

American Fishermen's Research Foundation News ©

American Fishermen's Research Foundation (AFRF) was founded in 1971 and continues to promote research and education for Pacific troll and baitboat caught albacore. AFRF's projects such as archival tagging, selenium research, and much more benefit ALL troll/baitboat albacore fishermen. AFRF appreciates the support from processors and fishermen alike.

AFRF Board Meeting: The AFRF board will meet on November 5th in San Diego for its' fall meeting. The PFMC is meeting also in San Diego during that week. The board will meet from 0900 -1500 at the USTF / ATA boardroom in San Diego.

Archival Tagging: Another 109 plus tags are being deployed in 2007, (Scheduled after October 20th off N. Cal) by the F/V Nightwind. Three tags have been recovered in 2007 that were deployed last season off Oregon from the F/V Holly H. Thus, far in five years 21 regular tags and five dummies have been recovered. Preliminary results of the 2007 recoveries show that two of the albacore did their usual migration to the 140W-150W region and then returned to the SoCal area where they were recovered by recreational fishermen this summer. The third was recovered in a cannery in Thailand, and apparently came off a Japanese Pole and Line vessel this summer.

SWFSC has hired a person to do the data compilation and she has been working on this since Mid-August and I am told making good progress.

Future tagging is dependant on the NMFS budget and this is information we should know after the AFRF meeting. SWFSC wants to do tagging in the Mid-North Pacific and working out logistics and funding will be a challenge.

The Archival Tagging program has been a very successful cooperative effort between industry and government and AFRF does not want it discontinued. The program is producing valuable information on albacore distribution and behavior unattainable by other means. We want this program to continue since it is providing a view on how albacore move and distribute and may be come increasingly important as RFMOs start to manage and eventually allocate the resource. There is a strong desire to get more archival tags into the central and eastern Pacific, and AFRF is being to explore means of securing long term funding for this project to insure its continuance.

Onboard Sampling: AFRF has 12 measuring troughs in the fleet but many are not being used because boats lack of participation in the albacore fishery in the past two seasons. AFRF also is donating \$200 to any of the vessels with measuring troughs who did measuring this season. AFRF will pay the vessel owner when SWFSC receives the data. Vessels that did measuring should let AFRF know.

Selenium: Dr. Nick Ralston recently attended the EPA fish forum in Portland, Maine and made two presentations: Importance of Selenium in Seafood Safety Issues Regarding Mercury, and the Role of Selenium Physiology in Prevention and Treatment of Mercury Toxicity

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The major goal which was achieved of these presentations was to present information regarding the Selenium-Health Benefit Value (Se-HBV) as a more comprehensive seafood safety criterion to attendees and leaders of the meeting. The information was shared with the attendees at the EPA Fish Forum and most importantly, with Kate Mahaffey, one of the leading proponents of the current concerns regarding mercury exposure. She was very interested in the mercury-selenium interaction ideas and she stated that the interaction was far different than she had originally thought.

Also, Dr. Laurie Raymond gave a presentation at the Air Quality VI conference in DC., for the Mercury Policy, Regulations and Health Issues session. She will be talking about selenium's role against mercury toxicity, the benefits of eating fish, and suggesting a new criterion for advising fish consumption. You can find out more about the conference at: <http://www.undeerc.org/AQVI/>

AFRF is waiting for reports on this research that can be used in Public Education and distribution to the public and interested parties.

MANAGEMENT ISSUES:

PFMC: (Following article a segment from the PFMC website) - *"On the international management front further at sea, the Northern Committee, a subsidiary body of the Western and Central Pacific Fisheries Commission (WCPFC), is charged with forging agreements on stocks that occur mainly north of 20° N latitude, such as North Pacific albacore. At the instigation of the U.S. delegation, the Northern Committee made progress on conservation measures that could be implemented while stock status reference points for North Pacific albacore are being developed. The U.S. recommended an interim management objective of maintaining spawning stock biomass within the range of what has been seen historically. The Committee encouraged full development of this proposal for presentation at the 2008 Northern Committee meeting..."*

For a full report on the last PFMC meeting see their website at:
http://www.pcouncil.org/newsletters/2007/Fall_2007_newsletter.pdf

FISHERIES MANAGEMENT DEVELOPMENTS 2007: Peter Flournoy - There were two major fisheries management events in 2007 (so far) which are likely affect the albacore fishery this year or next year. Accompanying the major events were a few little shock waves.

