

**COAST GUARD AND MARITIME TRANSPORTATION  
ACT OF 2006**

**DISTANT WATER TUNA FLEET MANNING REQUIREMENTS AND  
LICENSING RESTRICTIONS AND INFORMATION REPORT ON  
UNITED STATES PURSE SEINE FISHING VESSELS OPERATING  
IN AND OUT OF AMERICAN SAMOA**

**2<sup>nd</sup> Submission**

**January 1, 2007-December 31, 2007**

**Submitted in accordance with Title IV, Section 421(e), of the  
Coast Guard and Maritime Transportation Act of 2006**

**to:**

**The Senate Committee on Commerce, Science and Transportation  
The House of Representatives Committee on Transportation and Infrastructure  
The House of Representatives Committee on Resources**



**Submitted by the Department of Homeland Security  
as prepared by the  
United States Coast Guard, Office of Vessel Activities  
and the  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service, Pacific Islands Regional Office**

## **Introduction**

On July 11, 2006, the President signed Public Law 109-241, the Coast Guard and Maritime Transportation Act of 2006 (the Act), to authorize appropriations for the Coast Guard for Fiscal Year (FY) 2006 to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

Included in Section 421 of the Act is a provision allowing United States-flagged purse seine vessels fishing exclusively for highly migratory species to engage foreign citizens to meet manning requirements, except for the master, for a 48-month period from the date of enactment of the Act if, after timely notice of a vacancy to meet the manning requirements, no United States citizen personnel are readily available to fill such vacancy. The provision is applicable only 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, a.k.a Treaty), or transiting to or from the treaty area (the fleet).

In order to monitor the use and effect of the provision, the Coast Guard and the National Marine Fisheries Service (NMFS) are required to submit an annual report on vessels covered under Section 421 of the Act, and landings, capacity and trends of the fleet.

This report addresses the following requirements of Section 421(e) for calendar year 2007:

- 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 or a state or territory of the United States, and
  - (2) delivered to ports outside of a state or territory of the United States, 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.

**Foreign Crew Employment and Reportable Marine Casualties**

**Table 1: Foreign citizens employed to meet manning requirements and reportable marine casualties involving United States-flagged Western Pacific purse seine vessels.**

VESSEL NAME <sup>1</sup>	VESSEL ID NUMBER	FLAG STATE	USES FOREIGN CITIZENS FOR MANNING <sup>2,3</sup>	REPORTABLE MARINE CASUALTIES, 2007 <sup>4</sup>
AMERICAN EAGLE (new entrant)	1206090	U.S.	YES, exact numbers or positions not available	NONE REPORTED
CAPE COD (re-entrant)	599831 (7806283)	U.S.	YES, 17 of 20 crewmembers, including Deck Officer and First Assistant Engineer	FATALITY, November 8 <sup>th</sup> in Pacific Ocean, man overboard - drowning
CAPE ELIZABETH	620755 (7823384)	U.S.	YES, exact numbers or positions not available	NONE REPORTED
CAPE FINISTERRE (re-entrant)	610466 (7912094)	U.S.	YES, 19 of 22 crewmembers, including Deck Officer and First Assistant Engineer	NONE REPORTED
CAPE MAY	645777 (8103028)	U.S.	YES, 19 of 21 crewmembers	NONE REPORTED
CAROL LINDA	624971 (7827445)	U.S.	YES, 20 of 23 crewmembers, including Deck Officer and Engineer Cadet	NONE REPORTED
DANIELA	531005 (7107716)	U.S.	YES, 20 of 21 crewmembers, including Chief Engineer	NONE REPORTED
DIANA	557106	U.S.	YES, 14 of 19 crewmembers, including Deck Officer and Chief Engineer	NONE REPORTED
JEANETTE	565986 (7505865)	U.S.	YES, 17 of 20 crewmembers, including Deck Officer and First Assistant Engineer	NONE REPORTED
KOORALE	545564 (7233280)	U.S.	YES, 14 of 17 crewmembers, including Deck Officer and Engineer Cadet	NONE REPORTED
OCEAN CONQUEST (new entrant)	1202618	U.S.	YES, exact numbers or positions not available	NONE REPORTED
OCEAN ENCOUNTER (new entrant)	1202619	U.S.	YES, exact numbers or positions not available	NONE REPORTED
OCEAN EXPEDITION (new entrant)	1205812	U.S.	YES, exact numbers or positions not available	NONE REPORTED
OCEAN WARRIOR (new entrant)	1205808	U.S.	YES, exact numbers or positions not available	NONE REPORTED
PACIFIC PRINCESS	600678 (7806271)	U.S.	YES, 16 of 19 crewmembers, including Deck Officer and First Assistant Engineer	NONE REPORTED
PROUD HERITAGE	552892 (7366726)	U.S.	YES, exact numbers or positions not available	NONE REPORTED

