



Options Paper on Limited Access to the American Samoa Large Pelagic Fishing Vessel (≥ 50 ft) Area Closures

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I. Introduction

This paper considers options for allowing limited access to 25-50 nm of the southern and northern large vessel prohibited area (LVPA) in American Samoa, which consists of a 0-50 nm rectangle around Tutuila, Manua Islands, and Rose Atoll and a 0-50 nm rectangle around Swains Island. Limited entry would be permitted from 25-50 nm within the LVPA (Figure 1). The LVPA, which was recommended by the Council in 1998 and implemented by NMFS in 2002, was a response by the Council to concerns from small scale (< 50 ft length overall (LOA)) alia longliners and troll fishermen that they would be outcompeted for tunas and other pelagic fish by an expanding large vessel (≥ 50 ft LOA) longline fleet. The LVPA successfully separated the large longliners to an "offshore" area outside of 50 nm from the alia and troll vessels that typically fish within a "nearshore" area (0-50 nm), while providing sufficient waters in the EEZ for the large longline vessels to fish successfully. Longline vessels greater than or equal to 50ft that had operated within the LVPA prior to the implementation of the measures in 2002 were allowed to continue fishing within the management zone; two vessels were grandfathered in.

The area closures provided the desired effect of separating the large and small vessel fleets. The large fishing vessels operated in the 70 percent of the U.S. EEZ open to them, some ranging further into high seas areas to the north and south of American Samoa, or fishing through licensing agreements in neighboring countries, especially in the Cook Islands. Subsequently, an increase in the number of large vessels entering the fishery led the Council to recommend an amendment to the Pelagics FMP to limit entry to the American Samoa longline fishery in 2002 (Amendment 11). NMFS implemented the limited entry program in 2005. The management objectives of the limited entry program are to: 1) prevent local depletion, 2) maintain sustained community participation in the fishery, 3) ensure opportunities for participation by indigenous American Samoans, 4) reduce gear conflicts, and 5) minimize fish bycatch.

The alia fishery entered a period of declining participation after 2002. This decline is attributed to the combination of economic costs such as fuel prices and falling catch rates of albacore around Tutuila and the lack of range by the alia fleet to seek fishing grounds further offshore. At this time, the alia fleet has shrunk to a single vessel operating in 2009 and 2010, troll fishing has been greatly reduced from its peak during the 1980s and 1990s, only one of the two grandfathered vessels still fishes the LVPA, and only one cannery is still in operation since

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Chicken of the Sea closed in 2009. Further, no major fishing operation has developed on Swains Island, which continues to be inhabited by relatively few people, engaged in a largely subsistence lifestyle and dependant on copra harvesting. Longliners have also expressed interest in fishing within the 50nm LVPA.

An additional complication for the large vessel fleet has been the 2009 implementation of a Marine National Monument (MNM) around Rose Atoll with boundaries extending for 50 nm, inside of which commercial fishing is prohibited. The mismatches of the two zones on the eastern and southern edges of the large vessel area closure around Tutuila, the Manua Islands, and Rose Atoll increased the overall area closed to fishing by vessels ≥ 50 ft in the U.S. EEZ around American Samoa by about 1,801 nm² or 6,175 km² (1,097 nm² to the south and 713 nm² to the east). This area of water has been fished regularly by the American Samoa longline fleet for the better part of a decade, producing a total 1.9 million pounds of fish, or 237,000 lbs annually worth about \$237,000 per year. To address this issue, in 2011 the Council recommended changing the northern and eastern boundaries of the LVPA around Manua and Tutuila to match those of the Monument, which increased the area available for large vessels to fish by reducing the LVPA (Figure 1).

Due to the decline in fishable area of the U.S. EEZ around American Samoa due to the Rose Atoll MNM, a decline in alia participation, and the opening of another cannery and export market (TriMarine), there is potential for longline fishery development in American Samoa. To promote fisheries development and increase financial security of the fishing communities, options are presented that could allow limited access to large vessels within 25-50 nm of the LVPA. Funds could come from either a "rent" to fish the limited access area either on a monthly or yearly basis, or could be generated from portions of the profits generated while fishing within the limited access area. Alternatively, Swains Island residents and other interested parties could apply for a grant under the CDPP to develop their small vessel fleet.

