

NATIONAL MARINE FISHERIES SERVICE REPORT

National Marine Fisheries Service (NMFS) Southwest Region and Science Center will briefly report on recent developments relevant to highly migratory species fisheries and issues of interest to the Council.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item J.1.a, NMFS SWR Report.
2. Agenda Item J.1.b, NMFS SWFSC Report on Albacore Fishing Effort.
3. Agenda Item J.1.d, Letter from John Gibbs.

Agenda Order:

- a. Southwest Region Activity Report
- b. Southwest Science Center Report
- c. Reports and Comments of Advisory Bodies
- d. Public Comment
- e. Council Discussion

Mark Helvey
Gary Sakagawa

PFMC
03/19/07

NMFS SWR Activity Report

I. Regulatory Activities

HMS Permit Renewals: A final rule was published on March 12 that revises the method for renewing and replacing permits issued under the HMS FMP. The final rule modifies the renewal process by substituting the last day of the month corresponding to the last digit of the vessel's identification number with the last day of the vessel owner's birth month as the expiration date. The rule also requires that vessel owners requiring a duplicate permit to submit a completed application form to NMFS.

Vessel List for Albacore Fishing in Canadian Waters: NMFS published a proposed rule on February 7 that proposes to develop a new vessel list at the beginning of each calendar year of U.S. vessels eligible to fish for albacore tuna in Canadian waters. The vessel list would revert to zero vessels on December 31 of each year. This proposed regulation would clarify that the vessel list will remain valid for a single calendar year.

Loggerhead Closed Areas: The final rule and supporting documentation for the loggerhead sea turtle closed area correction for the DGN fishery is undergoing review at NOAA Fisheries. The estimated Federal Register publication date is end of March with estimated effective date end of April.

2007 Purse Seine and Longline Restrictions: A proposed rule to implement management measures to reduce overfishing of the eastern tropical Pacific Ocean tuna stocks based on the 2007 tuna conservation resolution by the Inter-American Tropical Tuna Commission (IATTC) and approved by the Department of State (DOS) under the Tuna Conventions Act was published on February 26. Conservation measures include closing the purse seine fishery in the Convention Area for six weeks beginning either August 1, 2007 or November 20, 2007, through December 31, 2007. This proposed rule would also close the U.S. longline fishery in the Convention Area in 2007 once the catch of bigeye tuna once the harvest reaches 500 metric tons.

Vessel Marking: The proposed rule and supporting documentation to amend the HMS FMP vessel marking regulations is undergoing review at NOAA Fisheries in Silver Spring. The estimated Federal Register publication date is the end of March with estimated effective date end of mid-May.

Tuna Bag Limits: The proposed rule and supporting documentation to establish Federal daily bag limits for albacore and bluefin tuna is undergoing review at NOAA Fisheries in Silver Spring. The estimated Federal Register publication date is mid April with estimated effective date end of late May.

HMS FMP Amendment 1: The notice of availability of Amendment 1 was published in the Federal Register on March 9. NMFS presents its determination that Amendment 1 is consistent

with section 406 of the Magnuson-Stevens Reauthorization Act (MSRA, Public Law 109–479), which added section 304(i) to the Magnuson-Stevens Act. This section requires the Secretary to, among other things, in cooperation with the Secretary of State, immediately take appropriate action at the international level to end overfishing for fisheries that NMFS has determined: (a) to be overfished or approaching a condition of being overfished due to excessive international fishing pressure, and (b) for which there are no management measures to end overfishing under an international agreement to which the United States is a party. NMFS interprets “no management measures” to mean the absence of management measures that are adequate to stop overfishing for purposes of the Magnuson-Stevens Act and its implementing regulations. NMFS has made a determination that both of these conditions are present, and therefore subsection 304(i) governs the MSA mandate to end overfishing in the case of Pacific bigeye tuna.

II. Meeting Summaries

US-Canada Albacore Treaty, December 2006: Representatives from both countries meet in La Jolla, California on December 5, to determine the 2007 fishing season. At this meeting, it was agreed that the default provision in the Treaty, which allows each Party to continue fishing for albacore tuna in each others waters at a level no more than 75 percent of the limit applicable during the last year of the regime (i.e., 94 vessels or 375 vessels months), would be used for 2007. The United States stated that this arrangement serves as the best answer to maintain the Treaty for the near term while both countries explore options for the longer term. The Parties agreed to meet again in Victoria, Canada on April, 25-26, 2007 to complete the annual exchange of information and to discuss arrangements for the 2008 fishing season.

