries' Score as % of Best Possible Score (3)/(2)
11.1 *Responsible fish utilization*	16	16	100%
11.2 *Responsible international trade*	16	14	87.5%
11.3 *Laws and regulations relating to fish trade*	8	6.5	81.3%
Article 11 Overall	**40**	**36.5**	**91.3%**

Table 5. Compliance of American Samoa Longline Fisheries with Code: Article 12 (Fisheries Research) Scorecard

(1) Code Provisions	(2) Best Possible Score	(3) Am. Samoa Longline Fisheries' Score	(4) Am. Samoa Longline Fisheries' Score as % of Best Possible Score (3)/(2)
Article 12 Overall	**33**	**30.5**	**92.4 %**

6. DISCUSSION

6.1 How to Interpret FAO Code of Conduct Scores?

Caddy (1996) suggests that one use of the FAO questionnaire is as "a check list for seeing that the fishery in question meets the requirements of the Code, which can be updated regularly to see whether progress is being made in approximating the fisheries management system currently in place to its provisions." This can assist resource managers in evaluating the adherence of a particular fishery or fishery management system to the provisions of the Code and for monitoring progress in this respect (Caddy 1996). The FAO scoring system may have some value as an incentive for action and can serve as a way of comparing the performance of a given fishery management system for two or more fisheries (Caddy 1996). However, Caddy (1996) cautions that it is not inevitably the case, that a lower score automatically means that one fishery is "less responsible" than another, given the multiplicity of management systems in operation and the differing importance of the individual questions.

The 2009 RFA American Samoa longline fishery represents the third comprehensive application of the Code to evaluate the responsible nature of a pelagic longline fishery. The RFA approach applies the Code provisions in a non-selective manner remaining as close as possible to the objectives and detailed provisions of the Code. The compliance score of 92.6% corresponds with the performance of the integrated science-based fishery management system under which the American Samoa Hawaii longline fishery operates.

7. CONCLUSION

The 2009 RFA of the American Samoa longline fishery demonstrates the high level of compliance with the Code and provides the basis for the conclusion that this fishery is responsible and well-managed for sustainability.

8. REFERENCES

Administrative Procedures Act (1946) (5 U.S.C. §§ 551-559, 701-706) http://www.law.cornell.edu/uscode/html/uscode05/usc_sup_01_5_10_I_30_5.html

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APPENDIX A

Detailed Scorecards for Compliance of American Samoa Pelagic Longline Fishery[1] With Provisions of FAO Code of Conduct Articles 7, 8, 10, 11 and 12

The following scorecards are intended as web-based references. Readers will benefit by using electronic links to relevant documents and websites that are cited in the answer columns. Many of the citations will appear to be incomplete unless electronic links are followed.

[1]The American Samoa Pelagic Longline Fishery involves permit holders and vessels registered for use with American Samoa longline limited access permits.

Article 7 - Fisheries Management

7.1 General

7.1.1 States and all those engaged in fisheries management should, through an appropriate policy, legal and institutional framework, adopt measures for the long-term conservation and sustainable use of fisheries resources. Conservation and management measures, whether at local, national, subregional or regional levels, should be based on the best scientific evidence available and be designed to ensure the long-term sustainability of fishery resources at levels which promote the objective of their optimum utilization and maintain their availability for present and future generations; short term considerations should not compromise these objectives.

Question format (Caddy 1996): (a) Are conservation and management measures based on the best scientific evidence available? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The Western Pacific Fishery Management Council (Council) prepares the FEP, any subsequent FEP amendments that evaluate alternatives and propose a preferred alternative to the National Oceanic and Atmospheric Administration (NOAA) for review, action, rule-making and implementation by the Secretary of Commerce.[2] This plan is required to conform to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) standard to base conservation and management measures on the best scientific information available.[3] New information is reviewed annually by the Pelagics Plan team and at three meetings per year of the Scientific and Statistical Committee. These groups advise the Council when the FEP or conservation and management measures for American Samoa's longline fishery need to be adjusted because of new scientific evidence.[1]		

[1]Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]MSA, sec. 301

(b) Are conservation and management measures designed to ensure the long-term sustainability of fishery resources at levels which promote the objective of optimum utilization and maintain their availability for present and future generations? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for conservation and management measures to achieve long term sustainability and optimum yield of fisheries resources, while preventing overfishing.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 301

(c) Are management measures currently in effect in the fishery designed for the long-term conservation and sustainable use of fishery resources, as opposed to reasons of short-term expediency? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirement for management measures to achieve long-term conservation and sustainable use of fisheries resources instead of merely short-term benefits.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 303

7.1.2 Within areas under national jurisdiction, States should seek to identify relevant domestic parties having a legitimate interest in the use and management of fisheries resources and establish arrangements for consulting them to gain their collaboration in achieving responsible fisheries.

Question format (Caddy 1996): (a) Have attempts been made to identify domestic parties having a (legitimate) interest in the use and management of fisheries resources? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council is comprised of representatives of several Federal agencies and U.S. Pacific island governments, including the Territory of American Samoa, as well as representatives of commercial, recreational and subsistence fisheries sectors. The Council solicits participation in its advisory panels by fishermen, non-fishermen and others with interest in fisheries resources use and management.[1] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office (PIRO) maintains a list of interested parties for distribution of National Environmental Policy Act (NEPA) documents that analyze the environmental impacts of proposed management actions for American Samoa's longline fishery.[2]		

[1]WPFMC – Advisory Panels – Membership Information

[2] Final Environmental Impact Statement; Western Pacific Pelagic Fisheries (Mar 2001) Appendix T, Distribution List for the Final Environmental Impact Statement on the Pelagic Fisheries of the Western Pacific Region.

(b) Have arrangements been made to consult these parties and gain their collaboration? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council is comprised of representatives of several Federal agencies and U.S. Pacific island governments, including the Territory of American Samoa, as well as representatives of commercial, recreational and subsistence fisheries sectors. The Council meets three times per year. It is advised by panels comprised of representatives of various fisheries and other interests in fisheries resources use and management. These panels meet up to 3 times per year and the public is welcomed to apply for membership on a panel via the Council website.[1] Impacts of proposed management actions for American Samoa's longline fishery are assessed in National Environmental Policy Act (NEPA) documents which are distributed to parties with legitimate interests in the resource for review and comment.[2] Proposed regulations are published in draft form in the Federal Register and public hearings are conducted to obtain public comment.		

[1]WPFMC – Advisory Panels – Membership Information

[2] Final Environmental Impact Statement; Western Pacific Pelagic Fisheries (Mar 2001) Appendix T, Distribution List for the Final Environmental Impact Statement on the Pelagic Fisheries of the Western Pacific Region. http://www.fpir.noaa.gov/DIR/dir_public_documents.html

7.1.3 For transboundary fish stocks, straddling fish stocks, highly migratory fish stocks and high seas fish stocks, where these are exploited by two or more States, the States concerned, including the relevant coastal States in the case of straddling and highly migratory stocks, should cooperate to ensure effective conservation and management of the resources. This should be achieved, where appropriate, through the establishment of a bilateral, subregional or regional fisheries organization or arrangement.

Question format (Caddy 1996): (a) Where transboundary, straddling or highly migratory fish stocks and high seas fish stocks are exploited by two or more States, do the States concerned cooperate to ensure effective conservation and management of the resources? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The United States completed the process to become a member of the Western and Central Pacific Fisheries Commission (WCPFC) in 2007 after several years of participation as a cooperating non-member. The Commission is a treaty-based organization established to conserve and manage tunas and other highly migratory fish stocks across a vast range of the Pacific Ocean.[1] American Samoa is considered to be a "participating territory" by the WCPFC, so the longline fishery is not necessarily bound to WCPFC conservation and management measures for the western and central Pacific convention area if the domestic fishery is developing responsibly.[2]		

[1] WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

(b) Is there a formal fishery commission or arrangement to which all parties (States) fishing belong? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western and Central Pacific Fisheries Commission (WCPFC), established by international convention in 2004, is responsible for the conservation and management of fisheries for highly migratory pelagic species in the western and central Pacific Ocean.[1] In June 2007, the U.S., which had been participating as a cooperating non-member, became a formal member of this commission. American Samoa is considered by the WCPFC to be a "participating territory" with a seat at the table but no official vote.[2]		

[1]WCPFC Convention Texts, http://www.wcpfc.int/

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

7.1.4 A subregional or regional fisheries management organization or arrangement should include representatives of States in whose jurisdictions the resources occur, as well as representatives from States which have a real interest in the fisheries on the resources outside national jurisdictions. Where a subregional or regional fisheries management organization or arrangement exists and has the competence to establish conservation and management measures, those States should cooperate by becoming a member of such organization or a participant in such arrangement, and actively participate in its work.

Question format (Caddy 1996): (a) Do States which have a real interest in the fisheries or the resource outside their national jurisdiction cooperate in the work of the relevant regional fisheries management organization or arrangement by becoming a member of such organization and arrangement and by actively participating in its work? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
A cooperating non-member since the establishment of the Western and Central Pacific Fisheries Commission (WCPFC) by international convention in 2004, the U.S. became a formal member of WCPFC in June 2007. Member nations and associated parties cooperate in establishing and implementing conservation and management measures adopted for highly migratory fish stocks within the western and central Pacific convention area. As a "participating territory" in the WCPFC, however, American Samoa is not necessarily bound to WCPFC conservation and management measures if the domestic fishery is developing responsibly. [2]		

[1]WCPFC Convention Texts, http://www.wcpfc.int/

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

(b) Do all parties attend meetings and collect data in the specified format? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Members of the Western and Central Pacific Fisheries Commission (WCPFC) participate in regular meetings of the commission and its advisory bodies.[1] Member nations are also required to follow data collection protocols of WCPFC[2]		

[1] WCPFC Meetings, http://www.wcpfc.int/

[2]WCPFC, Guidelines, Procedures & Regulations, Scientific Data to be Provided to the Commission, http://www.wcpfc.int/

(c) Is the (resource) population analysis updated regularly and in cooperation by a scientific group? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western and Central Pacific Fisheries Commission (WCPFC) Scientific Committee's Stock Assessment Specialist Group is responsible for continuing population analysis of the Convention area's pelagic resources. The group's working papers and stock assessment information are updated annually before the regular sessions of the Scientific Committee and are available online.		

WCPFC Meetings, Scientific Committee, http://www.wcpfc.int/

(d) Are scientific recommendations of groups reflected in the regulations? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Conservation and management measures adopted by the Western and Central Pacific Fisheries Commission (WCPFC) reflect some of the recommendations of the Scientific Committee [1] but there can be delays in adopting other scientific recommendations as international regulations.[2]	

[1]WCPFC, Conservation and Management Measures and Resolutions, http://www.wcpfc.int/

[2]Langley, A., A. Wright, G. Hurry, J. Hampton, T. Aqorua, L. Rodwell. Slow steps towards management of the world's largest tuna fishery. Marine Policy 33 (2009): 271-279.

Analysis: This sub-provision received only ½ point because the WCPFC has been slow in adopting conservation and management measures recommended by the Scientific Committee.

Likelihood of improving compliance: This sub-provision will improve to a full point score in the future because the WCPFC is likely to adopt an array of management measures proposed by scientific and technical advisors.

(e) Are the regulations respected by the parties concerned? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
All members (including the U.S.) and associated parties of the Western and Central Pacific Fisheries Commission (WCPFC) are bound to the conservation and management measures adopted for highly migratory fish stocks within the convention area. They are required to cooperate according to the terms outlined in the Commission's decisions,[1] which are monitored in a systematic way by the Technical and Compliance Committee.[1] Part VI of the WCPF Convention[2] gives members the duty to implement and enforce conservation and management measures through effective monitoring, control and surveillance (MCS). MCS covers a range of different activities involved in policing the fishing area. Acting on Conservation and management measures, putting a stop to illegal fishing, and verifying fisheries catches to improve data and information are the guiding principles of WCPFC enforcement. American Samoa's longline fishery is required to follow conservation and management measures (CMMs) of the WCPFC, as administered by the U.S. flag state. WCPFC recognizes American Samoa as a "participating territory," which is exempt from some CMMs if domestic fisheries are developing responsibly. [3]		

[1]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]WCPFC, Key Documents, Convention Text, Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, Part VI, Compliance and Enforcement http://www.wcpfc.int/

[3]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

7.1.5 A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement should nevertheless cooperate, in accordance with relevant international agreements and international law, in the conservation and management of the relevant fisheries resources by giving effect to any conservation and management measures adopted by such organization or arrangement.

Question format (PacMar Inc. 2006): Is there cooperation by non-member and non-participating nations in accordance with relevant international agreements and international law, in the conservation and management of fisheries resources according to conservation and management measures adopted by subregional or regional fisheries management organizations or arrangements? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Cooperating non-members and associated parties of the Western and Central Pacific Fisheries Commission (WCPFC) are required to comply with all conservation and management measures in force in the Convention Area. Non-members are also required to inform the Commission annually of the measures it takes to ensure compliance by its vessels with the Commission's conservation and management measures; as well as respond in a timely manner to alleged violations of conservation and management measures by its vessels, as requested by a member of the Commission or determined by the appropriate subsidiary bodies of the Commission.		

WCPFC, Conservation and Management Measures and Resolutions, http://www.wcpfc.int/

7.1.6 Representatives from relevant organizations, both governmental and non-governmental, concerned with fisheries should be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such representatives should be given timely access to the records and reports of such meetings, subject to the procedural rules on access to them.

Question format (Caddy 1996): (a) Are representatives from relevant organizations, both governmental and non-governmental, concerned with fisheries afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, in accordance with the procedures of the organization or arrangement concerned? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
U.S. commissioners representing the National Oceanic and Atmospheric Administration (NOAA) Fisheries, the Western Pacific Fishery Management Council, the Pacific Fishery Management Council and two other persons appointed by the President will participate in meetings of the Western and Central Pacific Fisheries Commission (WCPFC).[1] These meetings are announced online and can also be attended by others who pre-register as observers.[2] American Samoa is recognized as a "participating territory" in the WCPFC, with its own seat at the meetings but no official vote. The Western Pacific Fishery Management Council is comprised of representatives of several Federal agencies and U.S. Pacific island governments, including the Territory of American Samoa, as well as representatives of commercial, recreational and subsistence fisheries sectors. All meetings are announced in the Federal Register and local media and are open to attendance by the public.[3]		

[1]MSA, Title V: Implementation of Western and Central Pacific Fisheries Convention, http://www.nmfs.noaa.gov/msa2005/

[2]WCPFC Meetings, http://www.wcpfc.int/

[3]WPFMC Council, http://www.wpcouncil.org/meetings/

(b) Subject to the procedural rules on access, are such representatives given timely access to the records and reports of such meetings?
Yes...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Background information, documents and reports for all meetings of the Western and Central Pacific Fisheries Commission (WCPFC) are made publicly available via the website.[1] Background information and documents for meetings of the Western Pacific Fishery Management Council (Council) are publicly available during the meetings and summaries of actions taken during meetings are available via the organization's website.[2] Major meetings are recorded and complete minutes are available by request after transcription.		

[1]WCPFC Meetings, http://www.wcpfc.int/

[2]WPFMC Council, http://www.wpcouncil.org/meetings/

7.1.7 States should establish, within their respective competences and capacities, effective mechanisms for fisheries monitoring, surveillance, control and enforcement to ensure compliance with their conservation and management measures, as well as those adopted by subregional or regional organizations or arrangements.

Question format (Caddy 1996): (a) Have mechanisms been established for fisheries monitoring, surveillance, control and enforcement to ensure compliance with their conservation and management measures for the fishery in question? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessels longer than 50 ft. are required to carry functioning vessel monitoring systems (VMS) for continuous vessel position reporting to aid federal surveillance and enforcement of fishery regulations in the Exclusive Economic Zone (EEZ) around American Samoa and on the high seas.[1] Federally-mandated observers covered approximately 8% of American Samoa longline fishing trips by vessels longer than 40 ft. from April 2006 to May 2008.[2] The long-term target for American Samoa large vessel observer coverage is at least 20%.[3] The U.S. Coast Guard (USCG) conducts air and sea patrols in the EEZ of American Samoa and on the high seas to enforce federal regulations for American Samoa vessels and protect the EEZ from illegal foreign encroachment. The USCG also cooperates in enforcing international fisheries agreements.[4]		

[1]Code of Federal Regulations (CFR), Title 50, Wildlife and Fisheries, Part 665.19, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2] http://www/fpir.noaa.gov/, Observer Program, Quarterly & Annual Reports, American Samoa Quarterly and Annual Status Reports (2006-2008).

[3] http://www.fpir.noaa.gov/, Observer Program,

[4]U.S. Coast Guard Office of Law Enforcement, Living Marine Resources

(b) Have these measures proved effective? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Effectiveness of American Samoa longline fisheries' monitoring, surveillance, control and enforcement measures is evaluated in annual reports for pelagic fisheries of the western Pacific. Prepared by the Pelagics Plan Team of the Western and Central Pacific Fishery Management Council (Council), these reports include sections on compliance and enforcement activities of the U.S. Coast Guard and National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement. Annual reports also propose any adjustments considered necessary to improve effectiveness of fisheries monitoring, surveillance, control and enforcement.[1] NOAA penalties for violation of American Samoa longline fisheries regulations take into account the individual histories of offenders, with repeat offenders receiving more severe penalties to discourage further violations.[2,3]		

[1]Western Pacific Fishery Management Council, Pelagics Annual Reports, USCG Enforcement Activities, NOAA OLE Activities, http://www.wpcouncil.org/pelagic.htm

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[3]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

7.1.8 States should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources as a means of ensuring the effectiveness of conservation and management measures.

Question format (Caddy 1996): (a) Have mechanisms been established to (identify, quantify) prevent or eliminate excess fishing capacity? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is managed under a Federal limited longline limited entry program (maximum of 60 vessels in four size classes) to prevent excess fishing capacity. [1,2]		

[1]Amendment 11, Western Pacific Fishery Management Council, Fishery Ecosystem Plan for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Managament & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

(b) Have these measures proved effective? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The number of active American Samoa longline fishing vessels registered with American Samoa limited entry permits has never exceeded the limit of 60 permits.[1] Inactive permits are periodically reissued and currently, 52 permits are active.[2] This limit is periodically reviewed in relation to stock status.		

[1]Western Pacific Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

[2]As of September 2009, 52 permits were active, with the possibility that 8 more permits, currently inactive, could be reissued. Source: Walter Ikehara, NOAA PIRO, pers. communication.

7.1.9 States and subregional or regional fisheries management organizations and arrangements should ensure transparency in the mechanisms for fisheries management and in the related decision-making process.

Question format (Caddy 1996): Are the arrangements followed for assessment, management of the fishery and the decision-making process in general transparent?

(a) Assessment ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council's Pelagic Fisheries annual reports contain information on stock assessment and management of western Pacific pelagic fisheries, including American Samoa's longline fishery.[1] Meetings of the Pelagics Plan Team and Scientific and Statistical Committee (SSC) that prepare and review the annual assessments are open to the public and advertised in advance. Documents and records reviewed are publicly available at the meetings.[2] Scientific advisory group meetings of the Western and Central Pacific Fisheries Commission (WCPFC) are announced on the website, with pre-registration available for persons planning to attend. Stock assessments based on fish population models and other documents to be reviewed at these meetings are posted on the website.[3]		

[1]Western Pacific Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

[3]WCPFC Meetings, Scientific Committee, http://www.wcpfc.int/

(b) Management ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Management meetings of the Western and Central Pacific Fisheries Commission (WCPFC) are open to non-members and observers who pre-register.[1] Records of all meetings, adopted resolutions, conservation and management measures are made publicly available via the website.[1,2] The Western Pacific Fishery Management Council (Council) advertises all of its hearings and meetings in the local media, the Federal Register, and its website. All meetings are open to the public.[2] Summaries of Council actions are made public immediately after meetings. Minutes of major meetings and public hearings are available after transcription of recordings. The Council proposes management measures for American Samoa's longline fishery only after impacts of alternative actions are assessed in National Environmental Policy Act (NEPA) documents which are distributed by National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office (PIRO) to parties with legitimate interests in the resource for review and comment.[3] Proposed measures are also published in the Federal Register and hearings held for public review and comment before approval and rule-making by National Oceanic and Atmospheric Administration (NOAA) Fisheries. A compliance guide for the American Samoa longline limited entry program is published and updated by PIRO.[4]		

[1]WCPFC Meetings http://www.wcpfc.int/

[2]Western Pacific Fishery Management Council - Meetings

[3]Final Environmental Impact Statement; Western Pacific Pelagic Fisheries (Mar 2001) Appendix T, Distribution List for the Final Environmental Impact Statement on the Pelagic Fisheries of the Western Pacific Region.

[4] Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

(c) Decision-making ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Decision-making by the Western and Central Pacific Fisheries Commission (WCPFC) occurs at commission meetings that are open to non-members and observers who pre-register.[1] Records of all meetings, adopted resolutions, conservation and management measures are made publicly available on the website.[1] Decision-making by the Western Pacific Fishery Management Council (Council) occurs at three meetings per year that are advertised in the local media, the Federal Register, and its website. All meetings are open to the public.[2] Summaries of Council actions are made public immediately after meetings. Minutes of major meetings are available after transcription of recordings. The Council proposes management measures for American Samoa's longline fishery only after impacts of alternative actions are assessed in National Environmental Policy Act (NEPA) documents which are distributed by National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office (PIRO) to parties with legitimate interests in the resource for review and comment.[3] Proposed measures are also published in the Federal Register and hearings held for public review and comment before approval and rule-making by National Oceanic and Atmospheric Administration (NOAA) Fisheries. A compliance guide for the American Samoa longline limited entry program is published and updated by PIRO.[4]		

[1]WCPFC Meetings http://www.wcpfc.int/

[2]Western Pacific Fishery Management Council - Meetings

[3]Final Environmental Impact Statement; Western Pacific Pelagic Fisheries (Mar 2001) Appendix T, Distribution List for the Final Environmental Impact Statement on the Pelagic Fisheries of the Western Pacific Region.

[4]Managamenet & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

7.1.10 States and subregional or regional fisheries management organizations and arrangements should give due publicity to conservation and management measures and ensure that laws, regulations and other legal rules governing their implementation are effectively disseminated. The basis and purposes of such measures should be explained to users of the resource in order to facilitate their application and thus gain increased support in the implementation of such measures.

Question format (Caddy 1996): Are the conservation and management measures adopted for management of the fishery and the related decision-making process given due publicity in order to ensure that laws, regulations and other legal rules governing their implementation are effectively disseminated? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office (PIRO) publishes and updates a "Small Entity Compliance Guide," which summarizes American Samoa's longline limited entry program and related regulations.[1] Annual completion of protected species workshops by all American Samoa longline vessel owners or operators is mandatory. Online completion is an option [2] PIRO disseminates documents required under the National Environmental Policy Act (NEPA) that analyze alternative fishery management measures before final action.[3] Draft regulations affecting American Samoa's longline fishery are published in the Federal Register for public comment prior to finalization. All adopted resolutions, conservation and management measures established by the Western and Central Pacific Fisheries Commission (WCPFC) are made publicly available via the website.[4] Management measures established by WCPFC that affect American Samoa's longline fishery are further publicized as they are implemented through U.S. flag state measures established by NOAA Fisheries.		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]NOAA PIRO – Protected Species Workshops

[3] Final Environmental Impact Statement; Western Pacific Pelagic Fisheries (Mar 2001) Appendix T, Distribution List for the Final Environmental Impact Statement on the Pelagic Fisheries of the Western Pacific Region.

[4]WCPFC Conservation and Management Measures and Resolutions, http://www.wcpfc.int/

7.2 Management Objectives

7.2.1 Recognizing that long-term sustainable use of fisheries resources is the overriding objective of conservation and management, States and subregional or regional fisheries management organizations and arrangements should, inter alia, adopt appropriate measures, based on the best scientific evidence available, which are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing countries (*furthers ecosystem approach to fisheries*, per FAO 2003: 80).

Question format (Caddy 1996): (a) Are fisheries measures based on the best scientific evidence? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The Western Pacific Fishery Management Council (Council) prepares the FEP, any subsequent FEP amendments that evaluate alternatives and propose a preferred alternative to the National Oceanic and Atmospheric Administration (NOAA) for review, action, rule-making and implementation by the Secretary of Commerce.[2] This plan conforms to the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for basing conservation and management measures on the best scientific information available.[3] New information is reviewed annually by the Pelagics Plan team and at three meetings per year of the Scientific and Statistical Committee. These groups advise the Council when the FEP or conservation and management measures for American Samoa's longline fishery need to be adjusted because of new scientific evidence.[1]		

[1]Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]MSA, sec. 301

(b) Are they qualified by relevant environmental and economic factors? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Environmental effects of American Samoa's longline fishery measures, including impacts on essential fish habitat (EFH) and habitats of particular concern (HAPC), are among the potential impacts assessed in the Environmental Impact Statement prepared in 2001 for management of pelagic fisheries of the western Pacific Region. The National Environmental Policy Act (NEPA) requires analysis of any potentially significant environmental impacts that may result from new regulations. The findings are summarized either in a finding of no significant impact (FONSI) or a record of decision.[1] The maximum annual incidental "take" of protected sea turtles in American Samoa's longline fishery is established in Biological Opinions conducted by the National Oceanic and Atmospheric Administration (NOAA) Fisheries[2] as required by the Endangered Species Act (ESA). If these limits are exceeded, consultations under Section 7 of ESA may be initiated. The last Biological Opinion that addressed sea turtle takes in American Samoa's longline fishery was in 2004. American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region [4] that defines "optimum yield" for western Pacific pelagic fisheries (i.e., maximum sustainable yield modified by relevant economic and social factors), as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSA).[5]		

[1]Environmental Impact Statement – Western Pacific Pelagic Fisheries EIS

[2] PIRO, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#biological_opinion

[4]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[5]MSA, sec. 301

(c) Have formal reference point(s) based on stock size been established? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requirement to establish formal reference points and control rules for managed fish stock size. The FEP, as amended, defines maximum sustainable yield-based control rules and reference points that identify when a) overfishing is occurring and b) a stock is overfished.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Western Pacific Fishery Management Council, Magnuson-Stevens Act Definitions and Required Provisions – Overfishing Prohibitions

7.2.2 Such measures (which *further ecosystem approach to fisheries*, per FAO 2003: 80-82) should provide inter alia that:

--excess fishing capacity is avoided and exploitation of the stocks remains economically viable;

--the economic conditions under which fishing industries operate promote responsible fisheries;

--the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries, are taken into account;

--biodiversity of aquatic habitats and ecosystems is conserved and endangered species are protected (*furthers ecosystem approach to fisheries*, per FAO 2003: 80-81);

--depleted stocks are allowed to recover or, where appropriate, are actively restored;

--adverse environmental impacts on the resources from human activities are assessed and, where appropriate, corrected;

--and pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non- fish species, and impacts on associated or dependent species are minimized, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques.

Question format (Caddy 1996): Have management measures taken into account the need to avoid excess capacity and promote conditions under which the interests of fishermen, especially the small-scale, artisanal and subsistence fishery sectors, are protected, the biodiversity conserved, depleted stocks restored and adverse environmental impacts assessed and corrected?

(a) Is the level of excess capacity defined? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is managed under a Federal limited entry permit program that defines excess capacity as more than 60 permitted vessels.		

Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region. Amendment 11, http://www.wpcouncil.org/pelagic.htm

(b) Is excess capacity avoided? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Active American Samoa longline fishing vessels registered with limited entry permits currently number 52, with a capacity limit of 60 permits.		

Western Pacific Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

(c) Do the economic conditions under which the fishery operates promote responsible fisheries? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa's longline fishery targets albacore tuna for sale to a local tuna cannery. This cannery also purchases skipjack, yellowfin, small bigeye tuna and wahoo, from the fishery. However, there is low demand for other fish species and export markets are not yet developed. Consequently, about 9% of the fish caught in American Samoa's longline fishery (2008) are not retained.	

Western Pacific Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

Analysis: This sub-provision received only ½ point because markets are not yet developed for the full array of fish species harvested by American Samoa's longline fishery, leading to a relatively high rate of finfish bycatch ((9% in 2008).

Likelihood of improving compliance: Bycatch will likely decrease as value-added processing capacity and markets develop for non-albacore species harvested by American Samoa's longline fishery. The compliance score for this sub-provision is expected to increase accordingly.

(d) Are interests of small-scale, etc., fishermen accounted for? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Large vessel closed areas protect the interests of small-scale fishermen in American Samoa. Vessels longer than 50 ft. are prohibited from fishing for pelagic fish in specific areas around Tutuila, Manu`a Islands, Rose Atoll and Swains Island to prevent gear conflict between different sized vessels.		

Regulations for large vessel closed areas in nearshore waters around American Samoa, revised March 15, 2002. http://www.fpir.noaa.gov/SFD/SFD_regs_2.html

(e) Has the biodiversity of aquatic ecosystems been conserved (as a result of operation of the fishery in question)? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Impacts of American Samoa's longline fishery and other pelagic fisheries managed under the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region on biodiversity of the pelagic ecosystem have been evaluated in an environmental impact statement, with supplemental analyses conducted for each subsequent FEP amendment.[1] Comprehensive estimates of fishery impacts on pelagic fish population biomass and size structure, through analysis of all available data from Pacific tuna fisheries (including multi-national longline fisheries) for 1950-2004, indicate relatively minor impacts on the pelagic ecosystem in the Pacific Ocean.[2]		

[1]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

[2]Sibert, John, John Hampton, Pierre Kleiber, Mark Maunder, *Biomass, Size, and Trophic Status of Top Predators in the Pacific Ocean*, Science Magazine, 15 December 2006:Vol. 314. no. 5806, pp. 1773 – 1776, http://www.sciencemag.org/cgi/content/abstract/314/5806/1773?

(f) Have depleted stocks been allowed to recover or, where appropriate, restored? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
No pelagic fish stocks harvested by American Samoa's longline fishery have been depleted according to presently available stock assessments. To prevent stock depletion, current international management efforts in the western Pacific led by the Western and Central Pacific Fisheries Commission (WCPFC) focus on a) reducing stock-wide fishing mortality of bigeye and yellowfin tuna so that these stocks do not become depleted and b) assessing other pelagic fish stocks to determine their population status relative to fishing pressure.		

WCPFC Conservation and Management Measures and Resolutions, http://www.wcpfc.int/

(g) Have adverse environmental impacts on the stocks from human activities been assessed and, where appropriate, rectified? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
An environmental impact statement has been prepared for American Samoa's longline and other fisheries managed under the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, with supplemental analyses conducted for each subsequent FEP amendment. These assessments have found that American Samoa 's longline fishery harvests a very small percentage of pelagic fish stocks in the central and western Pacific and thus, there are no adverse impacts that could be rectified through the management of this fishery alone in the absence of international management. [1] Current international management efforts in the western Pacific led by the Western and Central Pacific Fisheries Commission (WCPFC) focus on reducing stock-wide fishing mortality of bigeye and yellowfin tuna to rectify overfishing of these stocks.[2]		

[1]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

[2]WCPFC Conservation and Management Measures and Resolutions, http://www.wcpfc.int/

(h) Have pollution and waste been minimized? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. Coast Guard regulations that aim to minimize pollution and trash.		

U.S. Coast Guard Office of Operating and Environmental Standards, Environmental Standards

(i) Has catch by lost and abandoned gear of commercial species and other organisms been minimized? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
In American Samoa's longline fishery, the mainline is set in sections monitored by radio buoys. Any lost sections are likely to be retrieved, thereby reducing gear loss and possible ghost fishing effects. The same basic methods are applied in longline fisheries throughout the Pacific.		

Beverly, S., L. Chapman and W. Sokimi. 2003. Horizontal longline fishing methods and techniques: a manual for fishermen. Secretariat of the Pacific Community, Noumea, New Caledonia. http://www.spc.int/coastfish/Sections/Development/FDSPublications/FDSManuals/HLL/index.htm

(j) Have selective and environmentally-safe and cost-effective fishing methods been developed? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is selective in terms of swimming depths of pelagic fish species targeted,[1] as well as in avoiding incidental catch of sea turtles.[2] The longline fishery has been determined to be environmentally safe in environmental impact analyses[3] and is cost-effective in providing high quality line-caught fish to the market.		

[1]PFRP Newsletter, Volume 3, Number 4, October 1998 - Bach, Misselis and Abbes – Longline Depth Research

[2]PIRO, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#biological_opinion

[3]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

7.2.3 States should assess the impacts of environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks, and assess the relationship among the populations in the ecosystem (*furthers ecosystem approach to fisheries*, per FAO 2003: 81-82).

Question format (Caddy 1996): Have the impacts of environmental factors on target species, species belonging to the same ecosystem or those species associated with or dependent on the target stocks been assessed? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
An environmental impact statement has been prepared for American Samoa's longline and other fisheries managed under the Fishery Ecosystem Plan (FEP) for the pelagic fisheries of the western Pacific region, with supplemental analyses conducted for each subsequent FEP amendment. These analyses are required under the National Environmental Policy Act to consider target species, as well as associated and dependent species (fish and non-fish).		

PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

7.3 Management framework and procedures

7.3.1 To be effective, fisheries management should be concerned with the whole stock unit over its entire area of distribution and take into account previously agreed management measures established and applied in the same region, all removals and the biological unity and other biological characteristics of the stock. The best scientific evidence available should be used to determine, inter alia, the area of distribution of the resource and the area through which it migrates during its life cycle.

Question format (Caddy 1996): (a) Have the management measures developed taken into account the whole stock unit over its entire area of stock distribution? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western and Central Pacific Fisheries Commission (WCPFC) considers whole stock units of highly migratory fish in conservation and management measures prescribed to reduce fishing mortality of these species.[1] All tropical and sub-tropical and much of the temperate areas of distribution of the western Pacific stocks are within the convention area managed by WCPFC. American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[2] This plan conforms to Magnuson-Stevens Fishery Conservation and Management Act (MSA) national standards, including the requirement to consider whole stock units when establishing management measures.[3]		

[1]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[3]MSA, sec. 301

(b) Have previously-agreed management measures established and applied in the same region been considered? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] Existing Federal regulations for this fishery include large vessel exclusion zones and a limited entry permit program,[2] measures that were also applied in managing Hawaii longline fisheries. As a member of the Western and Central Pacific Fisheries Commission (WCPFC) , the U.S. is obligated to apply species catch and effort limits established by the commission in the convention area. However, the WCPFC considers American Samoa as a participating territory that is exempted from some measures if the domestic fishery is developing responsibly[3].		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[3]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

(c) Have all removals and the biological unity and other biological characteristics of the stock been considered? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
International management by the Western and Central Pacific Fisheries Commission (WCPFC) [1] considers primarily commercial fisheries data in pelagic resources stock assessment and management. However, all removals by American Samoa non-commercial and commercial fisheries are monitored by the American Samoa Department of Marine and Wildlife Resources through a fishermen creel survey program operated in conjunction with the Western Pacific Fishery Information Network.[2] Annual stock assessments provided to the WCPFC utilize models that account for biological unity, reproduction and recruitment characteristics of pelagic fish stocks.[1]		

[1]WCPFC Meetings, Scientific Committee, http://www.wcpfc.int/

[2]Western Pacific Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

(d) Has the best scientific evidence available been used to determine, *inter alia*, the area of distribution of the resource? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery harvests tuna and other pelagic fish resources that are part of wide-ranging Pacific populations. Scientific groups that advise the Western and Central Pacific Fisheries Commission[1], as well as the Pelagic Fisheries Research Program[2] and National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Fisheries Science Center[3], conduct research, including fish tagging and genetic studies, so that pelagic resources' stock structure descriptions and areas of distribution are based on best scientific evidence.		

[1]Meetings, Scientific Committee, Stock Assessment, http://www.wcpfc.int/

[2]Pelagic Fisheries Research Program, Biology Projects, http://www.soest.hawaii.edu/PFRP/biology/biology.html; Genetics Projects http://www.soest.hawaii.edu/PFRP/genetics/genetics.html

[3]Pacific Islands Fisheries Science Center, Fishery Biology and Stock Assessment Division, http://www.nmfs.hawaii.edu/fbsad/

(e) Has the area through which the species migrates during its life cycle been considered? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Annual stock assessments provided to the Western and Central Pacific Fisheries Commission (WCPFC) utilize models that account for all areas where species migrate, reproduce and recruit to fisheries during their life cycles.[1] American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[2] The FEP conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The MSA requires that essential fish habitat (EFH) be identified, which includes areas for juveniles and adults, as well as eggs and larvae, as detailed in Table 20 of FEP Amendment 8.[3] According to the MSA, EFH is designed to minimize adverse effects on managed species by fishing or other actions and encourage the conservation and enhancement of habitat needed at all life stages of these species.[4]		

[1]Meetings, Scientific Committee, Stock Assessment, http://www.wcpfc.int/

[2]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[3]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region , as amended, Table 20, Amendment 8

[4]MSA, sec. 305

7.3.2 In order to conserve and manage transboundary fish stocks, straddling fish stocks, highly migratory fish stocks and high seas fish stocks throughout their range, conservation and management measures established for such stocks in accordance with the respective competences of relevant States or, where appropriate, through subregional and regional fisheries management organizations and arrangements, should be compatible. Compatibility should be achieved in a manner consistent with the rights, competences and interests of the States concerned.

Question format (Caddy 1996): In the case of a transboundary, straddling and highly migratory fish stock or high seas fish stock throughout its range, are the conservation and management measures established for such stock within the jurisdiction of the relevant States, or the appropriate subregional, regional fisheries management organizations and arrangements, compatible? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		Current regulations for American Samoa's longline fishery are based largely on effort limitation through a limited entry permit program and large vessel prohibited areas.[1] Current conservation and management measures established by the Western and Central Pacific Fisheries Commission emphasize longline catch quotas.[2]

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

Analysis: This provision received a zero score because conservation and management measures for American Samoa's longline fishery (under U.S. regulations) emphasize direct limits on fishing permits and capacity, whereas measures established by the WCPFC emphasize longline catch quotas, thus causing incompatibility between "State" and regional management approaches.