II. Purpose and Need

This purpose of this paper is to provide options for allowing limited longline access in the LVPA around Swains and Manua. This could provide for fishery development of the alia fleet through funding gained by arrangements with large vessel owners/companies, allow for improved/increased harvest by the large vessels thus increasing the amount of fish available to the cannery(ies), and potentially decreases the distance traveled by large vessels to fish.

III. Initial Actions

The topic of allowing limited access for fishery and/or community development of Swains and Manua, was discussed at the 150th Council Meeting in American Samoa. The idea was proposed by a chief from Swains who suggested that this would be a helpful endeavor for promoting the financial security of Swains and Manua. This resulted in a recommendation from the Council that directed staff *"to write a white paper that explores a community development program that permits access to the current closed areas for large pelagic fishing vessels that would benefit the indigenous fishing communities through revenues generated from catches by the large longline vessels (> 50 feet) within the large vessel prohibited area."*

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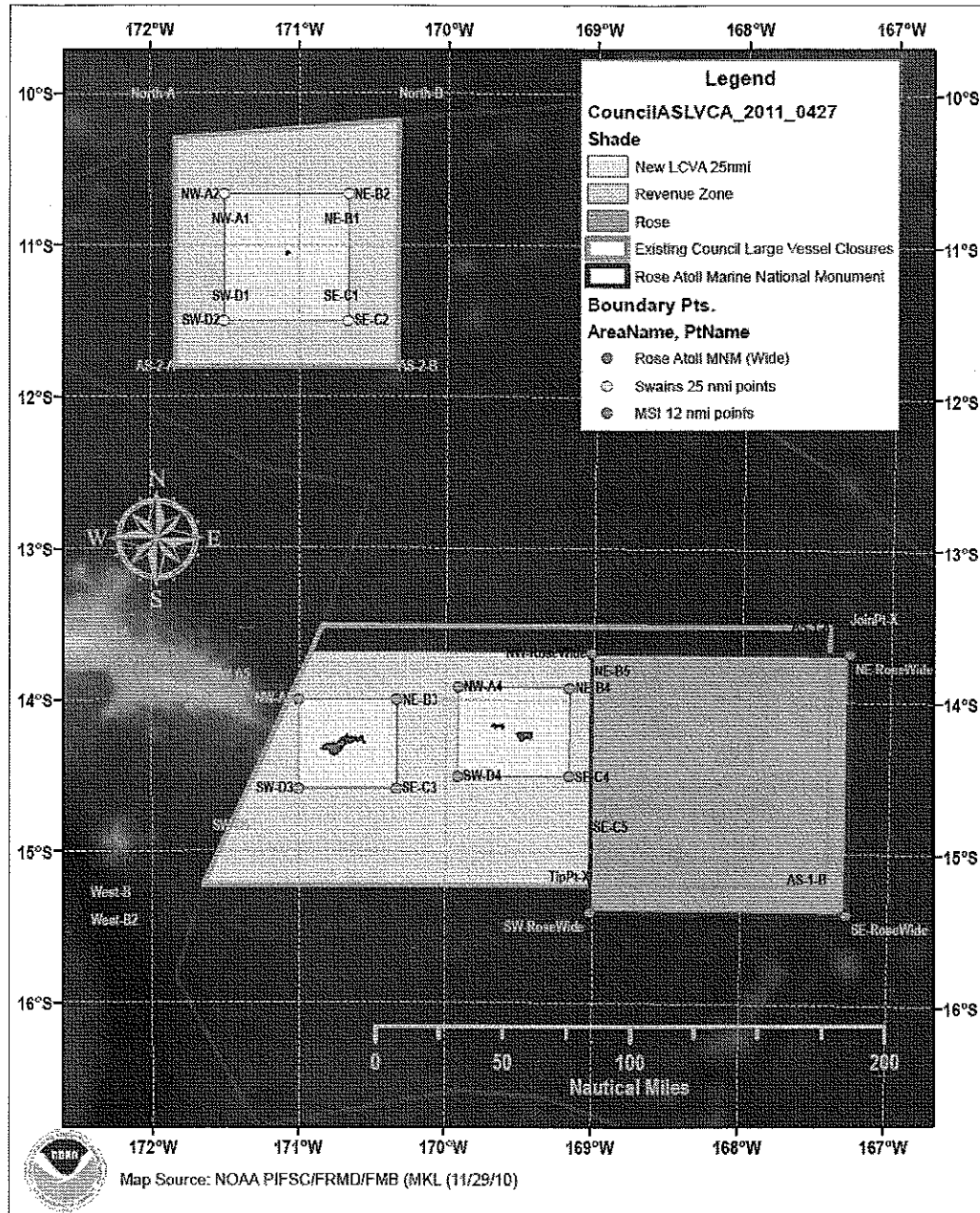


