



Sent via email: PFMC.comments@NOAA.gov

October 18, 2016

Chuck Tracy, Executive Director
Pacific Fishery Management Council (“Council”)
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: I.2. Highly Migratory Species Management, International Issues: Domestic
Pacific Bluefin Commercial Fishery Regulations

Dear Mr. Tracy,

On behalf of the Center for Biological Diversity, we write to urge the Council act to prohibit retention of Pacific bluefin tuna until the population has recovered because Pacific bluefin tuna in danger of extinction because of inadequate regulatory mechanisms. First, fishing is the primary threat to the survival of Pacific bluefin tuna; decades of overfishing have left the population at just 2.6% of its unfished size. Second, recent fishing rates (2011-2013) were up to three times higher than commonly used reference points for overfishing. Finally, nearly 98% of all Pacific bluefin tuna landed are juveniles, caught before they have been able to spawn. For these reasons, the Council should not delay or deny rulemaking to protect bluefin tuna.

At the Council’s September 2016 meeting, the Council deferred its final response to the Center for Biological Diversity’s petition for rulemaking on Pacific bluefin to allow consideration of the results of the meeting of the Inter-American Tropical Tuna Commission (“IATTC”).¹ That petition requested rulemaking to (1) include Pacific bluefin tuna as a prohibited species until the stock is rebuilt, thereby placing a moratorium on retention of Pacific bluefin tuna by U.S. fishing vessels, or establish annual catch limits and a minimum size requirement to protect age classes 0-2, and (2) amend the fishery management plan to establish specific reference points to guide science based management of the stock. These proposals are necessary because international measures are inadequate to limit bluefin tuna mortality in the Eastern Pacific Ocean.

International resolutions have failed to respond to scientists’ warnings regarding Pacific bluefin tuna’s decline; overfishing continues and there is no plan for rebuilding Pacific bluefin tuna. The IATTC met in La Jolla, California, Oct. 12-14, 2016, but failed to take the steps needed to reduce catches to sustainable levels. Therefore the Council must implement domestic measures to limit fishing mortality by prohibiting retention of Pacific bluefin tuna.

¹ Council, Decision Summary Document, <http://www.pcouncil.org/wp-content/uploads/2016/09/0916decisions.pdf>

In recent U.S. regulations for the commercial fishery, NMFS and the Council have implemented IATTC's inadequate resolutions. First, NMFS capped bluefin tuna annual catch for 2012 and 2013 at 500 mt – an amount above any U.S. catches since 2000.² Next, NMFS set the annual catch limit for 2015 and 2016 at a combined limit of 600 metric tons for both years, which is more than the U.S. commercial fleet has caught in any two-year period since 2002.³ The Council must now factor in science – not just international politics – into its regulatory decisions. In the face of precipitous bluefin population declines, the Council should prohibit retention of Pacific bluefin tuna.

Current U.S. regulations for recreational catch fail to limit Pacific bluefin tuna mortality because (1) the fishery is open access, meaning there is no limit on the number of fishermen who can participate in the fishery, and (2) there is no limit on the number of trips each fisherman can take. Consequently, in years when Pacific bluefin tuna come closer to shore, fishermen are likely to catch more bluefin tuna. The bag limit of two fish per person, with a limit of six fish per person for multi-day trips,⁴ is also inadequate because an analysis of historical catches showed that the vast majority of trips caught 2 or fewer bluefin.⁵ It is time for the Council to set fishing regulations protective of Pacific bluefin tuna, not simply regulations that preserve the status quo fishing effort.

The absence of a science-based, mandatory limit on the international catch of Pacific bluefin tuna remains the primary reason that the species risks extinction. The Council's refusal so far to implement regulations independently of international regulatory bodies ignores the scientific evidence that the population is on the edge of collapse. A minimum size limit for both the commercial and recreational fishery could benefit Pacific bluefin tuna by reducing pressure, but a complete prohibition on retention would be more appropriate given the dire status of this stock. We urge you to act quickly to implement domestic regulations that reduce fishing mortality on Pacific bluefin tuna.

Sincerely,



Catherine W. Kilduff, Senior Attorney
1411 K St. NW Ste 1300
Washington, DC 20005
202-780-8862
ckilduff@biologicaldiversity.org

² 78 Fed. Reg. 33240 (June 4, 2013) (codified at 50 C.F.R. § 300.24(u) and § 300.25(h)).

³ *Pacific Tuna Fisheries; 2015 and 2016 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean, Final Rule*, 80 Fed. Reg. 38986 (July 8, 2015).

⁴ 80 Fed. Reg. 44887.

⁵ Highly Migratory Species Management Team, *Report on Management Measures for 2015-16 Fisheries: Recreational Bluefin Tuna Fishery*, Sept. 2014, http://www.pcouncil.org/wp-content/uploads/G4b_HMSMT_Rpt2_PBF_SEPT2014BB.pdf.