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Congressman Jared Huffman
United States House of Representatives

July 8, 2016

Re: Opposition to proposal to protect various seamounts, ridges and banks off the California Coast

- *via email* -

Dear Congressman Huffman,

The American Albacore Fishing Association¹ (“AAFA”) and Western Fishboat Owners Association² (“WFOA”) are non-profit organizations representing commercial pole & line and troll vessels which harvest albacore off the west coast of the United States. We are signatories to the attached letter, addressed to President Obama, opposing the recent proposal to declare virtually all offshore seamounts, ridges and banks off the coast of California as monuments under the Antiquities Act. We fully support the statements made in that letter, namely:

- The President’s designation of a marine monument lacks the transparency this administration has stated is a priority. Under the Antiquities Act³ the President has discretionary power to “declare by public proclamation historic landmarks, historic and prehistoric structures, and

¹ AAFA seeks to ensure responsible fishery management practices and the participation of vital fishing communities. It supports education regarding responsible fishing methods and promotes the health benefits of tuna consumption along with environmental benefits of sustainable fishery practices. AAFA strives to ensure the economic viability of pole & line fisheries now and into the future.

² WFOA is a non-profit association representing albacore troll-vessel owners and supporting businesses in California, Oregon, Washington, Alaska, and Hawaii. We also maintain a limited membership of vessels in New Zealand and in British Columbia, Canada. These family-owned boats fish for Wild Pacific Albacore off the U.S. West Coast from June through October, and in the South Pacific from January through April.

³ 54 U.S.C. §320301 *et seq*

other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.⁴ To date, the proponents of the proposal have not reached out to any of the commercial fishing associations we have spoken with, nor have we been consulted by any representative(s) of the Executive Branch. This is not reflective of the concept of collaboration this administration has prioritized.

- Fisheries operating within the U.S. EEZ are already subject to strict management under the Magnuson-Stevens Fishery Conservation and Management Act (“MSA”). The Pacific Fishery Management Council (“PFMC”) is responsible for managing the fisheries occurring off the coast of Washington, Oregon and California. In performing this role, the PFMC has developed fishery management plans (“FMP”) which regulate fishing activities for those fisheries. The MSA requires that FMPs be developed and amended on the basis of the best scientific information available.⁵ Most, if not all, of the areas proposed for protection have been designated Essential Fish Habitat⁶ (“EFH”) under the PFMC’s FMPs. The PFMC has a long history of recommending actions to maintain and protect EFH in the EEZ for the fisheries under federal FMPs. To accomplish this, the PFMC routinely reviews FMP EFH designations and protections. In some instances, this results in restrictions on gears and activities. For example, certain offshore areas off the State of California do not allow the use of trawl gear.⁷
- In May of this year, representatives from each of the eight Federal Fishery Management Councils attended the Council Coordination Committee Meeting. The Committee produced a document entitled *Outcomes Statement and Recommendations*.⁸ One of the two resolutions contained in that document reads as follows, “Therefore be it resolved, the CCC recommends that if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the U.S. EEZ waters continue to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.”⁹ In the event this proposal moves forward, we strongly support maintaining management of fisheries under the MSA, through the PFMC.
- Some of the data supporting the proposed action is outdated. In 2012, a series of Marine Protected Areas were adopted in southern California waters. In an effort to avoid gear consolidation, certain fisheries have expanded their operations to include Tanner Bank and Cortes Bank. Thus, grounds not previously utilized, have become important fishing areas for various fisheries.

⁴ 54 U.S.C. §320301(a)

⁵ 16 U.S.C. §1801(c)(3)

⁶ The term “essential fish habitat” means those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity. See 16 U.S.C. §1802(10)

⁷ See generally 50 CFR §660.70(p) – Rockfish Conservation Areas.

⁸ See - http://www.pcouncil.org/wp-content/uploads/2016/06/IR3_CCCresolution_NatMon_JUN2016BB.pdf

⁹ Id @ pg 2.