International Scientific Committee's 2007 Report on the Assessment of North Pacific Albacore (Report): I have labeled this the 2007 assessment because it was in June 2007 that it was released even though the most recent data used was 2005, and the meeting giving rise to the Report was conducted in December of 2006. The Report's implications were first discussed on a conference call among the members of the IATTC General Advisory Committee (GAC). While the call was on the surface to do a recap of the June Annual Meeting of the IATTC (at which nothing meaningful occurred), it was on this call that Dr. Bill Fox head of the SWFSC let drop that the Report, in his view, while showing the stocks to be in "relatively good condition" that the fishing "mortality has to be reduced to meet almost any reference point" and that it supported a 10-15% right away, moving to an overall reduction of 30%.

After a series of meetings with Dr.Fox, consultations with Vidar Wespstad, and a series of exchanges with policy types in the State Department and NOAA-Fisheries, it was decided that the U.S. position at the September meeting of the Northern Committee of the WCPFC would not

be to seek immediate cuts in catch or effort, but rather attempt first to get the Japanese to agree on a reliable reference point (The ISC is responsible for stock assessments of North Pacific albacore for the NC of the WCPFC which then makes conservation and management recommendations to the whole Commission.)(NOAA-Fisheries has domestically given the SWFSC the lead on North and South Pacific albacore science while the Honolulu Lab focuses on yellowfin, bigeye, and skipjack tunas.)(The SW Region-NMFS is the lead policy office for the IATTC within whose jurisdiction most of the U.S. catch of albacore occurs. PIRO in Honolulu has the lead for the WCPFC and its NC and it is under the WCPFC-NC that we believe any over fishing of albacore, if it is occurring, is occurring by the Japanese and perhaps the Chinese and Chinese Taipei fleets.)

To quote the report of the NC meeting: *“The USA queried the relationship between catch per unit of effort (CPUE) and biomass, noting that the assessment shows that biomass is the second highest on record but that CPUE is declining for all fisheries.”* Max Stocker [Canada] explained that the high biomass is a result of strong 2001 and 2003 year classes, and that if current high fishing mortality is maintained, biomass will decline. He also noted the difficulty in explaining the retrospective pattern (i.e. that *fishing mortality was consistently underestimated and that biomass was over estimated*), but hoped that the decision to use the forward projecting model stock synthesis II for future assessments should help reduce these uncertainties. However, the Asian scientists, lead by the Japanese were not convinced that any reduction in fishing mortality was presently necessary. As a result, noting that the Convention calls for managing and conserving a stock based upon a determination of stock specific reference points, all that was agreed was to work inter-sessionally to see if the countries could agree on a reference point before the next meeting of the NC, and more importantly prior to the next meeting of the ISC in February 2008. This matter must be followed closely because it is most likely that the US will push for a reference point which would require conservation measures to be taken in the 2009 season, if not before. Part of all this is based on a decline of overall catches in 2004 and 2005, however, it is believed that the figures from the 2006 and 2007 seasons may indicate a rebound. It may be that the U.S. albacore fleet is more vulnerable to domestic action rather than international action to reduce catches.

Reauthorization of the Magnuson Stevens Act in January 2007: There were two major amendments to the Magnuson Stevens Act of concern, one to the High Seas Driftnet Enforcement Act, and the enabling legislation for the WCPFC which includes provisions on how the U.S. Section of five Commissioners will receive advice from the Advisory Committee.

