



Western Pacific Fishery Management Council Comments on the Status of Implementing MSA Provisions and Other Current Activities

Below is summary report on the Western Pacific Council's activities in support of implementing the 2006 Magnuson-Stevens Act provisions and other current activities of interest.

Annual catch limits

The Council's ACL amendment does three things: 1) establishes a mechanism the Council will use to specify ACLs and accountability measures (AMs), including a process for setting acceptable biological catches (ABCs), 2) adopts the ecosystem component classification for future use in subsequent amendments, and 3) identifies statutory exceptions to the ACL and AM requirements (currently only pelagic species). The amendment document was noticed in the Federal Register on March 16, 2011, comments are due on May 16, 2011, the proposed rule was published March 31, 2011, and the final rule is expected about June 15, 2011.

Tiered system to determine ABCs

Under the preferred alternative, for stocks and stock complexes required to have an ABC, the Council will utilize a five-tiered system of ABC control rules that allows for different levels of scientific information to be considered when calculating ABC. The control rules are organized from data rich down to data poor, with Tier 1 being the highest (data rich) and Tier 5 being the lowest (data poor). Tiers 1-2 involve data rich to data moderate situations and include levels of uncertainty derived from model-based stock assessments. Tiers 3-5 involve data poor situations and include levels of uncertainty derived from ad-hoc procedures including simulation models or expert opinion.

When calculating an ABC for a stock or stock complex, the SSC must first evaluate the information available for the stock and assign the stock or stock complex into one of the five tiers. The SSC must then apply the control rule assigned to that tier to determine the ABC. The SSC may recommend an ABC that differs from the result of the control rule calculation based on factors such as data uncertainty, recruitment variability, declining trends in population variables, and other factors determined relevant by the SSC, but must explain their rationale. The tiered system of ABC control rules are described below.

The ABC control rule for tiers 1-3 requires the Council first advise the SSC about their acceptable probability (risk) of overfishing (or P*).

Determining P* (see Amendment page 29)

A qualitative analysis for determining P* was developed by which the risk of overfishing can be reduced from 50%, or a 50% risk of overfishing. This approach considers the amount of information available for a stock or stock complex, including scientific uncertainty, for 4 dimensions: 1) assessment information, 2) assessment uncertainty, 3) stock status, and 4) productivity and susceptibility. Team members use their knowledge to assign a score for each dimension. The sum of the dimensions has a maximum value of 50, and this sum is subtracted from 50 to give the resulting P*, or acceptable probability of overfishing.

At the 150th Council Meeting in March 2011, the Council created the P* Working Group to develop the dimensions and score for P*. The group met March 24, 2011, and deliberated the aspects of the four dimensions for the MHI Deep 7 Bottomfish fishery. They determined that because there was no fishery independent data, no spatial output, no tagging data, and some lack of reliability associated with non-commercial catch data, depredation is unaccounted for, and CPUE is for the complex, the stock assessment, although perfect in and of itself, should not receive a perfect score of 0, but instead identified a scoring method that resulted in a score of 1.6. Assessment uncertainty and stock status have tentatively received a score of 0, and productivity and susceptibility was scored a 6.9. The end result was a $P^* = 41.5$, which is $50\% \text{ OFL} - 1.6 - 0 - 0 - 6.9$. However, the group agreed to meet again after post-meeting conversations determined the scores for stock status and productivity and susceptibility may need to be changed. Please see the P* Working Group Memo (March 25, 2011) for a full summary of the P* Working Group deliberations and determinations.

Methods for setting ACLs

There are three methods for setting ACLs. The first uses a qualitative construct similar to that used for determining P*, however it considers information available for social, economic, and ecological factors, and management uncertainty (SEEM analysis). The sum of the dimensions for the SEEM analysis are subtracted from 100% of the ABC to give a resulting ACL.

Alternatively, the Council could also just qualitatively determine an ACL by applying a percentage drop from the ABC, such as with low management uncertainty, setting the ACL close to 100% of the ABC.

Lastly, an ACT can also be utilized. In this case, the ACL can either equal or be lower than the ABC. If the ACL is equal to the ABC, the full SEEM analysis would be used to reduce the ACT from the ACT. The other option is one in which the ACL is set lower than the ABC because social, economic, and ecological factors are taken into account, but management uncertainty is captured in setting the ACT as a running 3-year average of the overages of the ACL.

