

West Coast Fisheries Consultants, LLC
Mike Conroy, President (562) 761-7176

Please share the following with the AAFA Board and Membership as it recounts items of interest that arose during the month of February and looks forward to certain events occurring in upcoming months.

Follow-up on January's upcoming events:

1. The Pacific Fishery Management Council is meeting this month in Sacramento. There is still a reference to it US-Canada Tuna Treaty on the Agenda. We spoke with Heidi Taylor at NMFS and she agreed that this Agenda item was premature and was indicated it was only on the Agenda because a member of the HMSAS has asked for it to be included. We asked if it would be possible to remove it as an Agenda item; but she didn't think that possible. AAFA and WFOA submitted supplemental public comments asking the Council to delay discussing this issue until necessary data had been collected. Additional materials released in preparation of this meeting are referenced and discussed in Exhibit A.
2. The May 2016 – International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean meeting of the Albacore Working Group. See below for updates.

Federal Register Items of Interest:

1. February 3 – NMFS published a final rule which will allow large (50 feet and greater) U.S. vessels that hold a Federal American Samoa longline limited entry permit to fish within the LVPA seaward of 12 nm around Swains Island, Tutuila, and the Manua Islands. NMFS will continue to prohibit fishing in the LVPA by large purse seine vessels. The fishing requirements for the Rose Atoll Marine National Monument also remain unchanged. We include this not because it may impact any AAFA members; but it may add product to the market.
2. February 5 – NMFS published a proposed rule which would establish filing and recordkeeping procedures relating to the importation of certain fish and fish products, in order to implement the MSA's prohibition on the import and trade, in interstate or foreign commerce, of fish taken, possessed, transported or sold in violation of any foreign law or regulation. A story which appeared on SeafoodSource.com indicates the Canadian government is going to protest this proposed rule – see <http://www.seafoodsource.com/news/supply-trade/exclusive-canada-fisheries-protest-us-proposed-iuu-rule>
3. February 9 – NOAA issued a notice that it intends to conduct fisheries participation analyses which involve a survey of United States (U.S.) West Coast commercial fishing participants. This **voluntary** survey will be completed by mail and will question harvesters "about their motivations for fishing and other factors that affect participation in the suite of West Coast commercial fisheries. Demographic and employment information will be collected so that responses can be organized based on a respondent typology. This survey is essential because data on smaller scale fishing practices, values, participation decisions and beliefs about fishing livelihoods are sparse; yet, they are critical to the development of usable fishery ecosystem models that account for non-pecuniary benefits of fishing, as well as the ways in which fishing practices shape individual and community well-being.
4. February 25 – NMFS issued a proposed rule implementing provisions of the Magnuson-Stevens Act which requires all fishery management plans establish a standardized reporting methodology to assess the amount and type of bycatch occurring in a fishery. While bycatch in the pole-and-line albacore fishery is minimal, other fisheries included in the Highly Migratory Species FMP are not.

Other items of interest:

1. The ISSF produced its Tuna Stock Status Update for 2016. See - <http://iss-foundation.org/about-tuna/status-of-the-stocks/>. Regarding North Pacific albacore, the following statements are made:
 - While the stock is not overfished nor subject to overfishing, increasing effort will not likely result in higher yield.
 - The report was critical of the long-line component and the level of bycatch

- The report was critical of the pole-and-line component and the “unknown impacts on baitfish species.” The impacts from the West Coast fishery are well known and quantified.
2. Back in November, we advised AAFA of a Bill that had been introduced in the State of Washington which prioritized recreational fishing over commercial fishing. That Bill appeared to have died in the process. It was reintroduced on January 11. You can access the text of the Bill here - <http://app.leg.wa.gov/billinfo/summary.aspx?bill=1660&>. Evidently, the Bill’s author tried to slip a line-item into the State of Washington’s 2016 budget which furthered the Bill’s purpose – prioritizing recreational fisheries over commercial fishing. I am of the opinion that this will not impact the albacore fleet as the State can’t regulate outside of State waters (which extend 3 miles offshore). Any attempts to do so, would likely be preempted by Federal law. Caveat – there is a case seeking review by the US Supreme Court (*Chinatown Neighborhood Association v Harris*) which may change current law. The leading case restricting a State’s ability to regulate federal fisheries is *City of Charleston v A Fisherman’s Best*. We recently published an overview of that case – see <https://westcoastfisheriesconsultants.wordpress.com/2016/02/22/city-of-charleston-v-a-fishermans-best-how-much-longer-will-this-be-good-law/>

Upcoming items of interest

1. March 9 – 14 – Pacific Fishery Management Council meeting in Sacramento.
2. May 24 – 30, 2016 – International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean meeting of the Albacore Working Group – to be held in Japan. May 24 & 25 in Yokohama will be the 2nd MSE Workshop; May 26-28, 30 in Shizuoka will be the Albacore Working Group meeting.

