



**Western
Pacific
Regional
Fishery
Management
Council**

January 20, 2015

Ms. Carrie Selberg
1315 East-West Hwy
Silver Spring, Maryland 20910

Dear Ms. Selberg:

Thank you in advance for considering comments from the Western Pacific Regional Fishery Management Council (Council) on the how the President's Task Force on Combating Illegal, Unreported, and Unregulated Fishing and Seafood Fraud may implement its recommendations. We also direct your attention to our comments submitted September 2, 2014 on these important issues.

General Comments:

In developing the framework to combat IUU, we believe it is critical to consider and evaluate potential policies and activities that are attempting to address a problem unrelated to a US managed fishery; however, if implemented domestically, it would negatively affect US fisheries that are sustainable and comprehensively managed. To ensure that impacts to US fisheries are minimized from the implementation of the Task Force's recommendations, there needs to be clear and continued consultation with the regional fishery management councils on these issues.

We also believe that the existing provisions of the Magnuson-Stevens Fishery Conservation and Management Act related to the identification of IUU fishing and the ability to sanction IUU fishing nations from importing seafood products into the United States are currently being underutilized.

Specific Comments:

International: Combat IUU fishing and seafood fraud at the international level

1. The Task Force has identified the ratification of the 2009 Agreement on Port States Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (PSMA) as important, along with full implementation when the agreement enters in to force. The Council agrees that full implementation globally will be critical in the success of the agreement. The Council comments that full domestic implementation will require additional resources for NOAA's Office of Law Enforcement and its state/territory enforcement partners. For example, Pago Pago Harbor in American Samoa, with its two major tuna canneries, is likely the busiest port in the nation with respect to foreign fishing vessel port of calls and the landing of foreign

caught fish. The largest-fined prosecuted case of a foreign fishing violation in waters of the United States was not detected at sea, but discovered while a Spanish-flagged purse seine vessel was docked and boarded in Pago Pago Harbor. For the US to lead by example with regards to the PSMA, local agencies in state and territorial jurisdictions need the proper training and resources to fulfill and exceed PSMA objectives. This is especially true for ports of American Samoa, Guam, and the Commonwealth of Northern Mariana Islands (CNMI), whereby foreign vessels are allowed to land fish.

2.(a) In developing best practices for electronic catch documentation and trade tracking systems, the Task Force should be aware that such systems may not be appropriate for US managed fisheries, which principally supply domestic markets. In other words, catch documentation schemes may be important for internationally traded seafood products, but may not be appropriate for US fisheries that land fish that stay within the United States.

(b) The Council supports the United States leading efforts in RFMOs to establish high seas boarding and inspections measures; however, these efforts need to go hand in hand with ensuring that members of RFMOs have: 1) domestic legislation or regulations in place to implement RFMO conservation and management measures, and 2) the ability for a country to sanction a vessel flying its flag that is found to be not in compliance. The ability to board a vessel on the high seas does little if the vessel's flag state does not have the ability to sanction the vessel if a violation is detected. Also, it is critical that RFMOs have the mandate to monitor compliance of contracting parties and the ability to sanction state parties that are found to be non-compliance with the implementation of agreed to conservation and management measures.

(c) The Council supports the development of best practices with respect to near-real time vessel monitoring. We question, however, the recommendation that the US should seek expansion of international vessel-tracking requirements without further consulting with the regional fishery management councils and the US fishing industry. There is a need to avoid unnecessary burdens on US fisheries, especially as it relates to the costs for new technologies. This activity should come with comprehensive cost/benefit analyses that also identify the domestic management need for any new near-real time vessel monitoring requirements.

3. The Council supports the recommendation that the Secretaries of Defense and Homeland Security are to include IUU threat analysis and monitoring, especially for remote areas within the jurisdiction of the Council. In addition, there needs to be consideration of the increase in enforcement burden from the recent expansion of the Pacific Remote Marine National Monument, and the exclusion of US fishing vessels therefrom, making it easier for foreign vessels to engage in IUU fishing in these US waters. This needs to be countered by additional patrol and other non-conventional assets being deployed into the Western Pacific to ensure that such IUU fishing is not conducted by foreign vessels across our region.