Likelihood of improving compliance: This provision may achieve a higher score in the future if the WCPFC moves toward direct limitation of fishing effort and fishing capacity through a limited entry program.

7.3.3 Long-term management objectives should be translated into management actions, formulated as a fishery management plan or other management framework (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): Have long-term management objectives been translated into a plan or other management document (subscribed to by all interested parties)?

(a) Is there a plan? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the national standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) that state long-term management objectives for U.S. fisheries.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 301

(b) Is it subscribed to? ***Yes***...[1] ***In Part***...[½] ***No***...[0]]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Regulatory measures for American Samoa's longline fishery are approved and implemented by the National Oceanic and Atmospheric (NOAA) Fisheries after consideration of alternatives through the Western Pacific Fishery Management Council Fishery Management Plan decision-making process.[1] This process allows for consultation with all interested parties and fosters consensus-building before Council designation of a "preferred alternative" that is submitted to NOAA Fisheries for review, action, rule-making and implementation by the Secretary of Commerce.[2] Compliance with these rules is enhanced because violators are subject to civil and criminal prosecution by NOAA.[3]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

7.3.4 States and, where appropriate, subregional or regional fisheries management organizations and arrangements should foster and promote international cooperation and coordination in all matters related to fisheries, including information gathering and exchange, fisheries research, management and development.

Question format (Caddy 1996): Have attempts been made to foster cooperation in all matters related to:

(a) information gathering and exchange? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Cooperation in information exchange is fostered by U.S. membership and participation in the Western and Central Pacific Fisheries Commission (WCPFC) and its Scientific and Technical Compliance committees.[1] The National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Fisheries Science Center provides non-confidential data on American Samoa longline and other pelagic fisheries to the WCPFC and other partners.[2]		

[1]WCPFC, Meetings, Scientific and Technical Compliance Committees, http://www.wcpfc.int/

[2] PIFSC – Fisheries Monitoring and Socioeconomics Division

(b) fisheries research? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Cooperation in fisheries research is fostered by U.S. membership and participation in the Western and Central Pacific Fisheries Commission (WCPFC) and its Scientific Committee.[1] To ensure a strong linkage between applied fisheries research results and fisheries management, the Pelagic Fisheries Research Program (PFRP) publishes a quarterly newsletter that circulates around the world to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and U.S. territories [2] A section of the PFRP Ten Year Report,[3] is concerned with "Communicating Results & Fostering International Cooperation." International research is continuing on gear selectivity and methods to reduce sea turtle and seabird bycatch in pelagic longline fisheries. Results are disseminated and technology transferred internationally through International Fishers' Forum[4] and other meetings. The National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Fisheries Science Center collaborates with Japan[5], Korea[6], Indonesia, Philippines, the World Wildlife Fund, Mexico, Costa Rica, Guatemala, Ecuador, Peru, Chile, the Inter American Tropical Tuna Commission,[7] Brazil, Uruguay, Spain, and Italy in experiments testing methods to reduce sea turtle bycatch in longlines[8]. The Pelagic Fisheries Research Program also sponsors collaborative international research on gear selectivity. An example is provided in reference[9].		

[1]WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int/

[2]PFRP website

[3]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence.

[4]International Fishers' Forum, http://www.fishersforum.net/

[5]WCPFC, Meetings, Scientific Committee, August 2006, http://www.wcpfc.int/ ; Minami, H., K. Yokota, and M. Kiyota (2006) Effect of circle hooks and feasibility of de-hooking devices to reduce incidental mortality of sea turtles in the Japanese longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC-2006/EB WP-9

[6]WCPFC, Meetings, Scientific Committee, August 2006, http://www.wcpfc.int/; S. S. Kim, D. Y. Moon, C. H. Boggs, D. H. An and J. R. Koh. Comparison of circle hook and J hook catch rate for target and bycatch species taken in the Korean tuna longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC2-2006/EB WP-12

[7]Inter-American Tropical Tuna Commission (IATTC). 2006. The sea turtle bycatch mitigation program for the coastal longline fleets and preliminary results of circle hook experiments. IATTC Working Group on Bycatch 5th meeting, Busan, Korea, 24 June 2006. IATTC- BWG-5-04. 5pp.

[8]WCPFC, Meetings, Technical and Compliance Committee, December 2005, http://www.wcpfc.int/; Boggs, C. 2005. Appendix D: Recent (2005) developments in scientific research on the use of circle hooks to reduce longline bycatch of sea turtles. Pages 17-22 in Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), First Meeting of the Technical and Compliance Committee (TCC), 5-9 December, 2005, Sea Turtle Conservation and Management: Actions by the Commission, Relevant Regional Fisheries Management Organizations, and Regional Fisheries Bodies. WCPFC/TCC1/18 Suppl. 2. 22 pp.

[9]Seeking Responsible Commercial Fishing Solutions in Costa Rica: Study Tests New Bait to Reduce Accidental Capture of Sea Turtles. PFRP Newsletter January-March 2004, p 4.

(c) fisheries management? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The United States completed the process to become a member of the Western and Central Pacific Fisheries Commission (WCPFC) in June 2007 after several years of participation as a cooperating non-member. The Commission is a treaty-based organization with broad international membership established to conserve and manage tunas and other highly migratory fish stocks across a vast range of the Pacific Ocean. Member nations cooperate in establishing, and are bound to the conservation and management for highly migratory fish stocks within the western and central Pacific convention area.[1] However, the WCPFC considers American Samoa as a participating territory that is exempted from some measures if the domestic fishery is developing responsibly.[2].		

[1]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

(d) fisheries development? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Asian Development Bank (ADB) is a multilateral development financial institution that provides grants, loans, technical assistance, and equity investments to developing member countries for a variety of projects, including fisheries development in Pacific island nations.[1] ADB is not now involved in the fisheries sector in the Pacific islands.[2] The World Bank is another financial developmental institution that offers loans, grants, and credits to its developing member countries for the improvement of a variety of living standards, not excluding fisheries development in Pacific island nations.[3] The World Bank commissioned a study of its potential role in the Pacific islands' fisheries sector.[2] Through the U.S. Agency for International Development (USAID), Compact of Free Association and the now-defunct Pacific Fisheries Development Foundation, the U.S. has encouraged domestic fishery development in several Pacific island nations. USAID is no longer involved in the Pacific Islands' fisheries sector.		

[1]ADB – Developing Member Countries

[2]Gillett, R. and G. van Santen. 2007. Major issues and constraints preventing Pacific island countries from obtaining optimal benefits from their fishery resources. A report prepared for the World Bank.

[3]WB – Developing Member Countries

7.4 Data gathering and management advice

7.4.1 When considering the adoption of conservation and management measures, the best scientific evidence available should be taken into account in order to evaluate the current state of the fishery resources and the possible impact of the proposed measures on the resources.

Question format (PacMar Inc. 2006): During the consideration of the adoption of conservation and management measures, is the best available scientific evidence taken into account in order to evaluate the current state of the fishery resources and the possible impact of the proposed measures on the resources? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Before conservation and management measures are adopted for American Samoa's longline fishery, alternatives are evaluated under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan meets the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for basing measures on the best scientific information available.[2] Before selecting a "preferred alternative" to recommend to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making, the Western Pacific Fishery Management Council considers alternative measures and their potential impacts, as required under the National Environmental Policy Act.[3] In 2009 the Pacific Islands Regional Office (PIRO) of NOAA prepared an Environmental Assessment for the initial implementation of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.[4]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 301

[3]Environmental Impact Statement – Western Pacific Pelagic Fisheries EIS (NEPA)

[4]http://www.fpir.noaa.gov/Library/IFD/AV63%20-%20Draft%20EA%20-%2022%20May%202009.pdf

7.4.2 Research in support of fishery conservation and management should be promoted, including research on the resources and on the effects of climatic, environmental and socio-economic factors. The results of such research should be disseminated to interested parties.

Question format (Caddy 1996): Has relevant research been carried out on:

(a) the resource? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) Fishery Biology and Stock Assessment Division studies a variety of species (including tunas, swordfish, billfish, mahimahi, sharks, moonfish, sickle pomfret), providing the fundamental biological and ecological research on Federally managed species, including those harvested in American Samoa's longline fishery, to allow for improved understanding of the mechanisms that influence resource distribution and abundance.[1] One study by PIFSC used time-depth recorders to characterize hook depths in American Samoa's longline fishery and provide information on the efficacy of removing hooks adjacent to longline floats to reduce sea turtle interactions and estimate the corresponding changes in fish catch rates.[4] PIFSC publishes administrative reports that provide research results in preliminary and timely form before they are published in peer-reviewed journals.[3] Research results are disseminated to other U.S. agencies, non-governmental organizations, foreign fisheries agencies, academic institutions and the general public in the form of non-confidential summaries for stock assessments and other studies.[4] The data are used to prepare status reports such as the annual reports for the Western Pacific Fishery Management Council's Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region[5] and the Fisheries of the United States report. The Pelagic Fisheries Research Program (PFRP) conducts related research on resource biology, trophic structure and genetics.[6] PFRP maintains an extensive national and international mailing list. PFRP technical reports, newsletters, and report reprints are sent out to this mailing list on a regular basis. For those not on the mailing list, PFRP results from selected projects published as PFRP technical reports are available on the PFRP website for electronic download and limited hard copies are available upon request. Journal publications, which include articles by PFRP project principal investigators, published in refereed journals, are also available on the PFRP website and research projects are often summarized in PFRP newsletter.[7] published quarterly newsletter with a circulations around the world to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and U.S. territories. Contact information for individual PIs is made available to inquire about hard copies. PFRP PIs also meet annually to discuss ongoing projects, and the details of these meetings are available in document form on the PFRP website.[8]		

[1]PIFSC – Fishery Biology & Stock Assessment Division

[2]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and mitigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

[3] PIFSC – Library

4PIFSC – Fisheries Monitoring and Analysis Program

[5]Western Pacific Fishery Management Council, Pelagics Fishery Ecosystem Plan annual report

[6]PFRP – Projects

[7]PFRP Publications website

[8]PFRP Meetings Information website

(b) climatic and environmental factors? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) Ecosystems and Oceanography Division (EOD) conducts research to advance understanding of the structure and dynamics of how marine populations change in response to both direct changes in their predators and prey as well as from broader habitat-based changes in the ocean climate including El Niño, La Niña, and other inter-annual or decadal events.[1] For example, PIFSC researchers have conducted an oceanographic investigation of the American Samoa albacore (*Thunnus alalunga*) habitat and longline fishing grounds.[2] PIFSC publishes administrative reports that provide research results in preliminary and timely form before they are published in peer-reviewed journals.[3] Research results are disseminated to other U.S. agencies, non-governmental organizations, foreign fisheries agencies, academic institutions and the general public in the form of non-confidential summaries for stock assessments and other studies.[4] A number of Pelagic Fisheries Research Program (PFRP) research projects (examples in footnotes [5,6,7]) address the effects of climactic and environmental change on fish stocks and aquatic ecosystems. PFRP maintains an extensive national and international mailing list. PFRP technical reports, newsletters, and report reprints are sent out to this mailing list on a regular basis. For those not on the mailing list, PFRP results from selected projects published as PFRP technical reports are available on the PFRP website for electronic download and limited hard copies are available upon request. Journal publications, which include articles by PFRP project principal investigators, published in refereed journals, are also available on the PFRP website and research projects are often summarized in PFRP newsletter.[8] published quarterly newsletter with a circulations around the world to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and US territories. Contact information for individual PIs is made available to inquire about hard copies. PFRP PIs also meet annually to discuss ongoing projects, and the details of these meetings are available in document form on the PFRP website.[9]		

[1]PIFSC – Ecosystems and Oceanography Division

[2]Domokos,R. et al. 2007. Oceanographic investigation of the American Samoa albacore (*Thunnus alalunga*) habitat and longline fishing grounds. Fisheries Oceanography 16:6, 555-572.

[3]PIFSC – Library

[4]PIFSC – Fisheries Monitoring and Analysis Program

[5]PFRP – "Regime Shifts in the Western and Central Pacific Ocean Tuna Fisheries" - Kirby

[6]PFRP – "Impact of ENSO Events on Tuna Fisheries in the US-affiliated Pacific Islands" - Allain

[7]PFRP – "Trophic Structure and Tuna Movements in the Cold Tongue-Warm Pool Pelagic Ecosystem of the Equatorial Pacific - Foley

[8]PFRP Publications website

[9]PFRP Meetings Information website

(c) the socio-economic context? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) Fisheries Monitoring and Socioeconomics Division (FMSD) provides social and economic research and advice in support of Federal fisheries management in the central and western Pacific.[1] For example, a study has been completed of American Samoa as a fishing community.[2] PIFSC publishes administrative reports that provide research results in preliminary and timely form before they are published in peer-reviewed journals.[3] Research results are disseminated to other U.S. agencies, non-governmental organizations, foreign fisheries agencies, academic institutions and the general public in the form of non-confidential summaries for stock assessments and other studies.[4] The data are used to prepare status reports such as the annual reports for the Western Pacific Fishery Management Council's Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region[5] and the Fisheries of the United States report. The Pelagic Fisheries Research Program (PFRP) funds socio-economic research projects to assess the human impacts of fisheries policy,[6] PFRP maintains an extensive national and international mailing list. PFRP technical reports, newsletters, and report reprints are sent out to this mailing list on a regular basis. For those not on the mailing list, PFRP results from selected projects published as PFRP technical reports are available on the PFRP website for electronic download and limited hard copies are available upon request. Journal publications, which include articles by PFRP project principal investigators, published in refereed journals, are also available on the PFRP website and research projects are often summarized in PFRP newsletter.[7] published quarterly newsletter with a circulations around the world to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and U.S. territories. Contact information for individual PIs is made available to inquire about hard copies. PFRP PIs also meet annually to discuss ongoing projects, and the details of these meetings are available in document form on the PFRP website.[8]		

[1]PIFSC – Fisheries Monitoring and Socioeconomics Division

[2]Levine and Allen. 2009. American Samoa as a fishing community. NOAA Technical Memorandum NMFS-PIFSC-19. Pacific Islands Fisheries Science Center, National Marine Fisheries Service.

[3]PIFSC – Library

[4] PIFSC – Fisheries Monitoring and Analysis Program

[5]Western Pacific Fishery Management Council, Pelagics Fishery Ecosystem Plan annual report

[6]PFRP – Socioeconomic Research

[7]PFRP Publications website

[8]PFRP Meetings Information website

7.4.3 Studies should be promoted which provide an understanding of the costs, benefits and effects of alternative management options designed to rationalize fishing, in particular, options relating to excess fishing capacity and excessive levels of fishing effort.

Question format (Caddy 1996): Has research been carried out on:

(a) cost-benefits of fishing? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) Fisheries Monitoring and Socioeconomics Division (FMSD) periodically surveys American Samoa longline vessel owners and operators to compile cost and income information.[1] This and other information is considered by the Western Pacific Fishery Management Council (Council) when evaluating alternative management options for American Samoa's longline fishery and by the National Oceanic and Atmospheric Administration (NOAA) Fisheries when reviewing any "preferred management alternative" recommended by the Council for NOAA Fisheries' action and rule-making. Impact analysis is also required under the National Environmental Policy Act (NEPA) of alternatives for every American Samoa longline fishery management action.[2]		

[1]PIFSC – Fisheries Monitoring and Socioeconomics Division , Publications O'Malley JM, Pooley SG 2002. A description and economic analysis of large American Samoa longline vessels. Joint Institute for Marine and Atmospheric Research, JIMAR Contribution 02-345, 24 p

[2]Environmental Impact Statement – Western Pacific Pelagic Fisheries EIS

(b) alternative management strategies? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) provides the fundamental biological, socio-economic and ecological research on Federally managed fisheries to facilitate comparison of alternative management strategies[1] This and other information is considered by the Western Pacific Fishery Management Council (Council) when evaluating alternative management options for American Samoa's longline fishery and by the National Oceanic and Atmospheric Administration (NOAA) Fisheries when reviewing any "preferred management alternative" recommended by the Council for NOAA Fisheries' action and rule-making. Impact analysis of alternatives is required under the National Environmental Policy Act (NEPA) for every proposed American Samoa longline fishery management action.[2]		

[1]PIFSC – Fishery Biology & Stock Assessment Division and other divisions

[2]Environmental Impact Statement – Western Pacific Pelagic Fisheries EIS

7.4.4 States should ensure that timely, complete and reliable statistics on catch and fishing effort are collected and maintained in accordance with applicable international standards and practices and in sufficient detail to allow sound statistical analysis. Such data should be updated regularly and verified through an appropriate system. States should compile and disseminate such data in a manner consistent with any applicable confidentiality requirements.

Question format (Caddy 1996): Are timely and reliable statistics available on catch and fishing effort maintained in accordance with applicable international standards and practices and in sufficient detail to allow sound statistical analysis? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook provides details on fishing operations and effort, retained and released catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Catch summaries are prepared for tunas, billfishes, and other fishes identified by the Western Pacific Fishery Management Council as Pelagic Management Unit Species (PMUS).[2] In addition, at the end of each calendar year, tables of yearly non-confidential summary effort, fish catch, and CPUE statistics are prepared and charts showing yearly catch and effort from 1996 through the current year are created. All non-confidential summary statistics are based on activities of three or more vessels. Before logbook data are summarized, they are subjected to extensive validation checks and known errors are corrected to ensure accuracy.[2] From April 2006 to May 2008, approximately 8% of American Samoa longline trips by vessels over 40 ft. long were covered by Federally-mandated observers, who report details of fishing operations and effort, interactions with protected species, catch of retained and non-retained fish for each observed longline set by species, time and location. Quarterly observer data summaries are available from NOAA Fisheries Pacific Islands Regional Office.[3] These data fulfill the requirements established as international standards in the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.[4]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

[4]United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, Sixth session, New York, 24 July- 4 August 1995, http://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm

7.4.5 In order to ensure sustainable management of fisheries and to enable social and economic objectives to be achieved, sufficient knowledge of social, economic and institutional factors should be developed through data gathering, analysis and research.

Question format (Caddy 1996): Has sufficient knowledge of social, economic and institutional factors relevant to the fishery in question been developed through data gathering, analysis and research? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Data gathering, analysis and research in American Samoa fisheries is guided by the Marine Conservation Plan (MCP) adopted by the American Samoa Government in March 2008. This plan, which has been approved by Western Pacific Regional Fishery Management Council and National Oceanic and Atmospheric Administration (NOAA) Fisheries, sets forth ten objectives that cover a broad range of fishery conservation and management issues and initiatives. The projects listed in the MCP are designed to help achieve these objectives.[1] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Island Fisheries Science Center's (PIFSC) Fisheries Monitoring and Socioeconomics Division (FMSD) provides fishery data, social and economic research (including vessel cost-revenue surveys), technical support, analysis and advice to support on-going sustainable management of western Pacific longline fisheries.[2] A study has been completed of American Samoa as a fishing community.[3] The Pelagic Fisheries Research Program (PFRP) funds socio-economic and institutional research projects focused on western Pacific longline fisheries to provide feedback for developing and modifying management objectives and regulations.[4]		

[1]American Samoa Department of Marine and Wildlife Resources. American Samoa Marine Conservation Plan. March 2008.

[2]PIFSC – Fisheries Monitoring and Socioeconomics Division

[3]Levine and Allen. 2009. American Samoa as a fishing community. NOAA Technical Memorandum NMFS-PIFSC-19. Pacific Islands Fisheries Science Center, National Marine Fisheries Service.

[4]PFRP – Socioeconomic Research

7.4.6 States should compile fishery-related and other supporting scientific data relating to fish stocks covered by subregional or regional fisheries management organizations or arrangements in an internationally agreed format and provide them in a timely manner to the organization or arrangement. In cases of stocks which occur in the jurisdiction of more than one State and for which there is no such organization or arrangement, the States concerned should agree on a mechanism for cooperation to compile and exchange such data.

Question format (Caddy 1996): Are fishery-related and other supporting scientific data relating to fish stocks covered by subregional or regional fisheries management organizations or arrangements compiled in an internationally agreed format and provided in a timely manner to the organization or arrangement?

(a) in an internationally agreed format? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
To assist in stock-wide assessments, the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center provides data on American Samoa longline and other pelagic fisheries[1] relating to fish stocks managed internationally by the Western and Central Pacific Fisheries Commission (WCPFC).[1] The WCPFC requires annual updating of fishery related data.[2] These data fulfill the requirements established as international standards in the Agreement for the implementation of the provisions of the United Nations' Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and high migratory fish stocks.[3]		

[1]PIFSC – Fisheries Monitoring and Socioeconomics Division

[2]WCPFC, Guidelines, Procedures & Regulations, Scientific Data to be Provided to the Commission, http://www.wcpfc.int/

[3]United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, Sixth session, New York, 24 July - 4 August 1995, http://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm

(b) in a timely manner? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline operators are required to submit a completed and signed daily longline fishing logbook to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office within 72 hours after returning to port.[1] NOAA Pacific Islands Fisheries Science Center's Fisheries Monitoring and Analysis Program prepares quarterly and annual summary reports of longline fishing effort and catch for dissemination to the public and to agency partners in fishery management, including the Western and Central Pacific Fisheries Commission (WCPFC).[2] WCPFC's Stock Assessment Specialist Group's working papers and stock assessment information are updated annually.[3]		

[1]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[2]PIFSC – Fisheries Monitoring and Socioeconomics Division

[3]WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int/

7.4.7 Subregional or regional fisheries management organizations or arrangements should compile data and make them available, in a manner consistent with any applicable confidentiality requirements, in a timely manner and in an agreed format to all members of these organizations and other interested parties in accordance with agreed procedures.

Question format (Caddy 1996): With respect to the data collected for management purposes, are applicable confidentiality requirements complied with? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The international tuna management organization for the western Pacific -- Western and Central Pacific Fisheries Commission (WCPFC) -- has established standards for fisheries data to be provided to WCPFC by members (including the U.S.) and associated parties, as well as rules and procedures for access to and dissemination of data compiled by WCPFC and a requirement for annual updating.[1] American Samoa's longline fishery is monitored by the Western Pacific Fishery Information Network (WPACFIN) of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC). WPACFIN processes catch and effort data reported by longline vessel operators in federally mandated logbooks. Non-confidential summary data are disseminated to the public and to WCPFC and other agency partners in support of fishery management. Whenever confidential data are provided, strict measures are enforced to ensure that data recipients have proper authorization and abide by non-disclosure agreements.[2] American Samoa's longline fishery is managed under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which requires that the Western Pacific Fishery Management Council establish appropriate procedures for itself, its committees and advisory panels for ensuring confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council employee access and the prevention of conflicts of interest; except that such procedures, in the case of statistics submitted to the Council by a State or by the Secretary under section 402(b), must be consistent with the laws and regulations of that State, or with the procedures of the Secretary, as the case may be, concerning the confidentiality of the statistics.[3]		

[1]WCPFC. Guidelines, Procedures & Regulations, http://www.wcpfc.int/

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]MSA, sec. 104-297

7.5 Precautionary approach (*furthers ecosystem approach to fisheries*, per FAO 2003: 82)

7.5.1 States should apply the precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment. The absence of adequate scientific information should not be used as a reason for postponing or failing to take conservation and management measures (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): (a) Has the precautionary approach been applied widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] Highly precautionary measures, including an American Samoa longline limited entry program and large vessel prohibited areas, were implemented by National Oceanic and Atmospheric Administration (NOAA) Fisheries by the year 2005 under the FEP.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

(b) Has the absence of adequate scientific information been used as a reason for postponing or failing to take conservation and management measures? ***No...***[1] ***Occasionally...*** [½] ***Often...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
		Regulations establishing an American Samoa longline limited entry program and large vessel prohibited areas were established in the early 2000s before full scientific information was available to support these measures.[1,2]

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, Amendment 11, http://www.wpcouncil.org/pelagic.htm

[2]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

7.5.2 In implementing the precautionary approach, States should take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities, including discards, on non-target and associated or dependent species, as well as environmental and socio-economic conditions (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): Has there been an attempt to determine for the stock both safe targets for management (Target Reference Points) and limits for exploitation (Limit Reference Points), and, at the same time, the action to be taken if they are exceeded?

(a) Have target reference point(s) been established? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region (including American Samoa's longline fishery) provides that fishing should achieve "optimum yield." Environmental, economic and social factors are considered when modifying maximum sustainable yield to establish optimum yield.		

Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

(b) Have limit reference points been established? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As required by the Magnuson-Stevens Fishery Conservation and Management Act, the Western Pacific Fishery Management Council's Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific specifies two limit reference points, one for fishing mortality that identifies when overfishing is occurring and a second for biomass that indicates when a stock is overfished.		

Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

(c) Have data and assessment procedures been installed measuring the position of the fishery in relation to the reference points established? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Data and assessment procedures are established that enable the Western Pacific Fishery Management Council's Pelagics Plan Team to annually measure the status of American Samoa's longline fishery in relation to maximum sustainable yield-based reference points for major target species. The findings are published in the Council's Annual Reports for federally-managed pelagic fisheries.		

Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

(d) Have management actions been agreed to in the eventuality that data sources and analyses indicate that these reference points have been exceeded? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As prescribed in the Western Pacific Fishery Management Council's (Council) Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, if the limit reference point for fishing mortality is exceeded for one year or more, overfishing is occurring. If biomass falls below the limit reference point, the fish stock is overfished. The Council must take remedial action in the form of an FEP amendment or proposed regulations when it has been determined by the Secretary of Commerce that overfishing is occurring, a stock is overfished, either of the two limit reference points is being approached, or existing remedial action to end previously identified overfishing has not resulted in adequate progress.[1] FEP amendments that evaluate alternatives and propose a preferred alternative are submitted to the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service for review, action, rule-making and implementation by the Secretary of Commerce[2] to reduce fishing mortality sufficiently that the fishery returns to a state of compliance with the reference points and control rules. The U.S. is also obligated through membership in the Western and Central Pacific Fishery Commission (WCPFC) to implement bigeye and yellowfin tuna limits to reduce fishing mortality of these species. However, the WCPFC considers American Samoa as a "participating territory" that is exempted from this measure if the domestic fishery is developing responsibly.[3].		

[1]Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34;

7.5.3 States and subregional or regional fisheries management organizations and arrangements should, on the basis of the best scientific evidence available, *inter alia*, determine (*furthers ecosystem approach to fisheries*, per FAO 2003: 82):

a. stock specific target reference points, and, at the same time, the action to be taken if they are exceeded; and
b. stock-specific limit reference points, and, at the same time, the action to be taken if they are exceeded; when a limit reference point is approached, measures should be taken to ensure that it will not be exceeded.

Question format (PacMar Inc. 2006): (a) Have the determination of stock-specific target reference points, and the action to be taken if exceeded, been based on the best scientific evidence available? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. [1] This plan conforms to the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requiring that best available scientific information be used in all determinations and actions.[2] National Standard 1 states that conservation and management measures shall **prevent overfishing** while achieving, on a continuing basis, the **optimum yield** from each Federally managed fishery. Amendment of the MSA in 2006, mandated that annual catch limits be established (by regional councils' scientific and statistical committees) for most fisheries. An exception is made for stocks managed under an international agreement to which the U.S. is party. Thus, the target reference points and actions to be taken if they are exceeded for highly migratory stocks of the western and central Pacific are determined by the Western and Central Pacific Fisheries Commission. [3]		

[1]Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 303

[3]MSA, Title V: Implementation of Western and Central Pacific Fisheries Convention, http://www.nmfs.noaa.gov/msa2005/

(b) When limit reference points are approached, are measures taken to ensure they are not exceeded? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As prescribed in the Western Pacific Fishery Management Council's (Council) Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, the Council must take remedial action in the form of an FEP amendment or proposed regulations when it has been determined by the Secretary of Commerce that overfishing is occurring, a stock is overfished, either of the two limit reference points is being approached, or existing remedial action to end previously identified overfishing has not resulted in adequate progress.		

Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

7.5.4 In the case of new or exploratory fisheries, States should adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures should remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment should be implemented. The latter measures should, if appropriate, allow for the gradual development of the fisheries (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): (a) For new and exploratory fisheries, are procedures in place for promptly applying precautionary management measures, including catch or effort limits? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries has the authority under the Endangered Species Act to require fishing vessels subject to U.S. jurisdiction that are identified through an annual determination process to take observers upon NOAA Fisheries' request.		

Final Rule on Observer Requirement for Fisheries to Monitor Sea Turtle Bycatch, http://www.nmfs.noaa.gov/pr/species/turtles/regulations.htm

(b) Have provisions been made for the gradual development of new or exploratory fisheries while information is being collected on the impact of these fisheries, allowing an assessment of the impact of such fisheries on the long-term sustainability of the stocks? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western and Central Pacific Fisheries Commission (WCPFC) requires that fishing for South Pacific striped marlin (south of 15°S) and for South Pacific swordfish (south of 20°S) not be increased above recent annual levels until more information is available for these stocks. The relevant conservation and management measures call for annual reporting of fishing levels by WCPFC members and associated parties.		

WCPFC, Conservation & Management Measures & Resolutions, CMM-2006-04, CMM-2008-05, http://www.wcpfc.int/

(b.1) Have precautionary management provisions been established early on? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] Highly precautionary measures, including an American Samoa longline limited entry program, large vessel prohibited areas, mandatory vessel monitoring system (longline vessels > 50 ft.) and Federally-mandated observer coverage (longline vessels > 40 ft.), were implemented under the FEP by the year 2005,[2] well before any stock reference points were potentially exceeded or international management measures were established.		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

(b.2) Has information collection been initiated early to allow impact assessment? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
A federal logbook reporting requirement for American Samoa longline fishing operators was implemented in 2005. Logbooks must be completed and submitted to the National Oceanic and Atmospheric Administration (NOAA) Fisheries(Pacific Islands Regional Office American Samoa field office) within 72 hours of the longline vessel landing in port.[1] Logbook entries for fish catch and effort by (fish and non-fish) species, time and location for each longline set are required.[2] American Samoa longline fishing trips must be accompanied by an observer when requested by PIRO.[1] From April 2006 to May 2008, approximately 8% of American Samoa longline trips by vessels over 40 ft. long were covered by Federally-mandated observers, who report details of fishing operations and effort, interactions with protected species, catch of retained and non-retained fish for each observed longline set by species, time and location. Quarterly observer data summaries are available from PIRO.[3]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

7.5.5 If a natural phenomenon has a significant adverse impact on the status of living aquatic resources, States should adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States should also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such resources. Measures taken on an emergency basis should be temporary and should be based on the best scientific evidence available (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): (a) Have contingency plans been agreed to in advance on the appropriate temporary management response to serious threats to the resource as a result of overfishing or adverse environmental changes or other phenomena adversely affecting the resource? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The Western Pacific Fishery Management Council (Council) prepares the FEP, any subsequent FEP amendments that evaluate alternatives and propose a preferred alternative to the National Oceanic and Atmospheric Administration (NOAA) for review, action, rule-making and implementation by the Secretary of Commerce.[2] This FEP conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides for the Secretary of Commerce to take temporary emergency measures at the request of the Council[3] to address overfishing, adverse environmental change or other phenomena that may require emergency action.[3]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]MSA – Sec. 305

(b) Have these emergency (temporary) responses been agreed to due to:

(b.1) natural phenomena adversely impacting the stock? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides for the Secretary of Commerce, at the request of the Western Pacific Fishery Management Council, to take temporary emergency measures[3] to respond to natural phenomena such as oceanic regime shifts. These measures include emergency regulations, interim measures, or amendments to existing fishery management plans.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA – Sec. 305

(b.2) fishing adversely impacting the stock? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which provides for the Secretary of Commerce, at the request of the Western Pacific Fishery Management Council, to take temporary emergency measures[2] to respond to adverse fishery impacts on stocks. These measures include emergency regulations, interim measures, or amendments to existing fishery management plans. These and other possible alternatives are assessed in National Environmental Policy Act (NEPA) documents that are prepared for the FEP and each management action.		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA – Sec. 305

7.6 Management measures

7.6.1 States should ensure that the level of fishing permitted is commensurate with the state of fisheries resources.

Question format (Caddy 1996): Is the level of fishing permitted commensurate with the current state of the fishery resources? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The level of fishing in American Samoa's longline fishery is controlled by a limited entry permit program (60 maximum) established under Amendment 11 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, prepared by the Western Pacific Fishery Management Council (Council).[1] Through the limited entry permit program, the U.S. as a "State" is controlling the level of American Samoa longline fishing vessels commensurate with the current state of pelagic fishery resources, although foreign tuna fleets fishing the same pelagic stocks in the western and central Pacific lack equivalent controls on the level of fishing vessels. The Western and Central Pacific Fisheries Commission (WCPFC) has determined that the level of fishing, on a stock-wide scale, is causing overfishing of Pacific bigeye tuna and that Pacific yellowfin tuna is fully exploited..		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]WCPFC CMM-2008-01, http://www.wcpfc.int/

7.6.2 States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas or in conformity with national legislation within areas of national jurisdiction.

Question format (Caddy 1996): Are fishing vessels allowed to operate on the resource in question without specific authorization? ***Yes***...[0] ***In Part***...[½] ***No***...[1]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
		No longline fishing by American Samoa vessels is allowed in the Exclusive Economic Zone around American Samoa unless the vessel is registered for use with an American Samoa longline limited entry permit.[1] No longline fishing by U.S. vessels is allowed in the high seas without a High Seas Fishing Compliance Act permit.[2]

[1]CFR Title 50, Wildlife and Fisheries, Part 665.21, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR Title 50, Wildlife and Fisheries, Part 300.13, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

7.6.3 Where excess fishing capacity exists, mechanisms should be established to reduce capacity to levels commensurate with the sustainable use of fisheries resources so as to ensure that fishers operate under economic conditions that promote responsible fisheries. Such mechanisms should include monitoring the capacity of fishing fleets.

Question form (Caddy 1996): (a) Have attempts been made to measure fleet capacity operating in the fishery? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
An index of longline fishing capacity (hooks/km^2 of ocean surface) in the Exclusive Economic Zone around American Samoa was used to measure fleet capacity and compare impacts of estimated capacity under various alternatives considered in Amendment 11 of the Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region.[1] American Samoa's longline limited entry program was established and implemented by National Oceanic and Atmospheric Administration (NOAA) Fisheries based on this amendment.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, Amendment 11, http://www.wpcouncil.org/pelagic.htm

[2]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/

(b) Have mechanisms been established where excess capacity exists to reduce capacity to levels commensurate with sustainable use of the resource? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes.	*Some*	*No*
The condition of pelagic fish stocks is assessed annually by the Scientific Committee of the Western and Central Pacific Fisheries Commission (WCPFC).[1] Based on these assessments and corresponding management actions by the WCPFC, together with reference points in the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, prepared and amended as needed by the Western Pacific Fishery Management Council (Council)[2], the National Oceanic and Atmospheric Administration (NOAA) Fisheries may determine that a state of "overfishing" exists. If such a condition arises, the Council examines alternatives and recommends management actions for review, action and rule-making by NOAA Fisheries to reduce fishing or fishing capacity, as required by the Magnuson-Stevens Fishery Conservation and Management Act (MSA).[3]		

[1]WCPFC Meetings, Scientific Committee, http://www.wcpfc.int/

[2]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagic FEP), as amended, Amendment 8

[3]MSA, sec. 301; sec. 304 , 104-297(b) Review of Regulations

7.6.4 The performance of all existing fishing gear, methods and practices should be examined and measures taken to ensure that fishing gear, methods and practices which are not consistent with responsible fishing are phased out and replaced with more acceptable alternatives. In this process, particular attention should be given to the impact of such measures on fishing communities, including their ability to exploit the resource.

Question format (PacMar Inc. 2006): (a) Has the performance of existing fishing gear, methods and practices been examined and measures taken to ensure that those not consistent with responsible fishing are phased out and replaced with more acceptable alternatives? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
In 2002, Framework Measure 1 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region closed waters from 3 to 50 nautical miles off the islands of American Samoa to pelagic fishing by vessels longer than 50 ft. This was done to prevent gear conflicts and catch competition between small and large vessels and to maintain the potential for economically viable catches of pelagic fish in the small-scale fishery. [1] The FEP must conform to Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Endangered Species Act (ESA) requirements to minimize bycatch of protected species. The Western Pacific Fishery Management Council, therefore, considered alternative methods for reducing green sea turtle bycatch in American Samoa's longline fishery and assessed potential impacts before recommending a "preferred alternative" to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making.[2]		

[1]CFR Title 50, Wildlife and Fisheries, Part 665.37, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

(b) Has attention been given to the impact of such measures on fishing communities and their ability to exploit the resource? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The purpose of large vessel prohibited areas within 50 nautical miles of the American Samoa islands is to preserve opportunities for fishing communities and the potential for economically viable catches of pelagic fish in the small-scale fishery. The impacts of this measure on fishing communities were analyzed in the environmental assessment for Framework Measure 1 to the Fishery Ecosystem Plan (FEP) for Pelagic Fisheries of the Western Pacific Region. American Samoa longline vessel size category A (<40 ft.), which is most commonly used in American Samoa community-based longline fishing ventures, has no reported interactions with protected sea turtles. This vessel size class is therefore exempted from the recommendation of FEP Draft Amendment 18 to require deep setting by larger American Samoa longliners to avoid fishery interactions with green sea turtles.		

[1]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region, Framework Measure 1

[2]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

7.6.5 States and fisheries management organizations and arrangements should regulate fishing in such a way as to avoid the risk of conflict among fishers using different vessels, gear and fishing methods.

Question format (Caddy 1996): Has the fishery been regulated in such a manner that conflict among fishers using different vessels, gear and fishing methods are minimized? ***Yes...***[1] ***In Part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Conflict between American Samoa's large-scale and small-scale pelagic fisheries has been effectively eliminated through large vessel prohibited areas extending approximately 50 nautical miles off shore of the islands of Tutuila, Manu`a, Swains and Rose Atoll, where vessels longer than 50 ft. are prohibited from engaging in pelagic fishing.		