**Table 1: continued**

<b>VESSEL NAME <sup>1</sup></b>	<b>VESSEL ID NUMBER</b>	<b>FLAG STATE</b>	<b>USES FOREIGN CITIZENS FOR MANNING <sup>2,3</sup></b>	<b>REPORTABLE MARINE CASUALTIES, 2007 <sup>4</sup></b>
RAFFAELLO (re-entrant)	539046 (7212377)	U.S.	YES, exact numbers or positions not available	NONE REPORTED
SEA DEFENDER (new entrant)	1202621	U.S.	YES, exact numbers or positions not available	NONE REPORTED
SEA ENCOUNTER	604592 (7823360)	U.S.	YES, 17 of 21 crewmembers, including First Mate	NONE REPORTED
SEA QUEST (new entrant)	1203206	U.S.	YES, exact numbers or positions not available	NONE REPORTED
WESTERN PACIFIC	564010 (7508893)	U.S.	YES, 17 of 22 crewmembers, including Deck Officer and First Assistant Engineer	NONE REPORTED

VESSEL NAME: Name under which the vessel is currently documented.

VESSEL ID NUMBER: Coast Guard identification number; Lloyd's number in parentheses, when available.

USES FOREIGN CITIZENS FOR MANNING: Based on last contact with the vessel or vessel's agent.

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- <sup>1</sup> Parenthetical notes after a vessel name show status as a re-entrant and licensee to fishing in the treaty area, or as a new entrant and licensee to fish in the treaty area during 2007.
  - <sup>2</sup> Crewmembers include Officers, Engineers, and general crew such as ordinary seamen, able seamen, oilers, mechanics and cooks. Master must be a U.S. citizen.
  - <sup>3</sup> 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.
  - <sup>4</sup> Information on any Reportable Marine casualties is reported as may be on file or reported in the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database.

**Percentages of Foreign Ownership or Control**

**Table 2: Percentage of foreign ownership or control of United States-flagged Western Pacific purse seine vessels.**

<b>VESSEL NAME (ENDORSEMENT)</b>	<b>VESSEL ID NUMBER</b>	<b>FLAG STATE</b>	<b>PERCENTAGE FOREIGN OWNERSHIP/CONTROL</b>	<b>NATIONALITY OF A FOREIGN OWNER</b>
AMERICAN EAGLE (Registry)	1206090	U.S.	25% or less	UNKNOWN
CAPE COD (Fishery & Registry)	599831 (7806283)	U.S.	25% or less	UNKNOWN
CAPE ELIZABETH (Fishery & Registry)	620755 (7823384)	U.S.	25% or less	UNKNOWN
CAPE FINISTERRE (Fishery & Registry)	610466 (7912094)	U.S.	25% or less	UNKNOWN
CAPE MAY (Fishery & Registry)	645777 (8103028)	U.S.	25% or less	UNKNOWN
CAROL LINDA (Registry)	624971 (7827445)	U.S.	25% or less	UNKNOWN
DANIELA (Fishery & Registry)	531005 (7107716)	U.S.	25% or less	UNKNOWN
DIANA (Fishery & Registry)	557106	U.S.	25% or less	UNKNOWN
JEANETTE (Fishery & Registry)	565986 (7505865)	U.S.	25% or less	UNKNOWN
KOORALE (Fishery & Registry)	545564 (7233280)	U.S.	25% or less	UNKNOWN
OCEAN CONQUEST (Registry)	1202618	U.S.	50% or less	UNKNOWN
OCEAN ENCOUNTER (Registry)	1202619	U.S.	50% or less	UNKNOWN
OCEAN EXPEDITION (Registry)	1205812	U.S.	50% or less	UNKNOWN
OCEAN WARRIOR (Registry)	1205808	U.S.	50% or less	UNKNOWN
PACIFIC PRINCESS (Fishery & Registry)	600678 (7806271)	U.S.	25% or less	UNKNOWN
PROUD HERITAGE (Fishery & Registry)	552892 (7366726)	U.S.	25% or less	UNKNOWN
RAFFAELLO (Fishery & Registry)	539046 (7212377)	U.S.	50% or less	UNKNOWN
SEA DEFENDER (Registry)	1202621	U.S.	50% or less	UNKNOWN

**Table 2: continued**

<b>VESSEL NAME (ENDORSEMENT)</b>	<b>VESSEL ID NUMBER</b>	<b>FLAG STATE</b>	<b>PERCENTAGE FOREIGN OWNERSHIP/CONTROL</b>	<b>NATIONALITY OF A FOREIGN OWNER</b>
SEA ENCOUNTER (Registry)	604592 (7823360)	U.S.	25% or less	UNKNOWN
SEA QUEST (Registry)	1203206	U.S.	50% or less	UNKNOWN
WESTERN PACIFIC (Fishery & Registry)	564010 (7508893)	U.S.	25% or less	UNKNOWN

**VESSEL NAME:** Name under which the vessel is currently documented.

**ENDORSEMENT:** Entry on the vessel's Certificate of Documentation which is evidence 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. Vessels that are foreign-built or rebuilt in a foreign shipyard are not eligible for a "Fishery" endorsement.