Figure 1. American Samoa archipelago showing the large (≥ 50 ft) pelagic fishing vessel closed area (green), the Rose Atoll Marine National Monument boundaries (pink), the EEZ (red line), and the 25 nm area around Swains, Manua, and Tutuila (yellow).

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IV. Description of Options

A. Options for Limited Access Areas

Option 1. No action

Under this option, no access program to the LVPA would be developed. The LVPA would remain a prohibited area for large pelagic fishing vessels from 0-50 nm around Swains and Manua.

Pros	Cons
<ul style="list-style-type: none"> • Maintains exclusion of large vessels from the LVPA, which decreases potential gear conflict and localized depletion • No additional monitoring or enforcement costs 	<ul style="list-style-type: none"> • Does not allow potential for fishery or community development at Swains and/or Manua through limited access agreements with large vessels

Option 2. Implement a limited access area around Swains.

Under this option, a limited access area from 25-50 nm within the LVPA around Swains would be established. A portion of the profits or a “rent” would be set aside for fishery or community development of Swains.

Pros	Cons
<ul style="list-style-type: none"> • Increases the area available for large vessels to fish • Allows for reclamation of funds for permitting larger vessels into Swain’s LVPA • By allowing large vessels access to a greater amount of fish, this helps achieve optimum yield of the resource • Still allows plenty of fishable area for the small vessels • May reduce the potential for localized depletion of target and incidental stocks • Improves efficiency of the fishery, thereby contributing to the continuity of supply of fish to the cannery • Consistent with National Standard (NS) 8, which states that management measures shall take into account the importance of 	<ul style="list-style-type: none"> • Removes the separation between larger and smaller vessels within the 25-50nm band around Swains • There is little incentive for large vessels to seek an agreement to fish inside the LVPA if fishing is successful outside the LVPA • No mechanism for the collection and disbursement of funds; at this time, funds would go to Federal treasury until the MSA is amended to create a revolving account as it did for the Sustainable Fisheries Fund • 25-50 nm around Swains is considered Federal waters, therefore there would be difficulty allowing an agreement between the Swains community and a large vessel for “renting” access to the LVPA • This may not be consistent with NS5 that states no management action shall have economic allocation as its sole purpose

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<p>fishery resources to fishing communities to provide for the communities</p> <ul style="list-style-type: none"> • Consistent with the MSA Section 2(a)(10) – Pacific Insular Areas contain... circumstances which make fisheries resources important in sustaining their economic growth 	<ul style="list-style-type: none"> • This may not be consistent with NS4 because it potentially could discriminate among the residents of the islands of American Samoa unless the action is fair and equitable among all participants and avoids excessive shares to any one group • May not be consistent with NS8 because NS8 does not provide an independent basis for reallocating fishery resources
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Option 3. Implement a limited access area around Swains and Manua.

Under this option, a limited access area from 25-50 nm within the LVPA around Swains and Manua would be established. Large vessels would be able to “rent” access to the area. A proportion of the profits or a “rent” would be set aside for fishery or community development of Swains and Manua.

