



**Western
Pacific
Regional
Fishery
Management
Council**

March 31, 2017

The Honorable Wilbur L. Ross Jr.
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Secretary:

The Western Pacific Regional Fishery Management Council (Council) has recently concluded its 169th meeting, during which S.396, an amendment to the Billfish Conservation Act (BCA), was discussed¹. The proposed amendment would prohibit the sale of billfish² and billfish products from Hawaii, American Samoa, Guam and the Northern Mariana Islands to the mainland USA. Such a prohibition would impede billfish harvests from achieving optimum yield and may lead to an increase in regulatory bycatch. Restricting the sale of sustainably caught fisheries resources interferes with interstate commerce and is contrary to principles of the Magnuson-Stevens Act (MSA), which is to produce optimal yield for the benefit of the Nation.

Congress passed the BCA in October 2012, and NMFS issued a proposed rule in April 2013. The proposed rule followed the language in the BCA, which included an exemption for sales of billfish to the mainland USA from domestic landings into Hawaii and the other US islands of the Western Pacific Region. However, the rule has never been finalized. The proposed amendment alters the original language of the BCA and would shut down this long established U.S. market for U.S. fisheries operating within the Western Pacific Region. Hawaii billfish landings marketed on the mainland amount to about 550,000 lbs per year, worth approximately \$600,000 annually in wholesale value. The Western Pacific Region also has an industry of value added billfish products such as smoked marlin and marlin paté, jerky and sausages.

The apparent rationale behind cutting off Hawaii-caught billfish to the US mainland seafood market is to promote stock conservation. We note that North Pacific blue marlin, which comprises the largest component of non-swordfish billfish landings in the Western Pacific Region, is not experiencing overfishing nor is in an overfished condition³. North Pacific striped marlin in the Western and Central Pacific (but not the Eastern Pacific) is experiencing overfishing and is in an overfished condition, but it is subject to international management and catch limits. In the Atlantic, blue marlin is both overfished and is subject to overfishing as is white marlin, and sailfish is experiencing overfishing.

¹ Western Pacific Regional Fishery Management Council press release of March 24, 2017

² Billfish, as defined under the BCA, includes various marlins, spearfish and sailfish found in the Pacific and Atlantic Oceans, but does not include swordfish.

³ http://www.wpcouncil.org/wp-content/uploads/2015/04/2017-01-31_Final-2015-SAFE-Report.pdf

Some critics argue that the legal sale of billfish caught by US fishermen in the Western Pacific Region creates a loophole allowing billfish caught in the Atlantic Ocean to enter illegitimately into U.S. mainland markets. However, there is no evidence that Atlantic caught billfish could be profitably landed into Hawaii and sold on the mainland. Moreover, marlins and other billfish sent from Hawaii to the US mainland are required to have a Billfish Certificate of Eligibility (COE) to document that they were not harvested from the Atlantic Ocean. The COE requires the identification of the fishing vessel, its homeport and the port and date of offloading.

Marlins and other billfish have traditionally been food fish for our island populations, with a long cultural history of catching and consuming these fish. We understand large numbers of billfish are killed during US mainland sportsfishing tournaments. The minimum weight limit for landing billfish on the East Coast is 300 pounds for sports-fishing tournaments, while in Hawaii the minimum weight is 400 pounds. We will be requesting information from the National Marine Fisheries Service on the volume of billfish caught in US mainland sportsfishing tournaments and their disposition.

Sound management policies to ensure the optimal yields of healthy stocks, rather than arbitrary allocations between commercial and recreational sectors and geographic regions, are the key to effective conservation. We hope that our concerns about impacts to our fisheries will be factored into the evaluation of the proposed BCA amendment by your staff. We would be happy to respond to any questions you or your staff may have about billfish fisheries in the Western Pacific.

Respectfully,

A handwritten signature in dark ink, appearing to read "Ed Ebisui".

Edwin A. Ebisui Jr.
Council Chair

Enclosure: Council press release of March 24, 2017
Billfish Certificate of Eligibility

Cc: Councils Coordination Committee
Samuel Rauch III, Acting Assistant NOAA Administrator for Fisheries
Western Pacific Council members

Federal Management Efforts Support Commercial, Subsistence and Cultural Fisheries in the US Pacific Island

HONOLULU (24 March 2017) A bill introduced in the US Senate in mid-February to amend the Billfish Conservation Act of 2012 would negatively impact Hawaii's commercial fisheries. It is generally estimated that 20 percent of Hawaii billfish catch (about 550,000 pounds) is sold to US mainland seafood markets annually at a worth of approximately \$600,000 in landed, wholesale revenue. The existing law allows billfish landed by US fishing vessels in Hawaii and the US Pacific territories of American Samoa, Guam and the Commonwealth of Northern Mariana Islands to be sold in markets on the US mainland. The proposed amendment would prohibit it. The Western Pacific Regional Fishery Management Council, during its 169th meeting this week in Honolulu, voiced concerns about the proposed legislation and will provide information to the Secretary of Commerce on the stock status of Pacific billfish and the economic impact of the introduced amendment. The Council noted that US mainland sport fishing tournaments target billfish and requested information from the National Marine Fisheries Service (NMFS) on the estimated number of billfish killed in these US mainland tournaments and whether or not the billfish retained goes to local consumption.

"Most of the billfish landed and sold in the Western Pacific Region is Pacific blue marlin, which is not subject to overfishing or in an overfished condition," notes Kitty M. Simonds, the Council's executive director. "The Magnuson-Stevens Fishery Conservation and Management Act, the nation's primary fisheries law, requires the Regional Fishery Management Councils and NMFS to prevent overfishing while achieving optimal yield for the benefit of the nation."

