

NMFS SWR Report

I. Regulatory Activities

CPFV Vessel Markings: NMFS issued a final rule to amend vessel identification regulations of the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) on August 6, 2007 and effective September 5, 2007. The current regulatory text requires all commercial fishing vessels and recreational charter vessels fishing under the HMS FMP to display their official numbers on the port and starboard sides of the deckhouse or hull so as to be visible from enforcement vessels and aircraft. The final rule exempts HMS recreational charter vessels from complying with the vessel identification requirements. The regulation relieves a restriction for which the costs outweigh the benefits. Current state and U.S. Coast Guard marking requirements are sufficient for law enforcement personnel to adequately identify HMS recreational charter vessels at sea.

Tropical Tuna 2007 Conservation Measures: NMFS published a final rule on June 4, 2007, and effective August 1, 2007, to implement the 2007 management measures to reduce overfishing of the eastern Pacific Ocean (EPO) tuna stocks in 2007, consistent with recommendations by the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State under the Tuna Conventions Act. The U.S. purse seine fishery for yellowfin, bigeye, and skipjack tunas in the EPO closed for a 6-week period beginning August 1, 2007, through September 11, 2007. The longline fishery for bigeye tuna will close when a 500 metric ton (mt) limit has been reached. These actions are taken to limit fishing mortality caused by purse seine fishing and longline fishing in the EPO and contribute to long-term conservation of the tuna stocks at levels that support healthy fisheries.

Tuna Bag Limits: NMFS issued a proposed rule on June 27, 2007, to implement daily bag limits for sport-caught albacore and bluefin tuna in the Exclusive Economic Zone off California under the HMS FMP. The proposed rule would be implemented as a conservation measure as part of the 2007–2009 biennial management cycle as established in the HMS FMP Framework provisions for changes to routine management measures. The comment period ended July 27, 2007 and the final rule package was to be submitted late August.

II. Other Activities:

Drift Gillnet Leatherback Sea Turtle Conservation Area: When NMFS denied the Drift Gillnet Exempted Fishing Permit in June, 2007, it did not foreclose a reexamination of the seasonal closure using fishery independent information. The agency recognizes that considerable information on leatherback turtle distribution and migratory routes has been collected since the closure went into effect in 2001 including data from the most recent field season. Southwest Fisheries Science Center turtle experts are preparing to meet in November with Southwest Region staff to examine the baseline of what is currently known about the migration of leatherback sea turtles along the West Coast and determine whether there is sufficient information to reconfigure the seasonal closure. NMFS staff will also use the

workshop to identify what additional data needs are required and use that to prepare a research plan. NMFS intends to submit a report of their results to the Council in spring 2008.

Shallow-Set Longline Exempted Fishing Permit (EFP): The SWR was notified on August 7, 2007, by way of a letter from Mr. David Kennedy, Director of NOAA's Office of Ocean and Coastal Resource Management (OCRM), to Mr. Peter Douglas, Executive Director of the California Coastal Commission (CCC), that OCRM had approved CCC's request to review the EFP. Accordingly, the applicant, Mr. Pete Dupuy, must provide the CCC with a consistency certification pursuant to the Coastal Zone Management Act. The State of California must complete its review within three months from receipt of Mr. Dupuy's consistency certification and accompanying necessary data and information. In addition, NMFS may approve the EFP only if consistency with the California Coastal Act is resolved under NOAA regulation implementing the Coastal Zone Management Act. As a result of this delay, NMFS requests that the Council recommend that the EFP be approved for the 2008 fishing season as originally submitted for the 2007 fishing season.

HMS Permit Fees: When the HMS FMP was implemented in 2004, a federal permit for HMS vessels was required but a fee for the permit was not included. The authority for NMFS to charge permit fees to recover its administrative costs is contained in five statutes. Historically, each NMFS permit program individually decided whether or not to use this authority to charge an administrative fee for the recovery of permit processing and issuance expenses. Based on NMFS national policy on permit fees, NMFS intends to begin the process to undertake a regulatory amendment to allow for the collection of HMS permit fees.

III. Meeting Summaries

Inter-American Tuna Tropical Commission (IATTC): The IATTC held its 75th annual meeting, June 25-29, 2007, in Cancun, Mexico. Subsidiary meetings also conducted included the Joint Working Group on Fishing by Non-Parties, the Permanent Working Group on Compliance, and the Working Group on Finance.

Selection of a new Director to the IATTC was confirmed. Dr. Guillermo Compean from Mexico will head the IATTC staff.

Tuna Conservation Measures for yellowfin and bigeye beyond 2007 were not adopted.

IV. Upcoming Meetings

Northern Committee of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. September 11-13, 2007, Tokyo, Japan.

The IATTC will meet in a special session in October 22-24, 2007 to resolve the issue of tuna conservation measures for 2008 and beyond.

A meeting of the General Advisory Committee to the U.S. Section to the IATTC will be held November 2, 2007, in La Jolla, California, at the NMFS Southwest Fisheries Science Center Large Conference Room.