

NMFS REPORT ON HMS ACTIVITIES

1. Domestic

NMFS published final rules to implement the Shark Finning Prohibition Act; a copy is provided as Attachment 1 in the Council briefing materials for this agenda item. The regulations went into effect March 13, 2002. Essentially, the rules prohibit a person on a U.S. fishing vessel from engaging in finning of sharks, from possessing shark fins without corresponding carcasses on a U.S. fishing vessel, or selling shark fins without corresponding shark carcasses.

2. International

a. IATTC Work Groups on Negotiations, Bycatch, and Fleet Capacity have met in the past 3 months. The Work Group on Negotiations resolved a number of major issues relating to a new convention for the IATTC. The Chair of the Working Group is expected to provide a chairman's draft for discussion at the annual meeting of IATTC in June, but a final text is not likely to be considered for signing until early next year. The Bycatch Working Group will present a draft resolution for the full Commission to consider in June. Essentially this resolution would maintain the current pilot project for full retention of tuna, prompt release of other non-target fish species, and special handling for sea turtles taken in purse seine fisheries; would promote research and testing of new techniques and gear for bycatch reduction in purse seine fisheries; and would promote collection and exchange of sea turtle bycatch in all other fisheries. This resolution is likely to be adopted. The Fleet Capacity Working Group agreed (subject to review of final language) to an approach that would "freeze" purse seine capacity at recent levels (with some national exceptions) and use an IATTC fleet capacity management plan to achieve a long-term target level of 135,000 mt carrying capacity in the purse seine fleet. The conditions to allow "new" capacity through introduction of new vessels to the fleet would be very limiting. It is not possible to say whether this approach is likely to be approved by all the parties to IATTC in June.

b. A second preparatory conference for the central and western Pacific HMS management agreement was held in Papua New Guinea a couple of weeks ago. Considerable progress was made in the area of monitoring, control and surveillance, with the United States being the chair of a special committee to address this issue more fully. There is still concern that no way has been found to assure Japanese participation in the arrangement given the importance of Japanese fisheries in the region. Several other nations that did not sign the agreement appear to be closer to joining subject to affirmation that such aspects as boardings and inspection procedures have been satisfactorily established.

c. In December, the United States embassy delivered a diplomatic note to the Government of Canada indicating that there would need to be substantively final agreement by the end of 2002 on limits for reciprocal fishing under the U.S.-Canada Albacore Treaty or the United States would file a notice of intent to terminate the Treaty by the end of 2003. Canada responded with a counter to the latest U.S. proposal that had called for a very substantial reduction in Canadian fishing in U.S. waters. The Canadian proposal did not call for a significant movement toward the U.S. proposal, but subsequent direct contact between the Department of State and Canada's foreign ministry, followed by discussions with the U.S. industries involved, have led to agreement that the United States will indicate that additional talks with Canada are necessary to see if agreement can be reached this year. A new U.S. proposal is being developed that will build on the proposal that the United States tabled at the last meeting taking into consideration some ideas that the Canadian side has presented in the direct contacts mentioned above. Meeting dates in April are being explored. The Council will be kept informed of progress so that Council representation at such a meeting can be arranged.