Distant Water Tuna Fleet (aka U.S. Purse Seine Fleet)

Annual Report to Congress

March 2009

Homeland Security

United States Coast Guard

National Marine Fisheries Service

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Foreword

This report responds to Section 421 of the Coast Guard and Maritime Transportation Act of 2006, and was developed as a joint effort between the Coast Guard and the National Marine Fisheries Service. In order to monitor the efficacy of the provision, this annual report addresses the vessels covered under Section 421 of the Act, landings of tuna, and capacity and trends associated with the fleet.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable John D. Rockefeller IV
Chairman, Senate Commerce, Science, & Transportation Committee

The Honorable Kay Bailey Hutchison
Ranking Member, Senate Commerce, Science, & Transportation Committee

The Honorable James L. Oberstar
Chairman, House Transportation and Infrastructure Committee

The Honorable John L. Mica
Ranking Member, House Transportation and Infrastructure Committee

The Honorable Nick J. Rahall II
Chairman, Committee on Natural Resources

The Honorable Doc Hastings
Ranking Member, Committee on Natural Resources

I am happy to answer any further questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.

Sincerely,

Thad W. Allen, Admiral
Commandant
U.S. Coast Guard

James W. Balsiger, Ph. D.
Acting, Assistant Administrator for Fisheries
National Marine Fisheries Service

Table of Contents

I. Introduction 4

II. Foreign Crew Employment and Reportable Marine Casualties in 2008 5

III. Percentages of Foreign Ownership or Control in 2008 8

IV. Transfers or Sales of United States-Flagged Vessels in 2008 11

V. Assessment of Landings and Trends 12

VI. Evaluation of Capacity and Trends in the Western Pacific Purse Seine Fleet 13

I. Introduction

On July 11, 2006, the President signed Public Law 109-241, the Coast Guard and Maritime Transportation Act of 2006 (the 2006 Act), to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. Section 421 of this Act includes a provision allowing United States-flagged purse seine vessels fishing exclusively for highly migratory species to employ foreign citizens to meet manning requirements, excluding the master. This provision applies for a 48-month period from the date of enactment of the Act, and only if, after timely notice of a vacancy to meet the manning requirements, no United States citizen personnel are available. Moreover, it is only applicable to the purse seine vessels operating in and out of American Samoa and under a license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America (South Pacific Tuna Treaty), or transiting to or from the treaty area (the fleet).

In order to monitor the use and efficacy of the provision, the Coast Guard and the National Marine Fisheries Service are required to submit an annual report with information about the vessels covered under Section 421 of the Act, landings of tuna, and capacity and trends associated with the fleet.

This report addresses the requirements of Section 421(e) for calendar year 2008, and includes:

- The number and identity of vessels in the fleet using foreign citizens to meet manning requirements and any marine casualties involving such vessels (Table 1);
- The number of vessels in the fishery under United States flag, the percentage ownership or control of such vessels by non-United States citizens, and the nationality of such ownership or control (Table 2);
- A description of any transfers or sales of United States flag vessels and the disposition of such vessels, including whether the vessel was scrapped or sold, and if sold, the nationality of the new owner and location of any fishery to which the vessel will be transferred (Table 3);
- The landings of tuna by purse seine vessels under flag (United States) in the previous two calendar years, including an assessment of landing trends, and a description of landing percentages and totals –
  (1) delivered to American Samoa and any other port of the United States or its territories, and
  (2) delivered to ports outside of the United States or its territories, including the identity of the port (Table 4); and
- An evaluation of capacity and trends in the fleet fishing in the Treaty area (Figure 1), and any transfer of capacity to other fisheries, including those managed under the Western and Central Pacific Fisheries Commission and the Inter-American Tropical Tuna Commission.

II. Foreign Crew Employment and Reportable Marine Casualties in 2008

Table 1: Foreign citizens employed to meet manning requirements and reportable marine casualties involving United States-flagged Western Pacific purse seine vessels. (See notes at end of Table.)