Pros	Cons
<ul style="list-style-type: none"> • Increases the area available for large vessels to fish even moreso than option 2 • Allows for reclamation of funds for permitting larger vessels into Swain’s and/or Manua’s LVPA • By allowing large vessels access to a greater amount of fish, this helps achieve optimum yield of the resource • Still allows plenty of fishable area for the small vessels • May reduce the potential for localized depletion of target and incidental stocks in the open access areas • Improves efficiency of the fishery, thereby contributing to the continuity of supply of fish to the cannery • Consistent with NS8, which states that management measures shall take into account the importance of fishery resources to fishing communities to provide for the communities 	<ul style="list-style-type: none"> • Removes the separation between larger and smaller vessels within the 25-50nm band around Swains and Manua • There is little incentive for large vessels to seek an agreement to fish inside the LVPA if fishing is successful outside the LVPA • No mechanism for the collection and disbursement of funds; at this time, funds would go to Federal treasury until the MSA is amended to create a fund as it did for the Sustainable Fisheries Fund • 25-50 nm around Swains is considered Federal waters, therefore there would be difficulty allowing an agreement between the Swains community and a large vessel for “renting” access to the LVPA • This may not be consistent with National Standard 5 that states no management action shall have economic allocation as its sole purpose • May not be consistent with NS8 because NS8 does not provide an independent basis

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- Consistent with the MSA Section 2(a)(10) – Pacific Insular Areas contain... circumstances which make fisheries resources important in sustaining their economic growth

for reallocating fishery resources

- Difficult to separate Tutuila and Manua because they are both part of the same 50 nmi box of the LVPA and this options paper does not include Tutuila

Option 4. The community of Swains and/or Manua apply for a grant.

The Community Demonstration Project Program (CDPP) was created to promote access by indigenous communities to fisheries. The residents of Swains and/or Manua could apply for a grant to purchase a longline vessel greater than 50 ft for the purposes of fishery development and to allow fishing within the closed area. The project should incorporate at least one of the funding priorities, which are community education, processing of fishery products and byproducts, feasibility studies for participation in fishery and fishery-related activities, greater opportunities for participation in the Council’s activities and processes, and identification and application of traditional and/or cultural fishing practices.

Pros	Cons
<ul style="list-style-type: none"> • Increases the area available to the large vessel(s) involved in the program to fish • Allows for fishery development of Swains and/or Manua • Comports with National Standard 8, which states that management measures shall take into account the importance of fishery resources to fishing communities 	<ul style="list-style-type: none"> • Subject to federal funding availability • If enough area and high fish concentrations are available outside the Islands’ LVPA for large vessels to fish, there is little incentive for large vessels to seek an agreement to fish inside the LVPA • Lengthy application process

Option 5. Swains and/or Manua communities develop a Community Development Plan.

The community of Swains and/or Manua could develop a community development plan that specifies how the community(ies) would develop their fisheries, and subsequently apply for permit to exempt them from current regulations. This could allow the Swains and/or Manua residents to use a vessel larger than 50 ft to fish the LVPA of their island(s). Additionally, there will be an educational component to the CDP because the communities will learn from the vessel fishing their waters.

Under this option, there are two potential ways the CDP could be developed:

- 1) Joint Venture – A business agreement could be developed between Swains (or Manua) and a vessel to fish their LVPA. Finances would be agreed upon in the agreement. The vessel could fish for the community and, potentially, could allow Swains residents to

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participate in the harvest on the selected vessel, thus promoting fishery development for the community.

- 2) Apply for permit – Swains (or Manua) could lease or purchase a vessel, then apply for a permit under CDP to fish the waters themselves.

Pros	Cons
<ul style="list-style-type: none">• Increases the area available to the large vessel(s) involved in the program to fish• Allows for reclamation of funds for permitting larger vessels into Swain's and/or Manua's LVPA• Allows for fishery development of Swains and/or Manua• Consistent with NS8, which states that management measures shall take into account the importance of fishery resources to fishing communities• Not subject to funding availability	<ul style="list-style-type: none">• Lengthy application process• Form for applying is still in development

