

NMFS HIGHLY MIGRATORY SPECIES REGULATORY REPORT

Emergency Rule to Minimize Take of Sperm Whales in DGN Fishery

On September 4, 2013, NMFS issued temporary regulations (78 FR 54548) under the authority of Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to reduce the risk of entanglement of sperm whales in the California thresher shark/swordfish large-mesh drift gillnet (DGN) fishery. The need for this emergency action stemmed from the observed take of two sperm whales in the DGN fishery during the 2010 through 2011 fishing season and the subsequent need to reduce the risk of future sperm whale takes so as to legally comply with both the Endangered Species Act and the Marine Mammal Protection Act. This emergency action was time sensitive as NMFS otherwise could not have legally authorized the DGN fishery to operate for the 2013 applicable federal statutes. The regulations implemented an immediate closure of the DGN fishery if one sperm whale was observed killed or seriously injured during the season and required all DGN fishing vessels to carry a NMFS-trained observer from August 15, 2013 to January 31, 2014 in a 100 percent observer coverage area (Zone). The Zone covered nearly all areas in the U.S. exclusive economic zone deeper than the 1,100 fathoms (2,012 meters) depth contour. Owners/operators of vessels who fished with DGN gear were also required to install and operate a vessel monitoring system (VMS).

The temporary regulations expired with the end of the DGN fishing season on January 31, 2014. There were no observed interactions with sperm whales during the season and all 19 vessels that participated in the fishery had operational VMS units. The Pacific Offshore Cetacean Take Reduction Team met from February 4 through 6, 2014, at the NMFS office in Long Beach to review available information, including performance of the temporary regulations, and made recommendations to NMFS on modifications to the Take Reduction Plan for permanent regulations to minimize take risk for sperm whales and other species included in the Plan.

Proposed Rule to Implement IATTC Resolution C-13-02 for the Conservation and Management of Bluefin Tuna in the Eastern Pacific Ocean

Publication Date: January 10, 2014 (79 FR 1810)

Public comment deadline: February 10, 2014

Public hearing: 1-4pm PST, February 10, 2014, NMFS office in Long Beach, CA

This action if adopted would implement under the Tuna Conventions Act IATTC Resolution C-13-02 that would place a limit on commercial harvests of Pacific bluefin tuna in the Convention Area for 2014. The proposed rule specifies a Commission-wide catch limit of 5,000 metric tons for commercial fleets in the Eastern Pacific Ocean and allows a minimum of 500 metric tons for the United States. The rule is expected to have a beneficial impact on Pacific bluefin tuna and other living marine resources since it would extend catch limits that expired December 31, 2013. The economic impacts of this rule will likely be negligible since the U.S. fleets that catch Pacific bluefin tuna have not caught more than 500 metric tons of bluefin in more than a decade. For more information please see: <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0119>.

Proposed Rule to Implement IATTC Resolution C-13-01 for the Conservation of Tropical Tunas in the Eastern Pacific Ocean

Publication Date: February 5, 2014 (79 FR 6876)

Public comment deadline: February 25, 2014

Public hearing: 1-4pm PST, February 12, 2014

This action proposes to implement under the Tuna Conventions Act Resolution C-13-01 adopted by the Inter-American Tropical Tuna Commission in June 2013. NMFS is proposing to: (1) extend the effective period of the current tuna conservation regulations by continuing a 500 metric ton bigeye tuna catch limit to longline vessels greater than 24 meters in overall length and a 62-day closure period to purse seine vessels of class size 4 to 6 (greater than 182 metric tons) to 2014 through 2016; and (2) include an exemption to the purse seine closures due to force majeure. There are only slight adjustments being made to the existing tuna conservation measures, which were implemented (76 FR 68332, November 4, 2011) as a result of the adoption of IATTC Resolution C-11-01 in 2011 and expired at the end of 2013. For more information please see <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0014>.

Proposed Rule to Implement IATTC Resolution C-04-06 on the Establishment of a Vessel Monitoring System

The following proposed rule is the subject matter of Agenda Item K.2.

Publication Date: February 6, 2014 (79 FR 7152)

Public comment deadline: March 10, 2014

Public hearing: 1-4pm PST, February 28, 2014 at the NMFS office in Long Beach, CA

This action proposes to implement under the Tuna Conventions Act IATTC Resolution C-04-06 adopted by the IATTC in June 2004. This rule proposes to require owners and operators of tuna-fishing vessels in the eastern Pacific Ocean to have installed, activate, carry and operate vessel monitoring system (VMS) units (also known as “mobile transmitting units”). The VMS units would have to be type-approved and authorize NMFS to receive and relay transmissions (also called “position reports”) from the VMS unit to the IATTC and to NMFS. For more information please see <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0117>.

Proposed Rule to Implement Part of IATTC Resolution C-13-04 on the Conservation of Whale Sharks

This rule would implement under the Tuna Conventions Act IATTC Resolution C-13-04 intended to conserve whale sharks and collect information on fish aggregating devices. This proposed rule is in development and it is anticipated that they will publish early spring 2014.

This action requires that by July 1, 2014, owners and operators of purse seine vessels in the eastern Pacific Ocean would be prohibited from setting a purse seine on a school of tuna associated with a live whale shark, if the shark is sighted prior to the beginning of the set. If a whale shark is encircled in the purse seine net the master of the vessel would be required to ensure that all reasonable steps are taken to ensure its safe release and report the details of the incident to the Inter-American Tropical Tuna Commission and NMFS.

Proposed Rule to Implement IATTC Resolution C-12-07 for the Establishment of a Program to Monitor Transshipments

This proposed rule is in development and it is anticipated that they will publish early spring 2014.

This rule implements under the Tuna Conventions Act IATTC Resolution C-12-07 that if adopted will establish a program to monitor transshipments by large-scale tuna fishing vessels. This rule would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: (1) criteria for transshipping in port; (2) criteria for transshipping at sea by longline vessels, only to an authorized carrier vessel with an IATTC observer onboard and an operational vessel monitoring system; (3) the Pacific Transshipment Declaration Form, which must be used to report transshipments in the IATTC Convention Area. The rule is neither applicable to troll or pole-and-line vessels, nor to vessels that transship fresh fish at sea.

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