VESSEL NAME [1]	VESSEL ID NUMBER	FLAG STATE	USES FOREIGN CITIZENS FOR MANNING [2,3]	REPORTABLE MARINE CASUALTIES, 2008 [4]
AMERICAN EAGLE	1206090 (8974398)	US	YES, 39 of 40 crewmembers	1. INJURY, August 28th in Pacific Ocean, crewmember fell and had head injury. 2. DEATH and INJURY, December 28th in Pacific Ocean, fish-spotting helo crash, pilot dead, passenger seriously injured.
AMERICAN ENTERPRISE (new entrant)	1209513 (9294628)	US	YES, 39 of 40 crewmembers	NONE REPORTED
AMERICAN LEGACY (new entrant)	1215847	US	YES, 42 of 43 crewmembers	NONE REPORTED
CAPE COD	599831 (7806283)	US	YES, 27 of 33 crewmembers	NONE REPORTED
FV CAPE ELIZABETH	620755 (7823384)	US	YES, 16 of 21 crewmembers	NONE REPORTED
CAPE FINISTERRE	610466 (7912094)	US	YES, 16 of 21 crewmembers	NONE REPORTED
F/V CAPE MAY	645777 (8103028)	US	YES, 20 of 21 crewmembers	NONE REPORTED
CAPE SAN LUCAS (new entrant)	1209784 (8119651)	US	YES, 20 of 21 crewmembers	NONE REPORTED
CAROL LINDA	624971 (7827445)	US	YES, 20 of 23 crewmembers	NONE REPORTED
DANIELA	531005 (7107716)	US	YES, 20 of 21 crewmembers	NONE REPORTED
FREISLAND (new entrant)	1216624 (9310953)	US	YES, 25 of 27 crewmembers	NONE REPORTED

Table 1: continued

VESSEL NAME [1]	VESSEL ID NUMBER	FLAG STATE	USES FOREIGN CITIZENS FOR MANNING [2,3]	REPORTABLE MARINE CASUALTIES, 2008 [4]
ISABELLA (new entrant)	1212240 (8111465)	US	YES, 10 of 11 crewmembers	OIL SPILL, August 2nd in Pago Pago Harbor, about one gallon, cleaned up.
JEANETTE	565986 (7505865)	US	YES, 16 of 19 crewmembers	NONE REPORTED
KOORALE	545564 (7233280)	US	YES, 15 of 18 crewmembers	NONE REPORTED
MAJESTIC BLUE (new entrant)	1212048	US	YES, 21 of 22 crewmembers	INJURY, July 3rd in Pohnpei, crewmember's hand crushed and three fingers severed by winch.
OCEAN CHALLENGER (new entrant)	1209712 (9517264)	US	YES, 39 of 40 crewmembers	NONE REPORTED
OCEAN CONQUEST	1202618 (9097343)	US	YES, 37 of 38 crewmembers	NONE REPORTED
OCEAN ENCOUNTER	1202619 (8996218)	US	YES, 23 of 24 crewmembers	NONE REPORTED
OCEAN EXPEDITION	1205812 (9097367)	US	YES, 34 of 35 crewmembers	NONE REPORTED
OCEAN GALAXY (new entrant)	1214839	US	YES, 32 of 33 crewmembers	NONE REPORTED
OCEAN WARRIOR	1205808 (9097317)	US	YES, 35 of 36 crewmembers	NONE REPORTED
PACIFIC BREEZE (new entrant)	1212040	US	YES, 22 of 23 crewmembers	NONE REPORTED
PACIFIC PRIDE (new entrant)	1214250	US	YES, exact numbers not available	NONE REPORTED
PACIFIC PRINCESS	600678 (7806271)	US	YES, 19 of 22 crewmembers	NONE REPORTED
PACIFIC RANGER (new entrant)	1214248	US	YES, exact numbers not available	NONE REPORTED
PROUD HERITAGE	552892 (7366726)	US	YES, 26 of 27 crewmembers	NONE REPORTED
RAFFAELLO	539046 (7212377)	US	YES, 18 of 21 crewmembers	NONE REPORTED