EXHIBIT A

Materials submitted to the Pacific Fishery Management Council
Related to North Pacific Albacore
For the March 2016 PFMC meeting

1. Recommendations for International Management Activities Including U.S.-Canada Albacore Treaty Area Fishery Update. See - http://www.pcouncil.org/wp-content/uploads/2016/02/F4_SitSum_International_MAR2016BB.pdf

References the May workshop (but I think it gives the incorrect dates) which will “solicit input from managers and stakeholders in member countries of the WCPFC Northern Committee (NC) on management objectives for North Pacific albacore. The management objectives would then be subjected to management strategy evaluation with the results provided to the NC in support of further development of its precautionary management framework for North Pacific albacore”

Regarding the US-Canada Tuna Treaty – “a report of the Joint Data Committee, including economic information, has yet to be completed. The Council may wish to discuss the status of the fishery in 2015 and prospects for the 2016 season and beyond.”

2. A cleaned up version of management objectives proposed by Northern Committee members along with some questions for clarification. See - http://www.pcouncil.org/wp-content/uploads/2016/02/F4_Att2_NorthernCommMgmtObjectives_MAR2016BB.pdf. This will assist AAFA and its membership in preparation for the upcoming May workshop.
3. Reported Commercial Albacore Landings for the time frame 2013 – 2015. See - http://www.pcouncil.org/wp-content/uploads/2016/02/F4_Att3_PacFIN_APEX_PortRpt_MAR2016BB.pdf. Do these numbers match AAFA internal numbers?
4. Landings and Ex-Vessel revenue in the US West Coast Albacore Hook-and-Line Fishery. See - http://www.pcouncil.org/wp-content/uploads/2016/03/F4b_Sup_NMFS_Rpt1_AlbacoreUpdate_MAR2016BB.pdf. According to this document, landings were 11,001 mt with \$28,593,000 USD. The prior report shows landings of 11,262.1 mt worth a total of \$29,290,495 USD. This implies other gear types had catches of 261 mt worth roughly \$700,000.
5. Letters submitted by AAFA and WFOA asking that any decision on the US-Canada Treaty be delayed until after the necessary data exchanges have taken place. See - http://www.pcouncil.org/wp-content/uploads/2016/03/F4d_Sup_PubCom_MAR2016BB.pdf. A brief reminder of history – it was June of 2013 that the one-year regime for 2013 was agreed to. The three-year extension, covering 2014 – 16, was agreed upon during a two-day bilateral meeting in April of 2014. It may make sense to get the Council to commit to the joint request submitted to AAFA/WFOA.

Fwd: FW: Insurance Proposal 27017-012

From: "nataliewebster@americantuna.com" <nataliewebster@americantuna.com>
To: james.brown@gri-solutions.com
Cc: "joelcardoza@americantuna.com" <joelcardoza@americantuna.com>

Priority: Normal

Date 03-05-2016 01:29 PM

Hi James

Please find the following questions, concerns from our Corporate Attorney.

1. Is there a reason for the difference in the Policy Period and the Sales Period?
2. Is the maximum liability of \$350,000 maximum per ?
3. We would like to see complete policy prior to confirmation. Need to make sure policy will be issued on terms acceptable to American Tuna.
4. Fees of \$1560? 12% of premium cost are fees?
5. What is the "maximum cancellation charge permitted by law, #11 Cancellation Charge.
6. Item 12: If there is a default, the entire unpaid balance is all due and payable. We may have no coverage but owe the entire amount being financed. We need to see the terms of the actual policy to see any refund or credit policy.
7. The coverage needs to be secured first and any decision based on its terms before signing this agreement. Item 19 notes this requirement.

Best,

Natalie