

COUNCIL OPERATING PROCEDURE FOR HIGHLY MIGRATORY SPECIES RECOMMENDATIONS TO REGIONAL FISHERY MANAGEMENT ORGANIZATIONS

One of the provisions in Amendment 1 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP), which the Council adopted in November 2006, authorizes the Council to develop a Council Operating Procedure (COP) to facilitate effective coordination and communication of management advice, in concert with the Western Pacific Fishery Management Council (WPFMC) and through the appropriate U.S. delegation, between the Councils and regional fishery management organizations (RFMOs) involved in HMS management in the Pacific Ocean. Although Amendment 1 is currently under Secretarial review by National Marine Fisheries Service, there is nothing preventing the Council with proceeding to develop and implement a COP for this purpose.

At their February 7–8, 2007, meeting the Highly Migratory Species Management Team and Highly Migratory Species Advisory Subpanel reviewed a draft proposed COP and provided comments. Based on those comments a revised draft COP is attached (Attachment 1). The Council should review the draft COP, identify further revisions, and decide if it should be made available for formal public review. At a future meeting the Council would then take final action to adopt the COP.

The Council has also asked the Highly Migratory Species Advisory Subpanel and Highly Migratory Species Management Team to consider who should serve on the newly formed advisory committee to the U.S. Commissioners for the Western and Central Pacific Fisheries Commission (WCPFC) established at §503(d) of the Western and Central Pacific Fisheries Convention Implementation Act. However, if this advisory committee is constituted in similar fashion to the Inter-American Tropical Tuna Commission General Advisory Committee (GAC), then specific representation will not be identified (beyond those seats already identified in the Act). The members would be selected by the Secretary of Commerce through an open nomination process. The IATTC GAC charter states members will “...fairly represent the various groups concerned with the fisheries in the regulatory area of the Convention to Establish the Inter-American Tropical Tuna Commission... including fishermen, vessel owners, processors, environmental non-governmental organizations, and others concerned with fisheries covered by the Convention, all of whom shall be well informed concerning fisheries of the Convention area.” At the March 2006, meeting the Council was advised that nominations were being solicited for the IATTC General Advisory Committee for new three-year terms; however, at that time the Council chose not to propose any nominations. The draft COP contains language encouraging the Council to make nominations to the two respective advisory committees when seats become open and outlines qualifications the Council should consider in making such nominations.

The draft COP references the memorandum of understanding (MOU) between certain Regional Fishery Management Councils (RFMCs: PFMC, WPFMC, and NPFMC) and the Secretaries of Commerce and State clarifying Council participation on U.S. delegations, providing formal recommendations on management measures, and coordinating positions with the U.S. delegations to RFMOs. This is also a provision of the Western and Central Pacific Fisheries Convention Implementation Act (§503(f)). Additional information on the potential contents of

such an MOU will be provided as a supplemental attachment, consequent to a meeting of the Executive Directors of the three Pacific RFMCs May 19–20.

In order to improve communication between the Pacific Council and the WPFMC on matters of mutual interest, the HMSMT has been developing means to increase ties with their counterparts, the Pelagics Plan Team (PPT). For example, a joint video conference is planned during the PPT's next meeting. The HMSMT also recommends that one of their members attend the PPT's annual meeting, which this year will be held April 17–19.

Council Task:

Review draft operating procedure, identify revisions, and consider adopting the operating procedure for public review. Provide guidance on measures to increase cooperation between the Pacific Council and the WPFMC.

Reference Materials:

1. Agenda Item J.5.a, Attachment 1: Draft Council Operating Procedure, Highly Migratory Species Recommendations to Regional Fishery Management Organizations.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Adopt Council Operating Procedure For Public Review And Make Related Recommendations.

PFMC
03/20/07

COUNCIL OPERATING PROCEDURE

**Highly Migratory Species Management Recommendations
to Regional Fishery Management Organizations**

Approved by Council:

Reviewed:

PURPOSE

To facilitate effective coordination and communication of management advice, in concert with the Western Pacific Fishery Management Council (WPFMC) and through the appropriate U.S. delegation, between the Councils and regional fishery management organizations (RFMOs) involved in HMS management in the Pacific Ocean. This Operating Procedure will be consistent with the Memorandum of Understanding described at §503(f) in the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSARA).

BACKGROUND

Highly migratory species are wide-ranging, likely to be fished by multi-national fleets beyond U.S. waters, have productivity potentials ranging from very low to very high, and can seldom be directly surveyed for abundance. Their management usually requires international cooperation, for which there must be active U.S. participation at international forums. The principal forum is the Inter-American Tropical Tuna Commission (IATTC), a multi-lateral organization, which, through its member nations and parties, manages HMS in the eastern Pacific Ocean, generally east of 150° W longitude. The IATTC normally holds an annual meeting in June, during which parties may adopt resolutions outlining measures to be implemented through member states and parties (e.g., by domestic regulation). For pan-Pacific stocks the Council may interact with the Western and Central Pacific Fisheries Commission (WCPFC), which, through agreement by member states and parties, has jurisdiction over HMS in the Pacific Ocean generally west of 150° W longitude. The WCPFC normally holds its annual meeting in December. In addition, one of the five U.S. Commissioner seats for this organization is reserved for the chairman or member of the Pacific Council. Because many of the species in the management unit are also within the management unit for the WPFMC's Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region, there also may be a need to coordinate management advice with that Council. This operating procedure outlines measures to facilitate the communication of recommendations from the Council to RFMOs and for the Council to consider RFMO actions requiring a response within the domestic management framework.