Section 304 of the Act, (which contains provisions on what Councils are required to do when the Secretary of Commerce declares a fishery to be over fished or approaching a state of overfishing), was amended to include a new sub-section (I) which deals specifically with fisheries which are in a state of being overfished as a result of pressure from international fleets. In such a case, where the U.S. is a member of an RFMO within whose jurisdiction the fishery falls, Councils no longer have to within one year (or in the future two years) amend their FMP with a plan to end overfishing. Instead the Councils are required to (develop recommendations for domestic regulations to address the relative impact of U.S. vessels on the stock and (2) develop recommendations for the Congress and the Secretary of State for international actions to end over fishing and rebuild the stocks *taking into consideration the relative impact of the U.S. and foreign vessels on the relevant stock.* To many this seems to be a good amendment, however, there is a danger inherent which we were unsuccessful getting eliminated. While the above language only calls for recommendations from the Councils as opposed to FMP Amendments, NMFS may interpret this to mean recommendations as when a Council passes on a new plan

Amendment, i.e. requiring the Secretary of Commerce to actually act on or reject the recommendation. Further, there is no caveat in the language which would prevent NMFS from unilaterally placing regulations or limits on U.S. vessels which had yet to be agreed to by the RFMO. Once again, as with the Marine Mammal Protection Act and the Endangered Species Act, U.S. vessels could be placed under constraints which did not apply to their foreign competitors. Another hook is that none of this has to occur unless the RFMO has no measures for ending overfishing or rebuilding the stocks. Thus far NMFS has taken this to mean the RFMO must have effective measures in place. The statute leaves unanswered *who* makes this decision and what if any are the *elements to be considered*.

A similar issue is raised by the amendments to Sections 302(h)(6) and 303(a)(15) which now require Councils to set annual catch limits (ACLs) and accountability measures to assure compliance with the ACLs set. Thus far there is unanimity, with the possible exception of NOAA-Fisheries that for a Council to set an ACL more restrictive on U.S. vessels than on foreign vessels for a particular fishery makes no sense.

As mentioned above there were amendments to the High Seas Driftnet Enforcement Act which are meant to give teeth to the U.S. Customs and Border Protection division of the Department of Homeland Security in taking to task vessels which are or have been involved in IUU fishing. While these measures giving the port state greater control and calling for boycotts of nations or entities which engage in IUU are good and long over due, there is at least one potential pitfall for U.S. fishermen. The Congress crafted a definition of IUU fishing, which was then adopted word for word by NOAA-Fisheries, expanding the definition of IUU fishing to include going over quotas or allocations, taking marine mammals, etc. Generally IUU fishing was confined to vessels fishing illegally or with illegal gear which sometimes were, but often not, subject to the jurisdiction of a member country of the RFMO where the fishing was being conducted. Since vessels are added to a list of IUU vessel, if this definition is applied to a U.S. vessel which has violated a Magnuson Act regulation, it could take years to get off the list even if the vessel owner admits guilt, or is proven guilty, and pays a fine (little notice other Magnuson Act amendments greatly increase the maximum fines for M-S Act violations as well as for Lacey Act violations). NMFS has yet to decide if the new definition applies to U.S. vessels (although it is likely that they will decide that it does) nor has it determined a viable process for either listing or de-listing vessels from its IUU list or from an RFMO's IUU vessel list.

AFRF Buyers: The following have signed AFRF contracts, and WFOA members selling to others not listed here are responsible to pay the \$20/st AFRF fees. In reality if you do sell to a non-AFRF buyer they should pay you \$20 more per ton to cover this, otherwise they have a \$20 advantage over all that have signed.

Arrowac Fisheries, Bluewater Fisheries, Bumble Bee Seafoods, Carvalho Fisheries, Chicken of the Sea International, Driscoll's Wharf, Interocean Fisheries, Island Trollers Inc., Jessie's Ilwaco Fish Company, Ilwaco Landin LLC, Mary-Lu Seafoods, New Day Fisheries, Pacific Seafood Group, Papa George Gourmet Albacore, Pelican Packers Inc., Seafood Producers Co-op, Shamrock Fisheries, Star Kist Seafoods, Starvin Marvin Seafoods, Trident Seafoods, Tri-Marine International.

AFRF fees are due and payable on December 31, 2007.

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