

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

Pacific bluefin tuna (PBF) Final Rule: On January 27, 2023, NMFS published a final rule ([88 FR 5273](#)) amending inseason action announcement procedures for Pacific bluefin tuna (PBF). This rule adds notice of inseason action by direct emails to the affected public, in addition to publication in the Federal Register. Inseason actions will be effective upon the earlier of either receipt of the notice by email or publication of the notice in the Federal Register. Inseason actions will also be posted on the NMFS website. Additionally, this rule adds a provision to the inseason action procedures to allow any PBF already on board a fishing vessel on the effective date of a notice of inseason action to be retained on board and landed or transshipped within 24 hours of the effective date of the inseason action. This rule will be effective February 27, 2023.

PBF Stock Status Update: NMFS completed the status determination for PBF and found that the stock remains overfished but is no longer subject to overfishing. This update can be found on the NMFS West Coast Region website: www.fisheries.noaa.gov/national/population-assessments/fishery-stock-status-updates.

DSBG Proposed Rule

Amendment 6 to Authorize Deep-Set Buoy Gear (DSBG): The notice of availability of Amendment 6 to the Fishery Management Plan for West Coast Fisheries for Highly Migratory Species (HMS FMP) published on January 9, 2023 ([88 FR 1171](#)), with a 60-day public comment period through March 10, 2023. The date by which the Secretary of Commerce (through NMFS) must decide to approve, partially approve, or disapprove Amendment 6 is April 9, 2023. The proposed regulations to implement Amendment 6 were published on February 6, 2023 ([88 FR 7661](#)) with a 30-day public comment period through March 8, 2023. More information on the proposed DSBG action and implementation it can be found here: <https://www.fisheries.noaa.gov/action/regulations-authorize-deep-set-buoy-gear-under-fishery-management-plan-us-west-coast>

Driftnet Modernization and Bycatch Reduction Act: This Act became law with signing of the omnibus spending package on December 29, 2022. The law revises the definition of “large-scale driftnet fishing” to include the drift gillnet (DGN) gear currently permitted under the HMS FMP. The law directs the Secretary of Commerce to phase out DGN fishing in Federal waters within 5 years of enactment and to implement a transition program to facilitate that phase-out that includes the adoption of alternative fishing practices and issuance of grant awards to eligible permit holders. Congress directed NMFS to consult with the Council on a strategy to phase out DGN and permit the use of alternative fishing methods and gear types to increase the economic viability of the West Coast-based swordfish fishery while minimizing bycatch to the maximum extent possible.