CFR Title 50, Wildlife and Fisheries, Part 665.37, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

7.6.6 When deciding on the use, conservation and management of fisheries resources, due recognition should be given, as appropriate, in accordance with national laws and regulations, to the traditional practices, needs and interests of indigenous people and local fishing communities which are highly dependent on fishery resources for their livelihood.

Question format (Caddy 1996): In the course of deciding on use, conservation and management of the resource, were relevant national laws and regulations relating to the traditional practices needs and interests of indigenous people and local fishing communities highly dependent on these resources for their livelihood taken into account? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Potential impacts on indigenous people, traditional practices and local fishing communities are assessed when examining alternatives for new regulatory measures governing American Samoa's longline fishery[1], before recommending a "preferred management" alternative for review, action and rule-making by the National Oceanic and Atmospheric Administration (NOAA) Fisheries.[2] Traditional practices, needs and interests of indigenous Samoan people and local fishing communities are recognized in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which gives the Western Pacific Fishery Management Council and NOAA Fisheries authority to establish community development, resource use preferences and grant programs to assist indigenous fishermen in American Samoa longline and other U.S. western Pacific fisheries.[3]		

[1]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

[2]MSA, sec. 301; sec. 304 , 104-297(b) Review of Regulations

[3]Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007, 109-241, 109-479, http://www.nmfs.noaa.gov/msa2005/

7.6.7 In the evaluation of alternative conservation and management measures, their cost-effectiveness and social impact should be considered.

Question format (Caddy 1996): Have the cost-effectiveness and social impact been considered in the evaluation of alternative conservation and management measures? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
In preparing and amending the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, the Western Pacific Fishery Management Council must conform to national standards specified in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including a mandate to consider cost-effectiveness and social impact in the evaluation of alternative management measures for American Samoa longline and other Federally-managed fisheries.[1] These impacts are also addressed in environmental impact analyses required by the National Environmental Policy Act (NEPA) for management alternatives prior to action and rule-making by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service.[2] In 2009 the Pacific Islands Regional Office (PIRO) of NOAA prepared an Environmental Assessment for the initial implementation of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean.[3]		

[1]MSA, sec. 301

[2]PIRO – Western Pacific Pelagic Fisheries – Environmental Impact Statement and Amendments - 2001

[3]http://www.fpir.noaa.gov/Library/IFD/AV63%20-%20Draft%20EA%20-%2022%20May%202009.pdf

7.6.8 The efficacy of conservation and management measures and their possible interactions should be kept under continuous review. Such measures should, as appropriate, be revised or abolished in the light of new information.

Question format (Caddy 1996): Are procedures in place to keep the efficacy of current conservation and management measures and their possible interactions under continuous review to revise or abolish them in the light of new information?

(a) Have review procedures been established? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The adequacy of conservation measures in light of new information for American Samoa's longline fishery is reviewed annually by the Western Pacific Fishery Management Council and especially its Pelagics Plan Team in the course of annual report preparation (which meets the National Oceanic and Atmospheric Administration (NOAA) Fisheries requirement for an annual stock assessment and fishery evaluation, or SAFE report, for each federally managed fishery).		

Western Pacific Fishery Management Council, Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

(b) Does a flexible mechanism for revision of management measures exist? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The Western Pacific Fishery Management Council (Council) prepares the FEP, any subsequent FEP amendments that evaluate alternatives and propose a preferred alternative to the National Oceanic and Atmospheric Administration (NOAA) for review, action, rule-making and implementation by the Secretary of Commerce.[2] Management measures can be revised through FEP amendments. The FEP has been amended 15 times since 1987.		

[1]Fishery Ecosystem Management Plan for Pelagic Fisheries of the Western Pacific Region (Pelagics FEP), and Amendments

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

7.6.9 States should take appropriate measures to minimize waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and negative impacts on associated or dependent species, in particular endangered species. Where appropriate, such measures may include technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries. Such measures should be applied, where appropriate, to protect juveniles and spawners. States and subregional or regional fisheries management organizations and arrangements should promote, to the extent practicable, the development and use of selective, environmentally safe and cost effective gear and techniques (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): (a) Are appropriate measures being applied to minimize:

(a.1) waste and discards? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa's longline fishery is managed under Federal regulations that conform to the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to minimize "bycatch" (fish discards and waste).[1] Most of the longline tuna catch is canned locally but overseas markets and transportation links are poorly developed for the non-tuna catch, so finfish bycatch and discards are relatively high (9% in 2008). Several local businesses are proposing or implementing projects to process species that are presently discarded into value-added longline fishery products, thereby reducing waste[2]	

[1]MSA, sec. 301

[2]Western Pacific Regional Fishery Management Council. 2009. Preliminary Responsible Fishery Development Plan for American Samoa

Analysis: This sub-provision received only ½ point because markets are not yet developed for the full array of fish species harvested by American Samoa's longline fishery, leading to a relatively high rate of finfish bycatch ((9% in 2008).

Likelihood of improving compliance: Bycatch will likely decrease as value-added processing capacity and markets develop for non-albacore species harvested by American Samoa's longline fishery. The compliance score for this sub-provision is expected to increase accordingly.

(a.2) catch of non-target species (both fish and non-fish species)? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa's longline fishery is managed under Federal regulations that conform to the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to minimize bycatch of fish and non-fish species.[1] Multi-species fish harvesting is permitted by American Samoa's longline limited entry permits but markets presently exist only for albacore, yellowfin, skipjack and small bigeye tuna, swordfish and wahoo. Many other species in the multi-species longline catch are discarded,[2] but no technical measures have been imposed on the fishery to reduce this bycatch. Some local businesses have proposed to process and market presently discarded species.	

[1]MSA, sec. 301

[2]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

Analysis: This sub-provision received only ½ point because markets are not yet developed for the full array of fish species harvested by American Samoa's longline fishery, leading to a relatively high rate of finfish bycatch ((9% in 2008).

Likelihood of improving compliance: Bycatch will likely decrease as value-added processing capacity and markets develop for non-albacore species harvested by American Samoa's longline fishery. The compliance score for this sub-provision is expected to increase accordingly.

(a.3) impacts on associated, dependent or endangered species? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is managed under the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The FEP conforms to Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Endangered Species Act (ESA) requirements to minimize bycatch of protected species. No technical measures are presently in place to reduce fishery interactions with sea turtles. However, this will change shortly because of a FEP amendment that has been submitted to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making The Western Pacific Fishery Management Council considered alternative methods for reducing green sea turtle bycatch in the large vessel (> 40 ft.) sector of American Samoa's longline fishery and assessed potential impacts before recommending mandatory deep setting.[2] to remove hooks from the shallow "turtle layer."		

[1]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region and Amendments

[2]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

(b) are technical measures being taken in relation to:

(b.1) fish size? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Common practice, although not a management requirement in American Samoa's longline fishery, is to deploy hooks at swimming depths of larger tuna (minimum depth 30-40m) rather than on the ocean surface, thus avoiding the "bycatch layer" where smaller fish are concentrated.		

Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

(b.2) mesh size or gear? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Common practice, although not a management requirement, is the use of circle hooks and fish bait in American Samoa's longline fishery.[1] These practices have been demonstrated in Hawaii's swordfish longline fishery to significantly minimize the frequency and severity of interactions with protected sea turtles.[2]		

[1]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

[2]CFR – Title 50, Wildlife and Fisheries, Part 665.33, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b.3) discards? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
American Samoa's longline fishery is managed under Federal regulations that conform with the national standard of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to minimize bycatch of fish and non-fish species.[1] Multi-species fish harvesting is permitted by American Samoa's longline limited entry permits but markets presently exist only for albacore, yellowfin, skipjack and small bigeye tuna, swordfish and wahoo. Many other species in the multi-species longline catch are discarded,[2] although some local businesses have proposed to process and market presently discarded species.[3]		

[1]MSA, sec. 301

[2]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

[3]Western Pacific Regional Fishery Management Council. 2009. Preliminary Responsible Fishery Development Plan for American Samoa

Analysis: This sub-provision received only ½ point because markets are not yet developed for the full array of fish species harvested by American Samoa's longline fishery, leading to a relatively high rate of finfish bycatch ((9% in 2008).

Likelihood of improving compliance: Bycatch will likely decrease as value-added processing capacity and markets develop for non-albacore species harvested by American Samoa's longline fishery. The compliance score for this sub-provision is expected to increase accordingly.

(b.4) closed seasons? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		Seasonal closures are among the possible alternatives that have been examined for managing American Samoa's longline fishery. This measure has never been recommended as a "preferred alternative" for rule making and implementation by the Secretary of Commerce after review by National Oceanic and Atmospheric Administration (NOAA) Fisheries and the Western Pacific Fishery Management Council.

(b.5) closed areas? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Large vessel prohibited areas have been established from 3-50 nautical miles offshore of Tutuila, Manu`a islands, Rose Atoll and Swains Island. Pelagic fishing by vessels longer than 50 ft. is prohibited in these areas under Federal regulations..		

CFR Title 50, Wildlife and Fisheries, Part 665.37, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b.6) areas reserved for particular (e.g. artisanal) fisheries? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Large vessel prohibited areas have been established from 3-50 nautical miles offshore of Tutuila, Manu`a islands, Rose Atoll and Swains Island. Pelagic fishing by vessels longer than 50 ft. is prohibited in these areas under Federal regulations. The purpose of the closed areas is to preserve opportunities for fishing communities for small-scale vessels and the potential for economically viable catches of pelagic fish in the small-scale fishery.		

Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, Framework Measure 1, http://www.wpcouncil.org/pelagic.htm

(b.7) protection of juveniles or spawners? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Large vessel prohibited areas have been established from 3-50 nautical miles offshore of Tutuila, Manu`a islands, Rose Atoll and Swains Island.[1] During the short time they are in these closed areas, pelagic fish juveniles and spawners are protected from large-scale fishing.		

CFR – Title 50, Wildlife and Fisheries, Part 665.37, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(c) Are suitable arrangements in place to promote, to the extent practicable, the development and use of selective, environmentally safe and cost-effective gear and techniques? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is managed under the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The FEP conforms to Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Endangered Species Act (ESA) requirements to minimize bycatch of protected species. Circle hooks and fish bait, shown to be effective in reducing fishery interactions with sea turtles, are standard practices in American Samoa's longline fishery The Western Pacific Fishery Management Council considered alternative methods for reducing green sea turtle bycatch in the large vessel sector (> 40 ft. length) of American Samoa's longline fishery and assessed potential impacts before recommending mandatory deep setting to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making.[2]		

[1]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

7.6.10 States and subregional and regional fisheries management organizations and arrangements, in the framework of their respective competences, should introduce measures for depleted resources and those resources threatened with depletion that facilitate the sustained recovery of such stocks. They should make every effort to ensure that resources and habitats critical to the well-being of such resources which have been adversely affected by fishing or other human activities are restored (furthers ecosystem approach to fisheries, per FAO 2003: 80-81).

Question format (Caddy 1996): Have measures been introduced to identify and protect depleted resources and those resources threatened with depletion, and to facilitate the sustained recovery of such stocks? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As prescribed in the Western Pacific Fishery Management Council's (Council) Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region, if the limit reference point for fishing mortality is exceeded for one year or more, overfishing is occurring. If biomass falls below the limit reference point, the fish stock is overfished. The Council must take remedial action in the form of an FEP amendment or proposed regulations when it has been determined by the Secretary of Commerce that overfishing is occurring, a stock is overfished, either of the two limit reference points is being approached, or existing remedial action to end previously identified overfishing has not resulted in adequate progress.[1] The Endangered Species Act and Marine Mammal Protection Act require consultations and biological opinions when protected marine species (already threatened with depletion by definition) may be jeopardized by existing or proposed Federal fishery management measures.[2]		

[1] Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]ESA & MMA – PIRO –http://www.fpir.noaa.gov/DIR/dir_public_documents.html#biological_opinion

7.7 Implementation

7.7.1 States should ensure that an effective legal and administrative framework at the local and national level, as appropriate, is established for fisheries resource conservation and fisheries management.

Question format (Caddy 1996): Has an effective legal and administrative framework been established at the local and national level, as appropriate, for fishery resource conservation and management? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa's Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] The Western Pacific Fishery Management Council (Council) prepares the FEP, any subsequent FEP amendments that evaluate alternatives and propose a preferred alternative to the National Oceanic and Atmospheric Administration (NOAA) for review, action, rule-making and implementation by the Secretary of Commerce.[2] The FEP conforms to national standards of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).[3] The longline fishery is extensively regulated through a framework of Federal regulations, most of which are administered through the NOAA Pacific Islands Regional Office (PIRO). American Samoa longline vessel owners can apply for permits at the Honolulu, Hawaii-based PIRO office.[4]		

[1]Western Pacific Fishery Management Council, FEP for Pacific Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]MSA, sec. 304 , 104-297(b) Review of Regulations

[3]MSA, sec. 301

[4]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

7.7.2 States should ensure that laws and regulations provide for sanctions applicable in respect of violations which are adequate in severity to be effective, including sanctions which allow for the refusal, withdrawal or suspension of authorizations to fish in the event of non-compliance with conservation and management measures in force.

Question format (Caddy 1996): (a) Are national laws in place that provide for sanctions? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Penalties are specified for vessel owners who violate Federal regulations governing American Samoa's longline fishery.[1,2,3]		

[1]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[3]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b) Are these adequate in severity to be effective? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Penalties for violations of American Samoa longline fishery regulations are determined on a case-by-case basis. They can include significant administrative, civil or criminal penalties. They take into account the individual histories of offenders, with repeat offenders receiving more severe penalties to discourage further violations.[1,2,3]		

[1]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[3]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(c) Do sanctions affect (refusal/withdrawal/suspension) authorization to fish in the event of non-compliance with conservation and management measures in force? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
An American Samoa longline limited entry permit is required for longline fishing in the Exclusive Economic Zone around American Samoa.[1] Depending on the severity of an offense, this permit can be revoked.[2,3,4]		

[1]CFR, Title 50, Wildlife and Fisheries, Part 665.21, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[3]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[4]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

7.7.3 States, in conformity with their national laws, should implement effective fisheries monitoring, control, surveillance and law enforcement measures including, where appropriate, observer programmes, inspection schemes and vessel monitoring systems. Such measures should be promoted and, where appropriate, implemented by subregional or regional fisheries management organizations and arrangements in accordance with procedures agreed by such organizations or arrangements.

Question format (Caddy 1996): Are there in place:

(a) monitoring control and surveillance schemes? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Coast Guard (USCG) conducts air and sea patrols in the Exclusive Economic Zone (EEZ) around American Samoa and on the high seas to enforce federal regulations for American Samoa vessels and protect the EEZ from illegal foreign encroachment. The USCG also cooperates in enforcing international fisheries agreements.		

U.S. Coast Guard Office of Law Enforcement, Living Marine Resources

(b) observer programmes? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
A mandatory observer program for longline fishing trips on American Samoa vessels longer than 40 ft. was instituted in 2005.[1] From April 2006 to May 2008, Federally-mandated observers covered approximately 8% of American Samoa longline fishing trips by vessels longer than 40 ft.[2] The long-term target for American Samoa large vessel observer coverage is at least 20%.[3]		

[1] Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2] Observer Program, Quarterly & Annual Reports, American Samoa Quarterly and Annual Status Reports (2006-2008). http://www.fpir.noaa.gov/

[3] Observer Program, http://www.fpir.noaa.gov/

(c) inspection schemes? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessels are subject to shipboard inspections by the U.S. Coast Guard in the Exclusive Economic Zone around American Samoa, on the high seas and while in port to ensure compliance with a range of Federal and international regulations.		

U.S. Coast Guard Office of Law Enforcement, Living Marine Resources

(d) vessel monitoring schemes? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Beginning in 2005, American Samoa longline vessels 50 ft. or longer were required by Federal regulations to carry functioning Vessel Monitoring Systems for continuous vessel position reporting. This aids federal surveillance and enforcement of longline exclusion areas and other fishery regulations in the Exclusive Economic Zone around American Samoa and on the high seas.		

CFR, Title 50, Wildlife and Fisheries, Part 665.19, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

7.7.4 States and subregional or regional fisheries management organizations and arrangements, as appropriate, should agree on the means by which the activities of such organizations and arrangements will be financed, bearing in mind, inter alia, the relative benefits derived from the fishery and the differing capacities of countries to provide financial and other contributions. Where appropriate, and when possible, such organizations and arrangements should aim to recover the costs of fisheries conservation, management and research.

Question format (Caddy 1996): (a) Have States and subregional or regional fisheries management organizations and arrangements, as appropriate, agreed on the means by which the activities of such organizations and arrangements will be financed, bearing in mind, *inter alia*, the relative benefits derived from the fishery and the differing capacities of countries to provide financial and other contributions?

(a.1) Is the capacity of member countries to finance taken into account? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The financial obligations of members of the Western and Central Pacific Fisheries Commission (WCPFC) are based on formulas that consider the relative capacities of member countries, including the U.S.		

WCPFC, Guidelines, Procedures & Regulations, http://www.wcpfc.int/

(a.2) Is there an agreement on financing? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western and Central Pacific Fisheries Commission (WCPFC) has a financial agreement that obligates member countries, including the U.S.		

WCPFC, Guidelines, Procedures & Regulations, http://www.wcpfc.int/

(a.3) Is there an agreement on relative benefits? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	No formal agreement exists among Western and Central Pacific Fisheries Commission (WCPFC) members and other parties. However, members recognized as "small developing island states" and "participating territories" by the WCPFC are exempted from some of the conservation and management measures that are mandatory for large fishing nations to provide a reasonable opportunity to benefit from pelagic fisheries.	

WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

Analysis: The WCPFC has not yet agreed on relative benefits derived from all pelagic fisheries and fishing nations in the convention area.

Likelihood of improving compliance: An agreement on relative benefits derived from Pacific tuna fisheries by members and parties associated with the WCPFC is unlikely at this time because of the diversity of issues and interests associated with various Pacific fish stocks, fishing fleets and gear types and the market values of a wide range of fishery products.

(b) Is it possible for such organizations and arrangements to agree on an attempt to recover the costs of fisheries conservation, management and research measures (and their enforcement) that are in place? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The Western and Central Pacific Fisheries Commission (WCPFC), at its 3rd regular meeting in December 2006, committed itself to developing rules and procedures for the operation of a Commission vessel monitoring system (VMS), including provisions for cost recovery and cost sharing.	

WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

Analysis: A full point ("1") is not given to American Samoa's longline fishery for this sub-provision because there are not yet attempts to recover the costs of fisheries conservation, management and research measures other than VMS.

Likelihood of improving compliance: The WCPFC may be able to recover the costs of some monitoring measures, such as VMS, from the fishing industry but the cost of most conservation and management measures will continue to be borne by member nations who participate in the WCPFC. Hence, a higher score for this sub-provision is unlikely in the future..

(c) Does an agreement on cost recovery exist? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		No such agreements yet exist among Western and Central Pacific Fisheries Commission (WCPFC) members and other parties.

Analysis: A zero score is given to American Samoa's longline fishery for this sub-provision because there are not yet agreements to recover the costs of fisheries conservation, management and research measures, although the WCPFC is moving toward an agreement for the fishing industry to share the cost of vessel monitoring systems.

Likelihood of improving compliance: The WCPFC may be able to recover the costs of some monitoring measures, such as VMS, from the fishing industry but the cost of most conservation and management measures will continue to be borne by member nations who participate in the WCPFC. The score of American Samoa's longline fishery for this sub-provision could possibly increase to ½ in the future.

7.7.5 States which are members of or participants in subregional or regional fisheries management organizations or arrangements should implement internationally agreed measures adopted in the framework of such organizations or arrangements and consistent with international law to deter the activities of vessels flying the flag of non-members or non-participants which engage in activities which undermine the effectiveness of conservation and management measures established by such organizations or arrangements.

Question format (Caddy 1996): (a) Have States which are members of or participants in subregional or regional fisheries management organizations or arrangements taken steps to implement (into national legislation and practice) internationally agreed measures adopted in the framework of such organizations or arrangements which are consistent with international law? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As a member of the Western and Central Pacific Fisheries Commission, the U.S. is bound to the conservation and management measures (.e.g., catch and effort limits to reduce bigeye tuna fishing mortality) for highly migratory pelagic stocks adopted by the WCPFC for the convention area.[1] The WCPFC considers American Samoa a participating territory, which has its own seat (but no vote) at the Commission and which is not held to the same conservation and management measures if its domestic fishery is developing responsibly.		

[1]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]WCPFC, Conservation & Management Measures & Resolutions, http://www.wcpfc.int/ , CMM-2008-01 Conservation and Management Measure for Bigeye and Yellowfin Tuna in the Western and Central Pacific Ocean., paragraph 34; Resolution-2008-01, Resolution on Aspirations of Small Island Developing States and Territories.

(b) In particular, have national measures been adopted to deter the activities of vessels flying the flag of non-members or non-participants which engage in activities which undermine the effectiveness of conservation and management measures established by such organizations or arrangements? ***Yes***...[1] ***In Part***...[½] ***No***...[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a member of the Western and Central Pacific Fisheries Commission (WCPFC), which targets illegal, unreported and unregulated (IUU) fishing activities for surveillance, monitoring and enforcement of internationally-agreed conservation and management measures. Surveillance and enforcement against IUU fishing in the Exclusive Economic Zone around American Samoa is provided by the U.S. Coast Guard.[1] The Lacey Act is a U.S. statute that makes it unlawful for any person subject to the jurisdiction of the U.S. to import, export, transport, sell, receive, acquire or purchase any fish or wildlife taken, possessed, transported or sold in violation of any law or regulation of any of the United States or any foreign law. U.S. prosecutors have used the Act's provisions to deal with importations of illegally caught fish. The Act is considered as a possible model for international enforcement of internationally-agreed conservation and management measures.[2]		

[1]U.S. Coast Guard – IUU-NPOA Implementation Plan, http:www.uscg.mil/hq/cg5/cg531/LMR/OceanG/06

[2]An Overview of the U.S. Lacey Act Amendments of 1981 and a Proposal for a Model Port State Fisheries Enforcement Act http://www.high-seas.org/docs/Lacey_Act_Paper.pdf

7.8 Financial institutions

7.8.1 Without prejudice to relevant international agreements, States should encourage banks and financial institutions not to require, as a condition of a loan or mortgage, fishing vessels or fishing support vessels to be flagged in a jurisdiction other than that of the State of beneficial ownership where such a requirement would have the effect of increasing the likelihood of non-compliance with international conservation and management measures.

Question format (PacMar Inc. 2006): Are banks and financial institutions encouraged not to require, as a condition of a loan or mortgage, that fishing and fishing support vessels be flagged in a jurisdiction other than that of the State of beneficial ownership where such a requirement could increase non-compliance with international conservation and management measures? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The problem is avoided because American Samoa longline limited access permits cannot be registered for use with vessels that are not U.S. flag.		

CFR, Title 50, Wildlife and Fisheries, Part 665.21, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

Article 8 - Fishing Operations

8.1 Duties of all States

8.1.1 States should ensure that only fishing operations allowed by them are conducted within waters under their jurisdiction and that these operations are carried out in a responsible manner.

Question format (Caddy 1996): Are States involved in the fishery ensuring that only fishing operations allowed by them are conducted within waters under their jurisdiction and that these operations are carried out in a responsible manner? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Non-U.S. vessels are not permitted to fish in the U.S. Exclusive Economic Zone (EEZ) around American Samoa.[1] Federal longline limited entry permits are required for U.S. vessels to engage in longline fishing, transshipment or landing of longline fishery products shoreward of the seaward boundary of the EEZ around American Samoa.[2] American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[3] This FEP meets "national standards" of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to prevent overfishing, minimize bycatch and achieve other objectives that promote responsible fishing.[4]		

[1]Magnuson-Stevens Fishery Conservation and Management Act (MSA), sec. 201

[2]CFR, Title 50, 665, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=1255e79e70dd930a7ac1b0d65bc8fba7&rgn=div8&view=text&node=50:9.0.1.1.2.3.1.1&idno=50

[3]Western Pacific Fishery Management Council, FEP for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[4]MSA, sec. 301

8.1.2 States should maintain a record, updated at regular intervals, on all authorizations to fish issued by them.

Question format (Caddy 1996): Are States (or local/regional management bodies) involved in the fishery maintaining a record, updated at regular intervals, on all authorizations to fish issued by them? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Current records of longline limited entry permit holders and High Seas Fishing Compliance Act permit holders operating in the Exclusive Economic Zone and high seas around American Samoa are maintained by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office, which updates records annually and whenever vessels or permits are transferred. [1,2]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide (July 09), http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2] Current Pacific Islands Fishing Permits, http://www.fpir.noaa.gov/SFD/SFD_permits_12.html

8.1.3 States should maintain, in accordance with recognized international standards and practices, statistical data, updated at regular intervals, on all fishing operations allowed by them.

Question format (Caddy 1996): Are States (or regional management bodies) involved in the fishery maintaining, in accordance with recognized international standards and practices, statistical data, updated at regular intervals, on all fishing operations allowed by them? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook provides details on fishing operations and effort, all retained and released catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Catch summaries are prepared for tunas, billfishes, and other fishes identified by the Western Pacific Fishery Management Council as Pelagic Management Unit Species (PMUS).[2] In addition, at the end of each calendar year, tables of yearly non-confidential summary effort, fish catch, and CPUE statistics are prepared and charts showing yearly catch and effort from 1996 through the current year are created. All non-confidential summary statistics are based on activities of three or more vessels. Before logbook data are summarized, they are subjected to extensive validation checks and known errors are corrected to ensure accuracy.[2] From April 2006 to May 2008, approximately 8% of American Samoa longline trips by vessels over 40 ft. long were covered by Federally-mandated observers, who report details of fishing operations and effort, interactions with protected species, all catch of retained and non-retained fish for each observed longline set by species, time and location. Quarterly observer data summaries are available from NOAA Fisheries Pacific Islands Regional Office.[3] The WCPFC has set a goal of 5% observer coverage of longline fishing in the convention area by June 30, 2012 and this target level of coverage has already been achieved and exceeded in American Samoa.[4] These data fulfill the requirements established as international standards in the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.[5]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

[4] WCPFC Conservation Management Measure for the Regional Observer Programme CMM 2007-01. http://www.wcpfc.int/doc/cmm-2007-01/conservation-and-management-measure-regional-observer-programme

[5] United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, Sixth session, New York, 24 July- 4 August 1995, http://www.un.org/Depts/los/convention_agreements/texts/fish_stocks_agreement/CONF164_37.htm

8.1.4 States should, in accordance with international law, within the framework of subregional or regional fisheries management organizations or arrangements, cooperate to establish systems for monitoring, control, surveillance and enforcement of applicable measures with respect to fishing operations and related activities in waters outside their national jurisdiction.

Question format (Caddy 1996): Are States involved in the fishery, in accordance with international law, within the framework of subregional or regional fisheries management organizations or arrangements, cooperating to establish systems for monitoring, control, surveillance and enforcement of applicable measures with respect to fishing operations and related activities in waters outside their national jurisdiction?
Yes...[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As a member of the Western and Central Pacific Fisheries Commission (WCPFC) [1], the U.S. is cooperating in regional arrangements to establish and operate mandatory vessel monitoring systems and observer programs, to establish positive lists of vessels authorized to fish in the convention area and to take actions against illegal, un regulated and unreported (IUU) fishing vessels. The U.S. Coast Guard (USCG) conducts air and sea patrols in the Exclusive Economic Zone (EEZ) of American Samoa and on the high seas to enforce federal regulations for American Samoa vessels and protect the EEZ from illegal foreign encroachment. The USCG also cooperates in enforcing international fisheries agreements.[2] American Samoa longline vessels longer than 50 ft. are required to carry functioning vessel monitoring systems (VMS) for continuous vessel position reporting.[3] This aids federal surveillance and enforcement of large vessel prohibited areas in American Samoa's EEZ. Federally-mandated observers covered approximately 8% of American Samoa longline fishing trips by vessels longer than 40 ft. from April 2006 to May 2008.[4] The long-term target for American Samoa large vessel observer coverage is at least 20%.[5] The WCPFC has set a goal of 5% observer coverage of longline fishing in the convention area by June 30, 2012 and this target level of coverage has already been achieved and exceeded in American Samoa.[6]		

[1]Conservation & Management Measures & Resolutions, http://www.wcpfc.int/

[2]U.S. Coast Guard Office of Law Enforcement, Living Marine Resources

[3]Code of Federal Regulations (CFR), Title 50, Wildlife and Fisheries, Part 665.19, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[4]Observer Program, Quarterly & Annual Reports, American Samoa Quarterly and Annual Status Reports (2006-2008). http://www.fpir.noaa.gov/

[5]Observer Program, http://www.fpir.noaa.gov/

[6] WCPFC Conservation Management Measure for the Regional Observer Programme CMM 2007-01. http://www.wcpfc.int/doc/cmm-2007-01/conservation-and-management-measure-regional-observer-programme

8.1.5 States should ensure that health and safety standards are adopted for everyone employed in fishing operations. Such standards should be not less than the minimum requirements of relevant international agreements on conditions of work and service.

Question format (PacMar Inc. 2006): Is the State ensuring that minimum health and safety standards are established for everyone employed in fishing operations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessel owners are required by U.S. Coast Guard regulations to protect the health and safety of their crews, in accordance with Federal regulations. These meet International Maritime Organization regulations, especially the International Convention for the Safety of Life at Sea (SOLAS) that represent the most comprehensive international standards for maritime safety.		

CFR, Title 46, Shipping, Part 28, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.1.6 States should make arrangements individually, together with other States or with the appropriate international organization to integrate fishing operations into maritime search and rescue systems.

Question format (PacMar Inc. 2006): Is the State working individually and cooperatively with other States and international organizations to integrate fishing operations into maritime search and rescue systems? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Coast Guard (USCG) works within the framework of the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing with maritime safety, to integrate the fishing operations of American Samoa's longline fishery into maritime search and rescue systems. The USCG representative on the Western Pacific Fishery Management Council works with representatives of other Federal agencies and is kept appraised of any changes in fishing operations. American Samoa's longline fleet voluntarily cooperates in maritime search and rescue systems when called upon by the USCG.		

CFR, Title 46, Shipping, Part 28, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.1.7 States should enhance through education and training programmes the education and skills of fishers and, where appropriate, their professional qualifications. Such programmes should take into account agreed international standards and guidelines.

Question format (Caddy 1996): Are education and training programmes enhancing the education and skills of fishers and, where appropriate, their professional qualifications, taking into account agreed international standards and guidelines? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa longline vessel owners/operators are required to annually complete a protected species training course as a condition of retaining American Samoa longline limited entry permits. This training is not required for other crew, however. The predominant form of education for crew members is on-the-job training by senior crew and vessel owners and operators through demonstration and example.	

CFR, Title 50, Wildlife and Fisheries, Part 665.34, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

Analysis: A full point ("1") is not given to American Samoa's longline fishery for this sub-provision because not all crew members are receiving training that enhances their education and skills.

Likelihood of improving compliance: Because of high crew turnover, training programs that reach all crew members are unlikely to ever be implemented. Hence, it is improbable that American Samoa's longline fishery could increase to a score of "1" for this provision.

8.1.8 States should, as appropriate, maintain records of fishers which should, whenever possible, contain information on their service and qualifications, including certificates of competency, in accordance with their national laws.

Question format (Caddy 1996): Are records of fishers being maintained which should, whenever possible, contain information on their service and qualifications, including certificates of competency, in accordance with their national laws? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Certificates of competency are not required for crew members in American Samoa's longline fishery or any other U.S. fishery. Many of the fishermen serving on American Samoa longline vessels are recruited from overseas. They complete hiring documentation at manning agencies in their home countries. Typically, these agencies require fishermen to possess a Seaman's book that contains information on their past service and training.[1] Records are maintained of mandatory participation by all longline owners and operators in annual protected species training workshops conducted by National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office.[2]	

[1]Allen, Steward and Amy Gough, *A Sociocultural Assessment of Filipino Crew Members Working in the Hawaii-based Longline Fleet*, NOAA Technical Memorandum NMFS-PIFSC-6, October 2006. http://www.pifsc.noaa.gov/tech/NOAA_Tech_Memo_PIFSC_6.pdf

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

Analysis: A full point ("1") is not given to American Samoa's longline fishery for this provision because not all crew members maintain seamen's books that document their service and qualifications.

Likelihood of improving compliance: Because of high turnover and diverse backgrounds of crew members, it is unlikely that all of them would maintain seamen's books that completely document their service and qualifications. Hence, it is improbable that American Samoa's longline fishery could increase to a score of "1" for this provision.

8.1.9 States should ensure that measures applicable in respect of masters and other officers charged with an offence relating to the operation of fishing vessels should include provisions which may permit, *inter alia*, refusal, withdrawal or suspension of authorizations to serve as masters or officers of a fishing vessel.

Question format (Caddy 1996): Do measures applicable in respect of masters and other officers charged with an offence relating to the operation of fishing vessels include provisions which may permit, *inter alia*, refusal, withdrawal or suspension of authorizations to serve as masters or officers of a fishing vessel? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	No special U.S. license is needed to captain an American Samoa longline fishing vessel, although captains must be U.S. citizens. Since there is no authorization to serve as a longline master, the U.S. government has no ability to withdraw an authorization. A longline limited entry permit is required for a U.S. vessel to engage in longline fishing in the Exclusive Economic Zone around American Samoa and a High Seas Fishing Compliance Act permit is required for a U.S. vessel to engage in longline fishing on the high seas. Penalties for violations of American Samoa longline fishery regulations are determined on a case-by-case basis. They can include significant administrative, civil or criminal penalties. They take into account the individual histories of offenders, with repeat offenders receiving more severe penalties to discourage further violations. Depending on the severity of an offense, permit(s) may be revoked from the permit holder, who may or may not also be the master of the fishing vessel in violation. [1,2,3]	

[1]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[3]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

Analysis: A full point ("1") is not given to American Samoa's longline fishery for this provision because there is no special U.S. authorization to serve as a longline master that could be withdrawn, although withdrawal of an American Samoa longline limited entry permit from a vessel owner (who may also be the master) could occur as a penalty for severe violation(s) of American Samoa longline fishery regulations.

Likelihood of improving compliance: The U.S. is unlikely to institute a special license for masters of U.S.-flag fishing vessels. Hence, it is improbable that American Samoa's longline fishery could increase to a score of "1" for this provision.

8.1.10 States, with the assistance of relevant international organizations, should endeavour to ensure through education and training that all those engaged in fishing operations be given information on the most important provisions of this Code, as well as provisions of relevant international conventions and applicable environmental and other standards that are essential to ensure responsible fishing operations.

Question format (Caddy 1996): Is an attempt being made to ensure that, through education and training, all those engaged in fishing operations are given information on the most important provisions of this Code, as well as provisions of relevant international conventions and applicable environmental and other standards that are essential to ensure responsible fishing operations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The National Oceanic and Atmospheric Administration (NOAA) Fisheries is required to produce a "small entity compliance guide" to make the public aware of rules issued for American Samoa's longline fishery. To the extent that provisions of the Code and other applicable international convention provisions and standards are incorporated in rules for American Samoa's longline fishery, education occurs through issuance of the compliance guides.[1] Another example of compliance is a requirement for American Samoa longline vessel owners /operators to complete an annual training course on protected species conducted by NOAA Fisheries Pacific Islands Regional Office as a condition of retaining limited access permits.[2] But other crew members are not subject to this requirement. American Samoa longline vessel operators are required to post environmental warnings on shipboard placards.[3,4]	

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]CFR, Title 50, Wildlife and Fisheries, Part 665.34, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[3]CFR, Title 33, Navigation and Navigable Waters, Part 151.59

[4]CFR, Title 33, Navigation and Navigable Waters, Part 155.450

Analysis: A full point ("1") is not given to American Samoa's longline fishery for this provision because not all crew members are exposed to information about the Code of Conduct and other international conventions and standards for responsible fishing through training.

Likelihood of improving compliance: Because of high crew turnover, in-depth training programmes that inform all crew members about the Code of Conduct and other international standards for responsible fishing are unlikely to be implemented. Hence, it is improbable that American Samoa's longline fishery could increase to a score of "1" for this provision.

8.2 Flag State duties

8.2.1 Flag States should maintain records of fishing vessels entitled to fly their flag and authorized to be used for fishing and should indicate in such records details of the vessels, their ownership and authorization to fish.

Question format (Caddy 1996): Are flag States maintaining records of fishing vessels entitled to fly their flag and authorized to fish, which indicate details of the vessels, their ownership and authorization to fish? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa vessels of five net tons or more used in longline fishing activities in navigable waters of the U.S. or in the Exclusive Economic Zone (EEZ) must be documented by the U.S. Coast Guard.[1] American Samoa longline vessels smaller than five net tons are registered by the Territory of American Samoa. American Samoa vessels are authorized to engage in longline fishing, transshipment and landing of longline fishery products shoreward of the seaward boundary of the EEZ only if they are registered for use with American Samoa longline limited entry permits.[2] Permits are issued by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Regional Office (PIRO), which has maintained records of authorized vessels and has also monitored vessel ownership changes and American Samoa longline limited access permit transfers since 2005.[3] Only U.S. vessels registered for use with High Seas Fisheries Compliance Act permits are authorized to engage in longline fishing on the high seas around American Samoa. Records of High Seas Fisheries Compliance Act permits have been maintained by NOAA Fisheries since 1995.[4]		

[1]U.S. Coast Guard, National Vessel Documentation Center, http://www.uscg.mil/hq/g-m/vdoc/nvdc.htm

[2]CFR, Title 50, Wildlife and Fisheries, Part 665.36, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[3]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html3

[4]CFR, Title 50, Wildlife and Fisheries, Part 300.15, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.2.2 Flag States should ensure that no fishing vessels entitled to fly their flag fish on the high seas or in waters under the jurisdiction of other States unless such vessels have been issued with a Certificate of Registry and have been authorized to fish by the competent authorities. Such vessels should carry on board the Certificate of Registry and their authorization to fish.

