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Comments on: International Affairs; High Seas Fishing Compliance Act; Permitting and Monitoring of U.S. High Seas Fishing Vessels:

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The American Albacore Fishing Association (AAFA) and Western Fishboat Owners Association (WFOA) represent the vast majority of albacore tuna pole and troll catches on the US west coast. As representatives of hundreds of these family-owned and operated fishing vessels, we wish to make the following comments and observations on the NMFS proposed regulatory changes to improve the administration of the High Seas Fishing Compliance Act program and the monitoring of U.S. fishing vessels operating on the high seas.

First the proposals are highly burdensome, costly, and unnecessary for the small family-owned and operated U.S. vessels that traditionally fish Highly Migratory Species off the west coast of the U.S. The proposed rule includes, for all U.S. fishing vessels operating on the high seas, adjustments to permitting and reporting procedures. It also includes requirements for the installation and operation of enhanced mobile transceiver units for vessel monitoring, carrying observers on vessels, reporting of transshipments taking place on the high seas, and protection of vulnerable marine ecosystems.

Nearly all fishing effort by small vessels outside of the U.S. EEZ on the west coast take place by troll and pole methods on albacore tuna. This fishery has been historically stable requiring little management over the past 100 years. To add additional paperwork and financial burdens on this fishing community based fleet will have extremely negative impacts on the vessels, families, onshore support business, and local communities as well as consumers.

Right now under the WCPFC regulations, VMS/EMTU units are required for all vessels fishing west of the 150 W line, which are the larger vessels in our fleet. VMS/EMTU should not be required on pole and troll vessels fishing for albacore east of the 150 W line. These vessels are smaller and seldom travel more than 250 miles from the coast.

There are no by-catch issues in this fishery and no closed areas where pole and troll vessels fish. Imposing such a requirement would serve no purpose and would create an unnecessary financial and administrative burdens for fishermen. Also under the proposed rule change,

NMFS would place observers on vessels fishing on the High Seas. Due to the size of the US pole and troll vessels, carrying an observer would be problematic. With the addition of an observer, additional insurance will be required. This again, would place an unfair burden on our family owned, pole and troll vessels fishing the high seas.

Therefore we list some of the questions and highlights:

- The IATTC responsible for management in the region only requires VMS on vessel greater than 24m in length and no observer requirements.
- The regional Pacific Fisheries Management Council (PFMC) is not requiring VMS or observers.
- The proposed regulations serve no legitimate purpose other than to invoke unneeded control and expenses on small boat fisheries that are barely making it.
- The proposed regulations only serve to reduce access by domestic vessels and insure that an increasing portion of the catch is taken by foreign vessels that have no such requirement.
- Canadian vessels under 24m are not required to have the equipment and can fish right alongside U.S. vessels.
- VMS may serve as a homing beacon for foreign vessel that already has a history of crowding US vessel off albacore concentrations.
- The time alone required to research and comply with the new rules is lengthy and prohibitive
- The US albacore fishery already has a mandatory logbook requirement. That requirement exists no matter where you are fishing. This action would not change that requirement.
- The most onerous requirement on our fishery would be the mandatory EMTU installation and transmissions when on the high seas. Most of the vessels fish inside the U.S. EEZ and will only occasionally have to go outside the EEZ. Many, in a 10 year period, might only go outside the EEZ several times and then only 50-100 miles to have a successful trip! But, with the EMTU requirements, many vessels will just give up their HSFCA permit because of the BURDEN & COST of installation, maintenance, and transmission costs. That means many U.S. vessels will be deprived of harvesting albacore, which has a good stock assessment, and U.S. landings will suffer. If/when country quotas are ever negotiated, the U.S. fishing fleet will suffer.
- Those vessels that do install an EMTU will basically have to have the unit transmitting even when inside the U.S EEZ. Why? Albacore are a HIGHLY MIGRATORY SPECIES and a fisherman never knows where he might be from one day to the next.
- Having to wait for OFFICE HOURS to notify NMFS that you want to turn on your EMTU so you can fish on the high seas, would be a HUGE BURDEN! (Our fleet does not fish 9-5 with weekends and holidays off!) And waiting for an email confirmation would/could be another delay.

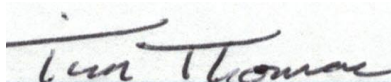
- There are the initial cost and associated expenses of the unit. They are summarized in the tables and may seem insignificant to those who won't be paying them, but they are to the average west coast albacore fisherman. Just another \$4,000 -\$5,000 the first year which MAY BE reduced if you qualify! (No estimate of the time and paperwork to apply for reimbursement!) Also, left out in the table is the lost income during the down time while having the unit installed and the expense of traveling to get it installed.
- And then there is the statement: "The compliance cost of obtaining, carrying on board, and monitoring the required communication devices is expected to be zero, as NMFS believes all affected small entities already carry and monitor such devices." While a vessel is required by the Coast Guard to have a SSB radio when off shore, that does not mean it would be capable of communicating with the OLE or, that it would be capable of transmitting position reports. That being the case, the vessel must have a separate device for transmitting position reports, if the EMTU fails. AND what unit would that be and what would be the cost?
- The section concerning observer coverage is significant. With a HSFCA permit, would an albacore vessel possibly have to take an observer even if they didn't go outside the U.S. EEZ? Or if they were picked to take an observer the next time they planned on going outside the EEZ and they didn't decide to go outside 200 miles until they were already on their trip, would they be required to return to shore to get an observer? AND if they were required to also pay for the observer's wages, then the observer could possibly have the most "net" profit on the trip. The observer costs could even put the trip into the red column.

In summary, we want to say that this proposed rulemaking would only drive up the cost of the small west coast albacore fisherman and provide NMFS with no new valuable fishery information. Logbooks are mandatory and provide more than enough information. The fishery is in good shape and produces a reasonably priced and very healthful seafood source to millions of consumers. The EMTUs would only be repetitive information and expensive, both for the fisherman and NMFS. Probably the most telling statement in the proposals is, "The alternative of taking no action was rejected because it would fail to achieve the objectives of the rulemaking." That only seems like the goal is "rulemaking" for its sake alone, when effort could be wisely used in research and monitoring of increases in foreign fleets and IUU vessels.

Sincerely,



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Executive Director – WFOA



Tim Thomas
President - AAFA