

NEW OR ROUTINE MANAGEMENT MEASURES FOR 2015-2016 FISHERIES

At its June 2014 meeting the Council recommended considering the following management measures under the Fishery Management Plan for West Coast Fisheries for Highly Migratory Species (HMS FMP) for implementation in the next biennial period, which begins April 1, 2015:

1. Reduce recreational catch of Pacific bluefin tuna (PBF) through more restrictive management measures than the current limit of 10 fish per day per angler (30 fish possession limit) currently applicable for waters off California.
2. Establish hard caps (take caps) for high-priority protected species and bycatch reduction measures for other species caught in the California large mesh drift gillnet (DGN) fishery. Hard caps will include the following species: fin, humpback and sperm whales; and leatherback, loggerhead, olive ridley, and green turtles. If hard caps are reached or exceeded during a fishing season, the fishery would be closed for the remainder of the season. Bycatch reduction would be tracked using specified estimation tools.
3. Increase the transmission (ping) rate for vessel monitoring system units on vessels in the California DGN fishery.
4. Achieve fishing opportunity comparable to the Hawaii shallow-set longline fishery for HMS permit holders using longline gear outside the Exclusive Economic Zone (EEZ).
5. Authorize a pelagic longline fishery inside the EEZ, which is currently prohibited by the HMS FMP.
6. Transition the current California limited entry permit program for DGN vessels to a Federal limited entry permit program under the HMS FMP.
7. Establish a requirement for all DGN vessels to carry an observer or electronic monitoring system no later than late summer 2016.

At this meeting, the Council will adopt ranges of alternatives for those management measures it decides to move forward with. Recognizing the workload involved in developing management measures and accompanying analyses for all of these topics, the Council directed the Highly Migratory Species Management Team (HMSMT) to prioritize the first two topics (recreational PBF measures and DGN hard caps) for implementation by April 1, 2015, while describing how the other actions could be addressed for later implementation.

The HMSMT met August 12-14, 2014, and drafted reports covering these topics. HMSMT Report 1 provides an overview of the topics that were not prioritized (items 3-6 in the above list; item 7 is addressed under DGN hard cap management). HMSMT Report 2 presents a recommended range of alternatives and preliminary analysis for PBF recreational management measures. HMSMT Report 3 is similarly formatted and covers hard caps/bycatch reduction for the DGN fishery.

As discussed under Agenda Item G.2, at its 87th meeting in July 2014, the Inter-American Tropical Tuna Commission considered further conservation measures for PBF, but did not adopt a successor resolution for Resolution C-13-02, which is only applicable in 2014. However, on July 14, 2014, Mexico announced “the capture of Blue Fin Tuna (*Thunnus Orientals*) in Mexican waters is forbidden for the remainder of the 2014 calendar year” and “Any incidental catches are to be released” (Agenda Item G.4.a, Attachment 1). In addition, National Marine Fisheries

Service (NMFS) received a petition for rulemaking to prohibit fishing for Pacific bluefin tuna and to identify specific reference points used to determine if overfishing is occurring or if the stock is overfished. NMFS published a *Federal Register* notice soliciting comments on the petition by September 22, 2014 (Agenda Item G.4.a, Attachment 2).

The California State Fish and Game Commission submitted a request for the Council to adopt PBF recreational management measures; this is included as an agency report and the California Department of Fish and Wildlife (CDFW) representative on the Council is prepared to speak to it. CDFW submitted three reports: Report 1 describes recreational bag limit options, Report 2 describes 2014 recreational PBF catch, and Report 3 describes 2014 commercial PBF catch

The Council may wish to consider either “inseason” or emergency action to implement recreational management measures for PBF for the U.S. West Coast EEZ before April 1, 2015, that complement the measures promulgated by Mexico for its EEZ and/or the petition. In particular, at the time of the advance Briefing Book deadline, there were concerns about elevated catches of PBF in the U.S. recreational fishery in Southern California.

The HMS FMP does not specifically mention inseason action but does state that “...changes to measures may be implemented ... through the [FMP’s] framework procedures.” This would be accomplished through “Notice” action as described in the FMP:

“Notice” actions requiring at least one Council meeting and one *Federal Register* notice. These are management actions other than “automatic” actions that are either nondiscretionary or within the scope of a previous analysis. An example of a “notice” action might be a change in the incidental catch allowance per trip for non-HMS gears. Notice actions may be made effective immediately in a single *Federal Register* notice, if there are adequate grounds for appropriate waivers of prior opportunity for public notice and comment, and the cooling-off period, as provided in the Administrative Procedure Act.

In 2006 the Council established a Federal bag limit for PBF for waters off California. The Council’s proposed bag limit adjustment would need to be “within the scope of a previous analysis.” The analytical document provided when the Council took final action to adopt the current 10 PBF per angler per day bag limit (Agenda Item C.2.a, Attachment 2, November 2006) included alternatives for bag limits between 5 and 10 PBF per day per angler.

In considering action on an emergency rule, there are specific procedures regarding such action. Agenda Item G.4.a, Attachment 3 contains policy guidelines for the use of emergency rules published in the Federal Register on August 21, 1997 (62 FR 44421).

Council Action:

- 1. Identify Process and Schedule for Addressing the List of Management Measure Issues Adopted at the June Council Meeting.**
- 2. Adopt Ranges of Alternatives for those Management Measures to be Implemented for the Next Management Period Beginning April 1, 2015.**
- 3. Decide Whether to Recommend Inseason or Emergency Action to Implement Management Measures for Recreational Catch of Pacific Bluefin Tuna Before the Beginning of the Next Management Period.**

4. Provide Comments on the Petition for Rulemaking to Prohibit Pacific Bluefin Tuna Fishing and Establish Specific Reference Points to Determine if Overfishing is Occurring or the Stock is Overfished.

Reference Materials:

1. Agenda Item G.4.a, Attachment 1: July 14, 2014, Notice from *Comisión Nacional de Acuacultura y Pesca*, Government of Mexico.
2. Agenda Item G.4.a, Attachment 2: Notice of Receipt of Rulemaking Petition to Prohibit Pacific Bluefin Tuna Fishing and Request for Comments (79 FR 43017, July 24, 2014).
3. Agenda Item G.4.a, Attachment 3: Policy Guidelines for the Use of Emergency Rules.
4. Agenda Item G.4.b, California Fish and Game Commission Report.
5. Agenda Item G.4.b, CDFW Report 1.
6. Agenda Item G.4.b, CDFW Report 2.
7. Agenda Item G.4.b, CDFW Report 3.
8. Agenda Item G.4.b, HMSMT Report 1.
9. Agenda Item G.4.b, HMSMT Report 2 (Pacific Bluefin Tuna).
10. Agenda Item G.4.b, HMSMT Report 3 (DGN Hard Caps/Bycatch Reduction).
11. Agenda Item G.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:** Adopt a Range of Alternatives for Routine Management Measures for 2015-2016 Fisheries and Consider Further Process for Measures Outside of the Biennial Specifications Process

PFMC
8/21/14