Ad Hoc Inter-American Tropical Tuna Commission Meeting, February 2007: The focus of this meeting explored future options for the conservation and management of bigeye and yellowfin tunas. The Secretariat (Dr. Allen) made a presentation based on preliminary 2006 yellowfin tuna catch data. Yellowfin tuna catches are in significant decline and possible reasons for this include low average size of fish caught, lower recruitment, overfishing, and decreased catchability. The United States put forward a proposal of conservation measures for analysis. Though many management options were discussed, the Commission concluded that in-depth discussion and proposals of resolutions should wait until after the round of stock assessments due in May, 2007. The Plenary recommended that the IATTC Scientific Staff provide the following information and analysis:

- Work to refine critical areas for juvenile bigeye tuna and juvenile yellowfin tuna and consider the conservation value of closing these areas to purse seine fishing periodically or year round
- Produce estimates of total allowable catch (TAC) limits both on a single year and a multi-year basis;¹
- Compile the practical and administrative issues raised regarding potential use of per country catch allocations or individual fishing quotas (IFQs) for vessels;
- Update on statistics from fishing year 2006 in light of the current management Resolution;

¹ Several conservation scenarios were discussed contemplating using critical juvenile areas in concert with a TAC.

- Consider the current fishing capacity in the eastern Pacific Ocean and examine the relationship to conservation measures needed at current capacity to the conservation measures that would be necessary if the Commission implemented the Capacity Plan and reduced the purse seine fleet to the target capacity levels;
- Prepare a report of implementation of VMS requirements by Parties;
- Research fishing methods and gear that may increase escapement of small fish;
- Investigate the impact of fishing effort on adult stocks of yellowfin tuna (this is a part of the IATTC scientific standard analysis); and
- Summarize available information on the impacts from planting of Fish Aggregating Devices (FADs), describe areas where FADs should not be placed because of the fish of catching juvenile tunas, determine the increase in vulnerability of tunas since the development of the FAD fishery, and determine the number of FADs placed.

III. Upcoming Meetings

US-Canada Albacore Treaty: The parties are scheduled to meet in Victoria, Canada on April, 25-26, 2007 to complete the annual exchange of information and to discuss arrangements for the 2008 fishing season.

General Advisory Committee to the U.S. Section to the IATTC: The General Advisory Committee to the U.S. Section to the IATTC will meet next on May 30, 2007 from 9 a.m. to 5 p.m. PST (or until business is concluded) at NMFS, Southwest Regional Office. Additional information can be found at Federal Register Notice (72 FR 9516-9517) for.

IATTC: The IATTC annual series of meetings will be held in Cancun, Mexico, June 18-29, 2007. For more information check www.iattc.org. The IATTC's website includes specific agendas and documents for this series of meetings.

IV. Other

New Web Site: NMFS has established a website (<http://www.dolphin-safe.gov>) that provides information regarding U.S. dolphin-safe standards and policies as part of its Dolphin-Safe Tuna Tracking and Verification Program (TTVP). The TTVP monitors nationwide the domestic production and importation of frozen and processed tuna products and verifies associated dolphin-safe claims. The website will answer many of the questions tuna importers and processors may have in obtaining dolphin-safe certification for their product. It will also help assure the public in the authenticity of the dolphin-safe label. Eighteen west coast canners participate in the TTVP.

**National Marine Fisheries Service Southwest Fisheries Science Center (SWFSC) Report on
Albacore Fishing Effort**

In response to resolutions of the Western and Central Pacific Fisheries Commission and Inter-American Tropical Tuna Commission that require fishing effort for North Pacific albacore not to be increased above recent levels, the Highly Migratory Species Management Team (HMSMT) and the Advisory Subpanel (HMSAS) were tasked to identify appropriate measurements of fishing effort that could be used by the U.S. to comply with the resolutions. SWFSC scientists were assigned the responsibility for assembling historical data on fishing effort for U.S. fisheries landing North Pacific albacore. The assignment was carried out and includes data for commercial and recreational fisheries and both albacore directed and non-directed fisheries. A simple model was used to standardize the different types of effort into a common measurement. The results were provided to the HMSMT and HMSAS in February. This report under Agenda Item J.3.b presents the results.

March 9, 2007

ATT. CRAIG HEBERER

To: Rod McInnis

Hello, My name is John Gibbs, I own the longline fishing vessel Pacific Horizon. My home port is San Diego, Ca. . I am very interested in the possibility of returning to the West Coast region to longline swordfish/tuna (HMS).

I applaud all of those who are involved with your efforts to reestablish a HMS Longline fishery off the west coast of the United States.

I would like to ask the PFMC to review the current WPFMC management measures and adjust or adopt regulations that would apply to the west coast region.

Myself and other west coast fisherman who have longline fished off the west coast and have fished under the WPFMC regulations would be willing to give an industry perspective on preferred management regulations that would best apply to the fishery.

The infrastructure of the industry has been severely damaged over the past several years, to reestablish a HMS longline fishery off the west coast would benefit many businesses.

Thank you for your time, I can be reached at (619) 224-4949.

Sincerely,

John Gibbs