Table 1: continued

VESSEL NAME [1]	VESSEL ID NUMBER	FLAG STATE	USES FOREIGN CITIZENS FOR MANNING [2,3]	REPORTABLE MARINE CASUALTIES, 2008 [4]
SEA BOUNTY (new entrant)	1214841	US	YES, 33 of 34 crewmembers	NONE REPORTED
SEA DEFENDER	1202621 (8996190)	US	YES, 32 of 33 crewmembers	NONE REPORTED
SEA ENCOUNTER	604592 (7823360)	US	YES, 17 of 20 crewmembers	NONE REPORTED
SEA FOX (new entrant)	1207469 (9097329)	US	YES, 32 of 33 crewmembers	NONE REPORTED
SEA HONOR (new entrant)	1210858 (9517276)	US	YES, 36 of 37 crewmembers	NONE REPORTED
SEA QUEST	1203206 (9097355)	US	YES, 32 of 33 crewmembers	NONE REPORTED
SEA TRADER (new entrant)	1207470 (9097379)	US	YES, 33 of 34 crewmembers	NONE REPORTED
WESTERN PACIFIC	564010 (7508893)	US	YES, 17 of 21 crewmembers	NONE REPORTED

Legend:

VESSEL NAME – is the name under which the vessel is currently documented.

VESSEL ID NUMBER – is the Coast Guard identification number; in parentheses, when available, is the Lloyds number.

USES FOREIGN CITIZENS FOR MANNING – is based on last contact with the vessel or vessel's agent.

Footnotes:

[1] Where included, parenthetical note after a vessel name shows status as a re-entrant and licensee to fish in the treaty area, or as a new entrant and licensee to fish in the treaty area during 2008.

[2] Crewmembers include Officers, Engineers, and general crew such as ordinary seamen, able seamen, oilers, mechanics, and cooks. Master must be a US citizen.

[3] Specific information may not be available due to inability by the Coast Guard to visit the vessel in port, or to contact the agent or owner during the canvass period.

[4] Information on Reportable Marine casualties is generated from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database.

III. Percentages of Foreign Ownership or Control in 2008

Table 2: Percentage of foreign ownership or control of United States-flagged Western Pacific purse seine vessels. (See notes at end of table.)

VESSEL NAME (ENDORSEMENT)	VESSEL ID NUMBER	FLAG STATE	FOREIGN OWNERSHIP/CONTROL	NATIONALITY FOREIGN OWNER
AMERICAN EAGLE (Registry)	1206090 (8974398)	US	25% or less	UNKNOWN
AMERICAN ENTERPRISE (Registry)	1209513 (9294628)	US	25% or less	UNKNOWN
AMERICAN LEGACY (Registry)	1215847	US	25% or less	UNKNOWN
CAPE COD (Fishery & Registry)	599831 (7806283)	US	25% or less	UNKNOWN
FV CAPE ELIZABETH (Fishery & Registry)	620755 (7823384)	US	25% or less	UNKNOWN
CAPE FINISTERRE (Fishery & Registry)	610466 (7912094)	US	25% or less	UNKNOWN
F/V CAPE MAY (Fishery & Registry)	645777 (8103028)	US	25% or less	UNKNOWN
CAPE SAN LUCAS (Registry)	1209784 (8119651)	US	50% or less	UNKNOWN
CAROL LINDA (Registry)	624971 (7827445)	US	25% or less	UNKNOWN
DANIELA (Fishery, Registry & Coastwise)	531005 (7107716)	US	25% or less	UNKNOWN
FREISLAND (Registry)	1216624 (9310953)	US	50% or less	UNKNOWN
ISABELLA (Registry)	1212240 (8111465)	US	25% or less	UNKNOWN
JEANETTE (Fishery & Registry)	565986 (7505865)	US	25% or less	UNKNOWN
KOORALE (Fishery & Registry)	545564 (7233280)	US	25% or less	UNKNOWN
MAJESTIC BLUE (Registry)	1212048	US	25% or less	UNKNOWN

