

RESPONSE TO OVERFISHING OF BIGEYE TUNA

At the March 2005 meeting the Council was briefed on the declaration by National Marine Fisheries Service (NMFS) that bigeye tuna, a species within the management unit of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS), was experiencing overfishing. According to the notification, the Council must take action to address overfishing by June 14, 2005. NMFS informed the Council they were developing a proposed response strategy, which they would present to the Council for their consideration. Agenda Item E.4.a, Attachment 1 is a letter from NMFS Southwest Regional Administrator, Rod McInnis, to Council Chair, Don Hansen, with the *Strategy to end overfishing of bigeye tuna in the Pacific Ocean* attached. As noted in the cover letter, this strategy paper has also been sent to the Western Pacific Fishery Management Council (WPFMC) for their consideration.

Section 3 of the NMFS response strategy describes the Council role. It proposes the incorporation of “foundation” elements, similar to the Atlantic HMS FMP, into the West Coast HMS FMP, which would then form one of the principal bases for the formulation of the U.S. position with respect to regional fishery management organizations (RFMOs) on rebuilding overfished stocks. The document also states that the two Councils would have an important role in developing proposals for consideration by RFMOs. Councils would participate in the U.S. delegation to RFMO meetings and be members of the advisory bodies to the U.S. sections of the RFMOs.

Attachment 2 reproduces the current language in the HMS FMP relating to how the Council would respond if a stock, such as bigeye tuna, for which West Coast fisheries represent a small fraction of total fishing mortality over the full range of the species, were declared overfished. According to this section of the FMP, the Council response would be to provide analysis and documentation to NMFS and the Department of State supporting a recommendation to the appropriate RFMO, or other appropriate international body, to end overfishing and, as necessary, rebuild the stock.

The WPFMC independently prepared a background paper outlining their response strategy to bigeye tuna overfishing for consideration under final action at their May 30–June 30, 2005, meeting. Attachment 3 excerpts the management measure and process options the WPFMC considered at the meeting. It includes specific recommendations for the management of Pacific bigeye tuna at both the domestic and international level. In Section 4.2 it details a process for communication of advice from the WPFMC to RFMOs and related procedures internal to their Council process. It also highlights Council participation on U.S. delegations to RFMOs, additionally stressing participation in all pre- and post-meetings and negotiations. If the WPFMC determines action is needed, or receives notice from NMFS or a RFMO, the information and issues would be reviewed by their advisory bodies, and WPFMC would formulate recommendations to communicate to NMFS and the Department of State. Any appropriate action relative to domestic fisheries managed under their FMP could be implemented through typical Council-NMFS processes. In this respect the WPFMC background paper contains more specific procedures than does the NMFS strategy paper.

At this meeting, the Council should consider the type of action appropriate in order to address the formal notification from NMFS identifying the June 14, 2005 deadline. As a first step, it would be necessary to consider whether the current discussion in Section 8.2 of the HMS FMP is sufficient to authorize the types of activities outlined in the NMFS strategy or whether, like the WPFMC, the Council should begin developing more detailed procedures, which could be incorporated into the HMS FMP by amendment. Second, the Council may wish to develop specific recommendations for ending overfishing on bigeye tuna.

Whatever action the Council proposes, it must act expeditiously to address the overfishing, as June 14, 2005 represents the end of the time period for Council action, identified in the Magnuson-Stevens Act at §304(e)(3), because overfishing on bigeye tuna was included in the report transmitted to Congress on June 15, 2004.

Council Action: Determine Necessary Response, Including Consideration of a Fishery Management Plan (FMP) Amendment or Regulations.

Reference Materials:

1. Agenda Item E.4.a, Attachment 1: Letter from Rod McInnis to Don Hansen and *Strategy to end overfishing of bigeye tuna in the Pacific Ocean* document.
2. Agenda Item E.4.a, Attachment 2: HMS FMP Section 8.2, Unilateral Management.
3. Agenda Item E.4.a, Attachment 3: Excerpt From Background Paper for Amendment 14 to the Pelagic Fishery Management Plan to Address Overfishing of Bigeye in the Pacific Ocean, Prepared by the WPFMC.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Determine Necessary Response, Including Consideration of a Fishery Management Plan (FMP) Amendment or Regulations

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