At the 150th Council Meeting in March 2011, the Council created the SEEM Working Group to develop the dimensions and scores for determining the reduction to ACL. The SEEM Working Group met on March 31st and April 15th. During the second meeting, the SEEM Working Group finished determining what factors would go into each of the dimensions, the generated a scoring system. By consensus, the group agreed that the ACL should equal the ABC with the rationale

coming from the positive score generated from the social, ecological, and economic dimensions. The ACT should be used based on the score generated from the management uncertainty dimension. In this case, for the MHI Deep 7 Bottomfish fishery, the score was 6, resulting in a consensus that a 6% reduction from ACL to ACT is warranted. Please see the summary from the SEEM Working Group (April 18, 2011) for complete details about the deliberations and determinations.

Future ACLs

ACLs have yet to be determined for all other fisheries in Hawaii, as well as all fisheries in American Samoa, PRIA, and the Marianas. ACLs for these fisheries will be discussed at the next SSC and Council meeting in June 2011. Pelagic fisheries at this time are excepted from ACL specifications due to their management in the international arena.

Ending Overfishing

Bigeye tuna

Bigeye tuna (BET) continues to be in an overfishing condition in the Western and Central Pacific Ocean (WCPO). The closures of the two western high seas pockets and the prohibitions on FAD fishing have not had the desired effect of reducing fishing mortality on WCPO BET by 30%. Longline BET catch has declined from a high in 2004 of over 80,000 mt to just under 60,000 mt in 2009, or a 26% reduction. The Hawaii longline fishery has operated under a WCPO catch limit for 2009 and 2010, the fishery being shut in both years when the catch limit of 3,763 mt was forecast to be reached. In American Samoa catches of BET are small, about 200 mt although the Council intends to cap this fishery at 2,000 mt. The US is no longer contributing to the overfishing of WCPO BET.

The stock condition in the Eastern Pacific Ocean (EPO) may be more optimistic with the withdrawal of Japanese longline fishing effort during 2009-2010, but large amounts of juvenile bigeye still continue to be caught by purse seine vessels. The EPO stock assessment will be discussed at the IATTC Science Committee Meeting the week following the CCC meeting. This meeting will also discuss staff recommendations on catch limits for longline vessels, effort limitation of purse seiners and spatial closures on the high seas where juvenile bigeye are caught by purse seiners in large quantities. The Hawaii longline fleet is subject to a catch limit of 500 mt for longline vessels > 24 m in length of which only 289 mt was caught in 2010 by this class of vessel. The US is no longer contributing to the overfishing of EPO BET.

Pacific Bluefin

In 2011, NMFS made a determination that Pacific Bluefin Tuna (PBT) was subject to overfishing and required Council action. This evaluation was based on the most recent stock assessment of PBT in 2010. The 2004 – 2009 PBT catch was about 23,000 mt of which the Hawaii-based longline fleet caught between 0.50-1.00 mt or 0.003% of the total.

The Council has received previous communications from NMFS on overfishing of BET and Yellowfin Tuna (YFT), which generated Amendment 14 to the Pelagics FMP, where the preferred alternative for international fishery management was as follows:

“Under International Alternative 2 (preferred), the Council would transmit a recommendation for the immediate specified reductions in fishing mortality to NMFS, the Department of State, and the U.S delegations to the Pacific tuna RFMOs. Based on stock assessments conducted in 2005 (WCPFC 2005) and 2006 (IATTC 2006a), fishing mortality on Pacific bigeye and WCPO yellowfin stocks by both longlines and purse seines needs to be reduced in the WCPO by 20% from 2001-2003 levels for each gear type. In the Eastern Pacific Ocean (EPO) fishing mortality on Pacific bigeye by longline vessels needs to be reduced by 30% and purse seine fishing mortality by 38% as compared to 2003-2004 fishing levels (IATTC 2006a). All measures must consider traditional participation and emerging island fisheries. These measures are cumulative across the two regions since although Pacific bigeye tuna is thought to be a single population, it is managed as two segments of the same population, fished by different fisheries and managed by two separate RFMOs”

In the case of PBT, the largest US catch is made by West Coast based purse seine and sports fisheries where catches are sporadic and amounted to about 222 mt annually between 2004 and 2009 or about 1% of the total annual average catch. The April 7, 2011 letter received by the Council asks both Councils to work together collaboratively to develop and submit recommendations to the Secretary of State and Congress for international actions that will end overfishing on this stock.

