

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM AND  
HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL JOINT REPORT ON  
FISHERY MANAGEMENT PLAN AMENDMENT 1: OVERFISHING RESPONSE FOR  
BIGEYE TUNA

The Highly Migratory Species Management Team (HMSMT) and the Highly Migratory Species Advisory Subpanel (HMSAS) reviewed and discussed the Bigeye Tuna Overfishing Response (updated on October 17, 2006). Some alternatives under consideration include implementing part or all of the Western Pacific Fishery Management Council's Pelagics fishery management plan (FMP) Amendment 14. The HMSMT and HMSAS have an overarching concern that the Council is scheduled to take final action on alternatives to end bigeye tuna overfishing before we have been able to obtain a copy of Amendment 14 for review.

In addition, we have the following recommendations:

Range of Alternatives

There are four alternatives presented in the document:

Alt 1 – No Action (status quo) – Under this alternative, the Council would not develop an amendment to the HMS FMP to address bigeye tuna overfishing; however, as noted in the document, “If [the Western Pacific Fishery Management Council’s] Pelagics FMP Amendment 14 were determined to be sufficient to end overfishing, and is approved by National Marine Fisheries Service (NMFS), that plan could serve as the sole plan to end overfishing.”

Alt 2 – Adopt the guidance provided by the Council in April 2006 to include the actions identified in Management Option 3, in Attachment 1, with the exclusion of the exemption for fleets that catch one percent or less of the total Pacific bigeye tuna landings, and the inclusion of a definition of national fleet in the HMS FMP. According to the Inter-American Tropical Tuna Commission (IATTC), this alternative by itself, which only pertains to the Eastern Pacific Ocean, would likely not end bigeye tuna overfishing Pacific-wide. However, this alternative, in conjunction with the Western Pacific’s Pelagics FMP Amendment 14, would meet the requirement to end bigeye tuna overfishing.

Alt 3 – Adopt “elements” of the Western Pacific’s Pelagics FMP Amendment 14, which are specific to management in the Eastern Pacific Ocean (EPO), into the Pacific Council’s HMS FMP – Elements include a specific reduction in purse seine fishery effort on floating objects (including fish aggregating devices) in the EPO, and a specific reduction in longline fishery effort in the EPO from current levels. This alternative may include some exemption for fleets that catch relatively small amounts of bigeye tuna (which would not be specifically included in Alternative 2). It is anticipated that this alternative would meet the requirement to end bigeye tuna overfishing.

Alt 4 – Concurrence with Pelagics FMP Amendment 14 – The Pacific Council would notify the NMFS that it recognizes that the Pelagics FMP Amendment 14 as the sole Pacific-wide response to bigeye tuna overfishing. Under this alternative, the Council’s strategy would not be incorporated into the FMP (as a plan amendment), but would be captured in writing, and NMFS

would describe how this action sufficiently addresses the requirement to end bigeye tuna overfishing.

While there are four alternatives listed, it appears that, in reality, there are only two management alternatives available—either adopt the measures the Council specified in April 2006, or adopt the measures in the Pelagics FMP Amendment 14 specific to the EPO—but there are two processes described to achieve the latter. With regard to the management provisions, the HMSMT and HMSAS support adopting specific management measures for the EPO with the inclusion of a definition of national fleet in the HMS FMP (as specified in Alternative 2).

As mentioned in the HMSMT’s April 2006 report, one of the primary issues for consideration is, if a national quota were developed, whether this would include all vessels fishing for one nation, or if a “fleet” refers to a narrower combination of geographical area and gear type. Limiting or capping the catch of a narrowly defined fleet (e.g., West Coast-based purse seine) may be constraining, whereas a shared cap for U.S. vessels may provide some flexibility. The proposed FMP amendment language provided for Alternative 2 (p. 5, second paragraph from the bottom) addresses this and we recommend its inclusion in the FMP amendment.

With regard to the process, the Magnuson-Stevens Conservation and Management Act specifies that fishery management plans prepared by the Council “shall contain the conservation and management measures...which are necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term stability of the fishery...and, consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law....” Given that, the HMSMT and HMSAS recommend that the EPO management provisions for bigeye tuna be incorporated as an amendment to the Pacific Council’s HMS FMP, as described in Alternative 3.

### Specific Comments on Alternative 3

With regard to Alternative 3, we note that the narrative under Section 3.3, second paragraph, second sentence, references both Councils coordinating “on future recommendations for reductions in bigeye tuna and/or other tropical tuna fishing mortality to NMFS,” whereas, the suggested FMP Amendment text focuses on specific percentage reductions in fishing effort from current levels. It is unclear whether the prescribed provisions in Amendment 14 pertain to fishing mortality vs. fishing effort. Further, it is unclear how reductions in fishing effort in both the purse seine and longline fisheries would be achieved, given that participation in these fisheries is currently not limited. Therefore, while the HMSMT and HMSAS recommend moving forward with Alternative 3, we also recommend that clear, concise sub-options for implementation of the reductions in fishing effort be specified and analyzed. If through the IATTC process, the IATTC agrees that a different specific percentage reduction for either purse seine or longline effort is required to end bigeye tuna overfishing in the EPO, we recommend that a framework be included to allow for an adjustment to be made to the FMP amendment.

### Analysis Needed

For Alternative 3, it is suggested in the document that NMFS could approve Amendment 14 on the basis of the Environmental Assessment (EA) submitted by the Western Pacific Council and, as such, the Pacific Council and NMFS would not have to prepare an additional EA for this

action. The HMSMT and the HMSAS have not had the opportunity to review the EA for Amendment 14 and, therefore, do not know whether it adequately assesses the potential impacts to West Coast-based fishers and West Coast communities resulting from the proposed actions. We note that the Magnuson-Stevens Act also requires that Councils “include a fishery impact statement for the plan or amendment...which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on participants in the fisheries and fishing communities affected by the plan or amendment; and participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants.” Therefore, we recommend that NMFS prepare a separate EA that includes an analysis of the impacts of the proposed actions on West Coast fisheries and communities.

**HMSMT and HMSAS Recommendations:**

1. Indicate a preference for Alternative 3 with the addition of a definition of national fleet in the HMS FMP, with the understanding that provisions would be consistent with IATTC action;
2. Modify the draft FMP amendment language to be consistent with the Council’s action;
3. Request that NMFS, working with the HMSMT and HMSAS, develop sub-options for Alternative 3 that specify how reductions in fishing effort for the purse seine and longline fleets may be achieved; and
4. Request that NMFS, working with the HMSMT and HMSAS, prepare a separate EA focusing on Alternative 3 and its sub-options that includes an analysis of the impacts of the proposed actions on West Coast fisheries and communities.

PFMC  
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