

NATIONAL MARINE FISHERIES SERVICE REPORT
HIGHLY MIGRATORY SPECIES REGULATORY UPDATE

Pacific Bluefin Tuna (PBF) 2016 Commercial Catch Limit (IATTC Resolution C-14-06)

On January 15, 2016, NMFS published a notice announcing the 2016 commercial PBF catch limit ([81 FR 2110](#)). In accordance with Inter-American Tropical Tuna Commission (IATTC) [Resolution C-14-06](#) (*Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2015-2016*) and the final rule ([80 FR 38986](#)) published on July 8, 2015, if less than 175 metric tons (mt) were caught in 2015, then the catch limit in 2016 would be 425 mt. Preliminary estimates indicate approximately 96 mt were caught in 2015; therefore, the catch limit in 2016 is 425 mt. As a reminder, the trip limits established in the July 2015 final rule (i.e., 25 mt *until* catch is within 50 mt of the catch limit and a 2 mt trip limit *when* catch is within 50 mt of the catch limit) still apply.

Overlap Rule (IATTC Resolution C-12-11)

NMFS published a proposed rule under the Tuna Conventions Act (TCA), as amended, to implement IATTC [Recommendation C-12-11](#) (*IATTC-WCPFC Overlap Area*) ([80 FR 80741](#); December 28, 2015; comment period closed on January 27, 2016). Currently, binding resolutions of both the IATTC and the Western and Central Pacific Fisheries Commission apply to U.S. commercial fishing vessels in the area of overlap between the two convention areas. The proposed regulations would provide that the management measures of the IATTC would no longer apply in the area of overlapping jurisdiction, with the exception of regulations governing the IATTC Regional Vessel Register. The final rule is expected to publish in late-March 2016.

IMO Number Rule (IATTC Resolution C-14-01)

NMFS published a final rule under the TCA to implement IATTC [Resolution C-14-01](#) (*Resolution (Amended) on a Regional Vessel Register*) ([81 FR 1878](#); January 14, 2016). The proposed rule had been available for public comment through November 27, 2015. The final rule, effective February 13, 2016, requires U.S. vessels fishing for tuna and tuna-like species with a capacity equal to or greater than 100 gross register tons (GRT) to have an International Maritime Organization (IMO) number. Vessel owners and operators may register for an IMO number for free through IHS Maritime at: www.imonumbers.lrfairplay.com/. IMO numbers will be included with information the United States sends to the IATTC for vessels authorized to fish for tuna and tuna-like species in the IATTC Convention Area and will enable more effective tracking of vessels that may be engaging in illegal, unreported, and unregulated fishing. On February 3, 2016, NMFS sent letters to 12 vessel owners whose vessels do not currently have an IMO number notifying them of the new requirements.

Mobulid Rays Proposed Rule (IATTC Resolution C-15-04)

NMFS intends to publish a proposed rule under the TCA to implement IATTC [Resolution C-15-04](#) (*Resolution on the Conservation of Mobulid Rays Caught in Association with Fisheries in the IATTC Convention Area*). Per the Resolution, this rule would prohibit any part or

whole carcass of mobulid rays (i.e., the family Mobulidae, which includes manta rays (*Manta spp.*) and devil rays (*Mobula spp.*)) caught in the IATTC Convention Area from being retained onboard, transshipped, landed, stored, sold, or offered for sale. The Resolution and proposed rule also include safe release requirements for mobulid rays caught unintentionally. This action is necessary for the United States to satisfy its obligations as a member of the IATTC.

Revisions to Regulations Implementing One-trip Option to Fish in the Eastern Pacific Ocean

Licenses under the South Pacific Tuna Treaty (Treaty) have not yet been reissued in 2016, curtailing fishing opportunities for many U.S. purse seine vessels. Without Treaty licenses, U.S. vessels are limited in the areas available to fishing in the Western and Central Pacific Ocean. As a result, more vessels are interested in fishing in the eastern Pacific Ocean (EPO); however, the U.S. has a limit to the capacity of vessels fishing in the EPO and that limit has nearly been reached. Therefore, some large purse seine vessels previously fishing under the Treaty that may be interested in fishing in the EPO are unable to be included on the IATTC Active Purse Seine Vessel Register in 2016.