Question format (Caddy 1996): (a) Are Flag States taking steps to ensure that no fishing vessels are entitled to fly their flag fish on the high seas or in waters under the jurisdiction of other States unless such vessels have been issued with a Certificate of Registry and have been authorized to fish by the competent authorities? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
To engage in longline fishing on the high seas under U.S. flag, American Samoa vessels of 5 net tons or more must be issued a certificate of documentation by the U.S. Coast Guard [1] or, if smaller, be registered with the Territory of American Samoa. U.S. vessels that engage in longline fishing on the high seas must have High Seas Fishing Compliance Act permits issued by the National Oceanic and Atmospheric Administration (NOAA) Fisheries. [2] If fishing in waters under the jurisdiction of another State, an American Samoa longline vessel must have a permit from the appropriate authority of that State. A high seas vessel of the U.S. may not be eligible for a High Seas Fishing Compliance Act permit if the boat was previously authorized to fish on the high seas by a foreign nation that suspended such authorization because the fishing operation undermined the effectiveness of international conservation and management measures. [3]		

[1]U.S. Coast Guard, National Vessel Documentation Center, http://www.uscg.mil/hq/g-m/vdoc/nvdc.htm

[2]CFR, Title 50, Wildlife and Fisheries, Part 300.15, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 50, Wildlife and Fisheries, Part 300.13, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b) Have such vessels been issued with, and carry on board, a Certificate of Registry and authorization to fish? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
When operating on the high seas as U.S. vessels, American Samoa longline vessels of 5 net tons or more are required to carry on board a certificate of U.S. documentation,[1] or on smaller vessels, a certificate of registration by the Territory of American Samoa. A High Seas Fishing Compliance Act permit must also be carried on board.[2]		

[1]U.S. Coast Guard, National Vessel Documentation Center, http://www.uscg.mil/hq/g-m/vdoc/nvdc.htm

[2]CFR, Title 50, Wildlife and Fisheries, Part 300.15, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.2.3 Fishing vessels authorized to fish on the high seas or in waters under the jurisdiction of a State other than the flag State, should be marked in accordance with uniform and internationally recognizable vessel marking systems such as the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels.

Question format (Caddy 1996): Are national fishing vessels authorized to fish on the high seas or in waters under the jurisdiction of a State other than the Flag State marked in accordance with uniform and internationally recognizable vessel marking systems such as the FAO Standard Specifications and Guidelines for Marking and Identification of Fishing Vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessels that fish on the high seas must comply with marking requirements of the U.S. High Seas Fishing Compliance Act.[1] Those requirements are consistent with FAO standard specifications and guidelines for marking and identification of fishing vessels and with the standard adopted by the Western and Central Pacific Fisheries Commission (WCPFC). American Samoa longline vessels that may be authorized to fish under the jurisdiction of another western Pacific State must also be marked in accordance with the WCPFC standard.[2]		

[1]CFR, Title 50, Wildlife and Fisheries, Part 300.14, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]Conservation & Management Measures and Resolutions, CMM-2004-03, http://www.wcpfc.int

8.2.4 Fishing gear should be marked in accordance with national legislation in order that the owner of the gear can be identified. Gear marking requirements should take into account uniform and internationally recognizable gear marking systems.

Question format (Caddy 1996): Is there national legislation requiring fishing gear to be marked, taking into account uniform and internationally recognizable gear marking systems, in order that the owner of the gear can be identified? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The official number of each American Samoa longline vessel must be affixed to every longline buoy and float, including each buoy and float that is attached to a radar reflector, radio antenna, or flag marker, whether attached to a deployed longline or possessed on board the vessel. Markings must be legible and permanent, and must be of a color that contrasts with the background material. [1] American Samoa longline vessels that fish on the high seas must comply with marking requirements of the U.S. High Seas Fishing Compliance Act.[2] Those requirements are consistent with FAO standard specifications and guidelines for marking and identification of fishing gear and with the standard adopted by the Western and Central Pacific Fisheries Commission. [3]		

[1]CFR, Title 50, Wildlife and Fisheries, Part 665.24, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 50, Wildlife and Fisheries, Part 300.14, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[3]Conservation & Management Measures and Resolutions, CMM-2004-03, http://www.wcpfc.int

8.2.5 Flag States should ensure compliance with appropriate safety requirements for fishing vessels and fishers in accordance with international conventions, internationally agreed codes of practice and voluntary guidelines. States should adopt appropriate safety requirements for all small vessels not covered by such international conventions, codes of practice or voluntary guidelines.

Question format (PacMar Inc. 2006): (a) Does the State ensure compliance with appropriate safety requirements for fishing vessels and fishers in accordance with international conventions, internationally agreed codes of practice and voluntary guidelines? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery must comply with U.S. Coast Guard safety requirements for fishing vessels and fishers to promote safety at sea,[1] in accordance with the International Maritime Organization regulations, including the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing with maritime safety. Monthly safety drills conducted by a trained instructor are required for each American Samoa longline vessel.[2]		

[1]U.S. Coast Guard Office of Operating and Environmental Standards, Vessel and Facility Operating Standards

[2]United States Coast Guard, Navigation and Vessel Inspection Circular No. 7-93

(b) Has the State adopted appropriate safety requirements for all small vessels not covered by such international conventions, codes of practice or voluntary guidelines? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Small vessels in American Samoa's troll and handline (non-longline) fisheries for pelagic fish species are required to follow the appropriate U.S. Coast Guard safety regulations based on vessel type, length and area of operation.		

CFR, Title 46, Shipping, Part 28, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.2.6 States not party to the Agreement to Promote Compliance with International Conservation and Management Measures by Vessels Fishing in the High Seas should be encouraged to accept the Agreement and to adopt laws and regulations consistent with the provisions of the Agreement.

Question format (Caddy 1996): Are States involved in a fishery on the high seas party to the Agreement to Promote Compliance with International Conservation and Management Measures by Vessels Fishing in the High Seas? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries implements the international Agreement to Promote Compliance with International Conservation and Management Measures by Vessels Fishing in the High Seas and requires that U.S. vessels must secure a High Seas Fishing Compliance Act of 1995 (HSFCA) permit to engage in longline fishing on the high seas around American Samoa (and elsewhere).		

CFR, Title 50, Wildlife and Fisheries, Part 300.13, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.2.7 Flag States should take enforcement measures in respect of fishing vessels entitled to fly their flag which have been found by them to have contravened applicable conservation and management measures, including, where appropriate, making the contravention of such measures an offence under national legislation. Sanctions applicable in respect of violations should be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and should deprive offenders of the benefits accruing from their illegal activities. Such sanctions may, for serious violations, include provisions for the refusal, withdrawal or suspension of the authorization to fish.

Question format (Caddy 1996): (a) Are Flag States taking enforcement measures in respect of fishing vessels entitled to fly their flag which have been found by them to have contravened applicable conservation and management measures, including, where appropriate, making the contravention of such measures an offence under national legislation? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Federal penalties are specified for vessel operators and owners who violate any of the federal regulations that govern American Samoa's longline fishery.[1] Penalties for violations of American Samoa longline fishery regulations are determined on a case-by-case basis. They can include significant administrative, civil or criminal penalties. They take into account the individual histories of offenders, with repeat offenders receiving more severe penalties to discourage further violations. Depending on the severity of an offense, permit(s) may be revoked from the permit holder, who may or may not also be the master of the fishing vessel in violation.[2,3,4]		

[1]CFR, Title 16, Chapter 38—Fishery Conservation and Management, subchapter IV, 1857-1861, http://www.access.gpo.gov/uscode/title16/chapter38_subchapteriv_.html

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[3]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[4]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b) Are sanctions applicable in respect of violations and illegal activities adequate in severity to be effective in securing compliance and discouraging violations wherever they occur? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Penalties for violations of American Samoa longline fishery regulations are determined on a case-by-case basis. They can include significant administrative, civil or criminal penalties. They take into account the individual histories of offenders, with repeat offenders receiving more severe penalties to discourage further violations.[1,2,3]		

[1]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Application of Prior Violations

[2]NOAA Office of General Counsel for Enforcement and Litigation, Civil Administrative Penalty Schedule, Western Pacific Pelagic Fishery

[3]CFR, Title 15, Commerce and Foreign Trade, Part 904, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.2.8 Flag States should promote access to insurance coverage by owners and charterers of fishing vessels. Owners or charterers of fishing vessels should carry sufficient insurance cover to protect the crew of such vessels and their interests, to indemnify third parties against loss or damage and to protect their own interests.

Question format (PacMar Inc. 2006): (a) Does the Flag State promote access to insurance coverage for owners and charterers of fishing vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		Insurance coverage for American Samoa longline fishing vessels and operations is the responsibility of individual vessel owners.

Analysis: The American Samoa longline fishery scored "0" because the U.S. government does not involve itself in insuring or promoting access to insurance for American Samoa longline or other U.S. vessels.

Likelihood of improving compliance: Unlike European governments, the U.S. is unlikely to ever become involved in insuring U.S. vessels, so it is improbable that the American Samoa longline fishery could improve the score for this sub-provision.

(b) Are owners or charterers of fishing vessels required to carry sufficient insurance coverage to protect the crew of such vessels and their interests, to indemnify third parties against loss or damage and to protect their own interests? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa longline fishing vessel owners are not required by U.S. law to carry any type of insurance but most of these vessels are covered by private protection and indemnity (P&I) policies. P&I is insurance that protects a vessel and its owners and operators against liability for bodily injury and third-party property damage.	

Fireman's Fund Insurance Company, Protection and Indemnity, http://www.firemansfund.com/servlet/dcms?c=business&rkey=150

Analysis: American Samoa's longline fishery is assigned a ½ score because the U.S. government does not require any type of insurance for U.S. fishing vessels, although in practice most American Samoa longline vessels are covered by private P&I policies.

Likelihood of improving compliance: Unlike European governments, the U.S. is unlikely to ever require insurance for U.S. fishing vessels, so it is improbable that the American Samoa longline fishery could improve the score for this sub-provision.

8.2.9 Flag States should ensure that crew members are entitled to repatriation, taking account of the principles laid down in the "Repatriation of Seafarers Convention (Revised), 1987, (No.166)".

Question format (PacMar Inc. 2006): Are (abandoned) crew members entitled to repatriation, taking account of the principles laid down in the "Repatriation of Seafarers Convention (Revised), 1987, (No.166)"? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Crew members who are recruited to work in American Samoa's longline fishery from outside the U.S. have contracts with vessel owners. If contracts are broken, such that any such crew members holding U.S. visas are abandoned in any port, they would be repatriated by the U.S. Immigration and Naturalization Service because their visas for the U.S. would no longer be valid.		

Embassy of the United States in Manila, Nonimmigrant Visa website

8.2.10 In the event of an accident to a fishing vessel or persons on board a fishing vessel, the flag State of the fishing vessel concerned should provide details of the accident to the State of any foreign national on board the vessel involved in the accident. Such information should also, where practicable, be communicated to the International Maritime Organization.

Question format (PacMar Inc. 2006): In the event of an accident to a fishing vessel or persons on board a fishing vessel, is the flag State of the fishing vessel concerned required to provides details of the accident to the nation of any foreign national on board the vessel involved in the accident and to the International Maritime Organization? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Coast Guard complies with International Maritime Organization requirements in reporting maritime accidents in the American Samoa longline (and other U.S.) fishery to other nations whenever foreign nationals are onboard the vessel involved in the accident.[1,2]		

[1]U.S. Coast Guard Office of Operating and Environmental Standards, Vessel and Facility Operating Standards

[2]International Maritime Organization, http://www.imo.org/home.asp

8.3 Port State duties

8.3.1 Port States should take, through procedures established in their national legislation, in accordance with international law, including applicable international agreements or arrangements, such measures as are necessary to achieve and to assist other States in achieving the objectives of this Code, and should make known to other States details of regulations and measures they have established for this purpose. When taking such measures a port State should not discriminate in form or in fact against the vessels of any other State.

Question format (PacMar Inc. 2006): (a) Have port states taken measures, established in their national legislation and in accordance with international law, to achieve and to assist other nations in achieving the objectives of this Code? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery and other U.S. fisheries are managed under the Magnuson-Stevens Fishery Conservation and Management Act based on 10 national standards that have similar objectives as those of the Code. On June 27, 2007, the U.S. completed the process to become a member of the Western and Central Pacific Fisheries Commission (WCPFC) after several years of participation as a cooperating non-member.[1] The U.S. is obligated to implement and to assist other nations in implementing conservation and management measures adopted by the WCPFC.[2] These measures are undertaken within the framework of the WCPFC, of which the U.S. is a member and American Samoa, a cooperating non-member. Article 27 of the WCPF Convention recognizes the enforcement powers of port States. Additionally, the WCPFC is currently working to implement port State measures consistent with the FAO port State treaty.		

[1]MSA, sec. 301

[2]WCPFC, Guidelines, Procedures and Regulations, http://www.wcpfc.int/

(b) Does the flag state ensure that details of regulations and measures for this purpose are made known to other nations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Regulations and control measures for American Samoa's longline fishery are made known to members and cooperating non-members of the Western and Central Pacific Fisheries Commission (WCPFC) by the U.S. commissioners appointed to this body. In according member status to the U.S., the WCPFC considered its record of compliance with the provisions of the Convention and the conservation and management measures developed by WCPFC and other regional fisheries management organizations.		

WCPFC, Guidelines, Procedures and Regulations, http://www.wcpfc.int/

(c) Does the flag state ensure that there is no discrimination in form or in fact against the vessels of any other nation when taking measures to achieve and assist other nations in achieving the objectives of the Code? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
On June 27, 2007, the United States completed the process to become a member of the Western and Central Pacific Fisheries Commission (WCPFC) after several years of participation as a cooperating non-member. Conservation and management measures adopted by the WCPFC have similar objectives as those of the Code. WCPFC membership obligates the U.S to take actions to deter fishing vessels of any other nation that have engaged in activities that undermine the effectiveness of or otherwise violate the conservation and management measures adopted by the WCPFC for the Convention Area until such time as appropriate action is taken by the flag state. These actions may include any procedures developed in the future by the WCFPC when necessary for non-discriminatory trade measures.		

WCPFC, Text of Convention, http://www.wcpfc.int/

8.3.2 Port States should provide such assistance to flag States as is appropriate, in accordance with the national laws of the port State and international law, when a fishing vessel is voluntarily in a port or at an offshore terminal of the port State and the flag State of the vessel requests the port State for assistance in respect of non- compliance with subregional, regional or global conservation and management measures or with internationally agreed minimum standards for the prevention of pollution and for safety, health and conditions of work on board fishing vessels.

Question format (PacMar Inc. 2006): Does the Port State provide such assistance to flag nations as is appropriate, in accordance with the national laws of the port state and international law, when a fishing vessel is voluntarily in a port or at an offshore terminal of the port state and the flag nation of the vessel requests the port state for assistance in respect of non-compliance with subregional, regional or global conservation and management measures or with internationally agreed minimum standards for the prevention of pollution and for safety, health and conditions of work on board fishing vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
If a foreign government submits a request via the U.S. Department of State, the U.S. Coast Guard will assist the flag nations of fishing vessels visiting American Samoa when requested for non-compliance with resource conservation, management measures, environmental pollution or safety conditions.		

8.4 Fishing Operations

8.4.1 States should ensure that fishing is conducted with due regard to the safety of human life and the International Maritime Organization International Regulations for Preventing Collisions at Sea, as well as International Maritime Organization requirements relating to the organization of marine traffic, protection of the marine environment and the prevention of damage to or loss of fishing gear (*furthers ecosystem approach to fisheries*, per FAO 2003: 80).

Question format (PacMar Inc. 2006): Is fishing conducted with due regard to the safety of human life and the International Maritime Organization International Regulations for Preventing Collisions at Sea, as well as International Maritime Organization requirements relating to the organization of marine traffic, protection of the marine environment and the prevention of damage to or loss of fishing gear? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa 's longline fishery is governed by U.S. Coast Guard (USCG) regulations to promote safety at sea,[1] in accordance with the International Maritime Organization regulations, including the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing with maritime safety. The USCG also represents U.S. interests in national and international fora, including the International Maritime Organization (IMO) Marine Environment Protection Committee (MEPC), to integrate U.S. and international marine environmental standards; provide technical assistance to appropriate international organizations dealing with environmental prevention, preparedness, and response issues, including the International Organization for Standardization (ISO); and serve as the principal environmental liaison for coordination and concurrence on environmental standards as required by international conventions or Congressional legislation.[2]		

[1]U.S. Coast Guard Office of Operating and Environmental Standards, Vessel and Facility Operating Standards

[2]U.S. Coast Guard Office of Operating and Environmental Standards, Environmental Standards

8.4.2 States should prohibit dynamiting, poisoning and other comparable destructive fishing practices (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (Caddy 1996): Have States prohibited within national legislation dynamiting, poisoning and other comparable destructive fishing practices? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. regulations that specify "allowable gear." Among gear not allowed are drift gill nets[1], dynamite and poisons.[2]		

[1]CFR, Title 50, Wildlife and Fisheries, Part 665.30, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 50, Wildlife and Fisheries, Part 665.48, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.4.3 States should make every effort to ensure that documentation with regard to fishing operations, retained catch of fish and non-fish species and, as regards discards, the information required for stock assessment as decided by relevant management bodies, is collected and forwarded systematically to those bodies. States should, as far as possible, establish programmes, such as observer and inspection schemes, in order to promote compliance with applicable measures.

Question format (Caddy 1996): a) Is documentation required with regard to fishing operations, retained catch of fish and non-fish species and, as regards discards, the information required for stock assessment as decided by relevant management bodies, collected and forwarded systematically to those bodies?

(a.1) documentation on fishing operations ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook provides details on fishing operations and effort, retained and released catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Before logbook data are summarized, they are subjected to extensive validation checks and known errors are corrected to ensure accuracy.[2] Catch summaries are used in preparing status reports for inclusion in the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan annual report[3] (which meets the NOAA Fisheries requirement for an annual stock assessment and fishery evaluation report) and Fisheries of the United States annual report. Summary information is also shared with the scientific committee of the Western and Central Pacific Fisheries Commission (WCPFC)..[4]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Western Pacific Fishery Management Council, Pelagics Fishery Management Plan annual report

[4]WCPFC, Scientific Committee, http://www.wcpfc.int/

(a.2) documentation on non-fish catches ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook includes details on fishing operations and effort, retained and released fish and non-fish catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Before logbook data are summarized, they are subjected to extensive validation checks and known errors are corrected to ensure accuracy.[2] Catch summaries are used in preparing status reports for inclusion in the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan annual report[3] (which meets the NOAA Fisheries requirement for an annual stock assessment and fishery evaluation report) and Fisheries of the United States annual report. Summary information is also shared with the scientific committee of the Western and Central Pacific Fisheries Commission (WCPFC)..[4]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Western Pacific Fishery Management Council, Pelagics Fishery Management Plan annual report

[4]WCPFC, Scientific Committee, http://www.wcpfc.int/

(a.3) documentation on fish catches ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook includes details on fishing operations and effort, retained and released fish and non-fish catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Before logbook data are summarized, they are subjected to extensive validation checks and known errors are corrected to ensure accuracy.[2] Catch summaries are used in preparing status reports for inclusion in the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan annual report[3] (which meets the NOAA Fisheries requirement for an annual stock assessment and fishery evaluation report) and Fisheries of the United States annual report. Summary information is also shared with the scientific committee of the Western and Central Pacific Fisheries Commission (WCPFC)..[4]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Western Pacific Fishery Management Council, Pelagics Fishery Management Plan annual report

[4]WCPFC, Scientific Committee, http://www.wcpfc.int/

(b) Is an observer and inspection scheme being established in order to promote compliance with applicable (fishery management) measures? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Federally-mandated observers covered approximately 8% of American Samoa longline fishing trips by vessels longer than 40 ft. from April 2006 to May 2008.[1] The long-term target for American Samoa large vessel observer coverage is at least 20%.[2] The WCPFC has set a goal of 5% observer coverage of longline fishing in the convention area by June 30, 2012.[3]		

[1]Observer Program, Quarterly & Annual Reports, American Samoa Quarterly and Annual Status Reports (2006-2008). http://www.fpir.noaa.gov/

[2]Observer Program, http://www.fpir.noaa.gov/

[3] WCPFC Conservation Management Measure for the Regional Observer Programme CMM 2007-01. http://www.wcpfc.int/doc/cmm-2007-01/conservation-and-management-measure-regional-observer-programme

8.4.4 States should promote the adoption of appropriate technology, taking into account economic conditions, for the best use and care of the retained catch.

Question format (Caddy 1996): Is the adoption of appropriate technology being promoted by the State, taking into account economic conditions for the best use and care of the retained catch? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery products sold to the local cannery or exported to other markets are subject to the U.S. Food and Drug Administration's Hazard Analysis Critical Control Point (HACCP) regulations for seafood safety.[1] When applied practically to American Samoa longline fishery products, the HACCP system promotes practices and technology (e.g., proper time-temperature control, gilling and gutting of harvested fish at sea) for best use and care of the retained catch.[2] Workshops to obtain HACCP training certificates have been offered periodically in American Samoa.		

[1]U.S. Food and Drug Administration, Seafood HACCP Regulation

[2]Kaneko, John. 2000. Development of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry, pp 17-18. http://www.nmfs.noaa.gov/mb/sk/saltonstallken/haacp.htm

8.4.5 States, with relevant groups from industry, should encourage the development and implementation of technologies and operational methods that reduce discards. The use of fishing gear and practices that lead to the discarding of catch should be discouraged and the use of fishing gear and practices that increase survival rates of escaping fish should be promoted (*furthers ecosystem approach to fisheries,* per FAO 2003: 82).

Question format (Caddy 1996): Are States and relevant groups from the fishing industry encouraging the development and implementation of technologies and operational methods that reduce (fish) discards? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Fish discards remain a significant issue in the large vessel sector of American Samoa's longline fishery. This fishery targets albacore tuna for sale to a local tuna cannery. This cannery also purchases skipjack, yellowfin, small bigeye tuna and wahoo, from the fishery. However, there is low demand for other fish species and export markets are not yet developed. Consequently, about 9% of the fish caught in American Samoa's longline fishery (2008) are not retained. [1] Several groups from American Samoa's fishing industry are proposing or implementing projects to process species that are presently discarded into value-added longline fishery products, thereby reducing waste. [2]	

[1]Western Pacific Regional Fishery Management Council, Pelagics Annual Reports, http://www.wpcouncil.org/pelagic.htm

[2]Western Pacific Regional Fishery Management Council. 2009. Preliminary Responsible Fishery Development Plan for American Samoa.

Analysis: This sub-provision received only ½ point because markets are not yet developed for the array of fish species harvested by American Samoa's longline fishery, leading to a relatively high rate of finfish discard (9% in 2008).

Likelihood of improving compliance: Bycatch will likely decrease as value-added processing capacity and markets develop for non-albacore species harvested by American Samoa's longline fishery. The compliance score for this sub-provision is expected to increase accordingly.

8.4.6 States should cooperate to develop and apply technologies, materials and operational methods that minimize the loss of fishing gear and the ghost fishing effects of lost or abandoned fishing gear.

Question format (Caddy 1996): Are technologies, materials and operational methods being applied (through cooperation among States) that minimize the loss of fishing gear and the ghost fishing effects of lost or abandoned fishing gear? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
In American Samoa and other pelagic longline fisheries, the mainline is set in sections monitored by radio buoys. Any lost sections are likely to be retrieved, thereby reducing gear loss and possible ghost fishing effects. The same methods are applied in longline fisheries of other States.		

Beverly, S., L. Chapman and W. Sokimi. 2003. Horizontal longline fishing methods and techniques: a manual for fishermen. Secretariat of the Pacific Community, Noumea, New Caledonia. http://www.spc.int/coastfish/Sections/Development/FDSPublications/FDSManuals/HLL/index.htm

8.4.7 States should ensure that assessments of the implications of habitat disturbance are carried out prior to the introduction on a commercial scale of new fishing gear, methods and operations to an area (*furthers ecosystem approach to fisheries*, per FAO 2003: 80, 82).

Question format (Caddy 1996): Are assessments being carried out of the implications of habitat disturbance prior to the introduction on a commercial scale of new fishing gear, methods and operations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Potential habitat disturbance and other possible environmental effects of American Samoa and other U.S. Pacific longline fisheries are analyzed in a series of National Environmental Policy Act (NEPA) documents.[1] American Samoa's longline fishery is managed under the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[2] The FEP conforms to Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Endangered Species Act (ESA) requirements to minimize bycatch of protected species. The Western Pacific Fishery Management Council, therefore, considered alternative methods for reducing green sea turtle bycatch in American Samoa's longline fishery and assessed potential impacts before recommending a "preferred alternative" to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making.[3]		

[1]PIRO, Environmental Impact Statements, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#eis

[2]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region and Amendments

[3]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

8.4.8 Research on the environmental and social impacts of fishing gear and, in particular, on the impact of such gear on biodiversity and coastal fishing communities should be promoted (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (Caddy 1996): Is research being promoted on the environmental and social impacts of fishing gear and, in particular, on the impact of such gear on biodiversity and coastal fishing communities?

(a) on the environmental impacts? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Analysis of environmental impacts of American Samoa's and Hawaii's longline fisheries and management actions in National Environmental Policy Act (NEPA) documents promotes furthers research on this issue.[1] Environmental impacts of longline fishing gear in American Samoa are sometimes inferred from research being conducted by the Pelagic Fisheries Research Program. Examples are referenced in footnotes.[2,3,4] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Pacific Islands Fisheries Science Center (PIFSC) conducts gear evaluation studies, looking at how different methods of longline fishing affect a variety of marine species.[5]		

[1]PIRO, Environmental Impact Statements, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#eis

[2]Direct Tests of the Efficacy of Bait and Gear Modifications for Reducing Interactions of Sea Turtles with Longline Fishing Gear in Costa Rica. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[3]Survivorship, Migrations, and Diving Patterns of Sea Turtles Released from Commercial Longline Fishing Gear, Determined with Pop-Up Satellite Archival Transmitters. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[4]Distributions, Histories, and Recent Catch Trends with Six Fish Taxa Taken as Incidental Catch by the Hawaii-Based Commercial Longline Fishery. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[5]PIFSC Administrative Reports website

(b) on the social impacts? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Analysis of environmental impacts of American Samoa's and Hawaii's longline fisheries and management actions in National Environmental Policy Act (NEPA) documents promotes furthers research on this issue.[1] Social impacts of American Samoa's longline fishery are sometimes inferred from research on the social impacts of Hawaii longline fisheries conducted by the Pelagic Fisheries Research Program. Examples are referenced in footnotes.[2,3] The Human Dimensions Research Program of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center is dedicated to providing the best available social research and advice in support of federal fisheries management in the central and western Pacific.[4]		

[1]PIRO, Environmental Impact Statements, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#eis

[2]A Sociological Baseline of Hawaii's Longline Fishery. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[3]Sociological Baseline of Hawaii-Based Longline Fishery: Extension and Expansion of Scope. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[4]PIFSC, Fisheries Monitoring and Socioeconomics Division website

(c) on the impact on biodiversity? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Analysis of environmental impacts of Hawaii and American Samoa's longline fisheries and management actions in National Environmental Policy Act (NEPA) documents promotes further research on this issue.[1] Impacts of longline fishing gear in American Samoa on biodiversity are sometimes inferred from research on the impact of Hawaii longline fisheries on sea turtles. The Pelagic Fisheries Research Program (PFRP) sponsors research to study post-release movements of sea turtles hooked in Hawaii longline fisheries[2] and the distributions and catch trends of non-target fish species.[3] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC)'s Ecosystems and Oceanography Division examines how the diversity of marine populations change in response to both direct changes in their predators and prey as well as from broader habitat-based changes in the ocean climate[4].		

[1]PIRO, Environmental Impact Statements, http://www.fpir.noaa.gov/DIR/dir_public_documents.html#eis

[2]Survivorship, Migrations, and Diving Patterns of Sea Turtles Released from Commercial Longline Fishing Gear, Determined with Pop-Up Satellite Archival Transmitters. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[3]Distributions, Histories, and Recent Catch Trends with Six Fish Taxa Taken as Incidental Catch by the Hawaii-Based Commercial Longline Fishery. Pelagic Fisheries Research Program, Joint Institute for Marine and Atmospheric Research, University of Hawaii at Manoa

[4]PIFSC, Ecosystems and Oceanography Division website

(d) on the impact on coastal fisheries? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The potential impacts of large-scale pelagic vessels on small-scale coastal fisheries were assessed as part of Framework Measure 1, Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region.[1] This resulted in establishment by Federal regulation of large vessel prohibited areas extending 50 nautical miles offshore of the American Samoa islands to minimize gear conflicts with coastal fisheries.[2]		

[1]Western Pacific Fishery Management Council, Framework Measure 1, FEP for pelagic fisheries of western Pacific region, http://www.wpcouncil.org/pelagic.htm

[2]CFR -- Title 50, Wildlife and Fisheries, Part 665.37, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.5 Fishing gear selectivity (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

8.5.1 States should require that fishing gear, methods and practices, to the extent practicable, are sufficiently selective so as to minimize waste, discards, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species and that the intent of related regulations is not circumvented by technical devices. In this regard, fishers should cooperate in the development of selective fishing gear and methods. States should ensure that information on new developments and requirements is made available to all fishers (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (Caddy 1996): (a) Where practicable, is there a requirement that fishing gear, methods and practices are sufficiently selective as to minimize waste, discards, catch of non-target species - both fish and non-fish species - and impacts on associated or dependent species? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is regulated by the National Oceanic and Atmospheric Administration (NOAA) Fisheries under a Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region that meets "national standards" of the Magnuson-Stevens Fishery Conservation and Management Act, including a requirement to minimize bycatch of associated or dependent fish and non-fish species.[1] Specific longline fishing methods and techniques have been documented to reduce catches and waste of non-target species.[2] For example, circle hooks and fish bait, which are standard practices (although not mandated) in American Samoa's longline fishery are known to greatly reduce fishery interactions with sea turtles.		

[1]Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagic FMP), as amended, 3.6

[2]Beverly, S., L. Chapman and W. Sokimi. 2003. Horizontal longline fishing methods and techniques: a manual for fishermen. Secretariat of the Pacific Community, Noumea, New Caledonia. http://www.spc.int/coastfish/Sections/Development/FDSPublications/FDSManuals/HLL/index.htm

(b) Are regulatory measures being circumvented by technical devices? ***Yes...***[0] ***In part...***[½] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
		Regulatory measures are developed with consideration to maintaining or improving catch rates of target fish species. For example, the Western Pacific Fishery Management Council consulted extensively with fishermen and National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Fisheries Science Center (PIFSC) analyzed impacts on fish catch rates of alternative methods for reducing green sea turtle bycatch in American Samoa's longline fishery[1] before recommending a "preferred alternative" to NOAA Fisheries for review, action and rule-making.[2] This reduces circumvention of regulatory measures.

[1]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and mitigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

[2]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

(c) Are fishers cooperating in the development of selective fishing gear and methods? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As a means of gaining fishermen's cooperation, the Western Pacific Fishery Management Council consulted extensively with fishermen in assessing alternative methods for reducing green sea turtle bycatch in American Samoa's longline fishery and assessed potential impacts on fish catch rates before recommending a "preferred alternative" to the National Oceanic and Atmospheric Administration (NOAA) Fisheries for review, action and rule-making.		

Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

d) Is information on new developments and requirements made available to all fishers? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council (WPFMC) publicizes the results of gear research and regulatory requirements to promote gear selectivity.[1] The National Oceanic and Atmospheric Administration (NOAA) Fisheries, Pacific Islands Regional Office (PIRO) conducts protected species training workshops that are required to be completed annually by all American Samoa longline vessel owners/operators[2] and publishes a summary of American Samoa longline fishing regulations[3] WPFMC and NOAA Fisheries Pacific Islands Fisheries Science Center and PIRO participate in research and international fora where new gear developments are transferred to foreign fisheries.[4]		

[1]WPFMC, Management Measures to Implement New Technologies for the Western Pacific Pelagic Longline Fisheries, March 5, 2004

[2]CFR Title 50, Wildlife and Fisheries**,** Part 665.34**,** http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[3]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[4]International Fishers' Forum, http://www.fishersforum.net/

8.5.2 In order to improve selectivity, States should, when drawing up their laws and regulations, take into account the range of selective fishing gear, methods and strategies available to the industry.

Question format (Caddy 1996): Do regulations governing the selectivity of fishing gear take into account the range of fishing gear, methods and strategies available to the industry? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Federal management of American Samoa's longline fishery takes into account different fishing gear, methods and strategies used by the industry to target different swimming depths, as well as avoid incidental capture of protected sea turtles. Management alternatives for U.S. Pacific longline fisheries have considered hook types, bait types, depths, times and deck positions of setting.		

8.5.3 States and relevant institutions should collaborate in developing standard methodologies for research into fishing gear selectivity, fishing methods and strategies.

Question format (Caddy 1996): Are States and relevant institutions involved in the fishery collaborating in developing standard methodologies for research into fishing gear selectivity, fishing methods and strategies? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The emphasis of research standardization in collaborations between the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center, the Pelagic Fisheries Research Program and longline fishermen has been on ensuring that relevant gear configuration data are collected. Of particular importance are gear aspects that affect fishing depth, such as those that define the shallow-set versus deep-set techniques used by some longline fisheries.[1,2] And to the extent practicable, recording of all relevant aspects of gear configuration has also been made a high priority for fishery observers.		

[1]Bigelow, K., M.K. Musyl, F. Poisson, and P. Kleiber, 2006. Pelagic longline gear depth and shoaling. *Fisheries Research*. 77: 173-183.

[2]Hawn, D. and M. Seki, 2005. End of the Line: Using Instrumented Longline to Study Vertical Habitat of Pelagic Fishes. PFRP Newsletter July-Sept 2005, 10(3): 1-2

8.5.4 International cooperation should be encouraged with respect to research programmes for fishing gear selectivity, and fishing methods and strategies, dissemination of the results of such research programmes and the transfer of technology (*furthers ecosystem approach to fisheries*, per FAO 2003: 82).

Question format (Caddy 1996): Is international cooperation being encouraged with respect to research programmes for fishing gear selectivity and fishing methods and strategies, dissemination of the results of such research programmes and the transfer of technology? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
International research is continuing on gear selectivity and methods to reduce sea turtle and seabird bycatch in pelagic longline fisheries. Results are disseminated and technology transferred internationally through International Fishers' Forum and other meetings.[1] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center collaborates with Japan[2], Korea[3], Indonesia, Philippines, the World Wildlife Fund, Mexico, Costa Rica, Guatemala, Ecuador, Peru, Chile, the Inter American Tropical Tuna Commission,[4] Brazil, Uruguay, Spain, and Italy in experiments testing methods to reduce sea turtle bycatch in longlines[5]. The Pelagic Fisheries Research Program also sponsors collaborative international research on gear selectivity. An example is provided in reference[6].		

[1]International Fishers' Forum, http://www.fishersforum.net/

[2]Minami, H., K. Yokota, and M. Kiyota (2006) Effect of circle hooks and feasibility of de-hooking devices to reduce incidental mortality of sea turtles in the Japanese longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC-2006/EB WP-9

[3]S. S. Kim, D. Y. Moon, C. H. Boggs, D. H. An and J. R. Koh. Comparison of circle hook and J hook catch rate for target and bycatch species taken in the Korean tuna longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC2-2006/EB WP-12

[4]Inter-American Tropical Tuna Commission (IATTC). 2006. The sea turtle bycatch mitigation program for the coastal longline fleets and preliminary results of circle hook experiments. IATTC Working Group on Bycatch 5th meeting, Busan, Korea, 24 June 2006. IATTC- BWG-5-04. 5pp.

[5]Boggs, C. 2005. Appendix D: Recent (2005) developments in scientific research on the use of circle hooks to reduce longline bycatch of sea turtles. Pages 17-22 in Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), First Meeting of the Technical and Compliance Committee (TCC), 5-9 December, 2005, Sea Turtle Conservation and Management: Actions by the Commission, Relevant Regional Fisheries Management Organizations, and Regional Fisheries Bodies. WCPFC/TCC1/18 Suppl. 2. 22 pp.

[6]Seeking Responsible Commercial Fishing Solutions in Costa Rica: Study Tests New Bait to Reduce Accidental Capture of Sea Turtles. PFRP Newsletter January-March 2004, p 4.

8.6 Energy optimization (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

8.6.1 States should promote the development of appropriate standards and guidelines which would lead to the more efficient use of energy in harvesting and post-harvest activities within the fisheries sector.

Question format (PacMar Inc. 2006): Does the State promote development of standards that would lead to more efficient use of energy in harvesting and post-harvest activities within the fisheries sector? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Department of Energy's Appliances and Commercial Equipment Standards Program develops minimum efficiency standards that must be adhered to in the manufacture of new commercial equipment, including refrigeration and ice-making units purchased for American Samoa longline fishing vessels and for post-harvest processing and marketing of American Samoa longline fisheries' products.		

U.S. Department of Energy, Appliances and Commercial Equipment Standards website

8.6.2 States should promote the development and transfer of technology in relation to energy optimization within the fisheries sector and, in particular, encourage owners, charterers and managers of fishing vessels to fit energy optimization devices to their vessels.

Question format (PacMar Inc. 2006): Is the development and transfer of technology being promoted in relation to energy optimization within the fisheries sector. In particular, are owners, charterers and managers of fishing vessels encouraged to fit energy optimization devices to their vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		American Samoa longline vessels freeze most of their catches at sea. Fitting of this fleet with energy optimization devices and transfer of technology is not actively promoted.

Analysis: American Samoa's longline fishery is scored "0" for this provision because fitting of this fleet with energy optimization devices and transfer of technology is not being actively promoted.

Likelihood of improving compliance: American Samoa's longline fishery could improve the score for this provision in the future, depending upon research, development and transfer of energy optimization devices for diesel-powered vessels.

8.7 Protection of the aquatic environment (*furthers ecosystem approach to fisheries*, per FAO 2003).

8.7.1 States should introduce and enforce laws and regulations based on the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78).

