

HIGHLY MIGRATORY SPECIES ADVISORY SUBPANEL REPORT ON THE
NATIONAL MARINE FISHERIES SERVICE REPORT

The Highly Migratory Species Advisory Subpanel (HMSAS) offers the following comments on Agenda Item J.1 – National Marine Fisheries Service (NMFS) Report.

Large-Mesh Drift Gillnet (DGN) Loggerhead Closure

The HMSAS has concerns about the Loggerhead closure and recommends NMFS review this based on the June 17, 2019 El Niño Southern Oscillation report which reduced the probability of an El Niño event from 70% to 66%

(https://www.cpc.ncep.noaa.gov/products/analysis_monitoring/lanina/enso_evolution-status-fcsts-web.pdf).

Final Rule on Commercial Pacific Bluefin Tuna (PBF)

Fishery participants appreciate changes made to the Proposed Rule as published in the Final Rule. In particular:

- Increasing the biennial catch limit from 600 metric ton (mt) to 630 mt.
- Increasing the 2019 catch limit from 300 mt to 425 mt.

There has been no purse seine effort in the fishery as of June 21. This is not due to a lack of fish in U.S. waters but because those fish are, for the most part, spread out in smaller schools, which are not conducive to purse seine operations. As such, we cannot comment on the efficacy of the final rule's reporting requirements. We do wish to highlight a couple of elements of the final rule which should be revisited if/when an opportunity presents itself:

1. Pre-trip Notification:

The pre-trip notification was implemented in order to “assist NMFS in tracking catch to manage trip limits and fishery closures.” The HMSAS supports actions that are designed to ensure the fishery is not prematurely closed as a result of exceeding annual catch limits. We believe there are less onerous alternatives that address management needs while not unduly burdening U.S. fishermen. For example, a few weeks ago a Captain of a purse seine vessel attempted to provide the required 24-hour pre-trip notification while on anchor at San Clemente Island. They had gone to the Island to target market squid but did not encounter any. While at the Island, they received a call from their spotter plan indicating presence of catchable PBF a short distance from Pyramid Cove, a sheltered anchorage on the east end of the Island. The attempted notification was rejected because the San Clemente Island is not a port. He was instructed he would have to return to a port, resubmit

the pre-trip notification, and wait the necessary 24-hours. Unfortunately, this was not an option due to expected bad weather on the water.

2. The assumption “that 15 metric tons of Pacific bluefin tuna will be caught on every trip for which a pre-trip notification was provided.”

Participants in the purse seine fishery are cognizant of the potential repercussions associated with exceeding trip limits. Significant fines, seizure of the catch, and possible loss of fishing privileges are all sufficient deterrents. Fishermen are much more likely to harvest 10 – 13 mt/trip to ensure compliance.

The HMSAS recommends future rulemakings for commercial harvest of PBF replace the pre-trip notification with a pre-landing notification. This would meet the intended goals of the current rule while providing much needed flexibilities to the fleet. It would also better enable NMFS to accurately track catch for in-season management actions in the sense that those actions would not be based on assumptions which are of questionable validity. As envisioned, a fisherman would call in his/her estimated catch when departing the fishing grounds. What happens next would need to be further discussed with NMFS, California Department of Fish and Wildlife, and fishery participants; but could include the following:

1. He/She could be given authorization to go on another trip following completion of the offload;
2. He/She could be required to provide notification of an intent to depart on another trip when done offloading;
3. He/She could be informed that catch is within 50 mt of the annual limit, at which time the trip limit will be reduced to 2 mt per vessel.

This would necessarily eliminate the need for NMFS to make assumptions on catch, which in turn would give more confidence in their estimates of catch during the season.

We may come back in September with additional suggestions and/or recommendations depending on perceived inefficiencies with the current Rule as applied.

PFMC
06/22/19