Table 2: continued

VESSEL NAME (ENDORSEMENT)	VESSEL ID NUMBER	FLAG STATE	FOREIGN OWNERSHIP/CONTROL	NATIONALITY FOREIGN OWNER
OCEAN CHALLENGER (Registry)	1209712 (9517264)	US	50% or less	UNKNOWN
OCEAN CONQUEST (Registry)	1202618 (9097343)	US	50% or less	UNKNOWN
OCEAN ENCOUNTER (Registry)	1202619 (8996218)	US	50% or less	UNKNOWN
OCEAN EXPEDITION (Registry)	1205812 (9097367)	US	50% or less	UNKNOWN
OCEAN GALAXY (Registry)	1214839	US	50% or less	UNKNOWN
OCEAN WARRIOR (Registry)	1205808 (9097317)	US	50% or less	UNKNOWN
PACIFIC BREEZE (Registry)	1212040	US	25% or less	UNKNOWN
PACIFIC PRIDE (Registry)	1214250	US	Not reported, not required	UNKNOWN
PACIFIC PRINCESS (Fishery & Registry)	600678 (7806271)	US	25% or less	UNKNOWN
PACIFIC RANGER (Registry)	1214248	US	Not reported, not required	UNKNOWN
PROUD HERITAGE (Fishery & Registry)	552892 (7366726)	US	25% or less	UNKNOWN
RAFFAELLO (Fishery & Registry)	539046 (7212377)	US	50% or less	UNKNOWN
SEA BOUNTY (Registry)	1214841	US	50% or less	UNKNOWN
SEA DEFENDER (Registry)	1202621 (8996190)	US	50% or less	UNKNOWN
SEA ENCOUNTER (Registry)	604592 (7823360)	US	25% or less	UNKNOWN
SEA FOX (Registry)	1207469 (9097329)	US	50% or less	UNKNOWN
SEA HONOR (Registry)	1210858 (9517276)	US	Not reported, not required	UNKNOWN
SEA QUEST (Registry)	1203206 (9097355)	US	50% or less	UNKNOWN
SEA TRADER (Registry)	1207470 (9097379)	US	50% or less	UNKNOWN
WESTERN PACIFIC (Fishery & Registry)	564010 (7508893)	US	25% or less	UNKNOWN

Legend:

VESSEL NAME –The name under which the vessel is currently documented.

ENDORSEMENT –The entry on the vessel's Certificate of Documentation which demonstrates the vessel is entitled to engage in a specified trade. A "Registry" endorsement entitles a vessel to employment in the foreign trade; trade with Guam, American Samoa, Wake, Midway, or Kingman Reef; and any other employment for which a coastwise, Great Lakes, or fishery endorsement is not required. Vessels that are the subject of this report, need only have a "Registry" endorsement to obtain a license to fish under the Treaty. A "Fishery" endorsement entitles a vessel to engage in fisheries as defined in 46 CFR §67.3. Vessels that are foreign-built or rebuilt in a foreign shipyard are not eligible for a "Fishery" endorsement. A "Coastwise" endorsement entitles a vessel to employment in unrestricted coastwise trade, and is generally reserved for vessels built in the U.S. or granted coastwise trading privileges by special legislation.

VESSEL ID NUMBER –The Coast Guard identification number. When available, the Lloyds number is listed parenthetically.

PERCENTAGE FOREIGN OWNERSHIP/CONTROL and NATIONALITY OF FOREIGN OWNERSHIP – Citizenship information for owner(s) of a vessel is provided on the application for vessel documentation forms to the U.S. Coast Guard. Records indicate the vessels subject to this report are all owned by organizations, not individuals. In such cases and when required, applicants need only certify that U.S. citizen ownership and/or management control is above a certain percentage.

The majority (24 of 35) of the vessels that are subject to this report carry only a "Registry" endorsement. There is no regulatory requirement to indicate the percentage of stock/equity owned by U.S. citizens, unless the vessel is owned by a partnership. None of the vessels subject to this report are owned by a partnership. For the purpose of obtaining a "Registry" endorsement, if the vessel is owned by a partnership, at least 50 percent of the equity in the partnership must be owned by U.S. citizens.

The information provided in Table 2, above, regarding percentage of foreign ownership/control was extracted from the last approved "Application for Documentation," Form CG-1258, with the U.S. Coast Guard National Vessel Documentation Center. The Coast Guard has no information regarding the nationality of any non-U.S. stock or equity holders.

Eligibility for a "Fishery" trade endorsement on vessels owned by an organization requires that 75% or more of the stock or equity interest in the organization at each tier and in aggregate is owned by U.S. citizens, and that control and management decisions for the corporation, limited liability company, or partnership rest with a U.S. citizen. The Coast Guard does not require information regarding nationality of any foreign ownership interest when applying for documentation. The Coast Guard requires evidence to determine U.S. citizenship qualification for the endorsement sought.

