

HIGHLY MIGRATORY SPECIES MANAGEMENT TEAM REPORT ON BIGEYE TUNA OVERFISHING RESPONSE

The Highly Migratory Species Management Team (HMSMT) reviewed the draft Analysis of Management Options for Development of a Plan to End Overfishing of Pacific Bigeye Tuna (Agenda Item J.2.a, Attachment 1) on the five options (with sub-options) to end bigeye tuna overfishing and discussed the process and options with National Marine Fisheries Service Southwest Region staff and NOAA General Counsel. Based on that review and discussion, the HMSMT does not believe that the Draft Options and Analysis, as presented, are ready for Council consideration. The HMSMT recommends that the following items be explored and addressed in a subsequent Draft Analysis and that the Council's selection of a preferred option occur in April.

Coverage Area and Process

It is the HMSMT's understanding that, although not explicit in the Draft Analysis, the options are proposed to apply to the Eastern Pacific Ocean with the intent of addressing the overfishing of bigeye tuna in this area. Therefore, the selection of a preferred management option by the Council would be in the form of a recommendation to NMFS to carry forward to the Inter-American Tropical Tuna Commission (IATTC). The implementation of the preferred option by the Council and NMFS is contingent upon IATTC adopting the option through a formal process.

If these bodies adopt the Council preferred option, then NMFS would implement regulations consistent with the Council's action. If those international bodies adopt resolutions that differ from the Council's preferred option, then the Council would consider revising its preferred option prior to NMFS implementing regulations consistent with the international resolutions.

Timeline

With regard to the timeline, the HMSMT notes that the process described in the Draft Analysis outlines potential steps that would occur between now and June, which would include the selection of a preferred option at this Council meeting (rather than April).

Application of Restrictions

The HMSMT requests clarification on which vessels would be covered under the different options. For example, option 2 is described as applying to "purse seine vessels;" however, the HMSMT notes that there are two purse seine fisheries described in the fishery management plan—a large vessel purse seine and a small vessel purse seine. Clarification on whether both of these fisheries would be subject to the restrictions would help the HMSMT better understand the effects of the different options. Another example is option 3, which exempts 'fleets' that have caught one percent or less of the bigeye tuna landings—the HMSMT suggests that the wording of this option be changed to explicitly describe which vessels and/or fisheries would be exempt from this action.

Also, the Draft Analysis should explicitly describe whether the Eastern Pacific Ocean regulations (adopted through the IATTC and Pacific Council) would apply to all vessels (including Hawaii-permitted vessels) fishing in the Eastern Pacific Ocean. The HMSMT's understanding is that

this would be case, however, the Draft Analysis does not explain this, nor does it seem to include any Hawaii-permitted vessels in the analysis section.

Western Pacific Fishery Management Council Action

It was brought to the HMSMT's attention that the Western Pacific Fishery Management Council (WPFMC) has adopted Amendment 14, which includes a proposal to end bigeye tuna overfishing Pacific-wide; however, the details of the proposal have not been provided to the HMSMT nor the Council. The HMSMT recommends that the WPFMC's proposal be included as one of the options for the Pacific Council's consideration. This would facilitate an analysis of the effects of that proposal on Pacific Council-managed fisheries and a comparison of that proposal with the other options presented in the Draft Analysis.

It was brought to the HMSMT's attention that the WPFMC withdrew Amendment 14 to add a section addressing yellowfin tuna. It was suggested that, since the Amendment has been withdrawn, NMFS Southwest Region may wish to take this opportunity to work with the Pacific Island Region to ensure that conflicting regulations are not adopted for the Eastern Pacific Ocean.

NMFS Recommendation

Finally, it was unclear from the Draft Analysis whether (larger) NMFS had a preferred option; however, during our discussion, it became apparent that NMFS did not support option 1. As NMFS staff and NOAA General Counsel may be more familiar with the bigeye overfishing issue, the legal requirements under Magnuson-Stevens Fishery Conservation and Management Act relative to this issue, and the trade-offs associated with the different options, the HMSMT would appreciate an indication from NMFS regarding which option was favored (i.e., which option, when combined with the WPFMC option for the Western Pacific Ocean, would accomplish the objective, which is to end overfishing on bigeye on a Pacific-wide basis).

Again, the HMSMT recommends that the issues identified above be addressed in a subsequent Draft Analysis that the Council could consider at their April meeting, and that the selection of a preferred option occur in April.

HMSMT Recommendations:

1. Develop and select a process and timeline for the consideration and potential implementation of a preferred option and include this revised schedule in the Draft Analysis.
2. Explicitly describe the vessels and/or fisheries that would be affected by the different options and the economic effects of the options on those fisheries.
3. Include a description of the WPFMC's proposal as one of the options for the Council's consideration and a comparison of that proposal with the other options in the Draft Analysis.
4. Indicate a (larger) NMFS preferred option and the rationale for its support.
5. Schedule the Council's selection of a preferred option for April.