

NATIONAL MARINE FISHERIES SERVICE (NMFS) REPORT
ON DOMESTIC HIGHLY MIGRATORY SPECIES ACTIVITIES

Prohibited species

The National Marine Fisheries Service (NMFS) published a final rule in the *Federal Register* on August 5, 2015 (80 FR 46519), to revise Highly Migratory Species (HMS) prohibited species regulations. The rule clarified exceptions to the prohibition on retaining certain species while fishing for HMS, including: salmon; Pacific halibut; and basking, great white, and megamouth sharks. These exceptions were in the HMS Fishery Management Plan but had never been explicitly written into the implementing regulations. The rule, which became effective on August 5, 2015, revised HMS regulations so that salmon and Pacific halibut can be retained as long as all applicable regulations for fishing those species are followed, and the three sharks can be retained if they are sold or donated to a scientific or educational organization.

Recreational Bluefin Tuna Fishing

NMFS published a final rule in the *Federal Register* on July 28, 2015 (80 FR 44887), that modified the existing recreational bag and possession limits for Pacific bluefin tuna (PBF) in the U.S. exclusive economic zone (EEZ) off California and established new at-sea filleting requirements for any tuna species in the U.S. EEZ south of Point Conception, Santa Barbara County. The modified limits allow for the retention of up to 2 PBF per day with a maximum possession of 6 PBF if on a multi-day trip (4 PBF on a 2 day trip, 6 PBF on a 3 day or longer trip). These measures were based on a November 2014 recommendation by the Council as part of the 2015–2016 biennial management cycle, as established in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species framework provisions for changes to routine management measures. This rule is intended to conserve PBF, which is currently determined to be overfished and subject to overfishing.

Exempted Fishing Permits (EFPs) for Swordfish and other Marketable HMS -- Progress on Issuance

Deep-set Buoy Gear

NMFS West Coast Region (WCR) Sustainable Fisheries Division (SFD) HMS Branch continues to make progress on the issuance of the deep-set buoy gear EFPs. WCR Protected Resources Division (PRD) concurred with SFD's request for 30% observer coverage for the EFP issued to the Pflieger Institute of Environmental Research (PIER) and 100% observer coverage for the EFPs issued to Perguson and Mintz. Under the terms and conditions for all three EFPs, a single take of an Endangered Species Act (ESA)-listed species in an EFP must be immediately reported to NMFS, and fishing will cease under that EFP until PRD evaluates whether a reinitiation of

ESA consultation is warranted. For example, if an ESA take occurs by a single vessel operating under the PIER EFP, then fishing would cease for the PIER EFP while PRD considers the situation; however, the Ferguson and Mintz EFPs could continue fishing unaffected. Permits for the PIER EFP have been signed and are effective for two of their participant fishing vessels as of August 26, 2015. Fishing by at least one of PIER's vessels is anticipated to commence in early September 2015. Permits for the Ferguson EFP have been signed by the NMFS WCR Regional Administrator (RA) and will be effective when signed by Ferguson and the participant fishing vessel representatives. The permit for the Mintz EFP is awaiting RA approval.

Shallow and Deep-set Longline within the US Exclusive Economic Zone

NMFS SFD initiated the scoping process to determine the appropriate level of National Environmental Policy Act (NEPA) analysis required to accompany NMFS' consideration of the Pete Dupuy Longline EFP. SFD plans to draft an Environmental Assessment (EA) to evaluate a range of alternatives and identify a preferred alternative for a well-defined action, and anticipates making this available for public comment in the Spring of 2016. ESA consultation would occur within a similar time frame.

The California Coastal Commission (CCC) submitted a request to NOAA's Office for Coastal Management (OCM) to review this potential EFP for consistency under the Coastal Zone Management Act. SFD HMS branch staff are in the process of preparing comments to submit to OCM to inform their decision on whether or not to grant the CCC's request. It is anticipated that OCM will reach their decision in October once the CCC has had the opportunity to respond to NMFS' comments.

Drift gillnet

HMS branch staff are in the process of drafting the *Federal Register* notice to announce receipt of the Alliance of Communities for Sustainable Fisheries' EFP application.

Domestic Rules Update

- **VMS Requirements for Drift Gillnet Final Rule**
 - Published: February 26, 2015
 - Effective: July 9, 2015
 - Was delayed until approval of collection-of-information requirements on May 5, 2015
- **Recreational Bluefin Catch and Fillet Requirements Final Rule**
 - Published: July 28, 2015
 - Effective: July 30, 2015
- **Clarifying Prohibited Species Regulations Final Rule**
 - Published and effective: August 5, 2015

EFPs Update

- **Deep-set buoy gear:**
 - EFPs now issued to all three applicants: PIER, Perguson, and Mintz
 - PIER began fishing this month
- **Longline:**
 - FR notice announcing applications were received (May)
 - Staff starting analyses
 - CA Coastal Commission request to review; NMFS providing a response to NOAA Office of Ocean and Coastal Management
- **DGN in PLCA:**
 - Staff working on the FR notice to announce the receipt of the application