IV. Transfers or Sales of United States-Flagged Vessels in 2008

Table 3: Disposition, nationality of new owner, and fishing location of Western Pacific purse seine vessels sold or transferred during 2008. (See notes at end of table.)

VESSEL NAME, ID NUMBER, AND ENDORSEMENT	DISPOSITION OF THE VESSEL	DATE	NATIONALITY OF NEW OWNER
DIANA 557106 (7397775) Held "Registry" and "Fishery" endorsements.	Certificate of Documentation was deleted October 25, 2008. A request for removal from documentation was received by the Coast Guard on September 9, 2008. MARAD approved sale to an alien and transfer to Cook Island Registry and Flag. It is unknown if or where the vessel may now be fishing.	September 2008	ECUADOR Pesquera Betty C Pesbec S.A. Avenida 4 Calle7 Edificio Filnbanco #9 Piso Oficina 905 Manta, Ecuador

Legend:

VESSEL NAME –The name under which the vessel is currently documented.

VESSEL ID NUMBER –The Coast Guard identification number. The Lloyds number is listed parenthetically.

ENDORSEMENT –The entry on the vessel's Certificate of Documentation, demonstrating that the vessel is entitled to engage in a specified trade. "Registry" entitles the vessel employment/service addressed in this report. "Fishery" Endorsement entitles a vessel to employment in the fisheries as defined in 46 CFR §67.3.

DISPOSITION OF THE VESSEL –Summary of the operational status of the vessel and fishery area.

DATE – The date of sale, transfer of control, or change in operating area.

NATIONALITY OF NEW OWNER – The flag state and organization with oversight or control of the vessel.

V. Assessment of Landings and Trends

In 2008, preliminary landings data (available through mid-December 2008) show over 176,000 metric tons of tuna landed by the U.S. purse seine fleet operating in the western and central Pacific (Table 4). American Samoa continues to be the principle port of unloading, however, it is not as dominant as in previous years. Majuro, in the Republic of the Marshall Islands, is the second leading port, and most of this fish was trans-shipped to destinations for canning in Southeast Asia. The combined landings in Majuro and Pohnpei (Federated States of Micronesia) rival those landings reported for American Samoa. Landings to carrier vessels or trans-shipments appear to exceed landings directly to canneries in 2008. Landing estimates for 2008 are preliminary and will increase slightly as NMFS receives and compiles additional 2008 landing reports from vessel operators. Yellowfin and bigeye tuna are combined given that the species differentiation as reported by the vessels is typically inaccurate. Port sampling data, available later in the year, are used to verify landings by species for stock assessment and other purposes.

Table 4: Tuna Landings of United States-flagged Western Pacific purse seine vessels, by species and port, 2007-2008.

2008	TUNA LANDINGS * (Metric Tons)			
LANDING PORT	Skipjack	Yellowfin & Bigeye	Total	%
U.S. PORTS				
Pago Pago, American Samoa	63585	10495	74080	42.0%
FOREIGN PORTS				
Majuro, Republic of the Marshall Islands	28904	12833	43089	24.4%
Pohnpei, Federated States of Micronesia	18125	5898	24023	13.6%
Rabaul, Papua New Guinea	15050	1787	16837	9.6%
Tarawa, Republic of Kiribati	3440	1155	4595	2.6%
Honiara, Solomon Islands	6202	1128	7330	4.1%
Noro, Solomon Islands	310	130	440	0.3%
Wewak, Papua New Guinea	3400	845	4245	2.4%
Bangkok, Thailand	-	-	1675 [1]	1.0%
TOTAL	**139016**	**34271**	**176313**	**100.0%**

2007	"FINAL" TUNA LANDINGS * (Metric Tons)			
LANDING PORT	Skipjack	Yellowfin & Bigeye	Total	%
U.S. PORTS				
Pago Pago, American Samoa	43335	8821	52156	75%
FOREIGN PORTS				
Honiara, Solomon Islands	2875	546	3421	5%
Pohnpei, Federated States of Micronesia	3836	641	4477	6%
Majuro, Republic of the Marshall Islands	7659	347	8006	12%
Rabaul, Papua New Guinea	626	161	787	1%
Noro, Solomon Islands	337	74	411	1%
TOTAL	**58668**	**10590**	**69258**	**100.0%**

** 2008 landings based on reports received as of 12 December 2008. Additional and final reports will not be available until later in 2009. 2007 values have been revised up from the 2008 Report.*
[1] Reported as a mix of yellowfin and skipjack tuna.

