

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

Amendment 4 to the Fishery Management Plan for U.S. West Coast Fisheries for HMS (HMS FMP): Revisions to the Biennial Management Cycle

On April 24, 2018, NMFS approved Amendment 4 to the HMS FMP. The implementing regulations to shift the schedule and update descriptions of the Pacific Fishery Management Council's (Council's) biennial management cycle were published on May 7, 2018, and will become effective June 6, 2018 ([83 FR 19981](#)).

Import Restrictions Under the Marine Mammal Protection Act (MMPA) Update

The final List of Foreign Fisheries (LOFF) published on March 16, 2018 ([83 FR 11703](#)). The LOFF reflects available information on marine mammal interactions in commercial fisheries exporting fish and fish products to the United States. NMFS has classified each commercial fishery included in the draft LOFF as either "exempt" or "export" based upon frequency and likelihood of incidental mortality and serious injury of marine mammals that is likely to occur incidental to each fishery. The classification of a fishery will determine which regulatory requirements will be applicable to that fishery to enable the nation to receive a comparability finding necessary to export fish and fish products to the United States from that particular fishery. The LOFF and other information about the implementation of the fish and fish product import provisions of the MMPA can be found on the [NMFS International Affairs site](#).

Amendment 5 to the HMS FMP: Federal Limited Entry (LE) Drift Gillnet (DGN) Permit

NMFS published a final rule on March 14, 2018 ([83 FR 11146](#)), that established a Federal LE permit for the California/Oregon large-mesh DGN fishery. The final rule became effective on April 13, 2018. NMFS mailed Federal LE DGN permit applications to all current State of California LE DGN permit holders, and as of May 11, 2018, NMFS has issued 46 LE DGN permits for the 2018/2019 fishing year.

Final Rule Revising Pacific Bluefin Tuna (PBF) Trip Limits for 2018

On March 28, 2018, NMFS published a final rule to revise trip limits on the commercial catch of PBF applicable to 2018; this rule became effective on April 27, 2018 ([83 FR 13203](#)). U.S. commercial fishing vessels are subject to a biennial limit for 2017 and 2018, and the catch limit in 2018 is 114 metric tons (mt). To avoid exceeding the biennial limit, NMFS is imposing a 1-mt trip limit—except for large-mesh drift gillnet vessels, which would be subject to a 2-mt trip limit—throughout 2018 or until the 2018 catch limit is reached and the fishery is closed. To date, the 2018 catch is less than 5 mt.

Final Rule for Tropical Tuna in the Eastern Pacific Ocean (EPO) for 2018-2020

NMFS published a final rule on April 11, 2018 ([83 FR 15503](#)), to implement Resolution [C-17-02](#) (*Conservation Measures for Tropical Tunas in the Eastern Pacific Ocean During 2018-2020 and Amendment to Resolution C-17-01*). These regulations apply to U.S. commercial fishing vessels using purse seine or longline gear to fish for tropical tuna (bigeye, skipjack, and yellowfin) in the Inter-American Tropical Tuna Commission Convention Area in 2018-2020. The rule continues to

apply the regulations effective in previous years for purse seine vessels with a carrying capacity greater than 182 mt: 1) a 72-day closure; 2) a 31-day area closure (the ‘corralito’ closure); and 3) a requirement that—with some exceptions—all tropical tuna be retained and landed.

In addition, this rule establishes a bigeye tuna catch limit of 750 mt for U.S. longline vessels greater than 24 meters in overall length, revises *force majeure* exemptions, and regulates the use of fish aggregating devices (FADs). The new restrictions on FADs include limits on the number of *active* FADs, reporting on active FADs, retrieval and deployment restrictions on FADs, and requirements for non-entangling construction of FADs. This rule will become effective May 11, 2018, except for the regulations that apply to FAD designs, which are effective on January 1, 2019.

Advance Notice of Proposed Rulemaking (ANPR) for IATTC Capacity Limits for Purse Seine Vessels on the IATTC Regional Vessel Register

NMFS is considering amending regulations governing the management of purse seine vessel capacity limits associated with the IATTC Regional Vessel Register (50 CFR 300.22(b)). NMFS published an ANPR on March 29, 2018, to provide notice to the public and request comments; the comment period closed on April 30, 2018. In the ANPR, NMFS also announced its intent to make a technical correction to the carrying capacity in U.S. regulations to match the actual carrying capacity on record with the IATTC (i.e., from 31,775 cubic meters (m³) to 31,866 m³). NMFS received three comments generally in support of, and with suggestions on, amendments. NMFS will review the comments to determine what, if any, regulatory amendments will make management of U.S. tuna purse seine capacity more effective.