

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON BIENNIAL  
HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES

**A. Housekeeping Changes to the HMS-FMP.**

The Highly Migratory Species Advisory Subpanel (HMSAS) met with the Highly Migratory Species Management Team (HMSMT) for preliminary discussions concerning the HMSMT's process and schedule for "editing" the HMS FMP and understands that the HMSMT plans to present the Council at its November 2016 meeting with a "redlined" edition of the FMP for Council consideration. At this time, the HMSMT was not prepared to share such a draft with the HMSAS; however, it is our impression that there will be a sincere effort to share the redlined version, in a collaborative effort, with the HMSAS prior to consideration by the Council.

Referring to Agenda Item J.3.a, HMSMT Report, the HMSAS has the following comments:

1. The HMSMT apparently only plans to eliminate outdated information in Chapter 1.
2. At this time the HMSMT plans only "minor copy edits" described as corrections in spelling, grammar, punctuation, cross references, and similar non-substantive corrections, to Chapters 2, 3, 5, and 7 of the FMP.
3. As to Chapter 8, research needs, the HMSMT correctly suggests that this is already included in the SAFE report and is the subject of a process through the SSC.
4. On the other hand the HMSMT appears to be discussing extensive revisions to Chapter 4, including subjects such as preventing overfishing, describing procedures for determining numeric reference points, and status determination criteria. There are serious questions as to whether such revisions can be made editorially, or will require amendments to the FMP.

**The HMSAS requests the Council provide the opportunity for the HMSAS to meet with the HMSMT well in advance of the Council meeting where the "redlined" revisions to the FMP will be considered by the Council. This will enhance the likelihood that the Council can be presented with compatible recommendations from the HMSAS and HMSMT with regard to revisions, or even proposed amendments to the HMS FMP.**

**B. Council Response to the Notification That the WCNPO Stock of Striped Marlin is Overfished and Subject to Overfishing.**

The HMSAS refers to the letter of William W. Stelle, Jr., Regional Administrator dated August 17, 2016, Agenda Item J.3, Attachment 2 and quotes "All known U.S. fishing on the WCNPO stock of striped marlin is under the jurisdiction of the Western Pacific Council." Additionally the letter states:

*A prohibition on the sale of striped marlin on the U.S. West Coast prevents landings from West Coast commercial fishermen. The U.S. West Coast recreational landings for billfish are primarily striped marlin, but neither the U.S. West Coast EEZ nor fishing effort by the U.S. West Coast recreational fleet occurs within the range of the WCNPO stock.*

Therefore, landings of the U.S. Coast recreational fleet are considered catch from one of the Eastern Pacific stocks.

\* \* \* \* \*

As indicated earlier, *U.S. West Coast fleets do not fish within the geographic area of this stock.* However, the portion of the WCNPO stock that falls within the IATTC Convention Area is not subject to any current measures, while the rest of the stock remains subject to measures implemented by the WCPFC. National Standard 3 of the MSA requires individual stocks to be managed as a unit throughout their range, to the extent practicable (50 CFR 600.320(a)).

From the above information it is not clear to the HMSAS that the Council is under an obligation to take any action.

**The HMSAS suggests that the Council schedule reconsideration of this matter for the June 2017 Council meeting.**

**C. Response to the Petition for Rulemaking on Pacific Bluefin Tuna.**

The HMSAS is aware of the National Marine Fisheries Service (NMFS) statement that it is referring “the specific requests for rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to the Council for further consideration,” (which was contained in the recent Federal Register notice, 81 F.R. 39213, June 16, 2016), in its denial of the Center for Biological Diversity’s Bluefin petition.

The HMSAS’ understanding of how international HMS stocks are managed under the MSA, is that the Council’s role is to recommend domestic regulations to implement those international conservation and management measures which the U.S. has agreed to in a Regional Fisheries Management Organization (RFMO). In addition, it should be noted that in both the Inter-American Tropical Tuna Commission’s U.S. Section and the Western and Central Pacific Fisheries Management Commission’s U.S. Section, the Council has a seat at the international table in the form of having one of the Commissioners in each organization. This is a primary avenue for the Council to express its views on international management.

The Council’s regulation in reducing the sport fishing bag limit on Pacific Bluefin is an example of action independent of that recommended by an RFMO. That action, however, was to develop domestic regulations called for and agreed to by the U.S. government in the IATTC’s Pacific Bluefin resolution (C-14-06), which in pertinent part reads:

*In 2015, each CPC must take meaningful measures to reduce catches of Pacific bluefin tuna by sportfishing vessels operating under its jurisdiction to levels comparable to the levels of reduction applied under this resolution to the EPO commercial fisheries until such time that the stock is re-built.*

Conservation and management decisions should be based on science. The WCPFC-NC, and, therefore the WCPFC, depends on scientific advice given by the International Scientific Committee (ISC). The IATTC depends on scientific advice coming from its scientific staff. The

U.S. has scientists who represent the U.S. in the ISC, as well as scientists who attend meetings of the IATTC's Scientific Committee, which reviews the information presented by the IATTC's scientific staff. The U.S. through the State Department and NMFS has a decade-old policy of supporting the scientific advice given by these entities in determining maximum sustainable yield, target reference points, limit reference points, harvest control rules, and international stock rebuilding programs. Both the IATTC and the WCPFC have adopted conservation and management measures for Pacific Bluefin.

**For the above reasons, HMSAS believes that the Council should continue its long-standing policy of supporting the positions of the U.S. government before the IATTC and the WCPFC.**

PFMC  
09/18/16