Question format (PacMar Inc. 2006): Are laws and regulations being enforced based on the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. Coast Guard regulations based on the International Convention for the Prevention of Pollution from Ships, as modified (MARPOL 73/78). The U.S. Coast Guard (USCG) currently enforces MARPOL Annex V regulations on board applicable U.S. and foreign vessels operating in the U.S. and internationally through ensuring compliance with the regulations in 33 CFR 151, Part A. The USCG also enforces shore side facility regulations found in 33 CFR 158, Part D. Known worldwide as the MARPOL Convention, the 1973 International Convention for the Prevention of Pollution by Ships prohibits at-sea disposal of garbage generated during routine ship operations. Annex V of the MARPOL Convention prohibits all overboard disposal of plastics (or garbage mixed with plastics) and limits other discharges (based on the material and the vessel's location/distance from shore).		

U.S. Coast Guard, http://www.gao.gov/archive/1995/rc95143.pdf

8.7.2 Owners, charterers and managers of fishing vessels should ensure that their vessels are fitted with appropriate equipment as required by MARPOL 73/78 and should consider fitting a shipboard compactor or incinerator to relevant classes of vessels in order to treat garbage and other shipboard wastes generated during the vessel's normal service (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): Are fishing vessels fitted with appropriate equipment to treat garbage and other shipboard wastes as required by MARPOL 73/78? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. Coast Guard regulations that conform to the International Convention for the Prevention of Pollution from Ships, as modified (MARPOL 73/78). MARPOL Annex V laws outline requirements for onboard waste management plans and specific procedures to be used for collecting, processing, storing and discharging the vessel's garbage properly. U.S. vessels 40 feet or larger, and which operate beyond three miles, and have a galley and berthing, or engage in commerce, must have a waste management plan posted and keep records of garbage discharges and disposals. Any person who violates any of the above requirements is liable for a civil penalty of up to $25,000, a fine of up to $50,000, and imprisonment for up to five years for each violation. Note that regional, state, and local restrictions on garbage restrictions also may apply. Foreign vessels that must meet MARPOL and U.S. requirements for garbage handling and management have their placards, plans, and equipment evaluated during port state control examinations that take place once each year. This evaluation takes place on board all U.S. certificated vessels during their inspections or re-inspections.		

U.S. Coast Guard, http://www.gao.gov/archive/1995/rc95143.pdf

8.7.3 Owners, charterers and managers of fishing vessels should minimize the taking aboard of potential garbage through proper provisioning practices.

Question format (PacMar Inc. 2006): Do owners, charterers and managers of fishing vessels minimize the taking aboard of potential garbage through proper provisioning practices? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The potential garbage taken aboard American Samoa longline vessels prior to fishing trips is minimized because the catch is immediately frozen at sea with minimal processing or packing that could add to potential garbage.		

8.7.4 The crew of fishing vessels should be conversant with proper shipboard procedures in order to ensure discharges do not exceed the levels set by MARPOL 73/78. Such procedures should, as a minimum, include the disposal of oily waste and the handling and storage of shipboard garbage (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): Are the crew of fishing vessels conversant with proper shipboard procedures, including the disposal of oily waste and the handling and storage of shipboard garbage, in order to ensure discharges do not exceed the levels set by MARPOL 73/78? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. Coast Guard regulations that conform to the International Convention for the Prevention of Pollution from Ships, as modified (MARPOL 73/78). Posting of shipboard warnings against oily waste[1] and excessive garbage[2] discharge is required. There is no standardized training program for crew in proper shipboard procedures for discharge of garbage. However, senior crew members train inexperienced crew through demonstration and example.		

[1]CFR, Title 33, Navigation and Navigable Waters, Part 155.450, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 33, Navigation and Navigable Waters, Part 151.59, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.8 Protection of the atmosphere

8.8.1 States should adopt relevant standards and guidelines which would include provisions for the reduction of dangerous substances in exhaust gas emissions (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): Have relevant standards and guidelines been adopted which include provisions for the reduction of dangerous substances in exhaust gas emissions? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Environmental Protection Agency (EPA) has adopted standards under the Clean Air Non-road Diesel Rule to decrease the allowable levels of sulfur in fuel used in U.S. marine vessels (including the American Samoa longline fleet) by 99 percent. This rule began to take effect in 2007. In addition, EPA announced its intent to propose more stringent emission standards for all new commercial, recreational, and auxiliary marine diesel engines except the very large engines used for propulsion on deep-sea vessels. These standards, which are modeled after the Clean Air Non-road Diesel engines program, would require the use of advanced emission-control technologies similar to those already upcoming for heavy-duty diesel trucks and buses. EPA estimates that nitrous oxide and PM (particulate matter) emissions could be reduced by 90 percent by applying such advanced technology to marine diesel engines. As American Samoa longline vessels require engine replacement, they will be required to follow the new standards.		

United States Environmental Protection Agency, Diesel Boats and Ships website

8.8.2 Owners, charterers and managers of fishing vessels should ensure that their vessels are fitted with equipment to reduce emissions of ozone depleting substances. The responsible crew members of fishing vessels should be conversant with the proper running and maintenance of machinery on board (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): (a) Are fishing vessels required to be fitted with equipment to reduce emissions of ozone depleting substances? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessel owners are required to fit vessels with refrigeration and fire-fighting equipment in accordance with U.S. Environmental Protection Agency regulations issued under sections 601-607 of the Clean Air Act that ended the production of ozone-depleting substances and provided phase-out schedules for ozone-depleting substances.		

U.S. Environmental Protection Agency, The Phase-out of Ozone-Depleting Substances

(b) Are responsible crew members of fishing vessels conversant with the proper running and maintenance of machinery on board? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessel operators understand the proper running and maintenance of shipboard refrigeration and fire-fighting equipment using non-ozone depleting substances that replace ozone-depleting substances in accordance with U.S. Environmental Protection Agency regulations issued under sections 601-607 the Clean Air Act that ended the production of ozone-depleting substances and provided phase-out schedules for ozone-depleting substances.		

U.S. Environmental Protection Agency, The Phase-out of Ozone-Depleting Substances

8.8.3 Competent authorities should make provision for the phasing out of the use of chlorofluorocarbons (CFCs) and transitional substances such as hydrochlorofluorocarbons (HCFCs) in the refrigeration systems of fishing vessels and should ensure that the shipbuilding industry and those engaged in the fishing industry are informed of and comply with such provisions.

Question format (PacMar Inc. 2006): Have provisions been made for the phasing out of the use of chlorofluorocarbons (CFCs) and transitional substances such as hydrochlorofluorocarbons (HCFCs) in the refrigeration systems of fishing vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessel owners are required to phase out refrigeration using ozone-depleting gases in accordance with U.S. Environmental Protection Agency regulations issued under sections 601-607 of the Clean Air Act that ended the production of ozone-depleting substances and provided phase-out schedules for ozone-depleting substances. Class I substances, including halons, chlorofluorocarbons (CFCs), methyl chloroform, carbon tetrachloride, and methyl bromide, are almost completely phased out, whereas Class II substances (hydrochlorofluorocarbons) are on a phase-out schedule.		

U.S. Environmental Protection Agency, The Phase-out of Ozone-Depleting Substances

8.8.4 Owners or managers of fishing vessels should take appropriate action to refit existing vessels with alternative refrigerants to CFCs and HCFCs and alternatives to Halons in fire fighting installations. Such alternatives should be used in specifications for all new fishing vessels (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): (a) Are owners or managers of fishing vessels required to take appropriate action to refit existing vessels with alternative refrigerants to CFCs and HCFCs and alternatives to Halons in firefighting installations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline vessel owners are required to phase out refrigeration equipment charged with CFCs and fire extinguishers charged with halon in accordance with U.S. Environmental Protection Agency regulations issued under sections 601-607 of the Clean Air Act that ended the production of ozone-depleting substances and provided phase-out schedules for ozone-depleting substances. Fire extinguishers already charged with Halon can continue to be used on American Samoa longline vessels but they can no longer be recharged with Halon.		

U.S. Environmental Protection Agency, The Phase-out of Ozone-Depleting Substances

(b) Are such alternatives required to be used in specifications for all new fishing vessels? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Owners and builders of new American Samoa longline fishing vessels are required to follow U.S. Environmental Protection Agency regulations issued under sections 601-607 of the Clean Air Act that ended the production of ozone-depleting substances and provided phase-out schedules for ozone-depleting substances.		

U.S. Environmental Protection Agency, The Phase-out of Ozone-Depleting Substances

8.8.5 States and owners, charterers and managers of fishing vessels as well as fishers should follow international guidelines for the disposal of CFCs, HCFCs and Halons.

Question format (PacMar Inc. 2006): Do owners, charterers and managers of fishing vessels as well as fishers follow international guidelines for the disposal of CFCs, HCFCs and Halons? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Disposal of CFCs, HCFCs and Halons by the American Samoa longline fleet complies with U.S. Federal law[1,2] that follows the international guidelines established by Montreal Protocol on Substances that Deplete the Ozone Layer. In 1998, production of halon blends was prohibited. In 2003, import or production of common HCFCs was prohibited. In 2005, venting/disposal of hydrocarbons and other noxious elements of refrigerants was prohibited.		

[1]CFR, Title 40, Protection of Environment, Part 82.154, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 40, Protection of Environment, Part 82.270, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.9 Harbours and landing places for fishing vessels

8.9.1 States should take into account, *inter alia*, the following in the design and construction of harbours and landing places:

a. safe havens for fishing vessels and adequate servicing facilities for vessels, vendors and buyers are provided;
b. adequate freshwater supplies and sanitation arrangements should be provided;
c. waste disposal systems should be introduced, including for the disposal of oil, oily water and fishing gear (*furthers ecosystem approach to fisheries*, per FAO 2003: 81);
d. pollution from fisheries activities and external sources should be minimized (furthers ecosystem approach to fisheries, per FAO 2003: 81); and
e. arrangements should be made to combat the effects of erosion and siltation.

Question format (PacMar Inc. 2006): Concerning the design and construction of harbors and landing places:

(a) Are safe havens provided for fishing vessels and adequate servicing facilities provided for vessels, vendors and buyers? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Only temporary berthing is available for American Samoa longline vessels after they deliver fish catches to the cannery and before starting a new fishing trip. There is no dock space dedicated for vessel maintenance, resupply or small-scale catch processing.	

Analysis: American Samoa's longline fishery is scored "1/2" for this provision because no permanent berthing dock in Pago Pago Harbor is yet established for this fleet.

Likelihood of improving compliance: Construction of a longline dock and support facilities is a high priority for the American Samoa Government. The score for this provision could improve to "one" in the near future.

(b) Are adequate freshwater supplies and sanitation arrangements provided? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Dockside freshwater and sanitation arrangements are provided by the American Samoa Port Administration at most piers where American Samoa longline vessels are temporarily berthed.		

(c) Are proper waste disposal systems, including for the disposal of oil, oily water and fishing gear provided? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
"Blackwater" removal services for oily waste are available from private vendors. Longline fishing gear is reused whenever possible rather than being disposed.		

(d) Is pollution from fisheries activities and external sources minimized? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is governed by U.S. Coast Guard regulations that ensure that pollution is minimized at sea.[1] Vessels unloading fish at the cannery are not permitted to discharge associated wastewater[2] but blackwater removal services are available from private companies. The U.S. Clean Water Act prohibits the discharge of untreated sewage by vessels in U.S. waterways and directs the U.S. Environmental Protection Agency and U.S. Coast Guard to establish discharge and design standards for onboard toilets.[2] The waste disposal aspects of seafood processing activities are regulated by the American Samoa Environmental Protection Agency.		

[1]CFR, Title 33, Navigation and Navigable Waters, Part 151.66, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 40, Protection of Environment, Part 140.3, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(e) Have arrangements been made to combat the effects of erosion and siltation? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The American Samoa longline fleet temporarily berths at locations within Pago Pago Harbor. American Samoa's Port Administration and U.S. Army Corps of Engineers control harbor erosion and periodically remove accumulated sediment.		

U.S. Army Corps of Engineers, Civil Works website

8.9.2 States should establish an institutional framework for the selection or improvement of sites for harbours for fishing vessels which allows for consultation among the authorities responsible for coastal area management.

Question format (PacMar Inc. 2006): Has an institutional framework been established for the selection or improvement of sites for harbors for fishing vessels which allows for consultation among the authorities responsible for coastal area management? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
In general, selection of a site for a harbor or a harbor improvement would be preceded by development of a master plan with alternatives and would be the subject of a State or Federal Environmental Impact Statement or Environmental Assessment. A new harbor would almost certainly require a Department of the Army Corps of Engineers' permit for dredging, filling and work in navigable waters of the U.S. All of these actions would require consultation with agencies responsible for coastal area management and the general public. Such actions would require a determination of "coastal zone consistency" by the American Samoa Coastal Zone Management Program.		

U.S. Army Corps of Engineers, Regulatory Branch, www.poh.usace.army.mil/EC-R/EC-R.htm

8.10 Abandonment of structures and other materials.

8.10.1 States should ensure that the standards and guidelines for the removal of redundant offshore structures issued by the International Maritime Organization are followed. States should also ensure that the competent fisheries authorities are consulted prior to decisions being made on the abandonment of structures and other materials by the relevant authorities.

Question format (PacMar Inc. 2006): (a) Are standards and guidelines for the removal of redundant offshore structures issued by the International Maritime Organization (IMO) followed? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of American Samoa's longline fishery do not rely on any offshore structures nor are they impeded by any such structures at this time. However, if such structures are in navigable waters, their presence and possible need for removal are provided for and regulated by the U.S. Coast Guard and U.S. Army Corps of Engineers, in accordance with International Maritime Organization (IMO) guidelines.		

CFR, Title 33, Navigation and Navigable Waters, Part 245.10, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(b) Are competent fisheries authorities consulted prior to decisions being made on the abandonment of structures and other materials by the relevant authorities? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of American Samoa's longline fishery do not rely on any offshore structures or materials. Other pelagic fishing methods may utilize fish aggregation devices deployed by public and private interests or naturally occurring (e.g., floating logs). Any man-made structure placed offshore of American Samoa would be within the "essential fish habitat" (EFH) of some "management unit species" included in fishery management plans of the Western Pacific Fishery Management Council and the National Oceanic and Atmospheric Administration (NOAA) Fisheries would have to be consulted regarding potential EFH impacts. If such structures are in navigable waters, decisions about their abandonment are made by the U.S. Coast Guard[1] with notification through the local Notice to Mariners.[2]		

[1]CFR, Title 33, Navigation and Navigable Waters, Part 64, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 33, Navigation and Navigable Waters, Part 72.01-5, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.11 Artificial reefs and fish aggregation devices (*furthers ecosystem approach to fisheries*, per FAO 2003: 81)

8.11.1 States, where appropriate, should develop policies for increasing stock populations and enhancing fishing opportunities through the use of artificial structures, placed with due regard to the safety of navigation, on or above the seabed or at the surface. Research into the use of such structures, including the impacts on living marine resources and the environment, should be promoted.

Question format (Caddy 1996): Have policies been developed for increasing stock populations and enhancing fishing opportunities through the use of artificial structures, placed with due regard to the safety of navigation? ***Yes...***[1] ***In part...***[½] ***No...***[0)

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of American Samoa's longline fishery do not rely on either artificial reefs or fish aggregation devices (FADs). The American Samoa Department of Marine and Wildlife Resources may deploy and maintain FADs and artificial reefs in coastal waters. These structures enhance coastal fishing opportunities, one of the objectives of American Samoa's Coastal Zone Management Program. The U.S. Coast Guard is responsible for the safety of navigation and any potential hazards posed by artificial structures.		

CFR, Title 33, Navigation and Navigable Waters, Part 64, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

8.11.2 States should ensure that, when selecting the materials to be used in the creation of artificial reefs as well as when selecting the geographical location of such artificial reefs, the provisions of relevant international conventions concerning the environment and safety of navigation are observed.

Question format (Caddy 1996): When selecting the materials to be used in the creation of artificial reefs, as well as when selecting the geographical location of such artificial reefs, have the provisions of relevant international conventions concerning the environment and safety of navigation been observed? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of the American Samoa longline fishery do not rely on artificial reefs. The American Samoa Department of Marine and Wildlife Resources may occasionally create artificial reefs in coastal waters. Selection of sites and materials follows international conventions in that impacts on the environment and safety of navigation are evaluated prior to deployment through analyses required under the National Environmental Policy Act.[1] Installation of artificial reefs typically requires approval of the U.S. Army Corps of Engineers and issuance of a Section 10 permit under the Rivers and Harbors Act of 1899.[2]		

[1]United States Code, Title 40, Chapter 55—National Environmental Policy, 4332

[2]U.S. Army Corps of Engineers, Regulatory Branch, www.poh.usace.army.mil/EC-R/EC-R.htm

8.11.3 States should, within the framework of coastal area management plans, establish management systems for artificial reefs and fish aggregation devices. Such management systems should require approval for the construction and deployment of such reefs and devices and should take into account the interests of fishers, including artisanal and subsistence fishers (*furthers ecosystem approach to fisheries*, per FAO 2003: 81, 82).

Question format (Caddy 1996): (a) Are management systems for artificial reefs and fish aggregation devices established within the framework of coastal area management plans? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of American Samoa's longline fishery do not rely on either artificial reefs or fish aggregation devices (FADs). Management systems for these structures are under the authority of the American Samoa Department of Marine and Wildlife Resources. They enhance coastal fishing opportunities, which is one of the objectives of the American Samoa Coastal Zone Management Program.		

(b) Does the construction and deployment of such reefs and devices take into account the interests of fishers, including artisanal and subsistence fishers? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Open ocean operations of American Samoa's longline fishery do not rely on artificial reefs or fish aggregation devices (FADS), which are usually placed in coastal waters expressly to serve artisanal and subsistence fishers and enhance coastal fishing opportunities.		

8.11.4 States should ensure that the authorities responsible for maintaining cartographic records and charts for the purpose of navigation, as well as relevant environmental authorities, are informed prior to the placement or removal of artificial reefs or fish aggregation devices.

Question format (PacMar Inc. 2006): Are the authorities responsible for maintaining cartographic records and charts for the purpose of navigation, as well as relevant environmental authorities, informed prior to the placement or removal of artificial reefs or fish aggregation devices? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Open ocean operations of American Samoa's longline fishery do not rely on artificial reefs or anchored fish aggregation devices (FADs). When such structures are placed or removed by government agencies, the U.S. Coast Guard (USCG) must be informed and the public notified through the Notice to Mariners.[1] Deployment of private drifting FADS is a common practice by purse seine vessels in much of the tropical Pacific. Applications can be made to the Coast Guard for private FADS, following instructions in a USCG form titled "private aids to navigation."[3] In practice, however, non-longline pelagic fishermen who place private drifting FADS wish their locations to remain unknown to others.	

[1]CFR, Title 33, Navigation and Navigable Waters, Part 72.01-5, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[2]CFR, Title 33, Navigation and Navigable Waters, Part 66, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[3]U.S. Coast Guard, Office of Boating Safety, Private Aids to Navigation Application

Analysis: American Samoa's longline fishery is scored 1/2 for this provision because some non-longline pelagic fishermen place private FADs without informing the U.S. Coast Guard.

Likelihood of improving compliance: Until specific regulations are adopted to control the placement of private FADs in non-longline fisheries, the score for this provision cannot be improved.

Article 10 - Integration of Fisheries into Coastal Area Management

10.1 Institutional framework

10.1.1 States should ensure that an appropriate policy, legal and institutional framework is adopted to achieve the sustainable and integrated use of the resources, taking into account the fragility of coastal ecosystems and the finite nature of their natural resources and the needs of coastal communities.

Question format (Caddy 1996): Has an appropriate policy, legal and institutional framework been adopted in order to achieve sustainable and integrated use of living marine resources, taking into account the fragility of coastal ecosystems and the finite nature of their natural resources and the needs of coastal communities? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery is federally managed. It is influenced by American Samoa Government policies and programs, especially those relating to harbors and piers. American Samoa's Coastal Zone Management Program states objectives and policies to achieve sustainable and multiple use of coastal resources. The American Samoa Department of Marine and Wildlife Resources (DMWR) establishes and enforces regulations controlling marine resource use in coastal areas. Coastal waters extending to 50 nautical miles (nmi) offshore of the American Samoa islands are closed to pelagic fishing by large vessels, primarily to protect interests of small-scale fisheries and coastal communities.		

Regulations for large vessel closed areas in nearshore waters around American Samoa, revised March 15, 2002. http://www.fpir.noaa.gov/SFD/SFD_regs_2.html

10.1.2 In view of the multiple uses of the coastal area, States should ensure that representatives of the fisheries sector and fishing communities are consulted in the decision-making processes and involved in other activities related to coastal area management planning and development.

Question format (Caddy 1996): In view of the multiple uses of the coastal area, are representatives of the fisheries sector and fishing communities consulted in the decision-making processes involved in other activities related to coastal area management planning and development? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The American Samoa Department of Marine and Wildlife Resources (DMWR) represents coastal fisheries and participates in several coastal area management planning and development processes. DMWR's director heads a Territorial and High Seas Advisory Group under a broad-based Ocean Resource Management Process and Plan that advises the governor. DMWR is one of several agencies cooperating in coral reef education and outreach programs and coordinating local action strategies under the Coral Reef Advisory Group, including the American Samoa Department of Commerce (housing the Coastal Zone Management Program and Fagatele Bay National Marine Sanctuary), American Samoa Environmental Protection Agency, the American Samoa Community College and the National Park of American Samoa. The DMWR initiated the community-based fisheries management program in 2000 to assist American Samoa villages in managing and conserving their inshore fishery resources through voluntary co-management with government. The goal is to enhance stewardship of marine resources by village communities and strengthen village enforcement capabilities with the assistance of government. The Western Pacific Fishery Management Council operates an American Samoa Archipelago Regional Ecosystem Advisory Committee that includes Council members and representatives from federal, state and local government agencies; businesses; and non-governmental organizations with responsibility and interest in land-based and non-fishing activities that potentially affect the area's marine environment. Current members represent the American Samoa Departments of Marine and Wildlife Resources (DMWR), Commerce, Public Works, Agriculture, Health, and Parks and Recreation; Office of Samoan Affairs; Environmental Protection Agency; American Samoa Community College's Marine Science, Land Grant and Sea Grant Programs; Coral Reef Advisory Group; Coalition of Reef Lovers; Alofa Lures and Longline Service; Small Business Construction Initiative; the National Marine Fisheries Service; National Weather Service; National Marine Sanctuary Program; National Park Service; and U.S. Coast Guard.		

Western Pacific Fishery Management Council, American Samoa Archipelago, http://www.wpcouncil.org/

10.1.3 States should develop, as appropriate, institutional and legal frameworks in order to determine the possible uses of coastal resources and to govern access to them taking into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development.

Question format (Caddy 1996): Do institutional and legal frameworks regulating the possible uses of coastal resources and their access take into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development? ***Yes...***[1] ***In part...***[½] **No...**[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The legal framework for coastal resource access and use in American Samoa incorporates the rights and traditional practices of American Samoan communities. The Deeds of Cession under which American Samoa became a U.S. territory and the American Samoa Constitution protect the American Samoa culture and way of life. Traditional village leaders in American Samoa have long controlled access to local coastal resources, establishing and enforcing their own fishing regulations and other village rules. This system continues today, with the support of the American Samoa Government, to achieve compatibility with territory-wide sustainable development objectives.		

Levine and Allen. 2009. American Samoa as a fishing community. NOAA Technical Memorandum NMFS-PIFSC-19. Pacific Islands Fisheries Science Center, National Marine Fisheries Service.

10.1.4 States should facilitate the adoption of fisheries practices that avoid conflict among fisheries resources users and between them and other users of the coastal area (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (Caddy 1996): a) Has the adoption of fisheries practices been promoted that avoids conflict:

(a.1) among bottom resource users? ***Yes...***[1] ***In part…***[1/2] ***No...***[0];

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates in open ocean waters too deep for most coastal resource uses. Coastal waters extending to 50 nautical miles (nmi) offshore of the American Samoa islands are closed to pelagic fishing by vessels longer than 50 ft.[1] Trawling is not an allowable gear type in the Exclusive Economic Zone around American Samoa to avoid potential conflicts among users.[2]		

[1]Regulations for large vessel closed areas in nearshore waters around American Samoa, revised March 15, 2002. http://www.fpir.noaa.gov/SFD/SFD_regs_2.html

[2]CFR Title 50, Wildlife and Fisheries, Part 665.64, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

(a.2) between bottom resource users and other users of the coastal area? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Long periods of untreated waste disposal into Pago Pago Harbor by industrial users have compromised water quality and contaminated coastal marine resources once important in subsistence fishing. People continue to shore fish for *atule* (bigeye scad), jacks and other species.	

Analysis: Some marine species harvested in the inner harbor may be contaminated. The last advisory warning against local fish consumption was issued several years ago by the Department of Health. Thus, compliance with this sub-provision is assigned only ½ point.

Likelihood of improving compliance: The score for this sub-provision cannot be improved until marine life harvested from inner Pago Pago Harbor can be safely consumed without risk of contamination.

(b) Have procedures and mechanisms been adopted which help settle these conflicts? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The regional fishery management process (Western Pacific Fishery Management Council) for the Exclusive Economic Zone around American Samoa provides for advisory bodies representing different resource users to help mitigate user conflicts and make recommendations to the Council on fishery management actions.[1] The American Samoa Coastal Zone Management Act requires that federally-permitted activities (including American Samoa's longline fishery) be consistent with the Territory's coastal zone objectives and policies.	

[1]Western Pacific Fisheries Management Council, http://www.wpcouncil.org/about

Analysis: Compliance with this sub-provision is assigned only ½ point because no comprehensive procedures have been adopted to settle conflicts between shore-based activities, such as land development and coastal fishing activities.

Likelihood of improving compliance: The score for this sub-provision cannot be improved until mechanisms have been established to resolve or mitigate a broad range of conflicts between coastal fishing and shore-based development activities.

10.1.5 States should promote the establishment of procedures and mechanisms at the appropriate administrative level to settle conflicts which arise within the fisheries sector and between fisheries resource users and other users of the coastal area (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (Caddy 1996): Have procedures and mechanisms been established at the appropriate administrative level to settle conflicts which arise within the fisheries sector and between fisheries resource users and other users of the coastal area? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The regional fishery management process (Western Pacific Fishery Management Council) provides for advisory bodies representing different resource users to help mitigate user conflicts and make recommendations to the Council for fishery management actions.[1] The Magnuson-Stevens Fishery Conservation and Management Act provides for a consultation process by the National Oceanic and Atmospheric Administration (NOAA) Fisheries on federal actions with potential to degrade essential fish habitat of federally-managed species.[2] The Coastal Zone Management Program requires that federally-permitted activities (including American Samoa's longline fishery) be consistent with state coastal zone objectives and policies.		

[1]Western Pacific Fisheries Management Council (WPFMC) website http://www.wpcouncil.org/about

[2]Magnuson-Stevens Fishery Conservation and Management Act (MSA), Title III – National Fishery Management Program, Section 305

10.2 Policy measures

10.2.1 States should promote the creation of public awareness of the need for the protection and management of coastal resources and the participation in the management process by those affected.

Question format (Caddy 1996): Is public awareness being created on the need for the protection and management of coastal resources and the participation in the management process by those affected? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council[1], National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fishery Science Center[2] and American Samoa Department of Marine and Wildlife Resources are active in public education and outreach, especially promoting sustainable fisheries and conservation of protected species and coral reef ecosystems. Enhancing awareness and compliance with fishery regulations in emphasized in the fishery "local action strategy" of the American Samoa Government.		

[1]Western Pacific Fishery Management Council, Education Corner, http://www.wpcouncil.org

[2]National Marine Fisheries Service (NMFS) Pacific Islands Fishery Science Center (PIFSC), Community Outreach and Education website http://www.nmfs.hawaii.edu/outreach/

10.2.2 In order to assist decision-making on the allocation and use of coastal resources, States should promote the assessment of their respective value taking into account economic, social and cultural factors.

Question format (Caddy 1996): Has an attempt been made to assess the economic, social and cultural value of coastal resources in order to assist decision-making on their allocation and use?

(a) economic ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Reefs are a predominant feature of American Samoa's coastal environment. The economic value of American Samoa's coral reefs has been estimated but this assessment is not widely used in resource allocation and use decisions by the American Samoa Government.	

Jacobs et al. 2004. Economic valuation of coral reefs and adjacent habitats in American Samoa.

Analysis: This sub-provision was assigned only ½ point because economic assessments used to assist decision-making on coastal resource allocation and use in American Samoa are generally incomplete (e.g., no environmental impact analysis of mountain-to-sea effects of upland development on coastal resources).

Likelihood of improving compliance: The score for this sub-provision could be improved if economic assessments of upland development in American Samoa considered cumulative mountain-to-sea effects on coastal resources and user groups.

(b) social and cultural ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	Reefs are a predominant feature of American Samoa's coastal environment. The social and cultural value of American Samoa coral reefs has been assessed. The role of fish in maintaining traditional and contemporary American Samoa culture and society is well studied.	

Levine and Allen. 2009. American Samoa as a fishing community. NOAA Technical Memorandum NMFS-PIFSC-19. Pacific Islands Fisheries Science Center, National Marine Fisheries Service.

Analysis: This sub-provision was assigned only ½ point because social and cultural assessments used to assist decision-making on coastal resource allocation and use in American Samoa are generally incomplete (e.g., lacking analysis of cumulative effects of upland development on coastal communities and traditional gathering rights).

Likelihood of improving compliance: The score for this sub-provision could be improved if social-cultural assessments of upland development considered cumulative mountain-to-sea effects on coastal resources and user groups.

10.2.3 In setting policies for the management of coastal areas, States should take due account of the risks and uncertainties involved (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question form (Caddy 1996): Have risks and uncertainties involved in the management of coastal areas been taken into account in setting policies for the management of coastal areas? ***Yes...***[1] ***In part…***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Adaptive management approaches that allow for risks and uncertainties are being incorporated into the Western Pacific Fishery Management Council (Council) fishery ecosystem plan for the American Samoa Archipelago.[1] In addition, "essential fish habitat" is defined conservatively by the Council because of uncertainties about certain life phases of federally-managed marine species.[2]		

[1]Western Pacific Fishery Management Council, Fishery Ecosystem Plan for the American Samoa Archipelago, http://www.wpcouncil.org/AmericanSamoa.htm

[2]Western Pacific Fishery Management Council (WPFMC), Magnuson-Stevens Act Definitions and Required Provisions, Amendment 8 to the Pelagics Fishery Management Plan http://www.wpcouncil.org/documents/magnuson.pdf

10.2.4 States, in accordance with their capacities, should establish or promote the establishment of systems to monitor the coastal environment as part of the coastal management process using physical, chemical, biological, economic and social parameters (*furthers ecosystem approach to fisheries*, per FAO 2003: 80, 81, 82).

Question format (Caddy 1996): In accordance with capacities, have measures been taken to establish or promote the establishment of systems to monitor the coastal environment as part of the coastal management process using physical, chemical, biological, economic and social parameters? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The American Samoa Department of Marine and Wildlife Resources (DMWR) coordinates with the Western Pacific Fisheries Information Network (WPacFIN) managed by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) to assemble and analyze coastal and offshore fisheries information. Fisheries data are collected through longline logbooks, boat-based creel surveys, commercial purchase systems and a shore-based creel survey. [1] DMWR also monitors the status of nearshore fish and marine habitats through the collection of fishery independent data. These efforts are supplemented by surveys conducted every other year by PIFSC's Coral Reef Ecosystem Division.[2] Physical parameters are routinely monitored by the Pacific Tsunami Warning Center (tsunami) [3], National Data Buoy Center (oceanographic data) [4], National Weather Service (satellite imagery and other climate data) [5], University of Hawaii Sea Level Center (sea level data) [6] and National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center Ocean Watch. [7] The Hawaii-Pacific Regional Ocean Observing System[8] is an umbrella organization that provides physical and biochemical observations from several monitoring programs (Hawaii Ocean Time-series Program, National Data Buoy Center Moored Buoys and C-MAN Stations, National Water Level Observation Network, U.S. Army Corps of Engineers Wave Data Sites[9], and U.S. Geological Survey Stream Gauge Network.		

[1]Western Pacific Fisheries Information Network, Fisheries Monitoring and Socioeconomics Division, Pacific Islands Fisheries Science Center, www.nmfs.hawaii.edu

[2]Coral Reef Ecosystem, Coral reef ecosystem monitoring report for American Samoa (2002-2006), Pacific Islands Fisheries Science Center, www.nmfs.hawaii.edu

[3]NOAA Pacific Tsunami Warning Center website http://www.prh.noaa.gov/ptwc/

[4]NOAA National Data Buoy Center website http://www.ndbc.noaa.gov/maps/Hawaii.shtml

[5]NOAA National Weather Service website http://www.weather.gov/ha_sat_tab.php

[6]University of Hawaii Sea Level Center website http://uhslc.soest.hawaii.edu/

[7]NOAA Oceanwatch website map http://oceanwatch.pifsc.noaa.gov

[8]NOAA Coastal Services Center website, Hawaii-Pacific Regional Ocean Observing System http://www.soest.hawaii.edu/pacioos/

[9]NOAA Coastal Services Center website, U.S. Army Corps of Engineers (USACOE) Wave Data Sites http://sandbar.wes.army.mil/public_html/pmab2web/htdocs/dataport.html

10.2.5 States should promote multi-disciplinary research in support of coastal area management, in particular on its environmental, biological, economic, social, legal and institutional aspects.

Question format (Caddy 1996): Has multi-disciplinary research in support of coastal area management been promoted on

(a) environmental and biological aspects? ***Yes...***[1**]** ***In part…*** [1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The University of Hawaii Sea Grant Program promotes multi-disciplinary research on biological and environmental aspects of coastal zone management. The UH Sea Grant agent in American Samoa is housed at the American Samoa Community College and is focused on marine education, aquaculture and serves on the Coral Reef Advisory Task Force along with representatives from the American Samoa Department of Marine and Wildlife Resources, NOAA Fagatele Bay Sanctuary and the U.S. National Parks.		

University of Hawaii School of Ocean and Earth Science and Technology, Sea Grant College Program website http://www.soest.hawaii.edu/seagrant/research/research.php and personal communication with UH Sea Grant Extension leader Darren Okimoto on September 15, 2009.

(b) economic and social aspects? ***Yes...***[1] ***In part…*** [1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Multi-disciplinary research on the economic and social value of American Samoa coral reefs has been conducted.		

Levine and Allen. 2009. American Samoa as a fishing community. NOAA Technical Memorandum NMFS-PIFSC-19. Pacific Islands Fisheries Science Center. National Marine Fisheries Service.

(c) legal and institutional aspects? ***Yes...***[1] ***In part…*** [1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The University of Hawaii Sea Grant promotes multi-disciplinary research on legal and institutional aspects of coastal zone management. The UH Sea Grant agent in American Samoa is housed at the American Samoa Community College and is focused on marine education, aquaculture and serves on the Coral Reef Advisory Task Force along with representatives from the American Samoa Department of Marine and Wildlife Resources, NOAA Fagatele Bay Sanctuary and the U.S. National Parks.		

University of Hawaii School of Ocean and Earth Science and Technology, Sea Grant College Program website http://www.soest.hawaii.edu/seagrant/research/research.php and personal communication with UH Sea Grant Extension leader Darren Okimoto on September 15, 2009.

10.3 Regional cooperation

10.3.1 States with neighbouring coastal areas should cooperate with one another to facilitate the sustainable use of coastal resources and the conservation of the environment.

Question format (Caddy 1996): Do States with neighbouring coastal areas cooperate with one another in:

(a) the sustainable use of resources? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa and the neighboring nation of Samoa are creating a "Two Samoas Marine Stewardship Learning Exchange" to plan cooperative efforts in data collection, marine protected area designation and other fisheries programs. The U.S. cooperates in some multi-national initiatives to facilitate sustainable use of coastal resources. For example, the U.S. Department of State, National Oceanic and Atmospheric Administration (NOAA) and U.S. Agency for International Development successfully led an effort with the Asia Pacific Economic Forum to adopt a resolution addressing destructive fishing and the use of cyanide in the live reef fish trade. The International Marine Life Alliance was sponsored in efforts to reform live reef species trade in Indonesia, Vietnam, Vanuatu and Hong Kong.		

Pacific Island Nations: Current Issues and U.S. Interests, Ambassador Mary Beth West, Deputy Assistant Secretary of State for Oceans and Fisheries**,** Statement before the Subcommittee on East Asia and the Pacific, Committee on International Relations, House of Representatives Washington, DC, July 23, 2002

(b) the conservation of the environment? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council, National Oceanic and Atmospheric Administration (NOAA) Fisheries and National Marine Sanctuary Program, University of Hawaii Sea Grant and U.S. Department of State were among the sponsors and participants in the international seminar among Asia-Pacific Economic Cooperation (APEC) partners on "Derelict Fishing Gear and Related Marine Debris."		

10.3.2 In the case of activities that may have an adverse transboundary environmental effect on coastal areas, States should:

a. provide timely information and, if possible, prior notification to potentially affected States; and
b. consult with those States as early as possible.