- The United States imports roughly 90% of the seafood consumed here.¹⁰ Closing off these important areas to providers of a locally harvested, sustainable seafood product will further exacerbate this reliance on foreign products. Increased dependency on imported fish will likely result in more harm to marine mammals, sea birds and habitat as well as increased bycatch as nations with lesser regulations and/or protections look to fill the added demand for their marine resources - this is commonly known as the transfer effect.¹¹

We write separately to focus on specific impacts to the pole-and-line and troll albacore fisheries which operate off the west coast of the United States. Currently, there are three fisheries operating off the California Coast which are certified by the Marine Stewardship Council (“MSC”). This certification is based on a fishery’s sustainability, management and impacts on the environment. “The MSC program is science-based. It is the only program of its kind that meets best practice guidelines set by the United Nations Food and Agriculture Organisation (UNFAO) and the International Social and Environmental Accreditation and Labelling Alliance (ISEAL).¹²” The AAFA North Pacific Albacore Fishery¹³ and WFOA North Pacific Albacore Fishery are two of the three fisheries. While albacore catches from the areas contained in the proposal vary, it doesn’t reduce their importance to the fishery. Upwellings, which are linked to seamounts, ridges and banks, result in nutrient rich waters which draw feed for albacore and other highly migratory species. This results in schools of albacore (and other commercially and recreationally valuable species) temporarily congregating around underwater structures. Our vessels use hook-and-line methods, directly upon the surface of the water, to harvest our product one fish at a time. Using publically available data from the California Department of Fish and Wildlife (“DFW”) and National Marine Fisheries Service (“NMFS”), we offer catch data in Table 1 and economic data in Table 2:

¹⁰ <https://www.fishwatch.gov/sustainable-seafood/the-global-picture>

¹¹ A study was published in 2008 that studied the transfer effect resulting from the 2001 restriction of the Hawaiian swordfish target fishery. In their conclusion, the author(s) state, “Our analysis confirms that a transferred effect did indeed occur, with an estimated annual market transfer effect of 1602 mt of swordfish of additional US imports. At the sample mean of the bootstrap distribution of bycatch rates, the transferred effect resulted in a net 2882 additional sea turtle interactions.” Rausser G., Hamilton S, Kovach M and Stifter R. Unintended Consequences: The spillover effects of common property regulations. March 2008 http://www.grausser.com/wp-content/uploads/2013/07/pdf11_Unintended_Consequences_2009.pdf

¹² See Item 8 - <https://www.msc.org/about-us/10-facts>.

¹³ <https://www.msc.org/documents/fisheries-factsheets/net-benefits-report/American-Albacore-tuna.pdf>

Table 1 – Albacore landings for years 2000 – 2014. There is no state data available yet for 2015 nor was data readily available on the DFW’s website for years before 2000.

Year	West Coast Commercial Albacore Landings (metric tons)(1)	Commercial Albacore caught and landed in California (lbs)(2)	Converted to metric tons (3)	CPFV ¹⁴ California Landings (#s of fish)
2000	9,073	3,612,033	1,638	22,914
2001	11,191	6,347,713	2,879	96,465
2002	10,029	5,859,020	2,658	124,925
2003	16,670	3,284,954	1,490	55,825
2004	14,539	2,597,848	1,178	20,041
2005	9,054	682,465	310	15,693
2006	12,785	265,096	120	3,365
2007	11,586	1,530,854	694	36,486
2008	11,130	297,919	135	4,530
2009	12,306	615,518	279	3,358
2010	11,874	1,226,651	556	5,172
2011	11,069	1,016,804	461	681
2012	13,957	594,804	270	4,338
2013	12,937	592,938	269	2,832
2014	12,466	722,606	328	95

(1) Data acquired via Stock Assessment and Fishery Evaluation report - see

<http://www.pcouncil.org/wp-content/uploads/HMS-SAFE-Table-3.htm>

(2) Data derived using DFW commercial fishing landings from DFW website – see

<https://www.wildlife.ca.gov/Fishing/Commercial/Landings#26004335-2000>. Only includes fish caught **and** landed in California. Does not account for fish taken in California and landed elsewhere.

(3) Multiplying preceding Column by 0.000453592.

(4) Data derived using reported landings (# of fish) by California based CPFVs from the same DFW website reference above, less fish reported to have been taken in Mexican waters.

¹⁴ Commercial Passenger Carrying Vessels (Sportfishing vessels).

