REGULATORY ACTIVITY

Vessel Identification Final Rule
NMFS is revising vessel marking requirements for commercial fishing vessels that fish for HMS off, or land HMS in the States of California, Oregon, and Washington. The rule will affect troll, pole and line, longline, and purse seine vessels, particularly if they operate in the Western and Central Pacific Fisheries Commission (WCPFC) Convention Area. The intent of the proposed action is to bring the existing vessel identification requirements at 50 CFR 660.704 [general HMS fisheries regulations under a fishery management plan] and 300.173 [regulations governing fishing under the U.S.-Canada Albacore Treaty] into conformity with the binding vessel identification requirements adopted by the WCPFC. The final rule is expected to publish in the Federal Register in September 2011 and the regulations will become effective on January 1, 2012, to allow time for the States of Oregon, Washington, and California to amend their regulations accordingly.

HMS FMP Amendment 2 Final Rule
The final rule implementing Amendment 2 to the HMS FMP is scheduled to be published in the Federal Register during the week of August 29, 2011. The rule will become effective 30 days after publication. The final rule will modify the suite of HMS FMP management unit species from the current 13 species to 11 species. The final rule also modifies the process for revising and seeking NMFS approval for numerical estimates of maximum sustainable yield and optimal yield, and to specify status determination criteria.

HMS FMP Swordfish Retention Limits Proposed Rule
The proposed rule to implement Deep-set Longline Swordfish Retention Limits under the HMS FMP will publish in the Federal Register early in September, 2011. The proposed rule would impose a trip limit of 10 swordfish when using J-hooks (tuna hooks) and 25 swordfish when using circle hooks. For trips carrying an observer there would be no retention limit in place regardless of hook type. The proposed rule would modify the current regulation which allows a maximum of 10 swordfish per trip when using authorized deep-set pelagic longline gear regardless of hook type or the presence of an observer on any given trip.

Deep-Set Buoy Fishery Research Project
The Saltonstall-Kennedy funded deep-set swordfish buoy research project, awarded to the Pfleger Institute of Environmental Research (PIER), has commenced in the Southern California Bight. Several swordfish have been captured and tagged to date. A more complete briefing will be made available at the November Council meeting once the project begins fishing in earnest.

Fish & Wildlife Service Proposes to End Southern Sea Otter Translocation Program
The U.S. Fish and Wildlife Service (Service) is proposing to end the 24-year-old southern sea otter translocation program in California following an in-depth evaluation that found that the
program is not meeting its objectives for restoring the species. The Service is soliciting public comments, which may be submitted electronically, by U.S. mail, or hand delivery, on the proposed rule, associated Initial Regulatory Flexibility Analysis (IRFA), or Revised Draft SEIS. The SWRO will be submitting comments on the proposal to end the translocation program.

The Service has scheduled public meetings in early October: one in Santa Barbara and one in Santa Cruz. The public meetings are for interested parties to verbally express comments or to submit written comments on the proposed rule, associated IRFA, or the Revised Draft SEIS.

More information on submitting public comment, the dates and location of the public meetings, the Southern Sea Otter Supplemental Environmental Impact Statement, Background information and a Questions and Answers section can be found here: http://www.fws.gov/cno/press/release.cfm?rid=253

UPCOMING MEETINGS IN 2011


October 24-25, La Jolla, CA. Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP).

October 26-27, La Jolla, CA. Meeting of the IATTC Permanent Working Group on Capacity.

December 5-9, Koror, Palau. Annual meeting of the WCPFC.

RECENT MEETINGS

Inter-American Tropical Tuna Commission (IATTC)

The IATTC convened in La Jolla, California, from July 4-8, 2011, to discuss conservation and management measures for tuna and tuna-like species in the IATTC Convention Area (i.e., the area bounded by the coast of the Americas, 150° W. longitude, and the 50° N. and S. latitudinal parallels). Many issues were considered but not adopted as resolutions, including but not limited to, conservation and management of Pacific bluefin tuna, fish aggregating device (FAD) management, port state measures, and catch documentation schemes. The following resolutions were adopted by the IATTC in 2011:

Resolution C-11-01 - Resolution on a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean 2011-2013

This measure is very similar to IATTC Resolution C-09-01 which was adopted at the 2009 IATTC meeting. The measure is applicable to purse seine vessels class sizes 4-6 (182 metric tons and greater well volume carrying capacity) and longline vessels greater than 24 meters in length that fish for yellowfin, bigeye, and skipjack tunas in the EPO. The resolution consists of, among other things, a purse seine closure period in the IATTC Convention Area for 62 days from 2011-2013, a time/area closure for purse seine vessels on the high seas to the west of the Galapagos
Islands, a bigeye tuna quota for longline vessels, and a tuna retention program in the purse seinefishery.

Resolution C-11-02 – Resolution to Mitigate the Impact on Seabirds of Fishing for SpeciesCovered by the IATTC
This measure is very similar to the seabird measure adopted by the WCPFC in 2007 (CMM-2007-04). The IATTC measure is applicable to longline vessels greater than 20 meters in length that use hydraulic, mechanical, or electrical systems and fish for species covered by the IATTC in the EPO north of 23°N (except in Mexican national waters) and south of 30°S, plus the area bounded by the coastline at 2°N, west to 2°N-95°W, south to 15°S-95°W, east to 15°S-85°W, and south to 30°S. Applicable vessels must use at least two mitigation measures listed in the table provided in the measure. The current U.S. requirements for seabird mitigation in the longline fisheries operating in the Pacific Ocean satisfy these provisions. There are also other provisions in the measure pertaining to data collection and reporting.