4. The Council supports the ability of using Free Trade Agreements to combat IUU, but suggest that U.S. Trade Representative consult with the fishery management councils and US fishing industry prior to using Free Trade agreements for this purpose.

5. The Council strongly supports efforts to curb subsidies to fleets that are resulting in overcapacity and encouraging overfishing. The Council requests that US Trade Representative and Secretaries of State and Commerce consult with the regional fishery management councils and US fishing industry on identifying the priority areas to address foreign subsidies and defining the type of subsidies that are most egregious.
6. Generally, we support the recommendation to enhance national-level capacity for developing nations with respect to fisheries governance and monitoring. This issue has been identified by Congress as important and included in the Magnuson-Stevens Conservation and Management Act. There are several Small Island Developing States in the Western and Central Pacific that could benefit from capacity building efforts. Much work has already been done by the Council and NOAA in years past. The Council also recognizes that American Samoa, Guam and the CNMI also could benefit from federal resources to enhance their fisheries management capacity. Like other SIDS in our region, American Samoa, Guam, and CNMI often lack the resources to effectively manage and monitor fisheries that occur within their jurisdictions, and resources should also be directed at enhancing their fisheries management capacity.
7. The Council supports the recommendation about the Department of State continuing to engage the international community on the need to combat IUU and seafood fraud.

Enforcement: Strengthen Enforcement and Enhance Enforcement Tools to Combat IUU Fishing and Seafood Fraud

8. The Council supports the recommendation to enhance coordination and the development of a strategy to be implemented among federal agencies to prevent IUU or fraudulently labeled seafood from entering U.S. commerce. Key actions in this strategy should be the identification of seafood products that use local names. For example, seafood products that use Hawaiian fish names (e.g. mahimahi) are common in many retail outlets, but in fact might not be the same species and are unlikely to originate from Hawaii.
9. Support. No additional comments.
10. Support. See comments in 8 above.
11. Consistent with several of our earlier comments to enhance local US jurisdictions in their capacity to manage and monitor fisheries, we support this recommendation to support and develop tools that address illegal fishing and seafood fraud at the state and local level. Information on the interstate commerce of seafood products is largely lacking and needs to be improved to support information sharing.
12. We support the provision of additional enforcement tools to combat IUU fishing. However, not only new enforcement tools are needed, but also conventional patrol assets. We note that American Samoa, which is the only US territory in the South Pacific, does not have any dedicated US Coast Guard patrol assets stationed in Pago Pago Harbor. Hundreds of foreign vessels call upon Pago Pago Harbor per year to deliver fish to the local canneries. Patrol assets

stationed in American Samoa would support the detection and prevention of IUU fishing in the remote areas of the Western and Central Pacific.

Partnerships: Create Partnerships With Industry and Non-Governmental Organizations To Identify and Eliminate Seafood Fraud and IUU Seafood in U.S. Commerce

13. The Council supports this recommendation, but requests that the regional fisheries management councils be added to the list of entities are to be consulted.

Traceability: Create a Risk-Based Traceability Program to Track Seafood From Harvest to Entry Into U.S. Commerce

14 and 15. The Council understands that seafood traceability programs have utility. However, these recommendations identify that such programs will be applied to all seafood in the US market, whether domestically caught or imported from foreign sources. The main objective with any such traceability program should be find solutions to the IUU problem, which in large part does not involve US manage fisheries. Therefore, it is critical that US fisheries are not unduly burdened by the implementation of traceability requirements. The Council suggests that multiple phases of collaboration with the US fishing industry and regional fishery management councils are conducted prior the promulgation of any traceability requirements for seafood produced by US fisheries. In these consultations, federal agencies should identify the potential costs and benefits to US fisheries from the implementation of traceability programs.

Thank you for considering our comments. We look forward to working with the Task Force on several key activities to implement the Framework to Combat IUU and Seafood Fraud.

Sincerely,



Kitty M. Simonds
Executive Director