**VESSEL ID NUMBER:** Coast Guard identification number; Lloyd's number in parentheses, when available.

**PERCENTAGE FOREIGN OWNERSHIP/CONTROL and NATIONALITY FOREIGN OWNERSHIP:** Citizenship information for owner(s) of a vessel is provided on the application for vessel documentation forms for the Coast Guard. Records indicate these vessels are all owned by organizations, not individuals. Applicants need only certify that U.S. citizen ownership and/or management control is above a certain percentage. Eligibility for a fishery trade endorsement on vessels owned by an organization requires that 50% or more of the stock or equity interest in the organization is owned by U.S. citizens, and that control and management decisions for the corporation or partnership rest with a U.S. citizen. The Coast Guard does not require information regarding nationality of any foreign ownership interest if it is 50% or less.

**Transfers or Sales of United States-Flagged Vessels in 2007**

**Table 3: Disposition, nationality of new owner, and fishing location of Western Pacific purse seine vessels sold or transferred during 2007.**

VESSEL NAME ID NUMBER ENDORSEMENT	DISPOSITION OF THE VESSEL	DATE	NATIONALITY OF NEW OWNER
EVELINA DA ROSA 1021748 (8125090) Registry	Certificate of Documentation expired and was deleted March 31, 2007. A request for removal from documentation was received by the Coast Guard on January 31, 2007. The Maritime Administration (MARAD) approved sale and transfer to Chinese Registry and Flag. Unknown if or where the vessel is now fishing.	January 2007	People's Republic of China Red Brook Business, Inc.
PROUD HERITAGE 552892 (7366726) Fishery & Registry	M/V Sea Quest transferred its remaining 25% interest in the vessel to Tradition Mariner LLC. Certificate of Documentation was renewed on May 11, 2007.	Prior to May 2007	Vessel remains under U.S. ownership and control.
LEGACY 645777 (8103028) Fishery & Registry	Vessel was renamed CAPE MAY and continues to fish under the Treaty. Ownership was transferred from Tradition Mariner LLC to Cape May Fishing LP. Certificate of Documentation was renewed on October 12, 2007.	Prior to October 2007	Vessel remains under U.S. ownership and control.
TRADITION 620755 (7823384) Fishery & Registry	Vessel was renamed CAPE ELIZABETH and continues to fish in the treaty area. Ownership was transferred from Tradition Mariner LLC to Cape Elizabeth Fishing LP. Certificate of Documentation was renewed on October 12, 2007.	Prior to October 2007	Vessel remains under U.S. ownership and control.

VESSEL NAME: Name under which the vessel is currently documented.

VESSEL ID NUMBER: Coast Guard identification number; Lloyd's number in parentheses.

ENDORSEMENT: Entry on the vessel's Certificate of Documentation, which is evidence 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. Vessels that are foreign-built or rebuilt in a foreign shipyard are not eligible for a "Fishery" endorsement.

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: Flag state and organization that has oversight or control of the vessel.

### Assessment of Landings and Trends

In 2006, the fleet landed 68,000 metric tons of tuna (Table 4). The majority of these landings, (74%) occurred in American Samoa. Ten percent of the 2006 landings took place in Majuro, Republic of the Marshall Islands (RMI) and most of these landings are believed to have been transshipped outside of RMI. Another nine percent of landings occurred in Pohnpei, Federated States of Micronesia (FSM), and the remainder of the landings were spread over several ports in the region.

In 2007, landings of 40,000 metric tons were reported as of January 1, 2008. Similar to prior years, the majority (75%), were offloaded in American Samoa. Landing estimates for 2007 are preliminary and will increase as NMFS receives and compiles additional 2007 landing reports from vessel operators.