Recommendation C-11-03 – Resolution Prohibiting Fishing on Data Buoys
This measure is different from the measure adopted by the WCPFC in 2009 (CMM-2009-05). This measure, among other things, prohibits all fishing vessels from interacting with data buoys in the IATTC Convention Area and prohibits longline and purse seine fishing vessels from deploying fishing gear within one nautical mile of an anchored data buoy in the IATTC Convention Area. Interactions include, but are not limited to, encircling the buoy with fishing gear, tying up to or attaching the vessel, fishing gear, or any part or portion of the vessel, to a data buoy, or cutting its anchor line.

Resolution C-11-07 – Resolution on the Process for Improved Compliance of ResolutionsAdopted by the Commission
This measure establishes a process for improved compliance of resolutions adopted by theIATTC. The measure establishes procedures for improving compliance, including requiring eachmember to fill out an annual questionnaire regarding compliance with each IATTC resolution, andestablishing procedures and timelines for submitting information for consideration incompliance cases. The questionnaire and all supplemental materials will then be reviewed by theIATTC Implementation Committee and the IATTC plenary each year.

Resolution C-11-08 – Resolution on Scientific Observers for Longline Vessels
This measure requires that at least five percent of the fishing effort made by longline fishingvessels greater than 20 meters in length operating in the IATTC Convention Area carry a scientific observer. The measure goes into effect on January 1, 2013 and the results of theobserver program will be reviewed in subsequent years to determine whether the five percentcoverage rate should be increased.

Resolution C-11-10 – Resolution on the Conservation of Oceanic Whitetip Sharks Caught inAssociation with Fisheries in the Convention Area
This measure prohibits the retention, sale, landing, transshipment, storing, or offering for saleany part or whole carcass of oceanic whitetip sharks in the fisheries covered by the IATTC. Themeasure also requires vessels to promptly release unharmed, to the extent practicable, whitetipsharks when brought alongside the vessel.
Resolution C-11-11 – Resolution on the Creation of the Special Sustainable Development Fund for Fisheries for Highly Migratory Species to Strengthen the Institutional Capacity of Developing Countries
This measure establishes a development fund for capacity building, such as creating systems for the collection, processing, and analyzing of data and participation in meetings of the IATTC, in developing countries. An initial USD $50,000 contribution will go into the fund from the annual IATTC budget in 2013. The remainder of the resources of the fund will come from contributions obtained from Members of the IATTC or from national and international bodies or entities interested in strengthening the capacities of developing countries. Contributions may be declared for a specific use, consistent with the nature of the fund.

Resolution C-11-12 – Resolution on the Carrying Capacity of Peru
This measure grants Peru 5,000 cubic meters of additional purse seine carrying capacity per the footnote in Resolution C-02-03, to be utilized by vessels flying the Peruvian flag operating in the marine areas under the jurisdiction of Peru. This capacity cannot be transferred to other flags nor used for the chartering of vessels of other flags.

Other Resolutions and Decisions Adopted by the IATTC in 2011
The IATTC also adopted a resolution on the budget for 2012 (Resolution C-11-04), made several amendments to the Regional Vessel Register Resolution (now Resolution C-11-06), the List of Authorized Large-Scale Longline Vessels (now Resolution C-11-05), and the Transshipment Resolution (now Resolution C-11-09), and agreed to a Memorandum of Cooperation with the WCPFC for the cross endorsement of observers.

Meeting of the Five Tuna Regional Fishery Management Organizations (Kobe III)
A meeting of the five tuna RFMOs (the IATTC, Western and Central Pacific Fisheries Commission, International Commission for the Conservation of Atlantic Tunas, Indian Ocean Tuna Commission, and Commission for the Conservation of Southern Bluefin Tuna) met in La Jolla, California, July 12-14, 2011. The Kobe III participants discussed many cross-cutting issues among the tuna RFMOs and agreed to a suite of recommendations on science, management, and compliance and enforcement (see Document K3-REC-A; Agenda Item E.1.a, Attachment 2).

Thresher Shark Information Sharing Meeting
The meeting was organized in response to the decision by a local supermarket chain to discontinue the sale of all sharks, including federally-managed common thresher shark, (Alopias vulpinus). That decision was fueled in part by a shark meat boycott campaign led by a conservation group. The boycott negatively impacted California fishermen who seasonally harvest thresher shark as well as seafood buyers who sell thresher shark to local retail customers, including the Henry’s Farmers Market chain. The meeting was designed to provide a series of short informative presentations surrounding the underlying issues of the boycott and to provide an update on the status of the thresher shark stock and relevant conservation and management measures in place. The presentations fed into a round table discussion facilitated by Dr. Jerry Schubel, President of the Aquarium of the Pacific. The goal of the meeting was to reach a
common understanding of the issues and perspectives under consideration and to identify solutions going forward that would satisfactorily address the needs of all involved.