

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

### **Large-Mesh Drift Gillnet (DGN) Loggerhead Closure**

NMFS is preparing to implement a DGN loggerhead closure effective June 1 through August 31, 2019. Waters off of southern California east of 120° west longitude would be closed to DGN fishing during this period. The Federal Register Notice is scheduled to publish on May 28, 2019.

On February 14, 2019, the Climate Prediction Center (CPC) issued an *El Niño Advisory*, declaring that El Niño conditions formed during January 2019, based on the presence of above-average sea surface temperatures (SSTs) across most of the equatorial Pacific Ocean. Since that initial advisory, all monthly CPC updates have stated that El Niño conditions remain in these waters. On May 9, 2019, CPC reaffirmed that El Niño conditions remain present.

On May 7, 2019, NMFS staff reviewed the SST anomalies in the Southern California Bight (SCB) during March and April of 2019, relying on SST maps available through NOAA's Coast Watch program (for details see <http://coastwatch.pfeg.noaa.gov/erddap/index.html>). These maps indicated that SSTs were above normal in the SCB. NMFS concluded that a determination of anomalous SST conditions off southern California is warranted, given the warmer-than-normal SSTs during the second and third months prior to the month of the closure. This determination is consistent with regulations at 50 CFR 660.713(c)(2)(ii).

If SSTs return to normal or below normal during the closure period, regulations at 50 CFR 660.713(c)(2)(iii) state that the Assistant Administrator may reopen the fishery, after publishing a Federal Register notice announcing that anomalously warm SST conditions are no longer present in the SCB.

### **Proposed Rulemaking for Inter-American Tropical Tuna Commission (IATTC) Purse Seine Vessels on the IATTC Regional Vessel Register (RVR)**

NMFS published a proposed rule on April 16, 2019 (84 FR 15556) under the Tuna Conventions Act of 1950, as amended, to implement International Maritime Organization (IMO) requirements under IATTC Resolution C-18-06 (*Resolution (Amended) on a Regional Vessel Register*), and amendments to regulations related to the IATTC RVR for purse seine vessels fishing in the eastern Pacific Ocean (EPO). The proposed rule accounted for comments received in response to an Advanced Notice of Proposed Rulemaking which published on March 29, 2018.

The proposed rule would implement the following regulatory changes:

- Expand IMO number requirements to include U.S. commercial vessels fishing for tuna and tuna-like species in the EPO on the high seas that are 12 meters or greater in overall length.
- Make a regulatory correction to reflect a purse seine fleet capacity limit of 31,866 cubic meters, an increase of 91 cubic meters.
- Clarify that the capacity limit of inactive vessels counts towards the U.S. fleet capacity limit.

- Create a vessel replacement process for aging and sunk vessels, and revise incidental catch provisions to allow retention and landing of tuna-like species, such as Pacific bonito and black skipjack;
- Add a frivolous request provisions for small purse seine vessels that would require small purse seine vessels to make a single landing of tuna over a two year period, or an active status request for the following year would be considered frivolous. Exceptions to this for extraordinary circumstances would apply.
- Require a supplemental notice with each advance notice of departure to request placement of a cross-endorsed observer, if the vessel intends to also fish in the Western Central Pacific Fisheries Commission Convention Area.

These revisions would clarify U.S. regulations and improve consistency with the IATTC management framework, while allowing controlled operational flexibility for the U.S. fishing industry.

The proposed rule comment period closed on May 16, 2019. Two comments were received. One commenter expressed opposition to existing regulations on the advance departure notice requirement, stating that a vessel should not need to commit to fishing in the EPO before leaving port. The second commenter suggested changes to the proposed aging fleet provision to address a situation where a vessel owner buys or builds a replacement vessel that has a carrying capacity larger than the vessel which it is replacing. NMFS plans to publish a Final Rule and will take into account the comments received on the proposed rule when preparing the final rule.

### **Final Rule on Commercial Pacific Bluefin Tuna**

On May 2, 2019, NMFS published the final rule implementing IATTC Resolutions<sup>1</sup> on Pacific bluefin tuna ([82 FR 18409](#)). The final rule includes catch limits for U.S. commercial vessels that fish for Pacific bluefin tuna in the EPO during 2019 and 2020. This rule implements a 630 metric ton (mt) catch limit for both years combined, with catch not to exceed 425 mt in a single year. The rule establishes a trip limit of 15 mt **until** catch is within 50 mt of the catch limit, and a 2 mt trip limit **when** catch is within 50 mt of the catch limit.

The final rule also implements reporting requirements. During the period in which the trip limit is 15 mt, purse seine vessel owners or operators must submit a pre-trip notification to NMFS 24 hours in advance of a trip that will result in landing greater than 2 mt of Pacific bluefin tuna (i.e., greater than 2 mt of Pacific bluefin tuna may not be landed unless NMFS received a pre-trip notification). Beginning July 1, 2019, fish buyers will be required to submit electronic landings receipts with Pacific bluefin tuna landings in California ports using the [E-tix system](#) within 24 hours of landing. Lastly, the rule also implements new procedures for taking inseason action. Legal notices for inseason actions will be made by posting on the [NOAA Fisheries website](#), which will be followed up by radio call broadcasted by the U.S. Coast Guard.

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<sup>1</sup> Resolutions [C-18-01](#) (*Measures for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2019-2020*) and [C-18-02](#) (*Amendment to Resolution C-16-08 on a Long-term Management Framework for the Conservation and Management of Pacific Bluefin Tuna in the Eastern Pacific Ocean*).