

COUNCIL RESPONSE TO BIGEYE TUNA OVERFISHING

On December 15, 2004, the National Marine Fisheries Service (NMFS) informed the Council that overfishing is occurring Pacific-wide on bigeye tuna (*Thunnus obesus*) (Attachment 1, the letter is also published at 69 FR 78397). According to the letter, the Councils must take appropriate action to address overfishing within one year of the identification, meaning that the Councils must take remedial action by June 14, 2005.

Because of the multinational nature of Highly Migratory Species (HMS) fisheries, international management conventions play an important role in their management. In the Pacific, the Inter-American Tropical Tuna Commission (IATTC) is concerned with fisheries in the Eastern Pacific Ocean (EPO), defined by the meridian at 150° W longitude. The newly established Western and Central Pacific Fisheries Commission (WCPFC) has similar responsibility in the Western and Central Pacific Ocean (WCPO). As noted in a letter from Mr. William Gibbons-Fly of the Department of State to the aforementioned Regional Administrators (Attachment 2), any action taken by the Councils would need to be considered in the context of these organizations and their roles in HMS management.

Historically, fisheries in the Pacific subject to the HMS fishery management plan (FMP) have landed only small amounts of bigeye tuna, in comparison to other national and international fleets and most, if not all, of these landings have been from catches in the EPO. The largest U.S. HMS fishery is the purse seine fishery, which is generally not subject to the FMP, because landings are rarely made into West Coast ports. The longline fishery out of the West Coast is almost inactive, due to the regulations prohibiting swordfish targeting; and this fishery has not demonstrated an ability to fish profitably for bigeye tuna. However, fleet behavior is sensitive to the regulatory environment. For example, if the measures established by the Western Pacific Fishery Management Council (WPFMC) for the model swordfish fishery west of 150° W longitude were implemented in the EPO, operations out of the West Coast might increase.

IATTC Resolution C-03-12 (October 2003) and C-04-09 (June 2004) call upon Parties to the Convention to limit purse seine fisheries by means of a time/area closure and national bigeye tuna quotas for large-scale (>23 m) tuna longline vessels (LSTLVs), based on 2001 catch. The U.S. LSTLV bigeye tuna quota is 150 mt annually, through 2006, which is less than 0.26% of the overall quota. Most of bigeye catches by U.S. longliners have been made by vessels operating out of Hawaii. Managing to this quota has proved difficult for the U.S. because most catches are concentrated in the July-September time period and there is no system for rapid catch reporting. The final rule implementing these measures in 2004 for U.S. fisheries was not published until December 12 (69 FR 65383). U.S. bigeye catches in 2001 were at a low point for recent years while other nations had higher than average catches in 2001. Since the quota is based on 2001 catches it could inordinately constrain future U.S. catches, if kept in place unchanged. If a West Coast longline fishery develops, it may be necessary to allocate quota between West Coast and Hawaii fleets.

A letter dated November 9, 2004, from Ms. Kitty Simonds, Executive Director, WPFMC, to Dr. Donald McIsaac, summarizes recommendations made by the WPFMC in regard to EPO bigeye catches (Attachment 3). The WPFMC recommends using multi-year averages for computing national quotas, which would better reflect historic catch, and establishing a formal allocation

process between WPFMC and Pacific Fishery Management Council HMS fisheries. The WPFMC also recommends implementing a vessel monitoring system (VMS) for HMS vessels that would allow real-time reporting of catches. This would make compliance with the quota easier. NMFS published a final rule on February 10, 2005, (70 FR 7022, Agenda Item I.1.b, Attachment 1) approving regulations for information collection requirements in the HMS FMP, which include permits (50 CFR 660.707), recordkeeping and reporting (§ 660.708), VMS (§ 660.712(d)), and pre-trip notification (§ 660.712(f)). These requirements are effective April 11, 2005.

In the short-term, the overfishing declaration for bigeye tuna will have little effect on West Coast HMS fisheries, and the Council has limited means to control current total fishing mortality on the bigeye stock. However, in the long term measures taken by the IATTC and WCPC could affect the future development of West Coast HMS fisheries. (Although the WCPFC is concerned with WCPO stocks, bigeye may be treated as a single stock for the purpose of controlling total fishing mortality, which could affect activities in the EPO.) In formulating a response to the overfishing declaration, the Council may wish to consider recommendations to the U.S. delegation to the IATTC in regards to controlling bigeye fishing mortality in the EPO, since any such agreements (such as current national quotas for LSTLVs) are likely to have the greatest impact on West Coast HMS fisheries. Coordination with the WPFMC is another consideration, given that Hawaii-based longliners currently account for most of the bigeye fishing mortality in the EPO. Finally, limiting fishing capacity is one of the more feasible means of limiting fishing mortality in HMS fisheries. The Council may wish to consider planned development of limited entry programs part of a strategy responsive to the bigeye overfishing declaration.

Council Task:

Council Discussion and Guidance

Reference Materials:

1. Agenda Item I.1.a, Attachment 1: Letter from RAs Robinson and McInnis to Chairs Morioka and Hansen on overfishing determination for bigeye tuna
2. Agenda Item I.1.a, Attachment 2: Letter from Gibbons-Fly, Dept. of State, to RAs Robinson and McInnis about coordination between Departments of Commerce and State on bigeye overfishing response
3. Agenda Item I.1.a, Attachment 3: Letter from ED Simonds to ED McIsaac advising on WPRFMC recommendations concerning bigeye tuna fishing mortality
4. Agenda Item I.1.b, Attachment 1: 70 FR 7022, Final rule; effectiveness of collection-of-information requirements.

Agenda Order:

- a. Agenda Item Overview
- b. NMFS Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion and Guidance

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02/22/05