Table 2 – Ex-vessel revenues for albacore fishery*

Year	West Coast Commercial Albacore Landings (metric tons)	Ex-vessel revenues for all West Coast landings (1)	Average Price per pound (2)	Ex-vessel revenue for albacore caught and landed in California (3)
2000	9,073	\$23,033,000	\$1.15	\$4,159,274
2001	11,191	27,112,000	1.10	6,975,514
2002	10,029	18,406,000	0.83	4,877,452
2003	16,670	30,936,000	0.84	2,765,184
2004	14,539	33,774,000	1.05	2,737,335
2005	9,054	24,872,000	1.25	850,837
2006	12,785	27,533,000	.98	258,954
2007	11,586	24,403,000	.96	1,462,547
2008	11,130	31,912,000	1.30	387,457
2009	12,306	30,287,000	1.12	687,142
2010	11,874	32,122,000	1.23	1,505,195
2011	11,069	46,186,000	1.89	1,924,445
2012	13,957	47,916,000	1.56	926,251
2013	12,937	43,090,000	1.51	895,815
2014	12,466	33,410,000	1.22	878,450

* Ex-vessel revenue represents direct economic benefit to the commercial fishery. It does not track downstream economic benefit resulting from revenues (and resulting employment) to processors, transportation, food service, etc.

(1) data acquired via Stock Assessment and Fishery Evaluation report - see

<http://www.pcouncil.org/wp-content/uploads/HMS-SAFE-Table-4.htm>

(2) Converted metric tons to pounds using the stand conversion of 2204.62. Divided Ex-vessel revenue by pounds to arrive at the price/pound value.

(3) Average price per pound multiplied by the reported California landings from Table 1.

In the early 2000s, California’s commercial albacore fishermen and economy benefited by having fish right in their backyard. With the Blob¹⁵ and recent El Niño event, the fishery has moved north; but an impending strong La Niña is giving rise to hopes that southern California commercial fishermen will again provide a fresh and plentiful, MSC certified product, to local markets; and recreational fishermen will once again be able to target albacore from local sportfishing operations in 2017.


It is important to highlight the California data only reports fish caught and landed in California. It does not reflect fish caught in California and landed elsewhere, which could be a substantial amount. Many

¹⁵ https://www.nwfsc.noaa.gov/news/features/food_chain/

of the unloading facilities in northern California lack the necessary infrastructure and are not geographically close to processing plants or cold storage. Fuel in Eureka and other North Coast ports is expensive and utilizing Newport or other Oregon ports to unload and refuel might have been more favorable in economic terms for the buyers and harvesters.

The Nation's seafood consumers and California's fishing communities and fishermen (commercial and recreational alike) benefit from the albacore fishery's continued access to these seamounts, ridges and banks. It is usually the commercial fishermen who find the fish, who in turn inform the recreational fishing community of an available opportunity. Seafood consuming citizens will be impacted by decreased availability of a locally sourced, sustainable, healthy source of protein. The State of California will be economically impacted by lost landing taxes, lost fuel tax revenue, lost license revenue and other benefits its fisheries provide to it, its residents and the nation.

As you consider whether to support the proposal to over-protect the offshore seamounts, ridges and banks, we ask that you seriously consider the points made in this letter and the letter to President Obama that we are a signatory to. In our opinion, which is informed by the lack of any attempt at collaboration with industry, this proposal is no more than legacy, political ambition and preservation being prioritized over the best available science and a multi-lateral, collaborative political processes in the design of marine conservation measures. We ask that you communicate to the White House Council on Environmental Quality as well as the Secretary of Commerce and the Secretary of Interior that you oppose the creation of any monuments and support the resolution of the Council Coordination Committee that fishery management in the US EEZ should continue to be implemented under the MSA. We thank you for your thoughtful consideration of this very important matter. Should you have any questions, comments and/or concerns, we ask you to reach out to our fisheries and legal consultant – Mike Conroy. He can be reached at (562) 761-7176 or via email at mike@wecofm.com.



Natalie Webster, Chief Operating Officer
American Albacore Fishing Association



Wayne Heikkila, Executive Director
Western Fishboat Owners Association

Encl: Letter from Coalition of commercial and recreational fishing interests opposing the designation of California offshore marine monuments that prohibit fishing under the Antiquities Act