PARTICIPATION IN RFMO MEETINGS

Subject to the Memorandum of Understanding referenced in §503(f) of the MSARA, the Council participates in the U.S. delegations to Pacific Ocean RFMOs and is included in all delegation meetings. Participation may include Council members, members of the HMSMT and HMSAS, and Council staff.

REVIEW OF STOCK ASSESSMENT AND OTHER SCIENTIFIC INFORMATION

NMFS SWFSC will provide a report to the Council annually on stock assessments completed in the previous year and any other scientific reports relevant to issues taken up by RFMOs (e.g., bycatch, fleet capacity). The SWFSC will also report on upcoming stock assessments and/or reports to facilitate Council planning. (Stock assessments for HMS are typically prepared by organizations outside the purview of the Council, such as the IATTC, International Scientific Committee for Tuna and Tuna-like Species, and the Scientific Committee of the WCPFC.) The Council may ask its SSC to review and provide advice on stock assessments. If a stock assessment will form the basis for a Secretarial status determination (i.e., overfishing or overfished) the SSC will be given an opportunity to review and report, and the Council to comment, before the status determination is formally communicated.

The RFMO science issues report will normally be delivered at the **September** or **November** Council meeting.

RECOMMENDATIONS TO THE IATTC – U.S. SECTION

The HMSMT will prepare a report containing draft recommendations for a Council position on issues that will be addressed at the next annual IATTC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. The HMSMT may solicit input from the WPFMC's Pelagics Plan Team.

The Council will consider the HMSMT and HMSAS reports and any other relevant information and finalize Council recommendations to the U.S. Section to the IATTC. These recommendations will be forwarded to the U.S. Section through the NMFS SW Regional Administrator with copies made to the Chair of the General Advisory Committee for the IATTC and the Executive Director of the WPFMC.

The development of recommendations to the IATTC will normally occur at the **April** Council meeting. In some circumstances the Council may need to revisit their recommendations at the **June** Council meeting because of extraordinary developments. Because the IATTC annual meeting normally occurs shortly after the June Council meeting, special arrangements may be needed to communicate revised recommendations to the U.S. Section. This could be accomplished by inviting U.S. Commissioners to the June meeting and/or having Council members, advisory body members, or staff attend the IATTC meeting as part of the U.S. delegation.

IATTC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the IATTC that requires the implementation of domestic management measures under the HMS FMP. The report may include the time period within which Council action is required.

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Depending on the type of action required, the Council follows established procedures (in either the Council Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

The Regional Administrator's report on IATTC activities will normally be delivered at the **September** Council meeting.

RECOMMENDATIONS TO THE WCPFC – COUNCIL COMMISSIONER

Section 503(a) of the Magnuson-Stevens Reauthorization Act of 2006 states that one of the five Commissioners for the WCPFC will be the chairman or member of the Pacific Council. The Council will forward its advice through this Commissioner for the development and negotiation of the U.S. position on issues before the WCPFC. Subject to the Memorandum of Understanding referenced in §503(f) of the MSARA, other members of the Council, members of the HMSMT and HMSAS, and Council staff may join the U.S. delegation.

The HMSMT will prepare a report containing advice for the Council with respect to issues that will be addressed at the next annual WCPFC meeting. The HMSAS will review this report and provide their comments. They may provide a separate set of recommendations or combine them with those made by the HMSMT. The HMSMT may solicit input from the WPFMC's Pelagics Plan Team.

The Council will review the HMSMT and HMSAS reports and any other relevant information and formulate any recommendations for the Council member serving on the U.S. Commission. Recommendations formulated by the Council also may be communicated to the Executive Director of the WPFMC in advance of the WCPFC annual meeting.

The development of recommendations to the Commissioner will normally occur at the **November** Council meeting.

WCPFC MEASURES – DOMESTIC IMPLEMENTATION

The NMFS SW Regional Administrator will report to the Council on any action by the WCPFC that requires the implementation of domestic management measures under the HMS FMP. The report may include the time period within which Council action is required.

Depending on the type of action required, the Council follows established procedures (in either the Council Operating Procedures or the FMP) for an FMP amendment, regulatory adjustment within the FMP framework, or other type of action.

The Regional Administrator's report on WCPFC activities normally will be delivered at the **April** Council meeting.

ADJUSTMENTS TO THE TIMING OF COUNCIL ACTIVITIES

Although Council meetings at which RFMO-related activities will normally occur have been identified in this COP, the Council may reschedule these activities as appropriate.

NOMINATIONS FOR RFMO ADVISORY COMMITTEES

Advisory committees to the U.S. Commissioners for both the IATTC and WCPFC have been established under U.S. law (§953 of the Tuna Conventions Act and §503(d) of the Western and Central Pacific Fisheries Convention Implementation Act, respectively). IATTC Advisory Committee members serve for a three-year term; the WCPFC Advisory Committee members serve for a two-year term. Members are selected by the Secretary of Commerce (WCPFC) or State (IATTC) from nominees who represent various groups concerned with fisheries in the respective RFMO regions. When nominations are solicited, the Council may propose nominees. Council nominees should be active in the Council process and willing to present viewpoints consistent with any Council policies related to HMS management, in addition to representing the viewpoints of their own group. In identifying nominees, the Council should consider representatives from the following groups: commercial troll fishery for North Pacific albacore tuna, West Coast recreational fisheries for HMS species, West Coast HMS processors, and non-governmental conservation organizations. West Coast HMS processors may include companies that have facilities and operations in areas other than the West Coast, but have some West Coast presence (for example, their company headquarters).