[Resolution C-02-03](#) (*Resolution on the Capacity of the Tuna Fleet Operating in the Eastern Pacific Ocean (Revised)*) provides opportunities for up to 32 U.S. vessels to fish in the EPO for a trip that does not exceed 90 days in a single calendar year. United States regulations specify that this exemption is afforded to vessels fishing under the Treaty. Considering that vessels will not be licensed under the Treaty, NMFS is evaluating whether relief might be made available to U.S. vessels managed pursuant to the Western and Central Pacific Fisheries Commission, consistent with the decisions of the IATTC and the provisions of the Treaty.

Proposed Rule for the First Phase of a U.S. Seafood Traceability Program

On February 5, 2016, NMFS published a proposed rule (81 FR 6210) designed to implement recommendations of the Presidential Task Force on Combating IUU Fishing (Task Force), as recommended to the President through the National Ocean Council, for a seafood traceability program. This proposed rule includes data reporting and record-keeping procedures necessary to ensure traceability of seafood products from harvest to point of entry into U.S. commerce. More information regarding this proposed rule, as well as other recommendations of the Task Force may be found on the IUU Fishing and Seafood Fraud Web Portal website.¹

Illegal, Unreported, and Unregulated (IUU) Fishing Enforcement Act of 2015

This act was signed on November 5, 2015. The *Antigua Implementing Act of 2015*, *Amendments to the High Seas Driftnet Fishing Moratorium Protection Act*, and the *Port State Measures Agreement Act of 2015* were included in this bill. Information on each of these acts is below.

The *Antigua Convention Implementing Act of 2015* implements the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949

¹ <http://www.iuufishing.noaa.gov/Home.aspx>

Convention between the United States of America and the Republic of Costa Rica (Antigua Convention) by amending the TCA. In addition to revising the rulemaking authorities and other matters, the amendments provide that the Secretary of Commerce, in consultation with the Secretary of State, shall appoint a General Advisory Committee (GAC) and a Scientific Advisory Subcommittee (SAS) to advise the U.S. delegation to the IATTC. Prior to the amendment, the TCA directed the U.S. Department of State to appoint the GAC and SAS members. In addition, the chair of the Pacific Fishery Management Council's Highly Migratory Species Advisory Subpanel and chair of the Western Pacific Fishery Management Council's Advisory Committee or designee have ex-officio membership on the GAC.

On January 20, 2016, NMFS published a notice to solicit nominations for the GAC and the SAS to the U.S. Delegation to the IATTC (80 FR 80741).² The deadline for nominations was February 19, 2016.

The *Amendments to the High Seas Driftnet Fishing Moratorium Protection Act* includes a provision on data confidentiality regarding information collected under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other statutes implementing international fishery agreements (e.g., Antigua Act, the Western and Central Pacific Fisheries Convention Implementation Act). The information may be disclosed if the organization (e.g., the IATTC) has policies and procedures to protect the information from unintended or unauthorized disclosure.

The IATTC adopted confidentiality standards that are comparable to those under MSA in [Resolution C-15-07](#) (*Amendment to Resolution C-13-05 on Data Confidentiality Policy and Procedures*).

The Port State Measures Agreement Act of 2015 implements the Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was signed by the United States in 2009. This agreement stipulates that nations with ports (port States) will apply the provisions of the agreement to foreign vessels seeking entry into their ports. It is intended to contribute to harmonized port State measures and prevent the flow of IUU-caught fish into national and international markets.³

² <https://www.federalregister.gov/articles/2016/01/20/2016-00906/nominations-for-the-general-advisory-committee-and-the-scientific-advisory-subcommittee-to-the>

³ <http://www.fao.org/fishery/psm/agreement/en>