Question format (PacMar Inc. 2006): Are potentially affected States consulted and notified as early as possible and provided with timely information on potential adverse transboundary environmental effects on coastal areas? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Timely information on potential adverse transboundary environmental effects is available for El Nino forecasting[1], sea level rise[2], and tsunami warning.[3] The U.S. Army and U.S. Air Force use Environmental Compliance Assessment manuals in maintaining compliance with environmental laws and regulations at U.S. military installations overseas.[4]		

[1]NOAA CIRES, Climate Diagnostics Center, El Nino/Southern Oscillation (ENSO) website http://www.cdc.noaa.gov/ENSO/

[2]University of Hawaii Sea Level Center website http://uhslc.soest.hawaii.edu/

[3]NOAA Pacific Tsunami Warning Center website http://www.prh.noaa.gov/ptwc/

[4]U.S. Army Corps of Engineers, Engineer Research and Development Center (ERDC), Environmental Compliance Assessment Manuals for Overseas Installations
http://www.erdc.usace.army.mil/pls/erdcpub/WWW_WELCOME.NAVIGATION_PAGE?tmp_next_page=5416&tmp_Main_Topic=51587

10.3.3 States should cooperate at the subregional and regional level to improve coastal area management.

Question format (PacMar Inc. 2006): Is there cooperation at the subregional and regional level to improve coastal area management?
Yes...[1]***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa and the neighboring nation of Samoa are creating a "Two Samoas Marine Stewardship Learning Exchange" to plan cooperative efforts in data collection, marine protected area designation and other fisheries programs. The U.S. is a member of the Secretariat of the Pacific Regional Environment Programme (SPREP), the primary regional organization concerned with environmental management in the Pacific. The current action plan (2005-2009) identifies natural resources management, pollution prevention, climate change and variability, sea level rise and stratospheric ozone depletion, along with issues raised in the SPREP Convention, a number of other cross-cutting issues, as the broad focus for assistance in the region. SPREP coordinates the development of regional strategies for implementation of global agreements, including the Framework Convention on Climate Change, the Global Program of Action for the Protection of the Marine Environment and the International Coral Reef Initiative[1] The United Nations Regional Seas Programme (RSP) provides a globally coordinated, region-wide mechanism to implement all relevant global environmental conventions and agreements, using the deliberations and results of the World Summit on Sustainable Development as its blueprint. RSP has cooperated with SPREP and the Western Pacific Fishery Management Council on the issue of mangrove responses to sea level and climate change.[2] A Turtle Research Database System (TREDS) was launched in 2006 in a joint initiative between the Secretariat of the Pacific Regional Environment Program (SPREP), Secretariat of the Pacific Community (SPC), Queensland Parks Authority, Southeast Asian Fisheries Development Center (SEAFDEC), National Marine Fisheries Service – Pacific Islands Fishery Science Center (PIFSC) and the WPFMC. Together, these agencies will manage and consolidate turtle research data for their 31 member countries in the Pacific Ocean. TREDS can store data on tags, nesting beach and foraging ground monitoring data, clutch and hatchling information and biological sampling (such as genetic data).[3] The U.S. Agency for International Development (USAID) supports coastal zone management-related programs in the Pacific islands through non-governmental organizations. USAID and the U.S. Peace Corps have initiated the Partnership in Integrated Coastal Management in the Pacific to use local and U.S. expertise to build the capacity of Pacific island states to manage coastal resources.[4]		

[1]South Pacific Regional Environment Programme (SPREP), http://www.sidsnet.org/pacific/sprep/whatsprep_.htm

[2]Western Pacific Fishery Management Council (WPFMC) website, Climate Change Threat to Pacific Ocean Mangroves

[3]Western Pacific Fishery Management Council (WPFMC) website, Turtle Research Database System (TREDS)

[4]Pacific Island Nations: Current Issues and U.S. Interests, Ambassador Mary Beth West, Deputy Assistant Secretary of State for Oceans and Fisheries**,** Statement before the Subcommittee on East Asia and the Pacific, Committee on International Relations, House of Representatives Washington, DC, July 23, 2002

10.4 Implementation

10.4.1 States should establish mechanisms for cooperation and coordination among national authorities involved in planning, development, conservation and management of coastal areas.

Question format (PacMar Inc. 2006): Are mechanisms established for cooperation and coordination among national authorities involved in planning, development, conservation and management of coastal areas?

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a member of the Secretariat of the Pacific Regional Environment Programme (SPREP), the primary regional organization concerned with environmental management in the Pacific.[1] The Western Pacific Fishery Management Council (WPFMC) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries cooperate in some SPREP programs. The WPFMC and NOAA Fisheries Pacific Islands Fisheries Science Center collaborate in a few activities of the Coastal Fisheries Programme operated by the Secretariat of the Pacific Community (SPC). This program provides a mechanism for cooperation in planning, development, conservation and management of coastal fisheries among Pacific island nations. The Programme is charged with the implementation of an ecosystem approach to fisheries by 2010.[2] Regional and international financial assistance and technical consultation are available for planning, development, conservation and management of coastal areas.[3,4,5,6]		

[1]South Pacific Regional Environment Programme (SPREP), http://www.sidsnet.org/pacific/sprep/whatsprep_.htm

[2]Secretariat of the Pacific Community (SPC) Coastal Fisheries Programme website http://www.spc.int/coastfish/

[3]Asian Development Bank (ADB) website http://www.adb.org/About/default.asp

[4]World Bank website, http://www.worldbank.org/about

[5]United Nations Development Programme website http://www.undp.org/about/

[6]United Nations Environment Programme website http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=43

10.4.2 States should ensure that the authority or authorities representing the fisheries sector in the coastal management process have the appropriate technical capacities and financial resources.

Question format (PacMar Inc. 2006): Do authorities representing the fisheries sector in the coastal management process have the appropriate technical capacities and financial resources?

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The American Samoa Department of Marine and Wildlife Resources (DMWR) represents fisheries in American Samoa's coastal zone management process. Coastal fisheries enforcement efforts are severely limited, however. The enforcement staff operates only one patrol boat with limited funds for patrolling offshore of Tutuila and no means to patrol the more remote Manu`a islands, Rose or Swains Islands. Technical and financial assistance is available from various federal agencies.[1,2,3,4]	

[1]National Marine Fisheries Service (NMFS) Pacific Islands Fisheries Science Center (PIFSC) website http://www.pifsc.noaa.gov/pifsc.php

[2]National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) website http://www.fpir.noaa.gov/

[3]Western Pacific Regional Fisheries Management Council (WPRFMC) website http://www.wpcouncil.org/about

[4]U.S. Fish and Wildlife, Coastal Conservation Programs website http://www.fws.gov/coastal

Analysis: This provision was assigned only ½ point because the fisheries enforcement arm of the DMWR is severely underfunded and understaffed to enforce existing regulations for coastal resources, let alone any new regulations.

Likelihood of improving compliance: The score for this provision could increase if enforcement of regulations for coastal resources is given a higher priority and greater funding by the Territory.

Article 11 - Post-Harvest Practices and Trade

11.1 Responsible fish utilization

11.1.1 States should adopt appropriate measures to ensure the right of consumers to safe, wholesome and unadulterated fish and fishery products.

Question format (PacMar Inc. 2006): Has the State adopted measures to ensure the right of consumers to safe, wholesome and unadulterated fishery products? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
All food supplied to the U.S. market, including American Samoa longline fishery products, must meet standards in Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1. Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 110 - Current Good Manufacturing Practices (cGMPs) in manufacturing, packing and holding human food.[1] All seafood suppliers to the U.S. market must comply with the U.S. Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1, Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 123 – Fish and Fishery Products (aka the U.S. Food and Drug Administration (FDA) Seafood Hazard Analysis Critical Control Point, or HACCP Regulation).[2]		

[1]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 110
http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110

[2]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 123
http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=123

11.1.2 States should establish and maintain effective national safety and quality assurance systems to protect consumer health and prevent commercial fraud (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): Has the State established and maintained effective national safety and quality assurance systems to protect consumer health and prevent commercial fraud? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
All food supplied to the U.S. market, including American Samoa longline fishery products, must meet standards to ensure that food is safe and free from adulteration. American Samoa seafood processors must comply with the Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1. Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 110 - Current Good Manufacturing Practices (cGMPs) in manufacturing, packing and holding human food.[1] All seafood suppliers to the U.S. market must implement seafood safety control measures to ensure that the seafood is safe. American Samoa seafood processors must comply with the U.S. Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1. Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 123 – Fish and Fishery Products (aka the U.S. Food and Drug Administration (FDA) Seafood Hazard Analysis Critical Control Point, or HACCP Regulation).[2] The U.S. Seafood Hazard Analysis Critical Control Point (HACCP) regulation (hazard analysis critical control point) requires that first receivers and processors establish and implement HACCP plans to ensure safety of all fishery products they handle, including any products of American Samoa's longline fishery. Consumer fraud is one aspect but not a priority of these two regulations. Consumer fraud is addressed through the Food, Drug and Cosmetic Act. Mislabeling or misnaming of marine species is prohibited [3]		

[1]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 110
http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110

[2]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 123
http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=123

[3]U.S. Food and Drug Administration (FDA), Federal Food, Drug and Cosmetic Act, Chapter III – Prohibited Acts and Penalties
http://www.fda.gov/opacom/laws/fdcact/fdcact3.htm

11.1.3 States should set minimum standards for safety and quality assurance and make sure that these standards are effectively applied throughout the industry. They should promote the implementation of quality standards agreed within the context of the FAO/WHO Codex Alimentarius Commission and other relevant organizations or arrangements.

Question format (PacMar Inc. 2006): Has the State

a) set minimum standards for food safety and quality assurance? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Food and Drug Administration (FDA) requires that seafood be processed under good manufacturing practices that set standards.[1] The FDA Seafood Hazards guide suggests minimum standards for "critical control points" in the Hazard Analysis Critical Control Point (HACCP) system for specific seafood products (including those of American Samoa's longline fishery) and processes.[2] The FDA has established a set of defect action limits (DALs) that serve as minimum standards for pathogens, indicator organisms (E coli, fecal coliforms), chemical contaminants, metals, aquaculture drugs, marine biotoxins, and foreign objects allowable in seafood.[3]		

[1]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 110 http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110

[2]U.S. Food and Drug Administration (FDA), Center for Devices and Radiological Health (CDRH) website, Title 21 CFR 123 http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=123

[3]U.S. Food and Drug Administration (FDA) Center for Food Safety and Applied Nutrition (CFSAN), Fish and Fisheries Products Hazards and Controls Guidance, *Third Edition* June 2001 http://www.cfsan.fda.gov/~comm/haccp4.html

b) Are these standards effectively applied? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. Food and Drug Administration (FDA) annually inspects first receivers and processors of seafood in the U.S. to ensure that Hazard Analysis Critical Control Point (HACCP) systems are properly implemented for fishery products, including those of American Samoa's longline fishery. The American Samoa Department of Health conducts regular inspections of retailers in the Territory who market fishery products, including those of American Samoa's longline fishery, to ensure that minimum sanitation requirements are met.		

U.S. Food and Drug Administration (FDA) Center for Food Safety and Applied Nutrition (CFSAN), Guidance for Industry: Refusal of Inspection or Access to HACCP Records Pertaining to the Safe and Sanitary Processing of Fish and Fishery Products http://www.cfsan.fda.gov/~comm/seaguid3.html

c) Are these standards implemented within the context of FAO/WHO Codex and other relevant international organizations or arrangements? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Seafood Hazard Analysis Critical Control Point (HACCP) system implemented by the U.S. Food and Drug Administration (FDA)[1] is based on standards that consider seafood safety hazards and are science-based. This is consistent with CODEX and other international arrangements. A Code of Practice for Fish and Fishery Products[2] has been developed by the CODEX Committee on Fish and Fishery Products which provides guidance on how to implement HACCP based control systems for seafood. Efforts and progress have been made to bring the FDA Seafood HACCP and the CODEX approach to seafood HACCP into alignment. Originally, they differed in that FDA HACCP focused on only seafood safety issues, while the CODEX approach included controls for quality, labeling and consumer fraud. These controls are now voluntary under CODEX and addressed through Defect Action Plans separate from HACCP Plans.[2]		

[1]U.S. Food and Drug Administration (FDA) Center for Food Safety and Applied Nutrition (CFSAN), Fish and Fisheries Products Hazards and Controls Guidance, *Third Edition* June 2001 http://www.cfsan.fda.gov/~comm/haccp4.html

[2]Codex Alimentarius and Recommended International Code of Practice for Fish and Fishery Products http://www.codexalimentarius.net/download/standards/10273/CXP_052e.pdf

11.1.4 States should cooperate to achieve harmonization, or mutual recognition, or both, of national sanitary measures and certification programmes as appropriate and explore possibilities for the establishment of mutually recognized control and certification agencies.

Question format (PacMar Inc. 2006): Are States cooperating and exploring possibilities to achieve harmonization or mutual recognition of national sanitary measures and certification programmes? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Efforts and progress have been made to bring the U.S. Food and Drug Administration (FDA) Seafood Hazard Analysis Critical Control Point (HACCP) approach and the CODEX approach to seafood HACCP into alignment. Originally, they differed in that FDA HACCP focused on only seafood safety issues, while the Codex approach included controls for quality, labeling and consumer fraud. These are now voluntary under Codex and addressed through Defect Action Plans separate from HACCP Plans Although for pelagic seafood products there are no MOUs (memorandum of understanding) currently between the U.S. and other countries recognizing the equivalence of seafood HACCP regulations, efforts to establish MOU are being made by several countries including Chile, New Zealand, Australia and Canada.[1] The U.S. is included in the list of fully harmonized countries for imports into the European Union (EU) of fishery products (Commission Decision 2006/200/EC). Imports into the EU are subject to official certification based on the EU's recognition of the exporting country's competent authority. In the U.S., both the FDA and the National Oceanic and Atmospheric Administration (National Marine Fisheries Service) have the authority to issue health certificates for seafood exports to the EU.[2] The U.S. continues to seek harmonization of sanitary measures and Hazard Analysis Critical Control Point (HACCP) requirements with those of other nations.[3]		

[1]Codex Alimentarius and Recommended International Code of Practice for Fish and Fishery Products http://www.codexalimentarius.net/download/standards/10273/CXP_052e.pdf

[2]Foreign Agricultural Service U.S. Mission to the European Union http://useu.usmission.gov/agri/seafood2.html

[3]FDA CFSAN, FDA's Evaluation of the Seafood HACCP Program for Fiscal Years 2002/2003 http://www.cfsan.fda.gov/~comm/seaeval3.html

11.1.5 States should give due consideration to the economic and social role of the post-harvest fisheries sector when formulating national policies for the sustainable development and utilization of fishery resources.

Question form (PacMar Inc. 2006): Does the State consider the economic and social role of the post-harvest fisheries sector when formulating national fisheries policies? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery operates under a Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to "national standards" of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), including consideration of economic and social factors in the harvest and post-harvest sectors when evaluating alternative conservation and management measures.[2] These factors are also considered in environment impact analyses required by the National Environmental Protection Act (NEPA) for federal actions, including management actions affecting American Samoa's longline fishery.[3] The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), requires government agencies to assess the impact of their regulatory actions on small entities, including small companies, small organizations, and small governmental jurisdictions. The assessment is done via the preparation of Regulatory Flexibility Analyses.[4] Executive Order (EO) 12866, "Regulatory Planning and Review," requires that the National Marine Fisheries Service (NMFS) complete a Regulatory Impact Review (RIR) for all regulatory actions that are of public interest. The review provides an overview of the problem, policy objectives, and anticipated impacts of the action, and ensures that management alternatives are systematically and comprehensively evaluated so that the public welfare can be enhanced in the most efficient and cost-effective way. In accordance with EO 12866, the following is set forth: (1) this rule is not likely to have an annual effect on the economy of more $100 million or to adversely affect in a material way the economy, a sector of the economy, productivity, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) this rule is not likely to create any serious inconsistencies or otherwise interfere with any action taken or planned by another agency; (3) this rule is not likely to materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; (4) this rule is not likely to raise novel or policy issues arising out of legal mandates, or the principles set forth in the Executive Order; and (5) this rule is not controversial.[5]		

[1]Western Pacific Fishery Management Council, FEP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]Magnuson-Stevens Fishery Conservation and Management Act (MSA), sec. 303 http://www.nmfs.noaa.gov/sfa

[3]CFR, Title 40, Protection of Environment, Part 6.203, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

[4]The National Archives, Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), www.archives.gov/federal-register/laws/regulatory-flexibility

[5]U.S. Small Business Administration, Executive Order 12866, http://www.sba.gov/advo/laws/sum_eo.html

11.1.6 States and relevant organizations should sponsor research in fish technology and quality assurance and support projects to improve post-harvest handling of fish, taking into account the economic, social, environmental and nutritional impact of such projects.

Question format (PacMar Inc. 2006): Is research sponsored in fish technology and quality assurance to improve post-harvest handling of fish, taking into account the impacts of such projects? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Research has been sponsored by the National Oceanic and Atmospheric Administration (NOAA) Fisheries to document time-temperature history of Hawaii longline fishery products from capture through post-harvest handling and the relationship to decomposition and histamine (scombrotoxin) formation. This provides science-based information to improve handling and quality assurance in American Samoa's longline fishery as well as in Hawaii longline fisheries.. The economic, social, environmental and nutritional impacts of this research have not been formerly assessed but the benefits of higher quality fishery products, better market prices and less waste of fish catch that result from application of this research are apparent.		

Kaneko, John. 2000. Development of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry. A report pursuant to NOAA Award NA86FD0067. PacMar Inc., Honolulu, Hawaii. p. 48. http://www.nmfs.noaa.gov/mb/sk/saltonstallken/haacp.htm

Kaneko, J. J., J W Bell and D. R. Hawn. 2004 Verification of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry. A report pursuant to NOAA Award NA16FD2472. PacMar Inc., Honolulu Hawaii. p. 47.

11.1.7 States, noting the existence of different production methods, should through cooperation and by facilitating the development and transfer of appropriate technologies, ensure that processing, transporting and storage methods are environmentally sound (*furthers ecosystem approach to fisheries*, per FAO 2003: 81).

Question format (PacMar Inc. 2006): Does the State ensure that post-harvest processing, transporting and storage methods for fish are environmentally sound? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Adverse impacts on air, water quality and environmental quality by post-harvest methods of processing, transporting and storing American Samoa longline (and other domestic) fishery products are minimized under regulations of the U.S. Environmental Protection Agency (EPA), enforced in cooperation with the American Samoa Environmental Protection Agency. Untreated solid and liquid waste streams from fish processing are not allowed to be added to the government sewer system.		

U.S. Environmental Protection Agency, Compliance and Enforcement website http://www.epa.gov/ebtpages/complianceenforcement.html

11.1.8 States should encourage those involved in fish processing, distribution and marketing to:

a. reduce post-harvest losses and waste;
b. improve the use of by-catch to the extent that this is consistent with responsible fisheries management practices; and
c. use the resources, especially water and energy, in particular wood, in an environmentally sound manner.

Question format (PacMar Inc. 2006): Does the State encourage companies involved in fish processing, distribution and marketing to:

a) reduce post-harvest losses and waste? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Two pilot projects have been funded through the Western Pacific Community Demonstration Project Program to demonstrate processing and marketing of non-target fish species that are presently discarded in American Samoa's longline fishery to reduce post-harvest losses and waste.		

Community Development Projects, Western Pacific Community Demonstration Project Program, www.wpcouncil.org/

b) improve the use of by-catch to the extent that this is consistent with responsible fisheries management practices? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Two pilot projects have been funded through the Western Pacific Community Demonstration Project Program to improve the use of bycatch through value-added processing and diversification of markets. This is consistent with the Fishery Ecosystem Plan for pelagic fisheries of the western Pacific region and the national standard of the Magnuson-Stevens Fishery Conservation and Management Act that require bycatch in Federally managed fisheries to be minimized. This is consistent with responsible fisheries management practices.		

Community Development Projects, Western Pacific Community Demonstration Project Program, www.wpcouncil.org/

c) use water and energy resources, particularly wood, in an environmentally sound manner? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Freshwater is used during post-harvest processing, handling and distribution of American Samoa longline fishery products, primarily for cleaning. Freshwater is also used to manufacture ice so that products of American Samoa's longline (and other) fisheries are properly chilled during post-harvesting handling, marketing and distribution. Untreated solid and liquid waste streams from fish processing are not allowed to be added to the government sewer system. Liquid waste from fish processing at American Samoa's cannery is discharged through an outfall offshore of Pago Pago Harbor in conformance with conditions of a NPDES permit issued by the U.S. Environmental Protection Agency. Solid waste from the cannery is barged to an approved offshore site for disposal. Electric power is generated by plants that are required to conform to U.S. government regulations for air quality. No wood is used for fuel during post-harvest processing, marketing or distribution but plastic tubs of fish are sometimes transported on wooden pallets.		

U.S. Department of Energy, Clean Air, Soil and Water website http://www.energy.gov/environment/cleanairesoil.htm

11.1.9 States should encourage the use of fish for human consumption and promote consumption of fish whenever appropriate.

Question format (PacMar Inc. 2006): Does the State encourage and promote human consumption of fish? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Most American Samoa longline fishery products are consumed by humans as canned, fresh or frozen fish. . The Seafood & Health Conference sponsored by the National Oceanic and Atmospheric Administration (NOAA) Fisheries in 2005 promoted the health benefits of consuming tuna and other species that are high in omega-3 fatty acids. Some of the byproducts of canning albacore tuna in American Samoa are rendered into fish meal.		

2005 Seafood and Health Conference, Washington, D.C., http://www.seafoodandhealth.org/index.php?section=13

11.1.10 States should cooperate in order to facilitate the production of value-added products by developing countries.

Question format (PacMar Inc. 2006): Is the State cooperating to facilitate production of value-added seafood products by developing countries. ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council has completed a study of "Fishery and Seafood Marketing Development Potentials for American Samoa." The U.S. Agency for International Development has supported pilot projects to promote development of value-added tuna products in some Pacific island countries.		

TEC Inc. 2007. Review of the fishery and seafood marketing development potentials for American Samoa. Prepared for Western Pacific Regional Fishery Management Council. Honolulu.

11.1.11 States should ensure that international and domestic trade in fish and fishery products accords with sound conservation and management practices through improving the identification of the origin of fish and fishery products traded.

Question format (Caddy 1996): Is international and domestic trade in fish and fishery products in accord with sound conservation and management practices through the identification of the origin of fish and fish products traded? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Under the U.S. Department of Agriculture Country of Origin Labeling (COOL) regulations,[1] all fishery products retailed in the U.S. are required to be labeled by country of origin and harvest method ("wild" versus "cultured").[2]		

[1]United States Department of Agriculture (USDA) Agricultural Marketing Service (AMS) Country of Origin Labeling website http://www.ams.usda.gov/cool/

[2]CFR, Title 7, Agriculture, Part 60.200, http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

11.1.12 States should ensure that environmental effects of post- harvest activities are considered in the development of related laws, regulations and policies without creating any market distortions.

Question format (PacMar Inc. 2006): Does the State ensure that environmental effects of post-harvest activities are considered in the development of laws, regulations and policies, without creating any market distortions? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Environmental effects of post-harvest activities for products of American Samoa's longline fishery are considered in environmental impact analyses required by the National Environmental Protection Act (NEPA) for federal actions, including fishery management and development actions. The environmental effects of post-harvest activities for equivalent foreign products may be considered in NEPA-required "cumulative impacts" analyses but the U.S. does not impose domestic environmental standards on foreign exporters of pelagic fish, so any market distortions would favor foreign over domestic pelagic fish processors.		

NOAA Fisheries, Pacific Islands Regional Office (PIRO), Western Pacific Pelagic Fisheries EIS, Chapter 4
http://www.fpir.noaa.gov/Library/PUBDOCs/environmental_impact_statements/FEIS_Wstrn_Pcf_Plgc_Fshrs/feis_wstrn_pcf_plgc_fshrs.html

11.2 Responsible international trade

11.2.1 The provisions of this Code should be interpreted and applied in accordance with the principles, rights and obligations established in the World Trade Organization (WTO) Agreement.

Question format (PacMar Inc. 2006): Are provisions of the Code being interpreted in accordance with principles, rights and obligations established in WTO trade agreements? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. does not impose tariff or non-tariff trade barriers on pelagic longline fisheries products imported fresh or frozen from foreign countries. Tuna products canned or pouched entering the U.S. market after processing in American Samoa are exempt from tariff duties levied on foreign exporters of the same products. Trends in world trade however, specifically reductions in tariffs, are lessening the importance of American Samoa's duty free access to the U.S. market. This complies with the principles, rights and obligations established in WTO trade agreements for promoting trade without discrimination.		

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

11.2.2 International trade in fish and fishery products should not compromise the sustainable development of fisheries and responsible utilization of living aquatic resources.

Question format (PacMar Inc. 2006): Is international trade in fishery products compromising responsible fishing and sustainable development of fisheries? ***Yes...***[0] ***In Part...***[1/2] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The U.S. does not impose tariff or non-tariff trade barriers on pelagic longline products imported fresh or frozen from foreign countries.[1] Federal regulations set quotas for annual sea turtle interactions in Hawaii longline fisheries but there are no equivalent controls for foreign fisheries that export longline products to the U.S. (often to replace Hawaii products restricted when the domestic fishery reaches turtle quotas).[2,3] Gear restrictions have been proposed for American Samoa's longline fishery to reduce interactions with green sea turtles with no equivalent measures required for longliners of other flags that impact the same South Pacific turtle population. [4]	

[1]United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

[2]National Oceanic and Atmospheric Administration (NOAA) Fisheries, Pacific Islands Regional Office, http://www.fpir.noaa.gov?DIR/dir_public_documents.html, Final Environmental Impact Statement: Western Pacific Pelagic Fisheries (March 2001)

[3]Bartram, Paul K. and John J. Kaneko. Catch to bycatch ratios: Comparing Hawaii's longline fishery with others. *SOEST Publication 04-05, JIMAR Contribution 04-352*, 40 pp. http://www.soest.hawaii.edu/PFRP/soest_jimar_rpts/bartram_kaneko_bycatch_rpt.pdf

[4]Western Pacific Fishery Management Council. Draft Amendment 18 to the Fishery Ecosystem Plan (FEP) for pelagic fisheries of the western Pacific region. Measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery. February 11, 1009.

Analysis: This question is scored in the narrow context of U.S. longline fishery regulation, rather than U.S. national policy. International trade is compromising responsible fishing to the extent that foreign fisheries that export longline fishery products to the U.S. are not held to the same standards as Hawaii or American Samoa longline fisheries to reduce protected species bycatch. Therefore, only ½ point is assigned for this provision.

Likelihood of improving compliance: The score for this provision could improve if regional fishery management organizations (Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission) and their members adopt regulations for non-Hawaii longline fisheries operating in the Pacific as stringent and effective as U.S. regulations for Hawaii longline fisheries.

11.2.3 States should ensure that measures affecting international trade in fish and fishery products are transparent, based, when applicable, on scientific evidence, and are in accordance with internationally agreed rules.

Question format (Caddy 1996): Are measures affecting international trade in fish and fishery products transparent, based, when applicable, on scientific evidence, and in accordance with internationally agreed rules? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The U.S. does not impose tariff or non-tariff trade barriers on pelagic longline fisheries products imported fresh or frozen from foreign countries. Tuna products canned or pouched entering the U.S. market after processing in American Samoa are exempt from tariff duties levied on foreign exporters of the same products.[1] This is not fully compliant with the World Trade Organization Agreement on Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade that recognize the sovereignty of each country to protect its population but any measures taken to restrict trade should be based on scientific evidence.[2]	

[1]United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

[2]Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

Analysis: American Samoa's longline fishery is scored one half point (1/2) because the albacore catch is processed by an American Samoa-based cannery that has duty-free access to the U.S. Restrictions on imports of canned and pouched albacore from foreign countries are not based on scientific evidence that restrictions are needed to protect the U.S. population.

Likelihood of improving compliance: Trends in world trade, specifically reductions in tariffs, are lessening the importance of American Samoa's duty free access to the U.S. market. As free trade in canned and pouched tuna products increases, American Samoa's longline fishery should improve its score to a full point in the future.

11.2.4 Fish trade measures adopted by States to protect human or animal life or health, the interests of consumers or the environment, should not be discriminatory and should be in accordance with internationally agreed trade rules, in particular the principles, rights and obligations established in the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade of the WTO.

Question format (PacMar Inc. 2006): Are fish trade measures adopted by the State non-discriminatory and in accordance with principles, rights and obligations established in WTO trade agreements? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Tuna products canned or pouched entering the U.S. market after processing in American Samoa are exempt from tariff duties levied on foreign exporters of the same products. The tariff system covers all canned and pouched tuna products imported by the U.S. and does not discriminate against particular exporting countries. This is in accordance with World Trade Organization agreements and principles promoting trade without discrimination.		

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

11.2.5 States should further liberalize trade in fish and fishery products and eliminate barriers and distortions to trade such as duties, quotas and non-tariff barriers in accordance with the principles, rights and obligations of the WTO Agreement.

Question format (PacMar Inc. 2006): Is the State eliminating barriers and distortions to trade in fishery products, including duties, quotas and non-tariff barriers in accordance with the WTO Agreement? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Tuna products canned or pouched entering the U.S. market after processing in American Samoa are exempt from tariff duties levied on foreign exporters of the same products. Trends in world trade however, specifically reductions in tariffs, are lessening the importance of American Samoa's duty free access to the U.S. market. This is in accordance with World Trade Organization agreements and principles promoting trade without discrimination.		

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

11.2.6 States should not directly or indirectly create unnecessary or hidden barriers to trade which limit the consumer's freedom of choice of supplier or that restrict market access.

Question format (PacMar Inc. 2006): Is the State creating unnecessary or hidden barriers to trade that limit consumers' freedom of choice or restrict market access? ***Yes...***[0] ***In Part...***[1/2] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	While foreign exporters pay no duty on all fresh, chilled or frozen whole fish tuna imports to the U.S., canned and pouched tuna imports are subject to significant tariff duties. These are not hidden barriers, although they restrict market access to canned and pouched tuna from foreign suppliers and thus limit U.S. consumers' freedom of choice.	

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

Analysis: American Samoa's longline fishery is scored one half point (1/2) because the albacore catch is processed by an American Samoa-based cannery that has duty-free access to the U.S. tariffs on imports of canned and pouched albacore from foreign countries are not based on scientific evidence that restrictions are needed to protect the U.S. population.

Likelihood of improving compliance: Trends in world trade, specifically reductions in tariffs, are lessening the importance of American Samoa's duty free access to the U.S. market. As free trade in canned and pouched tuna products increases, American Samoa's longline fishery should improve its score to a full point in the future.

11.2.7 States should not condition access to markets to access to resources. This principle does not preclude the possibility of fishing agreements between States which include provisions referring to access to resources, trade and access to markets, transfer of technology, scientific research, training and other relevant elements.

Question format (PacMar Inc. 2006): Does the State condition access to markets to access to resources, trade and access to markets, transfer of technology, scientific research, training and other relevant elements? ***Yes...***[0] ***In Part...***[1/2] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
		Although the U.S. levies duties on canned and pouched tuna products from foreign countries, this tariff system does not link access to the U.S. market for finished products to access to raw tuna resources in its Exclusive Economic Zone or transfer of technology, scientific research, training and other relevant elements. Thus, it is in accordance with World Trade Organization agreements and principles promoting trade without discrimination.

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

11.2.8 States should not link access to markets to the purchase of specific technology or sale of other products.

Question format (PacMar Inc. 2006): Does the State link market access to the purchase of specific technologies or other products? ***Yes...***[0] ***In Part...***[1/2] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
		Although the U.S. levies duties on canned and pouched tuna products from foreign countries, this tariff system does not link access to the U.S. market for finished products to purchase of specific U.S. technologies or other products.

United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

11.2.9 States should cooperate in complying with relevant international agreements regulating trade in endangered species.

Question format (PacMar Inc. 2006): Does the State comply with international agreements regulating trade in endangered species? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty that controls or prohibits trade in over 40,000 species of animals and plants, depending on the level of the threat to their survival. CITES is the keystone of U.S. international wildlife resources conservation policy, and is strongly supported by the legitimate wildlife trade as well as by a wide range of non-governmental organizations. CITES uses a system of permits to regulate trade in wildlife. The treaty members issue permits allowing trade only if they are satisfied that it will not pose a threat to the survival of the species. Commercial trade in the most endangered species, including the great whales, all sea turtles and many other species is prohibited. Commerce is permitted in other species which might become endangered if trade were not controlled and monitored. National authorities limit the number of permits issued for trade in these species, and records are maintained and analyzed.		

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) website http://www.cites.org/

11.2.10 States should develop international agreements for trade in live specimens where there is a risk of environmental damage in importing or exporting States.

Question format (PacMar Inc. 2006): Is the State party to international agreements for trade in live specimens where there is a risk of environmental damage? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for enforcing regulations governing the import and export of plants and animals and certain agricultural products. In cooperation with State governments in the U.S. including American Samoa, a U.S. Territory, APHIS administers Federal laws and regulations pertaining to animal and plant health and quarantine, humane treatment of animals, and the control and eradication of pests and diseases. Within APHIS, the Plant Protection and Quarantine (PPQ) Program conducts programs and activities at various U.S. ports to prevent the introduction and spread of foreign pests. APHIS Veterinary Services (VS) has responsibility for protecting the health of livestock, poultry, and other animals. The laws APHIS enforces are numerous and varied but include the Plant Quarantine Act; Plant Protection Act; and Animal Import-Export Regulations (19 CFR 1306, 21 USC 103, 21 USC 105, and 21 CSC 134).		

United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) website http://www.aphis.usda.gov/

11.2.11 States should cooperate to promote adherence to, and effective implementation of relevant international standards for trade in fish and fishery products and living aquatic resource conservation.

Question format (PacMar Inc. 2006): Is the State promoting adherence to and effective implementation of relevant international standards;

a) for trade in fishery products? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a member of the World Trade Organization (WTO) and, therefore, is bound by the WTO agreements for trade in fishery products, guided by the principle of trade without discrimination.		

Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

b) for living aquatic resource conservation? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Through its legislative mandates (particularly the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) known as the Sustainable Fisheries Act), strategic plan and related activities, the National Oceanic and Atmospheric Administration (NOAA) Fisheries seeks to achieve most of the same goals as the FAO Code of Conduct for Responsible Fisheries and associated international plans of action for living aquatic resource conservation. The NOAA Fisheries Strategic Plan is organized around three programmatic areas: a) sustainable fisheries; b) recovery of protected species; and c) healthy living marine resource habitat.[1] The U.S. is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international treaty that controls or prohibits trade in over 40,000 species of animals and plants, depending on the level of the threat to their survival. CITES is the keystone of U.S. international wildlife resources conservation policy, and is strongly supported by the legitimate wildlife trade as well as by a wide range of non-governmental organizations.[2]		

[1]Implementation Plan for the Code of Conduct for Responsible Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, July 1997, http://www.nmfs.noaa.gov/plan.html

[2]CITES website http://www.cites.org/

11.2.12 States should not undermine conservation measures for living aquatic resources in order to gain trade or investment benefits.

Question format (PacMar Inc. 2006): Is the State undermining conservation measures for living aquatic resources to gain trade or investment benefits? ***Yes...***[0] ***In Part...***[1/2] ***No...***[1]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	American Samoa's longline fishery operates under a Fishery Management Plan (FMP) for pelagic fisheries of the western Pacific region.[1] This plan conforms to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which does not allow compromise of Hawaii longline (or other domestic) fisheries' conservation and management measures to gain trade or investment benefits.[2] Federal regulations set quotas for annual sea turtle interactions in Hawaii longline fisheries and gear restrictions are being sought in American Samoa's longline fishery to reduce interactions with green sea turtles. But there are no equivalent controls for foreign fisheries that export longline products to the U.S. (often to replace Hawaii products restricted when the domestic fishery reaches turtle quotas).[3] This outcome may generate trade or investment benefits for foreign longline fisheries that are not held to the same strict standards for sea turtle interactions as Hawaii and American Samoa longline fisheries.[4]	

[1]Western Pacific Fishery Management Council, FMP and Annual Reports for Pelagic Fisheries of Western Pacific Region, http://www.wpcouncil.org/pelagic.htm

[2]NOAA, Office of Sustainable Fisheries, Magnuson-Stevens Fishery Conservation and Management Act (MSA), sec. 301 http://www.nmfs.noaa.gov/sfa

[3]National Oceanic and Atmospheric Administration (NOAA) Fisheries, Pacific Islands Regional Office, http://www.fpir.noaa.gov?DIR/dir_public_documents.html, Final Environmental Impact Statement: Western Pacific Pelagic Fisheries (March 2001)

[4]Bartram, Paul K. and John J. Kaneko. Catch to bycatch ratios: Comparing Hawaii's longline fishery with others. *SOEST Publication 04-05, JIMAR Contribution 04-352*, 40 pp. http://www.soest.hawaii.edu/PFRP/soest_jimar_rpts/bartram_kaneko_bycatch_rpt.pdf

Analysis: This question is scored in the context of Hawaii and American Samoa longline fishery regulation, rather than U.S. national policy. Conservation of sea turtles and other protected species is undermined because foreign fisheries that export longline products to the U.S. are not held to the same standards as Hawaii and American Samoa longline fisheries to reduce bycatch. Therefore, only ½ point is assigned for this provision.

Likelihood of improving compliance: The score for this provision could improve if regional fishery management organizations (Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission) and their members adopt regulations

for non-U.S. longline fisheries operating in the Pacific as stringent and effective as U.S. regulations for Hawaii and American Samoa longline fisheries.

11.2.13 States should cooperate to develop internationally acceptable rules or standards for trade in fish and fishery products in accordance with the principles, rights, and obligations established in the WTO Agreement.

Question format (PacMar Inc. 2006): Is the State cooperating in the development of internationally acceptable standards for trade of fishery products, in accordance with WHO agreements and principles? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As a member of the World Trade Organization (WTO) and a party to the Doha agenda of WTO, the U.S. is cooperating in the development of internationally acceptable standards for trade of fishery products in accordance with WTO agreements and principles that is considering improved market access.		

Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

11.2.14 States should cooperate with each other and actively participate in relevant regional and multilateral fora, such as the WTO, in order to ensure equitable, non-discriminatory trade in fish and fishery products as well as wide adherence to multilaterally agreed fishery conservation measures.

Question format (PacMar Inc. 2006): Is the State cooperating and participating in relevant fora, such as WTO, to ensure non-discriminatory trade in fishery products with adherence to multilaterally agreed fishery conservation measures? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a member of the World Trade Organization (WTO) and is a party to the Doha agenda of WTO international negotiations that is considering improved market access for agricultural and fishery products based on internationally agreed standards. The Doha mandate launches negotiations on the relationships between existing WTO rules and specific trade obligations set out in multilateral environment agreements.		

Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

11.2.15 States, aid agencies, multilateral development banks and other relevant international organizations should ensure that their policies and practices related to the promotion of international fish trade and export production do not result in environmental degradation or adversely impact the nutritional rights and needs of people for whom fish is critical to their health and well being and for whom other comparable sources of food are not readily available or affordable.

Question format (PacMar Inc. 2006): Does the State ensure that policies related to promotion of fish trade and export do not result in environmental degradation or adversely impact the nutrition or health of consumers for whom comparable sources of food are not readily available or affordable? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa's longline fishery harvests highly migratory pelagic species in the open ocean. This fishery has been determined not to result in significant environmental degradation.[1] Federal regulations have established large vessel prohibited areas extending 50 nautical miles offshore of the American Samoa islands, so that large-scale fishing does not compete directly with subsistence fishers who harvest the same pelagic species using troll, handline, or other fishing methods.[2] Furthermore, a large part of American Samoa's subsistence fishery is based on reef species that are not caught in longline fishing. Hence, there is no adverse impact on the health or nutrition of consumers who are dependent on near-shore subsistence fisheries.		

[1]NOAA Fisheries, Pacific Islands Regional Office (PIRO), Western Pacific Pelagic Fisheries EIS, Chapter 4
http://www.fpir.noaa.gov/Library/PUBDOCs/environmental_impact_statements/FEIS_Wstrn_Pcf_Plgc_Fshrs/feis_wstrn_pcf_plgc_fshrs.html

[2]Western Pacific Fishery Management Council, Framework Measure 1, FEP for pelagic fisheries of western Pacific region, http://www.wpcouncil.org/pelagic.htm

11.3 Laws and regulations relating to fish trade

11.3.1 Laws, regulations and administrative procedures applicable to international trade in fish and fishery products should be transparent, as simple as possible, comprehensible and, when appropriate, based on scientific evidence.

Question format (PacMar Inc. 2006): Are laws, regulations and procedures applicable to international trade in fishery products transparent, comprehensible and based on scientific evidence? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	While foreign exporters pay no duty on fresh, chilled or frozen whole fish tuna imports to the U.S., canned and pouched tuna imports are subject to significant tariff duties.[1] Although transparent and comprehensible, the tariffs are not in compliance with the World Trade Organization Agreement on Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade that recognize the sovereignty of each country to protect its population but any measures taken to restrict trade should be based on scientific evidence.[2]	

[1]United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

[2]Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

Analysis: American Samoa's longline fishery is scored one half point (1/2) because the albacore catch is processed by an American Samoa-based cannery that has duty-free access to the U.S. Tariffs on imports of canned and pouched albacore from foreign countries are not based on scientific evidence that restrictions are needed to protect the U.S. population.

Likelihood of improving compliance: Trends in world trade, specifically reductions in tariffs, are lessening the importance of American Samoa's duty free access to the U.S. market. As free trade in canned and pouched tuna products increases, American Samoa's longline fishery should improve its score to a full point in the future.

11.3.2 States, in accordance with their national laws, should facilitate appropriate consultation with and participation of industry as well as environmental and consumer groups in the development and implementation of laws and regulations related to trade in fish and fishery products.

Question format (PacMar Inc. 2006): Is the State facilitating appropriate consultation with and participation of fishing industry, environmental and consumer groups in the development and implementation of laws and regulations related to trade in fishery products? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Any new federal regulations related to trade in longline fishery products would be published in draft form in the Federal Register for comment by anyone in the U.S. or overseas prior to final adoption.		

Federal Register website http://www.gpoaccess.gov/fr/index.html

11.3.3 States should simplify their laws, regulations and administrative procedures applicable to trade in fish and fishery products without jeopardizing their effectiveness.

Question format (PacMar Inc. 2006): Is the State simplifying laws, regulations and procedures applicable to trade in fishery products without jeopardizing their effectiveness? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		The National Oceanic and Atmospheric Administration (NOAA) Fisheries has placed additional regulations on dealers of longline fishery products to help track frozen bluefin tuna, southern bluefin tuna, swordfish or frozen (but not fresh) bigeye tuna. Regardless of ocean origin, dealers who export or import these products from foreign countries must hold a Highly Migratory Species International Trade Permit, submit statistical documents for each shipment, submit summary reports of trade activity for the named species and comply with all applicable record-keeping and reporting requirements. Frozen swordfish and bigeye tuna are some of the American Samoa longline fishery products with the greatest potential for export. NOAA Fisheries' highly migratory species international trade permits would be required for export of these species (http://www.nmfs.noaa.gov/sfa/hms/ITP/International_Trade_Permit.htm).

NOAA Fisheries, Pacific Islands Regional Office (PIRO), Highly Migratory Species International Trade Permit https://www.st.nmfs.noaa.gov/hms/

Analysis: This question is scored in the context of American Samoa longline fishery development, rather than U.S. national policy. The Highly Migratory Species International Trade Permit (HMSITP) and associated reporting were established by ICCAT to track trade in some Atlantic pelagic fish species. HMSITP was expanded to include some Pacific pelagic fishery products without explanation of need. As the permit must be obtained from NOAA Fisheries in the continental U.S. rather than the Pacific Islands Regional Office, it has complicated rather than simplified procedures applicable to trade in Pacific pelagic fishery products without a clear or documented benefit for conservation. Therefore, this provision received a score of "0."

Likelihood of improving compliance: Paperwork associated with trade in longline fishery products is increasing without well-documented conservation benefits rather than being streamlined or simplified, so there is little probability for improving the score for this provision.

11.3.4 When a State introduces changes to its legal requirements affecting trade in fish and fishery products with other States, sufficient information and time should be given to allow the States and producers affected to introduce, as appropriate, the changes needed in their processes and procedures. In this connection, consultation with affected States on the time frame for implementation of the changes would be desirable. Due consideration should be given to requests from developing countries for temporary derogations from obligations.

Question format (PacMar Inc. 2006): Does the State provide sufficient information and advance notice before changing legal requirements for trade in fishery products that affected States and producers can comply by changing their processes and procedures? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Sufficient advance notice to foreign exporting countries of any changes in legal requirements would come from the Office of the U.S. Trade Representative (USTR), which is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. The head of USTR is the U.S. Trade Representative, a Cabinet member who serves as the president's principal trade advisor, negotiator, and spokesperson on trade issues.[1] Any new federal regulations related to trade in longline fishery products would be published in draft form in the Federal Register for comment by anyone in the U.S. or overseas prior to final adoption.[2]		

[1]United States International Trade Commission (USITC), Tariff Information Center, Harmonized Tariff Schedule of the United States (2006)—Supplement 1, Chapter 3 http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0610C03.pdf

[1]United States Trade Representative (USTR) website http://www.ustr.gov/Who_We_Are/Mission_of_the_USTR.html

[2]Federal Register website http://www.gpoaccess.gov/fr/index.html

11.3.5 States should periodically review laws and regulations applicable to international trade in fish and fishery products in order to determine whether the conditions which gave rise to their introduction continue to exist.

Question format (PacMar Inc. 2006): Does the State periodically review laws and regulations applicable to international trade in fishery products to adapt to changing conditions? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. This includes periodic review of the suitability of laws and regulations to changing conditions. The head of USTR is the U.S. Trade Representative, a Cabinet member who serves as the president's principal trade advisor, negotiator, and spokesperson on trade issues.		

United States Trade Representative (USTR) website http://www.ustr.gov/Who_We_Are/Mission_of_the_USTR.html

11.3.6 States should harmonize as far as possible the standards applicable to international trade in fish and fishery products in accordance with relevant internationally recognized provisions.

Question format (PacMar Inc. 2006): Is the State harmonizing standards for international trade in fishery products in accordance with internationally recognized provisions? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The U.S. is a member of World Trade Organization (WTO) and is a party to the Doha agenda of international WTO negotiations that is considering improved market access for agricultural and fishery products based on internationally agreed standards. The Doha mandate launched negotiations on the relationships between existing WTO rules and specific trade obligations set out in multilateral environment agreements.		

Globefish website, WTO and Fisheries http://www.globefish.org/dynamisk.php4?id=2665

11.3.7 States should collect, disseminate and exchange timely, accurate and pertinent statistical information on international trade in fish and fishery products through relevant national institutions and international organizations.

Question format (PacMar Inc. 2006): Does the State collect, disseminate and exchange timely, accurate and pertinent statistical information on international trade in fishery products? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Office of Science & Technology maintains a data base that can be used to summarize U.S. foreign trade (imports and exports) in fishery products for the years 1989 to the present. The system for classifying products was developed under the auspices of the World Customs Organization. This information is available online to everyone.		

NOAA Fisheries, Office of Science and Technology website www.st.nmfs.gov/st1/trade

11.3.8 States should promptly notify interested States, WTO and other appropriate international organizations on the development of and changes to laws, regulations and administrative procedures applicable to international trade in fish and fishery products.

Question format (PacMar Inc. 2006): Does the State promptly notify interested States, WTO and appropriate international organizations on development of and changes to laws, regulations and procedures applicable to international trade in fishery products? ***Yes...***[1] ***In Part...***[1/2] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. The head of USTR is the U.S. Trade Representative, a Cabinet member who serves as the president's principal trade advisor, negotiator, and spokesperson on trade issues. Through an interagency structure, USTR coordinates trade policy, resolves disagreements, and frames issues for presidential decision. USTR also serves as vice chairman of the Overseas Private Investment Corporation (OPIC), is a non-voting member of the Export-Import Bank, and a member of the National Advisory Council on International Monetary and Financial Policies. USTR provides trade policy leadership and negotiating expertise in its major areas of responsibility, including: • Bilateral, regional and multilateral trade and investment issues • Expansion of market access for American goods and services • International commodity agreements • Negotiations affecting U.S. import policies • Oversight of the Generalized System of Preferences (GSP) and Section 301 complaints against foreign unfair trade practices, as well as Section 1377, Section 337 and import relief cases under Section 201 • Trade, commodity, and direct investment matters managed by international institutions such as the Organization for Economic Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD) • Trade-related intellectual property protection issues • World Trade Organization (WTO) issues		

United States Trade Representative (USTR) website http://www.ustr.gov/Who_We_Are/Mission_of_the_USTR.html

Article 12 - Fisheries Research

12.1 States should recognize that responsible fisheries require the availability of a sound scientific basis to assist fisheries managers and other interested parties in making decisions. Therefore, States should ensure that appropriate research is conducted into all aspects of fisheries including biology, ecology, technology, environmental science, economics, social science, aquaculture and nutritional science. States should ensure the availability of research facilities and provide appropriate training, staffing and institution building to conduct the research, taking into account the special needs of developing countries.

Question format (Caddy 1996): Responsible fishing requires the availability of a sound scientific basis to assist fisheries managers and other interested parties in making decisions, taking into account the special needs of developing countries.

(a) Is appropriate research conducted into all aspects of fisheries, including biology, ecology, technology, environmental science, economics, social science, aquaculture and nutritional science? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Pelagic Fisheries Research Program (PFRP) was created in 1992 to provide scientific information on pelagic fisheries to the Western Pacific Fishery Management Council (Council) for use in the development of fisheries management policies. PFRP supports a wide range of ongoing research projects covering all aspects of Hawaii and American Samoa longline fisheries, including Biology, Oceanography, Statistics & Modeling, Genetics, Economics, Socio-Cultural, and Protected Species.[1] Aquaculture and nutrition are not part of the PFRP research agenda. The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) studies a variety of pelagic marine species (including tunas, swordfish, billfish, mahimahi, sharks), providing the fundamental biological and ecological research on Federally managed species to allow for improved understanding of the mechanisms that influence resource distribution and abundance. New fishing technologies are developed, tested, and promoted internationally to reduce bycatch and the impacts of pelagic longline fisheries on populations of sea turtles, seabirds, sharks, and other species caught incidentally.[2] The Ecosystems and Oceanography Division (EOD) of PIFSC conducts research to advance understanding of the structure and dynamics of Pacific marine ecosystems.[3] PIFSC's Fisheries Monitoring and Socioeconomics Division (FMSD) consists of four distinct programs (Economics Program, Human Dimensions Research Program, Fisheries Monitoring & Analysis Program, Western Pacific Fishery Information Network) that conduct a wide variety of fisheries monitoring and research in the Pacific Islands Region and surrounding international waters.[4] The University of Hawaii Sea Grant Program has collaborated with the American Samoa Community College to create a presence and UH Sea Grant position in American Samoa to facilitate research and development of sustainable aquaculture. [5]		

[1]Pelagic Fisheries Research Program (PFRP), Projects website

[2]PISFC, Fishery Biology and Stock Assessment Division website

[3]PIFSC, Ecosystems and Oceanography Division website

[4]PIFSC, Fisheries Monitoring and Socioeconomics Division website

[5]Gonzalves, J. M. 2007 Fruits of Collaboration: Aquaculture Development in American Samoa. Kapilikai. Winter 2007. http://www.soest.hawaii.edu/seagrant/communication/kapilikai/Winter2007/Fruits_of_Collaboration.pdf

b) Are research vessel surveys of the resource and the marine environment carried out? ***Annually...***[1] ***Occasionally...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The National Oceanic and Atmospheric Administration (NOAA) ship "Oscar Elton Sette" is the primary platform supporting fisheries research in Hawaii, under the NOAA Fisheries Pacific Island Fisheries Science Center (PIFSC). The ship normally operates throughout the central and western Pacific, and conducts fisheries assessment surveys; physical, chemical and biological oceanography; marine mammal projects; and coral reef research. It is equipped for longline fishing research, which is conducted occasionally. Plankton, fish larvae and eggs are also collected with plankton nets and surface and mid-water larval nets.[1,2]	

[1]Pacific Islands Fisheries Science Center (PISFC), NOAA Ships and Research Cruises website

[2]NOAA Ship Oscar Elton Sette website

Analysis: Longline fisheries research is not high enough priority for PIFSC to include in annual research vessel surveys, especially when there is an option of chartering longline vessels for specific research activities that can be conducted in conjunction with commercial fishing operations and continuous collection of data through Federally-mandated observers on a percentage of American Samoa longline fishing trips. Occasional research vessel surveys devoted to longline fisheries rate a ½ point for this provision.

Likelihood of improving compliance: Non-longline fisheries research is expected to continue as a high priority, so there is little likelihood of improving the score for this provision in the short term.

(c) Are appropriate research and training facilities available and provisions made for staffing and institution building to conduct the necessary research, taking into account the special needs of developing countries? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Research projects on American Samoa and its longline fishery are usually conducted under the Pelagic Fisheries Research Program (PFRP) or National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Fisheries Center (PIFSC). Both are headquartered in Honolulu, Hawaii. PFRP facilities are housed at the Joint Institute for Marine and Atmospheric Research (JIMAR), under the University of Hawaii's School of Ocean and Earth Science and Technology (SOEST).[1] No special facility is dedicated to training but affiliated researchers (some from developing countries) have access to PFRP computer hardware and software. PFRP utilizes meeting rooms at the nearby East-West Center for conferences and training. PFRP projects employ graduate students and have contributed to numerous advanced degrees. PIFSC is headquartered in Honolulu on the University of Hawaii campus. PIFSC maintains a Honolulu dockside salt-water research facility at Kewalo Basin and leases laboratory facilities at the Hawaii Agricultural Research Center in Aiea.[2]		

[1]PFRP Program Overview website; Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence

[2]Overview of Pacific Islands Fisheries Science Center (PIFSC), http://www.nmfs.hawaii.edu/pifsc.php#pifsc_org

12.2 States should establish an appropriate institutional framework to determine the applied research which is required and its proper use.

Question format (Caddy 1996): Has an appropriate institutional framework been established to determine the applied research which is required and its proper use? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) has a leading role in marine research on ecosystems, both in the insular and pelagic environments. It is implementing a multidisciplinary research strategy including a monitoring system and scientific analysis to support ecosystem approaches to management and restoration of living marine resources. It conducts a wide range of activities including resource surveys and stock assessments, fishery monitoring, economic and sociological studies, oceanographic research and monitoring, critical habitat evaluation, life history and ecology studies, and advanced oceanographic and ecosystem modeling and simulations.[1] After its creation in 1992, the Pelagic Fisheries Research Program (PFRP) operated under the same set of research priorities for over 10 years. In November 2005, an international group of scientists and fishery managers gathered for two and a half days in Honolulu to discuss future research priorities for PFRP. The workshop opened with invited presentations from representatives of fisheries research and management organizations in the Pacific, outlining their visions of research priorities. Workshop participants convened in small discussion sessions to identify and rank research topics in four general areas: applied economics, ecosystem integration, biology and life history, and fishing communities.[2]		

[1]Overview of Pacific Islands Fisheries Science Center (PIFSC), http://www.nmfs.hawaii.edu/pifsc.php#pifsc_org

[2]Sibert, John, Scott McCreary, and Eric Poncelet, 2005. Pacific Ocean Connections: Priorities for pelagic fisheries research in the twenty-first century. Report of PFRP Research Priorities Workshop, November 16-18, 2005, *SOEST Publication 06-01, JIMAR Contribution 06-358*, 25 pp.

12.3 States should ensure that data generated by research are analyzed, that the results of such analyses are published, respecting confidentiality where appropriate, and distributed in a timely and readily understood fashion, in order that the best scientific evidence is made available as a contribution to fisheries conservation, management and development. In the absence of adequate scientific information, appropriate research should be initiated as soon as possible.

Question format (Caddy 1996): (a) Are data generated by research being analyzed and the results of such analyses published in a way that confidentiality is respected where appropriate? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
If requested, results of Pelagic Fisheries Research Program (PFRP) research projects can be published in a way that confidentiality is respected where appropriate, or where requested. However, PFRP lacks a formal policy for confidentiality. [1] The following confidentiality standards apply to data collected through the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC).[2] Individual vessel identifiers cannot be attached to any individual data items which are made public. Any fishery-wide aggregations of data shall include information from three or more individual vessels. Latitude and longitude information should be reported or plotted primarily on 5 degree squares, which is the de facto international standard for fisheries data exchange. However, as long as there are at least three vessels included in the overall scope of the data, then data may be reported or plotted for fewer than 3 vessels per 5 degree square. This would not be the case for smaller area strata, such as for 1 degree squares. Whenever confidential data are provided, strict measures are enforced to ensure that data recipients have proper authorization and abide by non-disclosure agreements.		

[1]Dodie Lau, PFRP Administrative Coordinator, personal communication

[2]Pacific Islands Fisheries Science Center (PISFC), www.pifsc.noaa.gov

(b) Are results of analyses being distributed in a timely and readily understandable fashion in order that the best scientific evidence be made available as a contribution to fisheries conservation, management and development? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fisheries = 1		
Yes	*Some*	*No*
All scientific publications produced by the Pelagic Fisheries Research Program (PFRP) are available through links on their website[1]. The PFRP maintains an extensive national and international mailing list. PFRP technical reports, newsletters, and report reprints are sent out to this mailing list on a regular basis. For those not on the mailing list, PFRP results from selected projects published as PFRP technical reports are available on the PFRP website for electronic download and limited hard copies are available upon request. Research projects are often summarized in PFRP newsletters[1] published quarterly newsletter with distribution to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and US territories. Contact information for individual PIs is made available to inquire about hard copies. PFRP PIs also meet annually to discuss ongoing projects, and the details of these meetings are available in document form on the PFRP website.[2] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) publishes administrative reports that provide results of PIFSC research in a preliminary and timely form before it is published in peer-reviewed journals.[3] The data are used by various PIFSC in-house research programs and are disseminated to other U.S. agencies, non-governmental organizations, foreign fisheries agencies, academic institutions and the general public in the form of non-confidential summaries for stock assessments and other studies.[4] The data are used to prepare status reports such as the annual report for the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan[5] and the Fisheries of the United States report.		

[1]PFRP Publications website

[2]PFRP Meetings Information website

[3]PIFSC Library, http://www.pifsc.noaa.gov/library/

[4]PIFSC, Fisheries Monitoring and Analysis Program (FMAP), http://www.pifsc.noaa.gov/fmsd/fmap

[5]Western Pacific Fishery Management Council, Pelagics Fishery Management Plan annual report

(c) In the absence of adequate scientific information, is appropriate research being initiated in a timely fashion? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As fisheries management concerns, governance arrangements, and the fisheries themselves have changed rapidly, the Pelagic Fisheries Research Program (PFRP) makes an effort to keep pace with changing research priorities. A workshop was held in November 2005 to update PFRP research priorities as they have undoubtedly changed since the program's inception in 1992.[1] Highly migratory species are not well suited for abundance estimation by scientific surveys. It is not a reasonable or cost-effective means to estimate abundance of species on which longline fisheries depend. Large-scale tuna tagging projects are a good substitute for scientific surveys. They provide direct estimates of fishing mortality and other rate parameters useful for fishery management. The National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Pacific Islands Fisheries Science Center (PIFSC) studies a variety of pelagic marine species to allow for improved understanding of the mechanisms that influence resource distribution and abundance.[2] The Ecosystems and Oceanography Division (EOD) of PIFSC conducts research to advance understanding of the structure and dynamics of Pacific marine ecosystems.[3] One study used time-depth recorders to characterize hook depths in American Samoa's longline fishery and provide information on the efficacy of removing hooks adjacent to longline floats to reduce sea turtle interactions and estimate the corresponding changes in fish catch rates.[4]		

[1]Sibert, John, Scott McCreary, and Eric Poncelet, 2005. Pacific Ocean Connections: Priorities for pelagic fisheries research in the twenty-first century. Report of PFRP Research Priorities Workshop, November 16-18, 2005, *SOEST Publication 06-01, JIMAR Contribution 06-358*, 25 pp.

[2]PISFC, Fishery Biology and Stock Assessment Division website

[3]PIFSC, Ecosystems and Oceanography Division website

[4]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and mitigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

12.4 States should collect reliable and accurate data which are required to assess the status of fisheries and ecosystems, including data on bycatch, discards and waste. Where appropriate, this data should be provided, at an appropriate time and level of aggregation, to relevant States and subregional, regional and global fisheries organizations.

Question format (Caddy 1996): (a) Are reliable and accurate data required to assess the status of fisheries and ecosystems - including data on bycatch, discards and waste - being collected? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
American Samoa longline fishery summary reports are derived from daily records in the mandatory logbooks submitted to the National Oceanic and Atmospheric Administration (NOAA) Pacific Islands Regional Office (PIRO) American Samoa field office by captains of American Samoa-based U.S. longline vessels within 72 hours after returning to port.[1] The logbook provides details on fishing operations and effort, retained and released catch by species, time and location for each longline set. At the end of every quarter, logbook data from trips landing during the quarter are analyzed and quarterly non-confidential summary statistics on nominal effort, fish catch, and catch per unit of fishing effort (CPUE) are calculated and displayed in tables and charts. Catch summaries are prepared for tunas, billfishes, and other fishes identified by the Western Pacific Fishery Management Council as Pelagic Management Unit Species (PMUS).[2] From April 2006 to May 2008, approximately 8% of American Samoa longline trips by vessels over 40 ft. long were covered by Federally-mandated observers, who report details of fishing operations and effort, interactions with protected species, catch of retained and non-retained fish for each observed longline set by species, time and location. Quarterly observer data summaries are available from NOAA Fisheries Pacific Islands Regional Office.[3] Research by PIFSC used time-depth recorders to characterize hook depths in American Samoa's longline fishery and provide information on the efficacy of removing hooks adjacent to longline floats to reduce sea turtle interactions and to estimate the corresponding changes in fish catch rates.[4]		

[1]Management & Regulations, Compliance Guides, 2009 American Samoa Longline Limited Entry Compliance Guide, revised July 2009. http://www.fpir.noaa.gov/SFD/SFD_regs_index.html

[2]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[3]Pacific Islands Regional Observer Program Quarterly Status Reports, American Samoa Quarterly and Annual Status Reports

[4]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and mitigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

(b) Are these data being provided, at an appropriate time and level of aggregation, to relevant States and subregional, regional and global fisheries organizations? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Federally-mandated logbook data submitted by American Samoa longline vessel operators are collected, analyzed and results disseminated by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) to other U.S. agencies, non-governmental organizations, foreign fisheries agencies, academic institutions and the general public in the form of non-confidential summaries for stock assessments and other studies.[1] Summary data are used to prepare status reports such as the annual report for the Western Pacific Fishery Management Council's Pelagic Fisheries Fishery Ecosystem Plan[2] and are forwarded to the Scientific Committee of the Western and Central Pacific Fisheries Commission that is responsible for pelagic fisheries stock assessment at the regional scale of the western and central Pacific Ocean..		

[1]Programs, WPACFIN, Publications and Reports, American Samoa Longline Logbook Reports, http://www.nmfs.hawaii.edu/fmsd/

[2]Western Pacific Fishery Management Council, Pelagics Fishery Management Plan annual report

12.5 States should be able to monitor and assess the state of the stocks under their jurisdiction, including the impacts of ecosystem changes resulting from fishing pressure, pollution or habitat alteration. They should also establish the research capacity necessary to assess the effects of climate or environment change on fish stocks and aquatic ecosystems (*furthers ecosystem approach to fisheries*, per FAO 2003: 80).

Question format (Caddy 1996): (a) Are States monitoring and assessing the state of the stocks under their jurisdiction, including the impacts of ecosystem changes resulting from fishing pressure, pollution or habitat alteration? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) conducts biology and stock monitoring and assessment studies of pelagic marine species, providing the fundamental biological and ecological research on Federally managed species to allow for improved understanding of the mechanisms that influence resource distribution and abundance. Diet and food web modeling, reproduction and fecundity are all under study. Pollution and other potential threats to essential fish habitat and marine ecosystems are also assessed.[1] PIFSC's Ecosystems and Oceanography Division (EOD) examines how the diversity of marine populations change in response to both direct changes in their predators and prey as well as from broader habitat-based changes in the ocean climate. EOD products include scientific advice for stock monitoring, assessment and fisheries management, development of indicators of ecosystem changes, and the publication of scientific findings related to habitat/environmental effects on individuals, populations, ecosystems, and fisheries.[2] Comprehensive estimates of fishery impacts on pelagic fish population biomass and size structure, through analysis of all available data from Pacific tuna fisheries (including multi-national longline fisheries) for 1950-2004, indicate substantial, though not catastrophic impacts of fisheries on these top-level predators and minor impacts on the pelagic ecosystem in the Pacific Ocean.[3] The Pelagic Fisheries Research Program (PFRP) project entitled "Physical Characteristics of the Environment Influencing Pelagic Fishes" assesses the aquatic habitats of a range of pelagic species and provides information for better interpretation of fishery data.[4]		

[1]PISFC, Fishery Biology and Stock Assessment Division website

[2]PIFSC, Ecosystems and Oceanography Division website

[3]Sibert, John, John Hampton, Pierre Kleiber, Mark Maunder, *Biomass, Size, and Trophic Status of Top Predators in the Pacific Ocean*, Science Magazine, 15 December 2006: Vol. 314. no. 5806, pp. 1773 – 1776. http://www.sciencemag.org/cgi/content/abstract/314/5806/1773?

[4]PFRP Oceanography Projects, Physical Characteristics of the Environment Influencing Pelagic Fishes

(b) Have they established the research capacity necessary to assess the effects of climate or environment change on fish stocks and aquatic ecosystems? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
A number of Pelagic Fisheries Research Program (PFRP) sponsored research projects address the effects of climactic and environmental change on fish stocks and aquatic ecosystems. For example, the PFRP project "Regime Shifts in the Western and Central Pacific Ocean Tuna Fisheries[1]," contributes to the GLOBEC Oceanic Fisheries and Climate Change Project (OFCCP), which has the objective of investigating the effects of climate variability and change on the productivity and distribution of tuna stocks and fisheries in the Pacific Ocean. Another PFRP project, "Impact of ENSO events on tuna fisheries in the U.S.-affiliated Pacific Islands[2]" (cited in PFRP's Ten Year Report[3]) looked at the social and economic impacts of ENSO events on fisheries. A PFRP project entitled "Development of Oceanographic Atlases for Pelagic and Insular Fisheries and Resource Management of the Pacific Basin[4]" is collecting oceanographic data with potential application in stock assessment, and in predictions of effects of seasonal, inter-annual (e.g., El Niño) and decadal variability on fishery performance and population dynamics models. Another PFRP project entitled "Trophic Structure and Tuna Movements in the Cold Tongue-Warm Pool Pelagic Ecosystem of the Equatorial Pacific"[5] combines diet analysis, stable isotopic compositions, food-web modeling, and stable isotope markers to trace tuna movements and trophic-level variation in the equatorial Pacific. The results should help define ecosystem linkages between tuna production and the effects of climate variability, which is important for both fisheries production and ecosystem modeling of the equatorial Pacific Ocean. The Ecosystems and Oceanography Division[6] (EOD) of the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) conducts research to advance understanding of the structure and dynamics of Pacific marine ecosystems. In particular, EOD looks at how marine populations change in response to both direct changes in their predators and prey as well as from broader habitat-based changes in the ocean climate including El Niño, La Niña, and other inter-annual or decadal events. Current work is addressing ecosystem and environment impacts for a range of species including the several species of sea turtles, and many species of large pelagic fishes including a mix of both commercially important and bycatch species of tunas, billfishes, sharks, and other incidental species. EOD products include scientific advice for stock assessment and fisheries management, development of indicators of ecosystem changes, and the publication of scientific findings related to habitat/environmental effects on individuals, populations, ecosystems, and fisheries.[6]		

[1]PFRP Oceanography Projects, Regime Shifts in the Western and Central Pacific Ocean Tuna Fisheries

[2]Hamnett, Michael P. and Cheryl L. Anderson, 2000. Impact of ENSO events on tuna fisheries in the U.S.-affiliated Pacific Islands. SOEST Publication 00-03, JIMAR Contribution 00-330, 27 pp.

[3]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence.

[4]PFRP Oceanography Projects, Development of Oceanographic Atlases for Pelagic and Insular Fisheries and Resource Management of the Pacific Basin

[5]PFRP Oceanography Projects, Trophic Structure and Tuna Movements in the Cold Tongue-Warm Pool Pelagic Ecosystem of the Equatorial Pacific

[6]PIFSC, Ecosystems and Oceanography Division website

12.6 States should support and strengthen national research capabilities to meet acknowledged scientific standards.

Question format (Caddy 1996): Are States taking steps to support and strengthen national research capabilities to meet acknowledged scientific standards? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Until fiscal year 2008, the Pelagic Fisheries Research Program (PFRP) saw increased support in the form of overall annual Congressional budget increases. Annual reports (beginning from 1992, the year of PFRP establishment) detailing PFRP budgets can be found on the PFRP website.[1] Several research projects have been conducted in American Samoa under PFRP. The National Oceanic and Atmospheric Administration (NOAA) is moving ahead with plans to design and build a comprehensive new facility on Ford Island, Pearl Harbor, to house most Honolulu offices of NOAA agencies, including the Pacific Islands Fisheries Research Center (PIFSC). Center staff have participated in several working groups to help plan important details of the facility, including office and laboratory space, small boat facilities, the library, a common telecommunications and information technology center, and various workplace amenities. The new facility is scheduled for completion in 2010, but some functions, such as support for NOAA research vessels, will be enabled sooner.[2] Fisheries research projects focused on American Samoa are often conducted by staff based at PIFSC facilities in Honolulu.		

[1]PFRP Management Progress Reports website

[2]Pacific Island Fisheries Science Center (PIFSC), http://www.pifsc.noaa.gov

12.7 States, as appropriate in cooperation with relevant international organizations, should encourage research to ensure optimum utilization of fishery resources and stimulate the research required to support national policies related to fish as food.

Question format (Caddy 1996): (a) Are States cooperating with relevant international organizations to encourage research in order to ensure optimum utilization of fishery resources? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
As a member of the Western and Central Pacific Fisheries Commission, the U.S. cooperates in international stock assessments and other research to ensure optimum utilization of Pacific pelagic fishery resources.		

WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int/

(b) Are they stimulating the research required to support national policies related to fish as food? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
U.S. Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1. Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 123 – Fish and Fishery Products (aka the U.S. Food and Drug Administration (FDA) Seafood Hazard Analysis Critical Control Point (HACCP) Regulation) was implemented in 1997.[1] It established a mandatory seafood inspection program for the first time in the U.S.. The FDA Seafood HACCP regulation stimulated research in Hawaii needed to support the implementation of this seafood safety policy. Research involved the analysis of potential seafood hazards and the design and verification of science-based hazard analyses and effective HACCP-based controls of seafood safety issues associated with pelagic fish important to Hawaii and American Samoa, including parasites, histamine and mercury. PacMar Inc., a private consulting company in Hawaii has conducted a series of research studies on these issues funded by the State of Hawaii Dept. of Business and Economic Development, National Oceanic and Atmospheric Administration (NOAA) Saltonstall-Kennedy Fisheries Research Program and NOAA Pacific Islands Regional Office with Hawaii fishing and seafood industry support. U.S. seafood processors must also comply with the Code of Federal Regulations, Title 21 Food and Drugs, Chap. 1. Food and Drug Administration, Dept. of Health and Human Services, Sub Chap. B. Food for Human Consumption, Part 110 - Current Good Manufacturing Practices (cGMPs) in manufacturing, packing and holding human food.[2] The implementation of the FDA Seafood HACCP regulation resulted in a shift in inspection authority over seafood processors from local health departments to the FDA for both cGMPs and Seafood HACCP regulation compliance. This stimulated research in Hawaii to support the seafood industry in standard sanitation operating procedures and applying sensory examination techniques to control spoilage (required by cGMPs) and as a critical seafood safety measure to control histamine		

(important in HACCP controls for histamine) in fish received from fishing vessels.

The Hawaii industry with support from NOAA (and more recently collaboration with the FDA), has led the nation in research focused on controlling histamine on pelagic fishing vessels. Histamine poisoning is one of the most frequently reported seafood-related illnesses in the U.S. Most cases are associated with either imported seafood or recreational fishing. The following is a sequence of seafood safety related research conducted since 1994 to support national policies related to fish as food that are relevant to American Samoa

Survey of mercury and selenium in Hawaii's pelagic fish was conducted under the *Hawaii Seafood Project* (NOAA Award No.NA05NMF4521112) (2005-present) J.J. Kaneko. B. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA and published as Kaneko, J.J. and N.V.C. Ralston, 2007. Selenium and mercury in pelagic fish in the central North Pacific near Hawaii. Biol. Trace Elem. Res. 2007, 119: 242-254, http://www.springerlink.com/content/a7t6506062k1008p/ The research project documented selenium to mercury molar ratios 15 important pelagic fish species as the superior health risk factor.

Hawaii Seafood Project (NOAA Award No.NA05NMF4521112) (2005-2008) J.J. Kaneko, B.H. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA. As part of this project, collaborative histamine control research is being conducted with FDA, NOAA, National Sea Grant Program, Hawaii Longline Association and the United Fishing Agency in Honolulu. The outcome of this research is central to the FDA revision of its policy guidance for histamine controls for Hawaii, domestic and foreign fishing vessels and seafood processors supplying the US market with histamine-forming fish including tuna and mahimahi. Some members of this collaborative group are scientists active in national and international seafood safety regulatory and policy efforts and are involved in the National Seafood HACCP Alliance that provides recommendations to the FDA on seafood safety and HACCP policy issues.

Hawaii Seafood Safety Project (NOAA Award No. NA03NMF4520365) (2005) J.J. Kaneko, B. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA. Research generated information on the cause, occurrence, control and prevention of histamine, parasites, mercury, ciguatera and other potential public health hazards associated with Hawaii's pelagic, reef and deepwater bottomfish. This project produced an educational booklet *Keeping Hawaii Seafood Safe to Eat* that provides details on the major seafood safety issues associated with Hawaii Seafood. A histamine workshop was held to share Hawaii research results with other scientists from across the country with pelagic fisheries facing the challenge of histamine control and FDA HACCP compliance. Collaborative histamine control research onboard a Hawaii longline vessel was planned.

*Verification of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry (*NOAA Award No. NA16FD2472) (2004) J.J. Kaneko, J.W. Bell, D.R. Hawn, PacMar Inc., Honolulu, Hawaii. Funded by NOAA Saltonstall-Kennedy Fisheries Research Program. This project verified the efficacy of the Hawaii HACCP approach to the control of histamine on fishing vessels applicable to American Samoa longline fisheries.

Development of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry (NOAA Award No. NA86FD0067) (2000). J.J.

Kaneko, PacMar Inc., Honolulu, Hawaii. Funded by NOAA Saltonstall-Kennedy Fisheries Research Program. This project studied the control of histamine using standard operating procedures for fishing and onboard fish handling. The Hawaii HACCP approach to the control of histamine on fishing vessels applicable to Hawaii and American Samoa vessels was developed. *Comparison of mercury in Hawaii yellowfin tuna caught in 1971 and 1998*. This study found no change in mercury levels over the 27 year period between sample sets. The results provide insight into the mercury cycle in the pelagic environment. The results suggest that mercury in tuna comes from the food web in the deep ocean and not directly from atmospheric pollution. The study results are relevant to Hawaii and American Samoa fisheries. The study was published as Kraepiel, A.M.L., K. Keller, H.B. Chin, E.G. Malcolm and F.M.M. Morel. (2003) *Sources and variations of mercury in tuna*. Environmental Science and Technology. Vol. 37(24): 5551-5558. Funded by the US Environmental Protection Agency. Tuna sampling was performed by John Kaneko, PacMar Inc., funded by the U.S. Tuna Foundation under the direction of Henry Chin of the National Food Processors Association. *Development and Practical Application of a Generic HACCP Model for the Hawaii Seafood Industry* (1997) J.J. Kaneko, PacMar Inc., Honolulu, Hawaii. Funded by State of Hawaii, Dept. of Business and Economic Development. Prior to the implementation of the FDA Seafood HACCP regulation, this study assessed the seafood safety hazards potentially associated with common Hawaii market fish species and designed a generic HACCP Plan for the typical Hawaii seafood processor. The model plan was used for training and implementation of HACCP by many of Hawaii's seafood processors and integrated food safety controls on fishing vessels. *Quality and Product Differentiation in the Marketing of Fresh Pacific Tuna and Marlin* (1995) P.K. Bartram and J.J. Kaneko, Akala Products, Inc., Honolulu, Hawaii. Funded by NOAA, Pelagic Fisheries Research Program, JIMAR, SOEST, University of Hawaii. This study investigated the market quality requirements for fresh tuna and marlin, and compared quality grading systems in Hawaii and with major U.S. mainland tuna markets. The findings of this study are relevant to Hawaii and American Samoa fisheries. *A Critical Review of the Newly Proposed FDA HACCP System for the Seafood Industry: The Hawaii Industry Perspective* (1994) J.J. Kaneko and P.K. Bartram, PacMar Inc., Honolulu, Hawaii. Funded by State of Hawaii, Dept. of Business and Economic Development. This study reviewed the proposal for the FDA Seafood HACCP regulation. Key seafood safety issues and challenges for the Hawaii fishing and seafood industry were identified, as were hazard analyses held by the FDA on the prevalence and effective controls of some of these potential problems. The study addressed the FDA concerns about parasite risk in fresh tuna sashimi. Based on the presentation of the best available science, the FDA did not implement its proposed policy for mandatory freezing for sashimi tuna (to kill non-existent parasites of public health significance). This review laid the foundation for the development of HACCP-based controls for histamine, and hazard analysis of parasites in raw tuna that is relevant to Hawaii and American Samoa.		

