

BIENNIAL HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES

In September 2017, the Council took final action to adopt Amendment 4 to its Highly Migratory Species (HMS) Fishery Management Plan (FMP). Amendment 4 changed how the Council would consider new information about the status of HMS stocks and formulate its responses. National Marine Fisheries Service (NMFS) approved the amendment in April 2018.

Under its other FMPs, the Council plays a major role in peer reviewing stock assessments (determining if they are “the best scientific information available” or BSIA). This is not the case for HMS stocks for at least two reasons.

First, almost all of these stock assessments are conducted under the auspices of the two regional tuna fishery management organizations in the Pacific (the Inter-American Tropical Tuna Commission [IATTC] and the Western and Central Pacific Fisheries Commission [WCPFC]).¹ These commissions are the product of conventions that function akin to treaties among sovereign governments. This makes it difficult, if not impossible, for the U.S., or any participating country, to unilaterally peer review the assessments sponsored by these commissions. Generally, NMFS, through participation by the U.S. government in these commissions, makes an assessment of whether these stock assessments constitute BSIA for the purposes of domestic management and formulating U.S. negotiating positions at these Commissions.

Second, these assessments are used only indirectly in domestic management. For HMS, the Council does not set annual catch limits (ACLs). In those cases where catch limits have been set for U.S. West Coast domestic fisheries (Pacific bluefin and bigeye tuna), these derive from agreements reached internationally through the IATTC. These catch limits are not implemented through the Council process pursuant to the Magnuson-Stevens Act but directly by NMFS through the authority of the Tuna Conventions Act, though the Council may provide input on the manner in which such limits are implemented.

Maximum sustainable yield (MSY) is a central tenet of the management framework established by the Magnuson-Stevens Act (MSA). In the HMS FMP, the maximum fishing mortality threshold (MFMT) and the minimum stock size threshold (MSST) – collectively are referred to as status determination criteria (SDC) – are derived from the estimate of MSY. NMFS uses these SDC to conclude whether a stock is subject to overfishing (current fishing mortality exceeds the MFMT) or overfished (current stock spawning biomass is less than the MSST). For stocks fully subject to domestic management, these determinations lead to remedial action by the Council, through management measures to reduce fishing mortality sufficiently and, if the stock is overfished, a rebuilding plan consistent with the requirements of MSA Section 304(e)(4). This is not the case with HMS, which are subject to MSA Section 304(i) when the status of the stock is primarily a result of “excessive international fishing pressure.” While the Council may propose measures to

¹ A third intergovernmental organization, the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC), conducts stock assessments and provides conservation advice formally through an agreement with the WCPFC Northern Committee. It has no permanent secretariat, scientific staff, or independent budget. Rather, it operates through in-kind contributions from participating countries. NMFS scientists participate in conducting stock assessments through ISC working groups.

address the “relative impact of fishing vessels of the United States on the stock,” the broader charge is for the Council to develop recommendations for “international actions.”

The MSA and the HMS FMP also define and discuss the determination of optimum yield (OY). OY is a “decisional mechanism” to help in considering reductions from MSY “to provide the greatest overall benefit to the Nation.” While OY has value conceptually, it has less operational utility, at least for this Council, because catch control management is more often driven by annual catch limit mechanisms. It also sits uncomfortably within the HMS management context, because the majority of catch is made by other countries making it more difficult to tie stockwide catch to domestic benefits. Nonetheless, there is an obligation to specify this quantity.

To aid in considering MSY, OY, and SDC estimates, Chapter 4 of the HMS FMP, Preventing Overfishing and Achieving Optimum Yield, is excerpted as Attachment 1.

Given these realities, the HMS FMP, as amended, lays out a biennial process that affords Council input on identifying the key management reference points described above. In September, the Council receives an update on “proposed adjustments to numerical estimates of MSY, OY, and SDC in a preliminary SAFE report.” Through two subsequent meetings (November and March of the following year) the Council may then formulate recommendations on domestic management measures and measures that should be addressed through the IATTC and/or WCPFC. For the purposes of this biennial cycle, the attached NMFS Report provides outputs of recent HMS assessments and information on the status of stocks, which the HMSMT will use to prepare the HMS SAFE Report.

As noted, the Council is not obligated to establish annual catch limits for HMS FMP stocks, obviating the need to develop management measures to control catch consistent with such limits. But at the same time, the Council is not prohibited from establishing such measures, or other measures to address management concerns, through this biennial process. At this meeting the Council has the opportunity to scope such new management measures.

Council Action:

Adopt Preliminary Revised Estimates of Reference Point Values, Annual Catch Limits, or Other Harvest Objectives and/or Management Measures.

Reference Materials:

1. Agenda Item H.4, Attachment 1: HMS FMP Chapter 4, Preventing Overfishing and Achieving Optimum Yield.
2. Agenda Item H.4, Attachment 2: Correspondence Between the Western Pacific Fishery Management Council and National Marine Fisheries Service Regarding Bigeye Tuna Aging Methods.
3. Agenda Item H.4.a, NMFS Report 1.

Agenda Order:

- H.4 Biennial Harvest Specifications and Management Measures Kit Dahl
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Adopt Preliminary Revised Estimates of Reference Point Values, Annual Catch Limits, or Other Harvest Objectives and/or Management Measures

PFMC
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