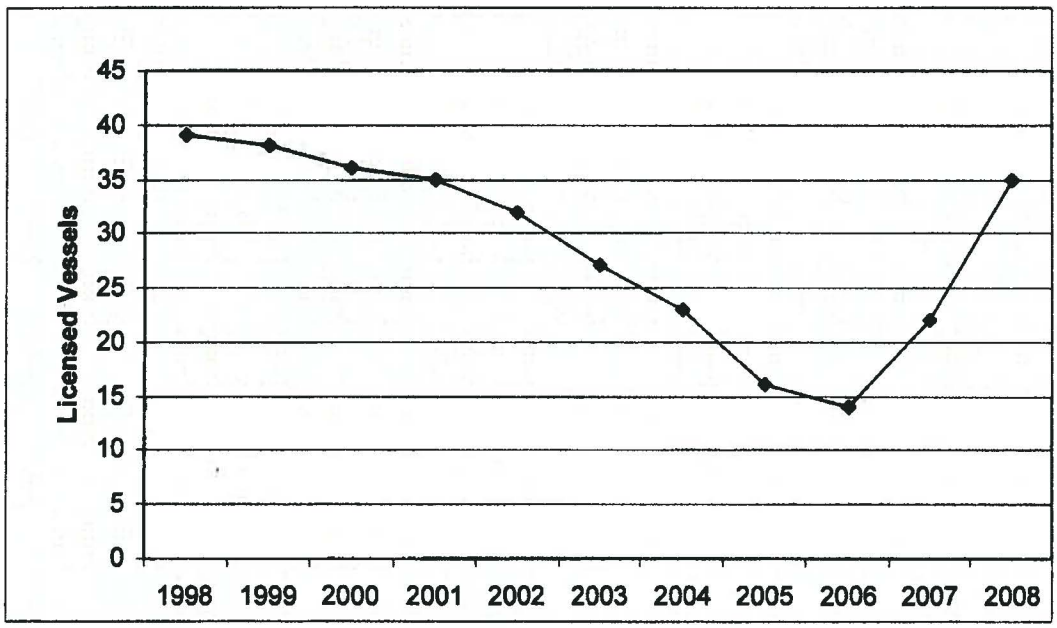
VI. Evaluation of Capacity and Trends in the Western Pacific Purse Seine Fleet

Under the current terms of the Treaty, 45 licenses are available to the United States, five of which are reserved for joint-venture arrangements with Pacific Island parties[1]. As of December 31, 2008, there were 35 United States-flagged purse seine vessels licensed for highly migratory species in the Treaty area.

Only one vessel left the fleet in calendar year 2008. It was sold to business interests believed to be based in Ecuador, though the vessel was registered in the Cook Islands. During 2008, one vessel was transferred or sold foreign. All other licensed vessels remained under ownership or control of U.S. citizens or organizations, and the vessels remained operational under the Treaty.

The number of vessels licensed and active in the fleet had steadily declined since the late 1990s. However, in 2007 this trend was reversed and the number of vessels increased significantly to a final count of 21 by the end of the calendar year (see Figure 1). The fleet continued to grow throughout 2008, where it was approaching the limit of 40 "regular" licenses. It is expected that all available regular licenses (other than those potentially available under the joint-venture provisions) will be taken up in the first quarter of 2009. Despite high fuel costs, strong ex-vessel price and decent fishing through most of 2008 are believed to have provided operators incentive to enter western and central Pacific purse seine fishery. Though fuels prices have declined at the end of 2008, so did ex-vessel prices and changes related to the regulatory climate in the Western Central Pacific Ocean, suggesting 2009 will be a year of continued uncertainty in the fishery.

Figure 1: Number of United States-flagged purse seine vessels licensed in the Treaty area, 1998-2008.



[1] The Treaty was re-negotiated in 2004 and extended for another ten years and to date, fourteen Parties have ratified the relevant amended provisions. The U.S. has promulgated domestic regulations implementing the new Treaty provisions, primarily related to the vessel monitoring system.