[1]CFR, Title 21, Food and Drugs, Part 123, Fish and Fishery Products

[2]CFR, Title 21, Food and Drugs, Part 110, Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food

12.8 States should conduct research into, and monitor, human food supplies from aquatic sources and the environment from which they are taken and ensure that there is no adverse health impact on consumers. The results of such research should be made publicly available.

Question format (Caddy 1996): (a) Is research being conducted into the study and monitoring of human food supplies from aquatic sources and the environments from which they are taken to ensure that there is no adverse health impact on consumers? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Research on the safety of Hawaii Seafood and the efficacy of seafood safety systems is being done in Hawaii to support the longline industry throughout the U.S. Pacific island areas (including American Samoa) and to protect the public. Histamine and mercury are the main concerns for both Hawaii and American Samoa longline fisheries. The efficacy of histamine control measures is being studied in the following projects. *Quarterly fish sampling and histamine testing* has been performed since 1997 at the United Fishing Agency to verify the continued efficacy of the Hazard Analysis Critical Control Point (HACCP) system for histamine control. Over 80% of the commercial fish landings in Hawaii are sold through the Honolulu Fish Auction, operated by the United Fishing Agency. This information is reviewed annually by U.S. Food and Drug Administration (FDA) inspectors as a HACCP system verification procedure. To date, no single fish tested has exceeded the 50 ppm histamine limit. *Hawaii Seafood Project* (NOAA Award No. NA05NMF4521112) (2005-2008) J.J. Kaneko. B.H. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA. This project conducted collaborative histamine control research with FDA, NOAA, National Sea Grant, the Hawaii Longline Association and the United Fishing Agency in Honolulu. The project is also conducting research on mercury and selenium in 15 important pelagic fish species and contributing to research to investigate the protective effects of selenium on mercury neurotoxicity. *Hawaii Seafood Safety Project* (NOAA Award No. NA03NMF4520365) (2005) J.J. Kaneko, B.H. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA. Research generated information on the cause, occurrence, control and prevention of histamine associated with many of Hawaii's pelagic fish. This project produced an educational booklet *Keeping Hawaii Seafood Safe to Eat* that provides details on the major seafood safety issues associated with Hawaii Seafood. Outreach and training was conducted to share information with fishermen, processors, retailers and food service staff. Research results were submitted to NOAA. *Verification of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry (*NOAA Award No. NA16FD2472) (2004) J.J. Kaneko, J.W. Bell, D.R. Hawn, PacMar Inc., Honolulu, Hawaii. Funded by NOAA Saltonstall-Kennedy Fisheries Research Program. This project verified the efficacy of the Hawaii HACCP approach to the control of histamine on fishing vessels. Outreach and training was conducted to		

share information with fishermen, processors, retailers and food service staff. Research results were submitted to NOAA and FDA.

Development of a HACCP-based Strategy for the Control of Histamine for the Fresh Tuna Industry (NOAA Award No. NA86FD0067) (2000) J.J. Kaneko, PacMar Inc., Honolulu, Hawaii. Funded by NOAA Saltonstall-Kennedy Fisheries Research Program. This project studied the control of histamine using standard operating procedures for onboard fish handling and developed the Hawaii HACCP approach to the control of histamine on fishing vessels. Research results were submitted to NOAA and FDA.

Development and Practical Application of a Generic HACCP Model for the Hawaii Seafood Industry (1997) J.J. Kaneko, PacMar Inc., Honolulu, Hawaii. Funded by Hawaii Department of Business and Economic Development. This project developed a HACCP-based approach to controlling histamine integrating fishing vessel and processor controls. Training workshops were held to share the model plans with the Hawaii Seafood industry. Research results were submitted to the State of Hawaii.

A Critical Review of the Newly Proposed FDA HACCP System for the Seafood Industry: The Hawaii Industry Perspective (1994) J.J. Kaneko and P.K. Bartram, PacMar Inc., Honolulu, Hawaii. Funded by State of Hawaii, Dept. of Business and Economic Development. This study reviewed the FDA proposed regulation for Seafood HACCP. Key seafood safety issues and challenges were identified, as were misconceptions held by the FDA on the prevalence and effective controls of some of these potential problems. The study addressed the FDA misconception about parasite risk in fresh tuna sashimi. Based on the presentation of the best available science, the FDA did not implement its proposed mandatory freezing requirement for sashimi tuna. A policy paper was submitted to the State of Hawaii and FDA during the comment period for the proposed regulation.

Monitoring mercury in fish is not routine, but recent studies in Hawaii (of relevance to American Samoa's longline fishery) have confirmed the presence of trace amounts of mercury in pelagic fish. There is growing evidence that mercury in pelagic fish is not directly from anthropogenic sources of mercury pollution, but natural environmental background. Mercury in pelagic fish is being studied.

Survey of mercury and selenium in Hawaii's pelagic fish was conducted under the *Hawaii Seafood Project* (NOAA Award No.NA05NMF4521112) (2005-present) J.J. Kaneko. B. Takenaka, P.K. Bartram, PacMar, Inc., Honolulu, Hawaii. Funded by NOAA and published as Kaneko, J.J. and N.V.C. Ralston, 2007. Selenium and mercury in pelagic fish in the central North Pacific near Hawaii. Biol. Trace Elem. Res. 2007, 119: 242-254, http://www.springerlink.com/content/a7t6506062k1008p/

The Development of a Stock Profile for Methyl Mercury for the North Pacific Swordfish (*Xiphias gladius*) NOAA Award No. NA66FD0057 **(**1998) J.J. Kaneko, PacMar Inc., Honolulu, Hawaii. Funded by Saltonstall-Kennedy Fisheries Research Program, NOAA. This study examined the relationship between fish weight and methylmercury concentration in swordfish in the Hawaii fishery. Research results were submitted to the NOAA.

Comparison of mercury in Hawaii yellowfin tuna caught in 1971 and 1998. This study found no change in mercury levels over the 27 year period

between sampling. The results of this study have helped scientists understand the mercury cycle in the pelagic environment and to conclude that atmospheric emissions are not the direct source of mercury found in tuna. The study was published as Kraepiel, A.M.L., K. Keller, H.B. Chin, E.G. Malcolm and F.M.M. Morel. (2003) *Sources and variations of mercury in tuna.* Environmental Science and Technology. Vol. 37(24): 5551-5558. The study was funded by the U.S. Environmental Protection Agency. Tuna sampling was performed by John Kaneko, PacMar Inc., funded by the U.S. Tuna Foundation under the direction of Henry Chin of the National Food Processors Association. FDA collects and presents data on *Mercury Levels in Commercial Fish and Shellfish*[1] (last updated Feb 2006) and *Mercury Concentrations in Fish: FDA Monitoring Program (1990 to 2004).*[2] This information is not broken down by fishery location and it is uncertain how much of the information is from fish collected in the Hawaii pelagic fishery. Fish weights are not reported and in some cases information is not reported down to the species level. NOAA published the *National Marine Fisheries Service Survey of Trace Elements in the Fishery Resource* in 1978, by Hall, R.A., E.G. Zook and G.M. Meaburn. NOAA Technical Report NMFS SSRF-721. pp 315. This survey included testing results for a variety of Hawaii marine fish species. Analytical technology has evolved in the interim period and new survey data are needed.		

[1]U.S. FDA, Mercury Levels in Commercial Fish and Shellfish

[2]U.S. FDA, Mercury Concentrations in Fish: FDA Monitoring Program (1990 to 2004)

(b) Are results of such research being made publicly available? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The details of research described in 12.8 (a), have been reported in 1) project reports for the National Oceanic and Atmospheric Administration (NOAA) Fisheries, the State of Hawaii and the U.S. Food and Drug Administration (FDA); 2) peer reviewed journal articles, 3) NOAA technical reports, 4) FDA web-based data sources, 5) health advisories and 6) outreach materials.		

12.9 States should ensure that the economic, social, marketing and institutional aspects of fisheries are adequately researched and that comparable data are generated for ongoing monitoring, analysis and policy formulation.

Question format (PacMar Inc. 2006): Are the economic, social, marketing and institutional aspects of the fishery being adequately researched and comparable data being generated for ongoing monitoring, analysis and policy formation? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Pelagic Fisheries Research Program (PFRP) funds research projects to assess the effects of fisheries policy on both the resources and humans to provide feedback for developing and modifying appropriate management objectives and effective fisheries regulations in support of the Western Pacific Fishery Management Council and National Oceanic and Atmospheric Administration (NOAA) Fisheries. More than a third of PFRP research projects have originated from the disciplines of economics, public policy studies, and the social sciences. Past and current PFRP projects can be viewed on the PFRP website,[1] with an overview in the PFRP Ten Year Report.[2] NOAA Fisheries Pacific Islands Fishery Science Center (PIFSC)'s Fisheries Monitoring and Socioeconomics Division (FMSD) consists of four distinct programs (Economics Program, Human Dimensions Research Program, Fisheries Monitoring & Analysis Program, Western Pacific Fishery Information Network) that conduct a wide variety of fisheries monitoring and research in the Pacific Islands Region and surrounding international waters. FMSD's mission is to provide the best available fisheries-dependent data, fishery reporting, technical support, social and economic research, and advice in support of federal fisheries management in the central and western Pacific.[3]		

[1]PFRP Economics Projects

[2]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence

[3]PIFSC, Fisheries Monitoring and Socioeconomics Division website

12.10 States should carry out studies on the selectivity of fishing gear, the environmental impact of fishing gear on target species and on the behaviour of target and non-target species in relation to such fishing gear as an aid for management decisions and with a view to minimizing non-utilized catches as well as safeguarding the biodiversity of ecosystems and the aquatic habitat (*furthers ecosystem approach to fisheries*, per FAO 2003: 80, 81, 82).

Question format (Caddy 1996): (a) Are studies on the selectivity of fishing gear, the environmental impact of fishing gear on target species and on the behaviour of target and non-target species in relation to such fishing gear being conducted as an aid for management decisions?
Yes...[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Service Pacific Islands Fisheries Science Center (PIFSC) conducts gear evaluation studies, looking at how different methods of longline fishing affect a variety of marine species. For example, research by PIFSC used time-depth recorders to characterize hook depths in American Samoa's longline fishery and provide information on the efficacy of removing hooks adjacent to longline floats to reduce sea turtle interactions and estimate the corresponding changes in fish catch rates.[1] PIFSC collaborates with Japan[2], Korea[3], Indonesia, Philippines, the World Wildlife Fund, Mexico, Costa Rica, Guatemala, Ecuador, Peru, Chile, the Inter-American Tropical Tuna Commission,[4] Brazil, Uruguay, Spain, and Italy in experiments testing methods to reduce sea turtle bycatch in longlines[5]. A variety of Pelagic Fisheries Research Program (PFRP) studies address the selectivity of fishing gear. One study characterized the vertical habitat of tuna and other pelagic fish species using Time-Depth-Temperature Recorders (TDRs) and hook timers on pelagic longline gear fished on six commercial tuna longline vessels.[6] A 1996 PFRP study done by David Itano looked at the reproductive biology and spawning behavior of yellowfin tuna and the implications to gear vulnerability and fishery interaction[7] (see PFRP Ten Year Report[8]). Various components of other PFRP studies address protected species. A "Protected Species" section has been added to PFRP's list of projects and summaries of past and current projects can be viewed at the PFRP website.[9] The impact of fishing gear on bycatch/catch ratios is also discussed in the PFRP Ten Year Report, in the section entitled "Comparing the Environmental Baggage of Longline Fisheries." Results of this study on sea turtle bycatch to fish catch ratios for differentiating Hawaii longline-caught seafood products was published in the peer-reviewed journal Marine Policy in 2009. [10]		

[1]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and mitigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

[2]Minami, H., K. Yokota, and M. Kiyota (2006) Effect of circle hooks and feasibility of de-hooking devices to reduce incidental mortality of sea turtles in the Japanese longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC-2006/EB WP-9. WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int/

[3]S. S. Kim, D. Y. Moon, C. H. Boggs, D. H. An and J. R. Koh. Comparison of circle hook and J hook catch rate for target and bycatch species taken in the Korean tuna longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC2-2006/EB WP-12. WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int/

[4]Inter-American Tropical Tuna Commission (IATTC). 2006. The sea turtle bycatch mitigation program for the coastal longline fleets and preliminary results of circle hook experiments. IATTC Working Group on Bycatch 5th meeting, Busan, Korea, 24 June 2006. IATTC- BWG-5-04. 5pp.

[5]Boggs, C. 2005. Appendix D: Recent (2005) developments in scientific research on the use of circle hooks to reduce longline bycatch of sea turtles. Pages 17-22 in Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), First Meeting of the Technical and Compliance Committee (TCC), 5-9 December, 2005, Sea Turtle Conservation and Management: Actions by the Commission, Relevant Regional Fisheries Management Organizations, and Regional Fisheries Bodies. WCPFC/TCC1/18 Suppl. 2. 22 pp. WCPFC, Meetings, Technical & Compliance Committee, http://www.wcpfc.int/

[6]Hawn, Donald and Michael Seki. End of the Line: Using Instrumented Longline to Study Vertical Habitat of Pelagic Fishes. PFRP Newsletter July-September 2005, pp 1-2.

[7]Itano 1996. The Reproductive Biology of Yellowfin Tuna (Thunnus albacares) in Hawaiian Waters and the Western Tropical Pacific Ocean: Project Summary. SOEST 00-01, JIMAR Contribution 00-328. http://www.soest.hawaii.edu/PFRP/biology/itano/itano_yft.pdf

[8]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence

[9]PFRP Protected-Species Projects website

[10]Bartram, P.K., J.J. Kaneko and K. Kucey-Nakamura. 2009. Sea turtle bycatch to fish catch ratios for differentiating Hawaii longline-caught seafood products. Marine Policy, doi:10.1016/j.marpol.2009.05.006

b) Is an attempt being made through research to minimize non-utilized catches? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Research in the form of two pilot projects is being conducted in American Samoa to demonstrate processing and marketing of non-utilized fish catches that are presently discarded in American Samoa's longline fishery.		

Community Development Projects, Western Pacific Community Demonstration Project Program, www.wpcouncil.org/

(c) Is the biodiversity of ecosystems and the aquatic habitat being safeguarded (through research)? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Fisheries Science Center (PIFSC), Fishery Biology and Stock Assessment Division, studies the ecology of exploited stocks and the effects of stock levels, harvests, and bycatch on the broader ecosystem. These questions are explored through food web analyses and ecosystem models.[1] PIFSC's Ecosystems and Oceanography Division examines how the diversity of marine populations change in response to both direct changes in their predators and prey as well as from broader habitat-based changes in the ocean climate.[2] For example, PIFSC researchers have conducted an oceanographic investigation of the American Samoa albacore (*Thunnus alalunga*) habitat and longline fishing grounds.[3] The Pelagic Fisheries Research Program (PFRP) project entitled "Physical Characteristics of the Environment Influencing Pelagic Fishes"[4] assesses the aquatic habitats of a range of pelagic species and provides information for better interpretation of fishery data. PFRP-affiliated scientists participate in a multi-regional program known as Climate Impacts on Oceanic Top Predators (CLIOTOP), a ten year program under the international research program Global Ocean Ecosystem Dynamics (GLOBEC). CLIOTOP is devoted to the study of oceanic top predators within their ecosystems and is based on a worldwide comparative approach, i.e. among regions, oceans and species.[5]		

[1]PISFC, Fishery Biology and Stock Assessment Division website

[2]PIFSC, Ecosystems and Oceanography Division website

[3]Domokos, R. et al. 2007. Oceanographic investigation of the American Samoa albacore (*Thunnus alalunga*) habitat and longline fishing grounds. Fisheries Oceanography 16:6, 555-572.

[4]PFRP Oceanography Projects, Physical Characteristics of the Environment Influencing Pelagic Fishes

[5]Global Ocean Ecosystem Dynamics (GLOBEC), Climate Impacts on Oceanic Top Predators (CLIOTOP), http://www.globec.org/structure/regional/cliotop/cliotop.htm

12.11 States should ensure that before the commercial introduction of new types of gear, a scientific evaluation of their impact on the fisheries and ecosystems where they will be used should be undertaken. The effects of such gear introductions should be monitored (furthers ecosystem approach to fisheries, per FAO 2003: 80, 81, 82).

Question form (Caddy 1996): (a) Before the commercial introduction of a new type of gear, is a scientific evaluation of its impact on the fisheries and ecosystems where it will be used being undertaken? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) conducts gear evaluation studies, looking at how different methods of fishing affect a variety of marine species. For example, research by PIFSC used time-depth recorders to characterize hook depths in American Samoa's longline fishery and provide information on the efficacy of removing hooks adjacent to longline floats to reduce sea turtle interactions and estimate the corresponding changes in fish catch rates.[1] The National Environmental Policy Act (NEPA) requires analysis of any potentially significant environmental impacts that may result from new regulations. The findings are summarized either in a finding of no significant impact (FONSI) or a record of decision.[2]		

[1]Bigelow, K. and E. Fletcher. Gear depth in the American Samoa-based longline fishery and litigation to minimize turtle interactions and corresponding effects on fish catches. PIFSC Internal Report IR-09-008, March 2009.

[2]Environmental Impact Statement – Western Pacific Pelagic Fisheries EIS

(b) Is the effect of such gear introduction monitored? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Impacts of gear in American Samoa's longline fishery are monitored by Federally-mandated observers. Observers covered approximately 8% of American Samoa longline fishing trips by vessels longer than 40 ft. from April 2006 to May 2008.[1] The long-term target for American Samoa large vessel observer coverage is at least 20%.[2]		

[1]Observer Program, Quarterly & Annual Reports, American Samoa Quarterly and Annual Status Reports (2006-2008). http://www.fpir.noaa.gov/

[2]Observer Program, http://www.fpir.noaa.gov/

12.12 States should investigate and document traditional fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to assess their application to sustainable fisheries conservation, management and development.

Question format (Caddy 1996): Are traditional fisheries knowledge and technologies being investigated and documented, in particular those applied to small-scale fisheries, in order to assess their application to sustainable fisheries conservation, management and development? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Pelagic Fisheries Research Program (PFRP) projects have explored the possible applications of local fishery knowledge to the management and development of American Samoa's small-scale longline fishery.		

PFRP Socio-cultural Projects, Local Fishery Knowledge: Its Application to the Management and Development of Small-scale Tuna Fisheries in the U.S. Pacific Islands

12.13 States should promote the use of research results as a basis for the setting of management objectives, reference points and performance criteria, as well as for ensuring adequate linkages between applied research and fisheries management.

Question format (Caddy 1996): (a) Is the use of research results as a basis for the setting of management objectives, reference points and performance criteria being promoted? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) administers scientific research and monitoring programs that specifically support the domestic and international conservation and management of pelagic marine resources and generate feedback for setting fishery management policy and objectives. The Fishery Biology and Stock Assessment Division[1] uses research to improve stock assessments and to advise resource management at both species and ecosystem levels while addressing mandates of the Magnuson-Stevens, Endangered Species, Marine Mammal Protection, and Migratory Bird Treaty Acts. In "Recommended Overfishing Definitions and Control Rules for the Western Pacific Fishery Management Council's Pelagics Fishery Management Plan,"[2] PIFSC outlines control rules and stock status determination reference points recommended for Federally-managed pelagic species.		

[1]PIFSC Fishery Biology and Stock Assessment Division website

[2]Boggs, Christofer, Paul Dalzell, Tim Essington, Marc Labelle, David Mason, Robert Skillman, and Jerry Wetherall. 2000. Recommended Overfishing Definitions and Control Rules for the Western Pacific Regional Fishery Management Council's Pelagic Fishery Management Plan

(b) Is research being used to help ensure adequate linkages between applied research and fisheries management? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
New fishing technologies are developed, tested, and promoted internationally by the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center and its partners to reduce bycatch and the impacts of pelagic longline fisheries on populations of sea turtles, seabirds, sharks, and other species caught incidentally. Research is undertaken to determine that these measures are cost-effective in reducing protected species interactions before they are adopted as U.S. longline fisheries regulations.[1] The Western Pacific Fishery Management Council has recommended that participants in American Samoa's longline limited entry program be required to fish with hooks set at least 100 meters deep to avoid incidental sea turtle catch in the shallow "turtle layer." This proposal, which has been submitted to NOAA Fisheries for review and possible approval and implementation, is supported by a recommendation for cooperative research to verify its effectiveness and impacts on fish catch rates.[2] Research is also proposed on the impacts of larger circle hook sizes than presently used in American Samoa's longline fishery on catches of albacore tuna, the target species.		

[1]PIFSC Fishery Biology and Stock Assessment Division website

[2]Western Pacific Fishery Management Council, Draft Amendment to the Pacific Pelagic Fishery Ecosystem Plan, measures to reduce interactions between green sea turtles and the American Samoa-based longline fishery, Feb. 11, 2009.

12.14 States conducting scientific research activities in waters under the jurisdiction of another State should ensure that their vessels comply with the laws and regulations of that State and international law.

Question format (Caddy 1996): Are States conducting scientific research activities in waters under the jurisdiction of another State, ensuring that their vessels comply with the laws and regulations of that State and international law? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
A Pelagic Fisheries Research Program (PFRP) project is conducting "Direct Tests of the Efficacy of Bait and Gear Modifications for Reducing Interactions of Sea Turtles with Longline Fishing Gear in Costa Rica[1]" within the Costa Rican Exclusive Economic Zone. This project complies with the laws and regulations of Costa Rica and applicable U.S. laws by obtaining the necessary permits required for U.S. and Costa Rican scientists to pursue this research that may impact threatened species. The process of compliance with state and international laws is described in the project's 2003 progress report.[2]		

[1]PFRP Protected Species Projects, Direct Tests of the Efficacy of Bait and Gear Modifications for Reducing Interactions of Sea Turtles with Longline Fishing Gear in Costa Rica

[2]JIMAR, PFRP Annual Progress Report FY 2003, Project Proposal Title: Direct Tests of the Efficacy of Bait and Gear Modifications for Reducing Interactions of Sea Turtles with Longline Fishing Gear in Costa Rica

12.15 States should promote the adoption of uniform guidelines governing fisheries research conducted on the high seas.

Question format (PacMar Inc. 2006): Is the adoption of uniform guidelines being promoted governing fisheries research conducted on the high seas? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 0		
Yes	*Some*	*No*
		Pelagic Fisheries Research Program (PFRP) projects on the high seas are mostly fish tagging studies that do not promote uniform guidelines for high seas research.

PFRP Biology Projects, Hawaii Regional Tuna Tagging Project

Analysis: This provision is scored "0" because the only fisheries research on the high seas promoted by the State are fish tagging studies that do not follow uniform guidelines because of the different pelagic species and different ocean areas on which research is focused.

Likelihood of improving compliance: Pelagic fisheries scientists studying longline fisheries in Hawaii and American Samoa are anxious to collaborate with colleagues in other fishing nations, but collaboration is based on good project-by-project research design and execution, not uniform guidelines for all pelagic species and Pacific ocean areas. Thus, the score for this provision is not likely to improve.

12.16 States should, where appropriate, support the establishment of mechanisms, including, *inter alia*, the adoption of uniform guidelines, to facilitate research at the subregional or regional level and should encourage the sharing of the results of such research with other regions.

Question format (PacMar Inc. 2006): (a) Is the establishment of appropriate mechanisms being supported, including, *inter alia*, the adoption of uniform guidelines, to facilitate research at the subregional or regional level? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Past and current Pelagic Fisheries Research Program (PFRP) fish tagging projects support research at the subregional and regional levels, as well as the intersection and overlap between larger scales with smaller, local scales of research.[1,2] In November 2005, an international group of scientists and fishery managers gathered for two and a half days in Honolulu to discuss future research priorities for PFRP. One of the highest ranking topics that arose from the workshop was to support future large-scale tagging programs to investigate tuna movement on different scales. More detail on this topic can be found in Section 6.1.2 of the report, "What is the appropriate scale of pelagic fisheries research?[3]" Another presentation, "Tunas in Space: Scales of Interactions in Large Ecosystems," was presented at a PFRP Principal investigators' meeting in 2000.[4] The Western Pacific Fishery Management Council provides logistic and funding support for multi-organization sea turtle nesting beach protection projects and research throughout the Pacific Basin following guidelines expressed at the "Bellagio Conference" in 2003 to consider all life phases of sea turtles in conservation efforts.[5]		

[1]PFRP Biology Projects website

[2]PFRP Oceanography Projects website

[3]Sibert, John, Scott McCreary, and Eric Poncelet, 2005. Pacific Ocean Connections: Priorities for pelagic fisheries research in the twenty-first century. Report of PFRP Research Priorities Workshop, November 16-18, 2005, *SOEST Publication 06-01, JIMAR Contribution 06-358*, 25 pp.

[4]PFRP Principal Investigators Meeting, Exploitation, Predation, and Scales of Spatial Variability in Pelagic Fisheries, December 5-7, 2000, Imin Conference Center, UH Manoa campus, Tim Essington presentation: Tunas in Space: Scales of Interactions in Large Ecosystems.

[5]WPRFMC, Protected Species Conservation, http://www.wpcouncil.org/protected/

(b) Is the sharing of the results of such research encouraged with other regions or fisheries? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Western Pacific Fishery Management Council and National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) and Pacific Islands Regional Office participate in international meetings and training where new protected species-saving longline gear developments are transferred to foreign fisheries.[1, 2] To promote wide sharing of research results, the Pelagic Fisheries Research Program produces a quarterly newsletter[3] that circulates around the world to more than 350 fisheries managers, academic and government scientists, government fisheries agencies, libraries and interested individuals in 38 countries and U.S. territories. Detailed technical reports and informal workshop reports are available online.[4] A section of the PFRP Ten Year Report,[5] is concerned with "Communicating Results & Fostering International Cooperation.." In addition, PFRP holds two annual principal investigators' meetings.[6] PIs are required to make presentations to audiences of international fishery scientists at either of these venues. PFRP has been involved in international fisheries meetings for the past 10 years.[5]		

[1]WPRFMC, Protected Species Conservation, http://www.wpcouncil.org/protected.htm

[2]Boggs, C. 2005. Appendix D: Recent (2005) developments in scientific research on the use of circle hooks to reduce longline bycatch of sea turtles. Pages 17-22 in Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), First Meeting of the Technical and Compliance Committee (TCC), 5-9 December, 2005, Sea Turtle Conservation and Management: Actions by the Commission, Relevant Regional Fisheries Management Organizations, and Regional Fisheries Bodies. WCPFC/TCC1/18 Suppl. 2. 22 pp. http://www.wcpfc.int/

[3]PFRP Publications website

[4]PFRP website

[5]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence

[6]PFRP Meetings Information website

12.17 States, either directly or with the support of relevant international organizations, should develop collaborative technical and research programmes to improve understanding of the biology, environment and status of transboundary aquatic stocks.

Question format (Caddy 1996): Are States, either directly or with the support of relevant international organizations, developing collaborative technical and research programmes to improve understanding of the biology, environment and status of transboundary aquatic stocks?
Yes...[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
Representatives from the National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC) and Pacific Islands Regional Office (PIRO) and from the Western Pacific Fishery Management Council (Council) participate in meetings of the Scientific Committee and Technical & Compliance Committee of the Western and Central Pacific Fisheries Commission[1] to develop collaborative programs to improve understanding of highly migratory species and stock status. PIFSC collaborates with Japan[2], Korea[3], Indonesia, Philippines, the World Wildlife Fund, Mexico, Costa Rica, Guatemala, Ecuador, Peru, Chile, the Inter-American Tropical Tuna Commission,[4] Brazil, Uruguay, Spain, and Italy in experiments testing methods to reduce sea turtle bycatch in longlines.[5] The Council provides logistic and funding support for multi-organization sea turtle nesting beach protection projects and research throughout the Pacific Basin following guidelines expressed at the "Bellagio Conference" in 2003 to consider all life phases of sea turtles in conservation efforts.[6] The majority of Pelagic Fisheries Research Program (PFRP) funds have supported research based at the University of Hawaii and PIFSC but the program steering committee makes it clear that all relevant research proposals are welcomed, and a variety of projects from many countries has been funded. This policy expands the pool of potential researchers and fosters the sharing of results internationally, as described in the "Communicating Results and Fostering International Cooperation" section[7] of the Ten Year Report. One PFRP project, entitled "Mobility of tropical tunas and the implications for fisheries management,"[8] specifically addresses the mobility of transboundary pelagic fish stocks. American Samoa and independent Samoa are exploring options for collaboration to address management of shared stocks of bottomfish, albacore tuna and reef fish.		

[1]WCPFC – Stock Assessment Specialist Group

[2]Minami, H., K. Yokota, and M. Kiyota (2006) Effect of circle hooks and feasibility of de-hooking devices to reduce incidental mortality of sea turtles in the Japanese longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC-2006/EB WP-9. WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int

[3]S. S. Kim, D. Y. Moon, C. H. Boggs, D. H. An and J. R. Koh. Comparison of circle hook and J hook catch rate for target and bycatch species taken in the Korean tuna longline fishery. Working Paper, Western and Central Pacific Fisheries Commission, Scientific Committee, Second Regular Session, 7-18 August 2006, Manila, Philippines. WCPFC-SC2-2006/EB WP-12 WCPFC, Meetings, Scientific Committee, http://www.wcpfc.int

[4]Inter-American Tropical Tuna Commission (IATTC). 2006. The sea turtle bycatch mitigation program for the coastal longline fleets and preliminary results of circle hook experiments. IATTC Working Group on Bycatch 5th meeting, Busan, Korea, 24 June 2006. IATTC- BWG-5-04. 5pp.

[5]Boggs, C. 2005. Appendix D: Recent (2005) developments in scientific research on the use of circle hooks to reduce longline bycatch of sea turtles. Pages 17-22 in Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), First Meeting of the Technical and Compliance Committee (TCC), 5-9 December, 2005, Sea Turtle Conservation and Management: Actions by the Commission, Relevant Regional Fisheries Management Organizations, and Regional Fisheries Bodies. WCPFC/TCC1/18 Suppl. 2. 22 pp. http://www.wcpfc.int/

[6]WPRFMC, Protected Species Conservation, http://www.wpcouncil.org/protected

[7]Parks, Noreen M., John Sibert and May Izumi. Pelagic Fisheries Research Program: Ten Years of Excellence.

[8]Sibert and Hampton 2003.Mobility of tropical tunas and the implications for fisheries management, http://www.soest.hawaii.edu/PFRP/reprints/mobility.pdf

12.18 States and relevant international organizations should promote and enhance the research capacities of developing countries, inter alia, in the areas of data collection and analysis, information, science and technology, human resource development and provision of research facilities, in order for them to participate effectively in the conservation, management and sustainable use of living aquatic resources.

Question format (Caddy 1996): Are States and relevant international organizations promoting and enhancing the research capacities of developing countries, *inter alia*, in the areas of data collection and analysis, information, science and technology, human resource development and provision of research facilities, in order for them to participate effectively in the conservation, management and sustainable use of living aquatic resources? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The Secretariat of the Pacific Community (SPC) can provide technical support when requested by its Pacific island country members to enhance marine research capacities of developing Pacific Island member countries. SPC activities are financed by various donors.[1] The National Oceanic and Atmospheric Administration (NOAA) Fisheries Pacific Islands Fisheries Science Center (PIFSC)'s Western Pacific Fishery Information Network (WPacFIN)[2] promotes the fisheries research capabilities of local state and territorial fisheries offices (including the American Samoa Department of Marine and Wildlife Resources) by providing technical support and some funding to address changing data and information needs to meet new federal requirements as they arise. Under the terms of the South Pacific Tuna Treaty, an Economic Assistance Agreement between the U.S. Government (U.S. Agency for International Development) and the Forum Fisheries Agency (FFA). The U.S. Government pays $18 million annually, subject to the availability of appropriated funds for this purpose, into an economic development fund administered by the FFA. The FFA ensures that the fund is used to support economic development programs in the region. In addition to paying access fees, the U.S. purse seine tuna industry also pays the FFA costs associated with observer coverage (including training), vessel monitoring system deployment and associated recurring costs, and a regional registration fee.[3] The Western Pacific Fishery Management Council provides logistic and funding support for multi-organization sea turtle nesting beach protection projects and research to reduce sea turtle bycatch in longline fisheries throughout the Pacific Basin.[4] A 7-year effort to develop a Pacific region database on sea turtle research culminated with the launch of the final version of the Turtle Research and Monitoring Database System (TREDS) in February 2009. TREDS, a joint initiative of the Western Pacific Fishery Management Council, Secretariat of the Pacific Regional Environment Program, NOAA Fisheries Service Pacific Islands Fisheries Science Center and others, collates and standardizes marine turtle data throughout the Pacific. Technical and financial assistance to enhance fisheries research capabilities may be available to member countries from the Asian Development Bank (ADB),[5] the World Bank[6], or to foreign nations from the U.S. Agency for International Development (USAID).[7]	

[1]SPC Marine Resources Division website

[2]PIFSC, Western Pacific Fishery Information Network website

[3]Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (South Pacific Tuna Treaty -- SPTT), http://www.nmfs.noaa.gov/ia/intlagree/docs/SPTT%20-%2005.doc

[4]WPRFMC, Protected Species Conservation, http://www.wpcouncil.org/protected/

[5]ADB, Projects website

[6]The World Bank, Projects & Operations website

[7]U.S. Agency for International Development (USAID), http://www.usaid.gov/about_usaid/

Analysis: The U.S. and international organizations are enhancing the marine research capacities in some developing Pacific island countries but this is a selective process usually based on special relationships with the U.S. or with international aid organizations. Therefore, this provision was assigned only a ½ score.

Likelihood of improving compliance: Neither the U.S. nor international aid organizations give highest priority to developing countries in the Pacific or to the marine research sector. Other regions of the world and economic sectors are likely to receive higher priority, so there is little likelihood for improving the score for this provision.

12.19 Competent international organizations should, where appropriate, render technical and financial support to States upon request and when engaged in research investigations aimed at evaluating stocks which have been previously unfished or very lightly fished.

Question format (PacMar Inc. 2006): Are competent international organizations available to render technical and financial support upon request and when engaged in research investigations aimed at evaluating stocks which have been previously unfished or very lightly fished? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1		
Yes	*Some*	*No*
The Secretariat of the Pacific Community (SPC) can provide technical support when requested by its Pacific island country members to conduct research to evaluate stocks previously not heavily fished in the South Pacific. SPC activities are financed by various donors.[1] Technical and financial assistance for research of potential new pelagic fisheries may be available to member countries from the Asian Development Bank (ADB)[2], the World Bank[3], or to foreign nations from the U.S. Agency for International Development (USAID).[4] In the early 1990s, USAID funded a pilot longline fishery project in Tonga to evaluate previously lightly fished pelagic stocks.		

[1]SPC Marine Resources Division website

[2]ADB, Projects website

[3]The World Bank, Projects & Operations website

[4]U.S. Agency for International Development (USAID), http://www.usaid.gov/about_usaid/

12.20 Relevant technical and financial international organizations should, upon request, support States in their research efforts, devoting special attention to developing countries, in particular the least-developed among them and small island developing countries.

Question format (PacMar Inc. 2006): Are relevant technical and financial international organizations available, upon request, to support research efforts, devoting special attention to developing countries, in particular the least-developed among them and small island developing countries? ***Yes...***[1] ***In part...***[½] ***No...***[0]

Extent of Compliance by American Samoa Longline Fishery = 1/2		
Yes	*Some*	*No*
	The Secretariat of the Pacific Community (SPC) can provide technical support when requested by its Pacific island country members and subject to funding availability to support research efforts in developing Pacific Island member countries. SPC activities are financed by various donors. [1] Research on pelagic fisheries in small island developing countries may be supported by the Asian Development Bank (ADB),[2] the World Bank[3], or the U.S. Agency for International Development (USAID).[4] ADB is no longer involved in the fisheries sector in the Pacific islands. Nor is USAID. The World Bank commissioned a study of its potential role. [5]	

[1]SPC Marine Resources Division website

[2]ADB, Projects website

[3]The World Bank, Projects & Operations website

[4] U.S. Agency for International Development (USAID), http://www.usaid.gov/about_usaid/

[5]Gillett, R. and G. van Santen. 2007. Major issues and constraints preventing Pacific island countries from obtaining optimal benefits from their fishery resources. A report prepared for the World Bank.

Analysis: The U.S. and international organizations provide technical and financial support to marine research in some developing Pacific island countries but this is a selective process usually based on special relationships with the U.S. or with international aid organizations. Therefore, this provision was assigned only a ½ score.

Likelihood of improving compliance: Neither the U.S. nor international aid organizations give highest priority to developing countries in the Pacific or to the marine research sector. Other regions of the world and economic sectors are likely to receive higher priority, so there is little likelihood for improving the score for this provision.