Among other actions, the Council reaffirmed its support of community-based management in the Western Pacific Region and directed staff to support a meeting of the State of Hawaii with Hui Malama o Moomomi and the impacted fishing community, following the State's public scoping meetings on the proposed Moomomi Subsistence Fishing Area Management Plan, to reach consensus on management measures that are acceptable by the whole community.

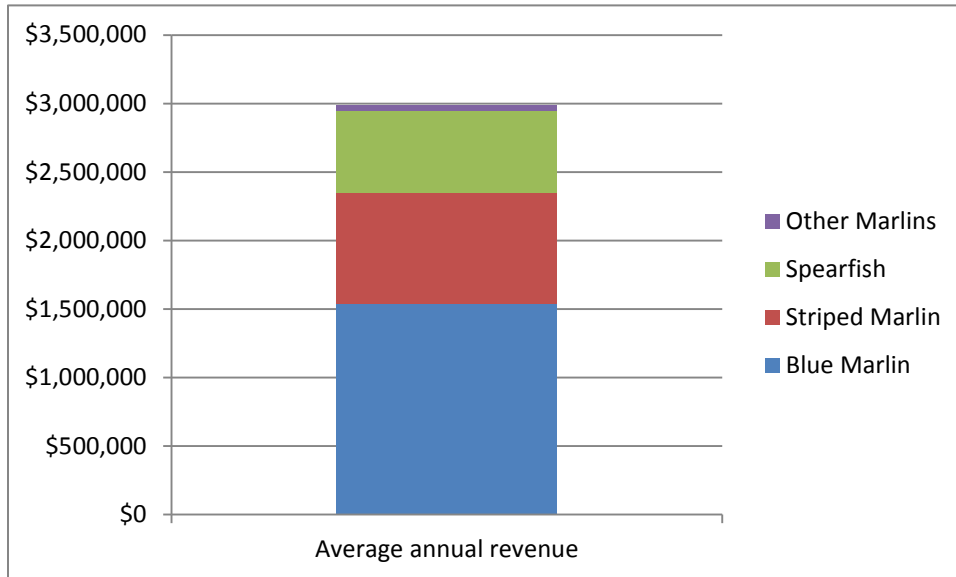
The Council also directed staff to work with the Council's Fishing and Indigenous Community Advisory Sub-Panel to review available information in order to develop the legal, cultural and historical basis and justification for obtaining indigenous fishing rights in the Western Pacific Region.

For more information on the 169th Council meeting, go to www.wpcouncil.org/category/upcoming-council-and-advisory-body-meetings/ or email info@wpcouncil.org or phone (808) 522-8220.

Western Pacific Regional Fishery Management Council: Secretary of Commerce appointees from nominees selected by American Samoa, CNMI, Guam and Hawai'i governors: Michael Duenas, Guam Fishermen's Cooperative Association (Guam) (vice chair); Edwin Ebisui Jr. (Hawaii) (chair); Michael Goto, United Fishing Agency (Hawaii); John Gourley, Micronesian Environmental Services (CNMI) (vice chair); Christinna Lutu-Sanchez, commercial fisherman (American Samoa); McGrew Rice, commercial and charter fisherman (Hawaii) (vice chair); Dean Sensui, film producer (Hawaii); Archie Soliai, StarKist (American Samoa) (vice chair). Designated state officials: Suzanne Case, Hawai'i Department of Land & Natural Resources; Henry Sesepasara, American Samoa Department of Marine & Wildlife Resources; Richard Seman, CNMI Department of Lands and Natural Resources; Matt Sablan, Guam Department of Agriculture. Designated federal official voting member: Michael Tosatto, NMFS Pacific Islands Regional Office. Designated federal officials non-voting members: Matthew Brown, USFWS; Michael Brakke, US Department of State; and RADM Vincent B. Atkins, USCG 14th District.

--- more ---

Federal Management Efforts 2-2-2-2



Hawaii average annual revenue from commercial billfish landings (not including swordfish), 2011-2015. Source: 2015 Pacific Island Pelagic Fisheries Stock Assessment and Evaluation Report. www.wpcouncil.org/wp-content/uploads/2015/04/2017-01-31_Final-2015-SAFE-Report.pdf



Certificate of Eligibility for Billfish



1. Information from fishing vessel which caught billfishes:

Name of Fishing Vessel

Homeport

Port of Offloading

Date of Offloading

2. Dealer's/Processor's Declaration

The undersigned hereby certifies that the above information is complete, true and correct to the best of his/her knowledge and that the billfishes accompanying this form were not harvested from the management unit described below:

Blue Marlin and White Marlin: Waters of the entire North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea).

Sailfish: Waters of the North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea) west of 30°W longitude.

Longbill Spearfish: Waters of the entire North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea).

Black marlin, Striped marlin, and shortbill spearfish: Waters of the entire North and South Atlantic Oceans (including the Gulf of Mexico and the Caribbean Sea).

Name (printed or typed)	Signature	Date

General Instructions: The person who first receives billfish by way of purchase, barter, or trade must provide the information requested in Sections 1 and 2 of this form. A dealer or processor who subsequently receives or possesses billfish covered by an original certificate of eligibility is only required to complete section 2 and retain a copy of the certificate while possessing the billfish.

Important: This information is required by law (16 U.S.C. 1801 et seq., 50 CFR 635.31 (b)).

Paperwork Reduction Act Notice: Collection of information through a documentation tracking system provides essential information for the conservation and management of Atlantic billfishes, including the tracking of billfish trade activities. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: NMFS, Highly Migratory Species (F/SF1), 1315 East-West Highway, Silver Spring, MD 20910. It is NOAA policy to preserve the confidentiality of information submitted under this reporting requirement, except that NMFS may release such information in aggregate or summary form, such that individual identifiers are not disclosed (NAO 216-100). Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.