**Table 4: Tuna landings of United States-flagged Western Pacific purse seine vessels, by species and port, 2006-2007.**

2006		TUNA LANDINGS (Metric Tons)			
LANDING PORT	Skipjack	Yellowfin & Bigeye	Total	%	
<b>U.S. PORTS</b>					
Pago Pago, American Samoa	39692	10452	50144	73.7%	
<b>FOREIGN PORTS</b>					
Majuro, Republic of the Marshall Islands	5553	1316	6869	10.1%	
Pohnpei, Federated States of Micronesia	5572	482	6054	8.9%	
Rabaul, Papua New Guinea	2651	245	2896	4.3%	
Tarawa, Republic of Kiribati	757	113	869	1.3%	
Honiara, Solomon Islands	540	118	658	1.0%	
Noro, Solomon Islands	424	10	434	0.6%	
Wewak, Papua New Guinea	81	4	85	0.1%	
<b>TOTAL</b>	<b>55270</b>	<b>12740</b>	<b>68009</b>	<b>100.0%</b>	
2007		TUNA LANDINGS * (Metric Tons)			
LANDING PORT	Skipjack	Yellowfin & Bigeye	Total	%	
<b>U.S. PORTS</b>					
Pago Pago, American Samoa	24081	5794	29875	75.0%	
<b>FOREIGN PORTS</b>					
Honiara, Solomon Islands	2869	546	3415	8.6%	
Pohnpei, Federated States of Micronesia	2658	422	3079	7.7%	
Majuro, Republic of the Marshall Islands	1911	347	2258	5.7%	
Rabaul, Papua New Guinea	626	161	787	2.0%	
Noro, Solomon Islands	337	74	411	1.0%	
<b>TOTAL</b>	<b>32482</b>	<b>7344</b>	<b>39825</b>	<b>100.0%</b>	
* Based on landing reports received as of 1 January 2008. Additional and final reports will not be available until later in 2008.					

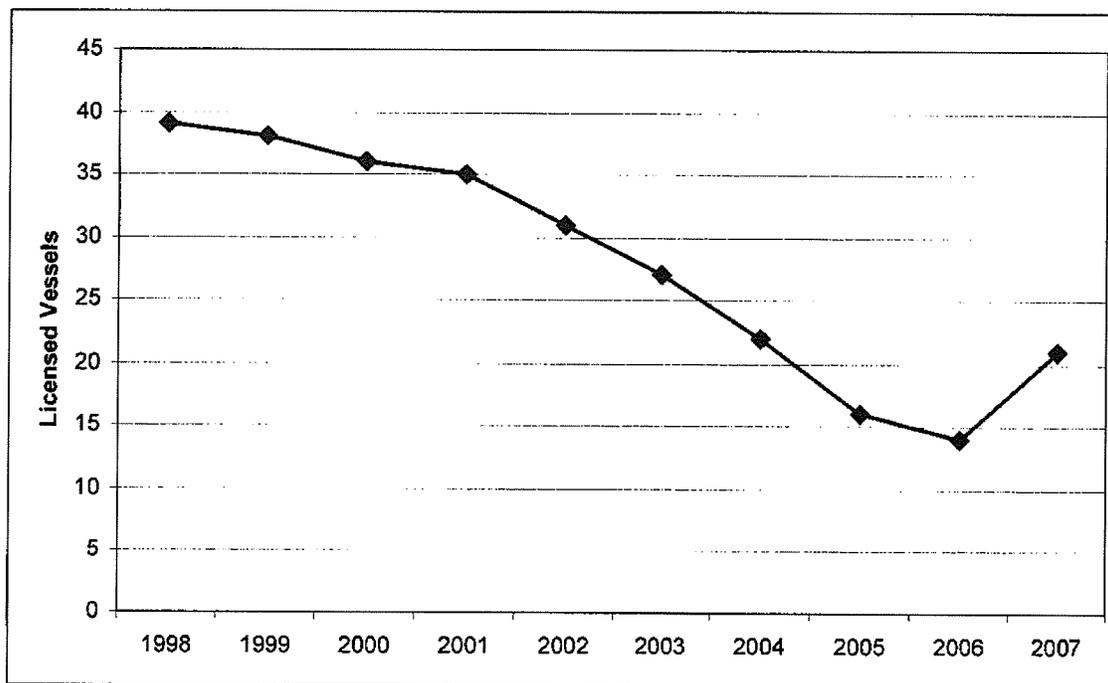
## Evaluation of Capacity and Trends in the Western Pacific Purse Seine Fleet

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<sup>1</sup>. As of December 31, 2007 there were 21 United States-flagged purse seine vessels licensed for highly migratory species in the Treaty area.

Only one vessel left the fleet in calendar year 2007. It was sold to business interests in the People's Republic of China. During 2007, interests in three vessels were transferred or sold, but the vessels remained under ownership or control of U.S. citizens or organizations and remained operational under the Treaty.

The number of vessels licensed and active in the fleet has steadily declined since the late 1990s. In 2007, however, this trend was reversed and the number of vessels increased significantly to a final count of 21 by the end of the calendar year (Figure 1). The fleet is expected to see several new entrants during the first two quarters of 2008. Overall, fleet numbers by the end of 2008 are expected to reach 25 vessels.

**Figure 1: Number of United States-flagged purse seine vessels licensed in the Treaty area, 1998-2007.<sup>2</sup>**



<sup>1</sup> The Treaty was re-negotiated in 2004 and extended for another ten years.

<sup>2</sup> Note: these figures include all licenses issued in June 2007, plus any vessel that entered or re-entered the treaty area.