

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

**Proposed Rule on Pacific Bluefin Tuna**

On January 5, 2021, NMFS published a proposed rule to implement IATTC [Resolution C-20-02](#) (*Conservation and Management Measure for Pacific Bluefin Tuna in the Eastern Pacific Ocean, 2021*) ([86 FR 279](#)). The comment period closed February 4, 2021. The rule would implement a 425 metric ton (mt) catch limit for U.S. commercial vessels fishing for Pacific bluefin tuna in the eastern Pacific Ocean during 2021. Additionally, NMFS would impose an initial trip limit of 20 mt, and then reduce trip limits as follows:

- January-March: If cumulative catch reaches 250 mt, then the trip limit is reduced to 15 mt; and if cumulative catch reaches 325 mt, then the trip limit is reduced to 2 mt for the remainder of the year or until the annual catch limit is met and the fishery is closed.
- April-June: If cumulative catch reaches 275 mt, then the trip limit is reduced to 15 mt; and if cumulative catch reaches 350 mt, then the trip limit is reduced to 2 mt for the remainder of the year or until the annual catch limit is met and the fishery is closed.
- July-September: If cumulative catch reaches 300 mt, then the trip limit is reduced to 15 mt; and if cumulative catch reaches 375 mt, then the trip limit is reduced 2 mt for the remainder of the year or until the annual catch limit is met and the fishery is closed.
- October-December: If cumulative catch reaches 325 mt, then the trip limit is reduced to 15 mt; and if cumulative catch reaches 375 mt, then the trip limit is reduced to 2 mt for the remainder of the year or until the annual catch limit is met and the fishery is closed.

The proposed rule would also require fish buyers to submit electronic landings receipts with Pacific bluefin tuna landings in California ports using the E-tix system within 24 hours of landing.

**Interim Final Rule on Fishing Restrictions for Tropical Tuna in 2021**

NMFS published an interim final rule on January 19, 2021 ([86 FR 5033](#)), to implement Resolution [C-20-06](#) (*Tropical Tunas Conservation in the EPO during 2021, pursuant to Resolution C-20-05*) adopted by the Inter-American Tropical Tuna Commission (IATTC) on December 22, 2020.

The fishing restrictions in this interim final rule apply for calendar year 2021 to purse seine vessels with a carrying capacity of 182 metric tons (mt) or greater, and longline vessels greater than 24 meters (m) in overall length, that fish for tropical tuna in the eastern Pacific Ocean (EPO). The interim final rule continues certain regulations from the previous Resolution applicable to 2018-2020. For purse seine vessels, these regulations include a 72-day closure, a 31-day area closure, and a requirement that—with some exceptions—all tropical tuna be retained and landed. This interim final rule continues a bigeye tuna catch limit of 750 mt for U.S. longline vessels greater than 24 m in overall length in the EPO. Other continued regulations include provisions related to transferring longline catch limits for bigeye tuna between IATTC members; provisions related to selection of a 72-day closure period; provisions related to exemptions from the 72-day closure period requirement due to *force majeure*; a requirement to stow gear during time/area closure periods; and restrictions related to fish aggregating devices for purse seine vessels in the IATTC Convention Area.

The interim final rule became effective on the day of publication, January 19, 2021. The 30-day comment period closes on February 18, 2021.

### **Driftnet Modernization and Bycatch Reduction Act**

On December 10, 2020, the U.S. House of Representatives passed S.906 (Driftnet Modernization and Bycatch Reduction Act) with more than two-thirds vote, following Senate passage on July 22, 2020. Introduced by U.S. Senator of the 116th Congress, Dianne Feinstein of California, S.906 would prohibit large-mesh drift gillnet (DGN) fishing nationwide and implement a federal program to transition DGN fishermen to alternative gear types.

On January 1, 2021, President Trump vetoed S.906, asserting that the proposed legislation “will not achieve its purported conservation benefits” and that “alternative gear...has not proven to be an economically viable substitute for gillnets.” The President’s veto also cited concerns about circumventing consultation with the Council to terminate a fishery and increasing reliance on imported seafood. The 116th Congress adjourned on January 3, 2020, without overriding the President’s veto.

On January 25, 2021, Representative Ted Lieu of California introduced H.R.404, “Driftnet Modernization and Bycatch Reduction Act of 2021,” for consideration by the 117th Congress. The DGN provisions of the proposed legislation are identical to those of S.906.