

## NATIONAL MARINE FISHERIES SERVICE SOUTHWEST REGION HIGHLY MIGRATORY SPECIES REPORT

### **CA Thresher Shark/Swordfish Drift Gillnet BiOp**

On May 2, 2013, National Marine Fisheries Service (NMFS) completed a biological opinion (BiOp) on the California thresher shark/swordfish drift gillnet fishery. Consultation on this fishery was re-initiated last year. NMFS is working on implementing the terms and conditions of the BiOp, which include implementation of a Vessel Monitoring System (VMS) program in this fishery by August, 2015. A copy of the BiOp is available on the Southwest Regional Office (SWRO) website.

### **Marine Mammal Protection Act Negligible Impact Determination**

On May 8<sup>th</sup>, 2013 NMFS published a draft Marine Mammal Protection Act (MMPA) Negligible Impact Determination (NID) for fin, humpback and sperm whales covering the California thresher shark/swordfish drift gillnet and sablefish pot fishery. Public comments closed June 7, 2013. A copy of the draft NID is available on the SWRO website.

### **2013 List of Fisheries**

On April 22<sup>nd</sup>, NMFS published the proposed 2013 List of Fisheries (LOF) which included a recommendation to place the large mesh drift gillnet fishery in Category I due to observed entanglements of two sperm whales in 2010. Public comments on the proposed 2013 LOF closed on May 22<sup>nd</sup>. The final 2013 LOF should publish in June.

### **Shark Proposed Listing under ESA**

NMFS recently took action on two species of hammerhead sharks. On April 5, 2013, NMFS published a proposed rule to list on the Endangered Species Act (ESA) six distinct population segments (DPS) of scalloped hammerhead sharks. The eastern Pacific DPS, which occurs off the U.S. West Coast, is proposed for listing as endangered. Public comment closed on June 4, 2013. Final action is anticipated in 2014. On April 26, 2013, NMFS published a 90-day finding and has begun its 12 month review of a petition to list great hammerheads on the ESA. Public comments are due by June 25, 2013.

On June 25<sup>th</sup> and August 13<sup>th</sup>, 2012, NMFS received petitions to list the northeastern Pacific (NEP) DPS of great white sharks as threatened or endangered under the ESA. On September 28<sup>th</sup>, 2012, NMFS published a 90 day finding announcing both petitions presented substantial information indicating that the petitioned action may be warranted, and initiated a status review of the NEP white shark population. NMFS expects to publish a 12 month finding and the results of the status review this summer.

## **Billfish Conservation Act of 2012**

NMFS has issued an advance notice of proposed rulemaking (ANPR-78FR20291) to provide background information and request public comment on potential issues related to the implementation of the Billfish Conservation Act of 2012. A summary of the pertinent elements of the BCA 2012 were presented under the NMFS Report in the Briefing Book for the Pacific Council's March 2013 meeting and will not be repeated here.

Written comments regarding the issues in the ANPR must be received by 5 p.m., local time, on July 3, 2013. Comments may be submitted on this document, identified by NOAA-NMFS-2013-0004, by any of the following methods:

- Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0004](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0004) and click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- Submit written comments to: Kim Marshall, 1315 East-West Highway, SSMC3, Silver Spring, MD 20910.
- Fax: 301-713-1193; Attn: Kim Marshal

## **Inter-American Tropical Tuna Commission Resolution C-12-09**

NMFS proposed regulations under the Tuna Conventions Act of 1950, as amended, to implement decisions of the Inter-American Tropical Tuna Commission (IATTC). At the 83<sup>rd</sup> Meeting of the IATTC in June 2012, the IATTC adopted a number of resolutions, one of which required rulemaking to implement in the United States. The final rule will implement the following decision: Resolution C-12-09, Conservation and Management Measures for Bluefin Tuna in the Eastern Pacific Ocean (EPO). The main objective of Resolution C-12-09 is to implement limits on the commercial catches of bluefin tuna in the EPO and is expected to publish in the Federal Register in early June 2013.

## **85<sup>th</sup> Meeting of the IATTC**

The Inter-American Tropical Tuna Commission (IATTC) will meet in Veracruz, Mexico in early June 2013. NMFS will provide an update on issues relevant to the PFMC at its June meeting.

PFMC  
05/29/13