

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL COMMENTS  
ON ITEMS NOT ON THE AGENDA

**Hard Caps for Priority Protected Species for the Drift Gillnet Fishery**

The HMSAS would like to make a comment about the last Council decision concerning the drift gillnet (DGN) fishery. At its September 2015 meeting, the Council approved hard caps on the DGN fishery as it applies to marine mammals and turtles. This decision is contrary to science and the strong advice from the Marine Mammal Commission and the NOAA Assistant Administrator for Fisheries, Eileen Sobeck.

We have serious concerns that this bypasses the Marine Mammal Protection Act (MMPA) and the Pacific Offshore Cetacean Take Reduction Team (POCTRT) and reduces the effectiveness of the NMFS Protected Resources Division. The innovative and problem solving skills of fishermen play an important part of the POCTRT process and this may be lost.

During the Council discussion, amendments were accepted creating fishery impacts that are more restrictive than necessary. The numbers accepted on the hard caps go beyond what is necessary for the protection of the affected species. In the event that the NMFS approves the hard caps, the Pacific Leatherback Conservation Area should be eliminated.

The inflexible nature of hard caps discourages fishermen from achieving the primary objective of the MMPA, which is to maintain optimum sustainable populations of marine mammals.

**International Management of Pacific Bluefin Tuna**

The HMSAS recommends that the Council send a letter to the U.S. Commissioners to the Western and Central Pacific Commission, and to The NMFS Pacific Islands Region Regional Administrator that would make the following points. The letter should also request that these ideas and comments with regard to Pacific bluefin tuna (PBF) should be raised by the U.S. Delegation with the Northern Committee members in their meeting in Bali, Indonesia on December 4, 2015.

1. The U.S. recognizes and appreciates the recent steps taken by Japan to control its fleets, including its artisanal fleets, to reduce the take of juvenile (< 30 kg) PBF.
2. The U.S. also recognizes and appreciates Japan's willingness to consider additional conservation and management measures for this species in 2016.
3. The U.S. also believes the present target of rebuilding the stock to median historical SSB (42,592 t) within 10 years with at least 60% probability is much too slow and not sufficiently ambitious.
4. The U.S. requests that the Northern Committee revise paragraph 74 of the draft Summary Report of the Eleventh Regular Session of the Northern Committee to add that the International Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean should also evaluate the impact on the rebuilding of the bluefin stock of agreeing to an annual time and area closure of the bluefin spawning grounds during April, May, and June.
5. The U.S. understands that these spawning grounds are in international waters and, therefore, such a closure would have to be monitored and enforced by the members of the Northern Committee, thus the U.S. requests that both such a time and area closure, as

well as a method of monitoring and enforcement, be placed on the agenda for Northern Committee 12 and suggests that an agreement be reached at that meeting.