North Pacific Striped Marlin

The precise status of North Pacific striped marlin (MLS) is still being investigated and no official determination has been made by NMFS. A preliminary stock assessment under the auspices of the International Scientific Committee (ISC) in 2009 was inconclusive and suggested that a more spatially disaggregated assessment be conducted on the WCPO and EPO segments. The EPO assessment was conducted last year by the Inter-American Tropical Tuna Commission and indicated that the stock in the EPO was not being overfished or subject to overfishing. Work is continuing on the WCPO MLs assessment with the hope that it will be completed in 2011 in time for the 8th Session of the Western and Central Pacific Fisheries Commission Meeting in December 2011.

NMFS stated the following in a February 18, 2011 letter to the Council:

“Given that the U.S. catch of North Pacific striped marlin in the Convention Area has in recent years been below the catch limit for 2011, we intend to wait until the measure is amended in 2011, before determining whether regulatory action is needed to implement the measure.”

Status of rebuilding plans

No Western Pacific MUS have been evaluated as being overfished, as opposed to subject to overfishing, thus there are no rebuilding plans in effect. The seamount groundfish, pelagic armorhead was overfished but the only fishing ground within EEZ waters, the Hancock Seamount in the Northwestern Hawaiian Islands continues to be closed after three decades.

Main Hawaiian Islands bottomfish was not overfished but was in an overfished condition, but has been fished below the fishing mortality at MSY for over a decade and with the biomass slowly increasing to the biomass at MSY.

Catch shares

The Council engaged the community through public scoping and targeted industry meetings to discuss developing catch shares or limited access privilege programs (LAPPs) in the MHI bottomfish and Hawaii longline bigeye and yellowfin tuna fisheries. Other fisheries considered include the Hawaii-based seamount tuna and monchong fisheries and the Hawaii offshore handline/mixed gear fishery. During these initial scoping efforts, questions were developed to identify potential issues and concerns of the fisheries if catch shares are considered.

Discussion focused on the availability of adequate data to support such programs, likelihood of cost recovery, fishery overcapitalization, stock status, regional institutional knowledge, fishermen receptiveness to catch share programs, potential for fisheries sliding into non-fishermen's hands (E-NGOs), potential for increased concentration of wealth by larger shareholders, potential for exclusion of entry-level fishermen, possibility for high-grading, loss of fishing flexibility, crews opportunities under catch share programs and potential for negative effects on local communities and preservation of a fishing culture.

Following up on initial scoping, the Council worked with NMFS PIRO and PIFSC to merge the PIRO permitting database with the PIFSC logbook data for bigeye tuna caught in the Western and Central Pacific Ocean (WCPO). The outcome of that effort validated if it would be possible to allocate WCPO bigeye based on catch history if so desired by the Council. However, any catch share program would require a major initiative to develop and maintain a catch shares database and related data management applications, initially requiring at least two full time employees to respond to requests for data audits and customer needs. The applications must be customer service oriented and provide fishermen with the ability to conduct secure online access of their catch data in order to validate their own catch reports. The permitting and logbook databases would have to be fully integrated into a centralized database whereby any changes to permit or catch history is updated throughout the database in real time. Regardless of the future of catch share programs, such an initiative should be conducted to better manage the longline fisheries in the Western Pacific.

Comments received from longline fishermen at scoping meetings, the Regional Longline Management meeting held April 27-28, 2010, and informally on the margins of Council meetings suggest that there is no unanimous position on catch shares for bigeye. Some are in favor, some would like to see catch shares on the basis of catch history, some would like to see catch shares split evenly between participants.

The Council also held public scoping sessions and targeted meetings with active Hawaii bottomfish fishermen to discuss the potential use of catch shares in the MHI bottomfish fishery. Based on comments received at the public and targeted meetings, the major issue to be addressed should a catch share program be considered is achieving equity in initial share distribution. The primary problem will be documenting past participation in the fishery and addressing equitable

considerations for crew who may not have formal participation documentation. Another important consideration is the small scale nature of the fishery and the tendency of catch share programs to consolidate participation by eliminating small scale operators. The Council continues to engage this fishing community in catch share discussions.

The Council continues to participate in major catch shares meetings and initiatives. NMFS formed the Catch Shares Task Force in 2009, membership of which included a Council member from the Western Pacific, to help inform NMFS policy on catch shares. In the following year (2010) Council staff and SSC members participated and presented at the NMFS PIFSC Catch Share Workshop, a national meeting that brought fisheries scientists, managers and academics to consider catch share programs. Council staff and SSC members made several presentations at this meeting, which will be published in 2011.

The most recent national initiative on catch shares in which Council staff and members participated, was a NMFS workshop to explore issues and experiences associated with commercial fishing communities and catch shares from January 11-13, to coincide with the last Council Coordination Committee.