

INITIAL SCOPING OF BIENNIAL SPECIFICATIONS AND MANAGEMENT MEASURES

Chapter 5 in the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) describes the biennial management cycle. Under this process, Council decision-making occurs at the June, September, and November Council meetings to establish or adjust harvest specifications and management measures for a two-year period beginning on April 1 of the following year—the start of the next fishing year. This agenda item commences the fifth biennial management cycle since FMP implementation, with any regulations proposed by the Council becoming effective on or after April 1, 2015. Such regulations continue in effect for at least two years unless subsequently modified through the Council process. The FMP also authorizes the use of the biennial process to identify, adopt, and review revised estimates of maximum sustainable yield, optimum yield, and any related status determination criteria, based on the best scientific information.

On April 8, 2013, the Council received notification from National Marine Fisheries Service (NMFS) that Pacific bluefin tuna continues to be subject to overfishing and is now overfished (see [Agenda Item D.4, Situation Summary, June 2013](#)). As part of its response, the Council said they would consider recreational bag limits for Pacific bluefin tuna during the next biennial management cycle. The HMS Management Team (HMSMT) has prepared a report providing background information on commercial and recreational catch of bluefin in west coast fisheries. As part of the first biennial process in 2006, the Council considered alternatives for recreational fishery bag limits for albacore and bluefin tuna in Federal waters off of California (see [Agenda Item C.2, Situation Summary, November 2006](#)). The Council adopted bag limits for albacore but not bluefin at that time. The Council received letters from Pew Charitable Trusts, detailing both domestic and international actions to end overfishing of Pacific bluefin, and from the Center for Biological Diversity advocating a ban on all catch of Pacific bluefin. As of the advanced briefing book deadline, the Council had also received 30,999 emails with the same message advocating the ban of all fishing for Pacific bluefin tuna.

At the March 2014 Council meeting, NMFS Office of Law Enforcement recommended increasing the “ping rate” (number of transmissions) for vessels required to operate a vessel monitoring system (VMS) unit when participating in the groundfish fishery. In the past year, two separate VMS requirements have been developed for west coast vessels fishing for HMS. First, an emergency/temporary rule (78 FR 54548, September 4, 2013, since renewed, 79 FR 29377, May 2, 2014) requires California drift gillnet vessels to install and operate a VMS unit. Second, Inter-American Tropical Tuna Commission (IATTC) Resolution C-04-06 requires “tuna-fishing vessels 24 meters or more in length operating in the eastern Pacific Ocean and harvesting species for which the Commission has established conservation and management measures” to install and operate a VMS unit. On February 6, 2014 (79 FR 7152) NMFS published a proposed rule to implement domestic regulations for this second requirement. Because there is a question as to whether there is a need to increase the VMS ping rate for HMS vessels as well as groundfish vessels, it is mentioned as part of the Council action as a potential enhancement.

Pete Dupuy submitted a letter (Agenda Item E.4.c, Public Comment) notifying the Council of his intent to petition the Council to issue him a shallow/deep set commercial pelagic longline fishing

permit for all waters under the jurisdiction of the Council HMS FMP. The letter states that the petition will be submitted supplementally. When implemented, the HMS FMP was partially disapproved so that the portion allowing fishing with shallow-set longline gear was not implemented, based on the Endangered Species Act (ESA) Section 7 consultation Biological Opinion for the FMP (see [Agenda Item G.2.a, Attachment 1, April 2004](#)). In the disapproval letter and subsequently, NMFS has encouraged the Council to consider management measures that would allow a shallow-set longline fishery to operate in a manner addressing the requirements of the ESA. The HMS FMP also prohibits the use of pelagic longline gear to target HMS within the U.S. Exclusive Economic Zone (EEZ; implemented at 50 CFR 660.712(a)). As part of the biennial process, the Council could consider regulatory changes that would allow a shallow-set longline fishery to operate. Implementation of limited entry programs and allowing a longline fishery in the EEZ (other than through approved activities under an EFP) are identified as fixed elements of the HMS FMP that can only be changed through an FMP amendment (FMP Section 2.4). Therefore, the Council would also have to amend the FMP if it wanted to establish a limited entry permit for this activity and/or change the current prohibition on using the gear in the EEZ.

Council Action:

Identify Issues for Consideration in the Biennial Process, Including Bluefin Tuna Bag Limits and Vessel Monitoring System Enhancements.

Reference Materials:

1. Agenda Item E.4.b, HMSMT Report.
2. Agenda Item E.4.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview Kit Dahl
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. **Council Action:** Identify Issues for Consideration in the Biennial Process, Including Bluefin Tuna Bag Limits and Vessel Monitoring System Enhancements

PFMC
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