

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

Proposed Rule to Implement Protected Species Hard Caps in the California/Oregon Large-Mesh Drift Gillnet (DGN) Fishery

On October 13, 2016, NMFS published, and is seeking comment on, a proposed rule ([81 FR 70660](#)) to implement hard caps on certain protected species for the California/Oregon DGN fishery. The proposed rule would implement an immediate closure of the DGN fishery if a hard cap on mortality/injury is met or exceeded for certain protected species during a rolling 2-year period. The length of the closure would be dependent on when the hard cap is reached.

The comment period will close on November 28, 2016, and comments may be submitted online via the [Federal e-Rulemaking Portal](#) or in writing.

Proposed Rule on Fish Aggregating Devices (FADs) and Silky Sharks

NMFS published a proposed rule ([81 FR 70080](#)) on October 11, 2016, to implement provisions for two Resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC) in 2016: [Resolution C-16-01](#) (*Collection and Analyses of Data On Fish-Aggregating Devices*) and [Resolution C-16-06](#) (*Conservation Measures for Shark Species, with Special Emphasis on the Silky Shark (Carcharhinus Falciformis) for the Years 2017, 2018, and 2019*). The comment period closes on November 10, 2016.

Regarding the use of FADs, the proposed rule would require the owner or operator of a U.S. purse seine vessel to place a unique marker on each FAD deployed or modified on or after January 1, 2017. It would also require the vessel owner or operator to record and submit specific information about any FAD they deploy on or after January 1, 2017. The IATTC Secretariat is currently working on further describing and defining the required data fields.

The remaining two elements of the proposed rule focus on the conservation of silky sharks in the IATTC Convention Area. First, the proposed rule would prohibit the crew, operator, or owner of a U.S. commercial purse seine fishing vessel used to fish for tuna or tuna-like species from retaining on board, transshipping, storing, or landing any part or whole carcass of a silky shark that is caught in the IATTC Convention Area. Second, it would require the crew, operator, or owner of a U.S. commercial longline fishing vessel to limit the retained catch of silky sharks caught in the IATTC Convention Area to a maximum of 20 percent by weight of the total catch of fish during any fishing trip that occurred, in whole or in part, in the IATTC Convention Area.

Longline Exempted Fishing Permit (EFP) Comments

The Notice of Availability and request for comments on the Draft Environmental Assessment (EA) for a Longline EFP was published on September 2, 2016 ([81 FR 60675](#)), and the comment period closed October 3, 2016. In total, NMFS received 14 comments. Six supported the preferred alternative and six opposed, urging NMFS to reject the EFP. One commenter supported the preferred alternative with modification, and one commenter recommended changes to the EA but did not state support or opposition for the action. Common reasons for supporting the action include reducing reliance on imported seafood by increasing domestic catch, capturing data about the viability of a U.S. West Coast-based longline fishery, and a belief that the gear and

methods of deployment as detailed in the draft EA will help fishermen avoid interactions with non-target species. Comments in opposition cited concerns with increased bycatch, truncating Hawaii longline data to fishing that occurred east of 140°W for use as a proxy data set, and the omission of a detailed review of other fisheries and environmental processes occurring in the Pacific in the cumulative impact analysis. Pending Section 7 ESA consultation, NMFS will respond to comments in a final NEPA analysis.

Updates on Deep-Set Buoy Gear (DSBG) EFPs

On October 17, 2016, NMFS published a request for comments on the Stephens EFP application and the extension of the Pflieger Institute of Environmental Research (PIER) and Perguson DSBG EFPs through 2018 in the Federal Register ([81 FR 71484](#)). The applications request a 2-year exemption from various prohibitions under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species to test the effects and efficacy of using DSBG to fish for swordfish and other highly migratory species off the U.S. West Coast. The Pacific Fishery Management Council recommended that NMFS issue the Stephens EFP at its [September 2016 meeting](#) and that NMFS extend the PIER and Perguson EFPs at its [March 2016 meeting](#). The comment period closes on November 16, 2016.