

REPORT ON RECENT ACTIVITIES RELATED TO HIGHLY MIGRATORY SPECIES (HMS)
NATIONAL MARINE FISHERIES SERVICE (NMFS), SOUTHWEST REGION

1. U.S.-Canada Albacore Treaty

A negotiating session held April 23-24, 2002, resulted in agreement on a three-year regime for reciprocally limiting effort by U.S. and Canadian troll albacore fishing vessels' activities in each other's waters. Canadian effort would be limited by vessels; U.S. effort would be limited by vessel months. This is intended to provide relatively equal fishing opportunity. The limits would gradually be reduced over the three-year period, though the agreement provides some flexibility to carry over "unused" effort from one year to the next. The target for implementation is the 2003 season, pending (a) legislation by Congress to authorize U.S. regulations to limit the U.S. fishery and (b) NMFS rulemaking for procedures to monitor entry and exit of vessels against the limits each year so that, if a limit is reached, the fishery would be "closed" in a timely manner.

The limits would be as follows:

| Year | Canadian boats in the U.S. EEZ | U.S. effort in Canadian EEZ |
|------|--------------------------------|-----------------------------|
| 2003 | 170 vessels | 680 months |
| 2004 | 140 vessels | 560 months |
| 2005 | 125 vessels | 500 months |

After the third year, the Parties can extend the agreement for one year or more, but if no agreement is reached, then a default of 75% of the third year would be implemented. A meeting is scheduled with the Canadians in Seattle, Washington on July 24-25, 2002, to discuss specific actions needed by both parties to make this system work, including reporting and monitoring mechanisms.

2. Inter-American Tropical Tuna Commission (IATTC)

The IATTC is scheduled to hold its annual meeting June 24-28, 2002, in Manzanillo, Mexico. It is expected the IATTC will adopt resolutions dealing with yellowfin tuna, bycatch, compliance, and fleet capacity, and may adopt a resolution dealing with bigeye tuna. Copies of any resolutions ultimately adopted will be provided to the Council.

3. Western Pacific HMS Management

A final rule governing seabird mitigation measures in the Hawaii-based longline fishery were published on May 14, 2002 (67 *FR* 34408). The regulations requires fishermen to use line-setting machines and thawed blue-dyed bait and strategic offal discards during setting and hauling of longline gear. This rule codifies the terms and conditions of a biological opinion issued by the U.S. Fish and Wildlife Service on November 28, 2000, to protect the endangered short-tailed albatross. The rule also implements measures recommended by the Western Pacific Council in a proposed rule published on July 5, 2000 (65 *FR* 41424).

A proposed rule establishing sea turtle take mitigation measures in the Hawaii-based longline fishery were published on April 29, 2002 (67 *FR* 20945). The regulations implement gear specifications for longline gear, prohibits targeting swordfish north of the equator, prohibits landing or possessing more than 10 swordfish per trip by longline vessels fishing north of the equator, establishes a closed area during April and May south of Hawaii between the equator and 15° N latitude, and requires all longline vessel operators to attend a protected species workshop annually. This rule would implement the reasonable and prudent measures of the March 29, 2001 biological opinion issued by NMFS under the Endangered Species Act.

An emergency rule was published on April 5, 2002 (67 *FR* 16323), affecting the Hawaii-based longline fishery that prohibits possessing or landing more than 10 swordfish per trip when fishing north of the equator and prohibits all longline fishing north of 26° N latitude. This emergency rule expires on June 8. The April 29 proposed rule mentioned above contains the 10 swordfish possession restriction, but not the longline closure north of 26° N latitude.