

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

Draft Environmental Impact Statement (EIS) for Alternative HMS Fishing Practices

On February 9, 2024, the Environmental Protection Agency announced that a [draft EIS](#) prepared by NMFS to consider exempted fishing permits (EFPs) recommended by the Council for testing fishing practices to target swordfish and other HMS in Federal waters off the U.S. West Coast is available for public review and comment ([89 FR 9147](#)). The proposed action covers a range of fishing practices that would otherwise be prohibited by existing regulations at 50 CFR part 660, subpart K. The proposed action outlines required terms and conditions for the EFPs, as well as a range of possible additional terms and conditions. The purpose of the proposed action is to collect information useful for assessing the type and extent of interactions with protected species and non-target finfish, evaluating the economic viability of operations, and informing future management decisions for HMS fisheries operating in Federal waters off the U.S. West Coast. NMFS will take comments from the public for 60 days. The draft EIS is available on the West Coast Region's [website](#). NMFS will consider any comments received as we complete our review of the proposed action, and we will respond to comments in the final EIS.

Renewal/Issuance of Night Set Buoy Gear (NSBG) EFPs status

NMFS completed National Environmental Policy Act documentation and Endangered Species Act consultation on the proposed action to issue NSBG EFPs for up to 5 vessels. Next steps include finalizing the terms and conditions and issuing 3 NSBG EFPs (Perez, Krebs, Honings) for 2024 - 2025.

Actions Being Promulgated under the Tuna Conventions Act

NMFS is planning to issue the following inseason action before the March Council meeting and proposed rules shortly thereafter.

Pacific Bluefin Tuna (PBF) Inseason Action

NMFS plans to publish an inseason action announcement that the PBF 2024 annual catch limit for U.S. commercial fishing vessels in the eastern Pacific Ocean will be 720 metric tons (mt). In October, 2023, NMFS published a final rule ([88 FR 69098](#)) announcing a 2023-2024 combined biennial catch limit of 1,054 mt. That rule stated that the annual catch limit for 2024 would be announced at the beginning of 2024 depending on final landings data for 2023.

Based on landings data and other information available as of February 5, 2024, 186 mt of PBF were caught by U.S. commercial vessels in 2023. Therefore, in 2024, the annual catch limit will remain 720 mt. Per [Resolution C-23-01](#), if overharvest occurs in 2024, the over-harvest shall be deducted from catch limits established in the next PBF resolution. NMFS will announce updates to future management periods pending outcomes of the next Inter-American Tropical Tuna Commission (IATTC) meeting in September 2024.

Shark and VMS Rule

NMFS plans to publish a proposed rule to implement two Resolutions adopted by the IATTC in August 2023. These Resolutions include Resolution [C-23-07](#) (*Conservation Measures for the Protection and Sustainable Management of Sharks*) and Resolution [C-23-11](#) (*On the Establishment of a Vessel Monitoring System*). The proposed rule would implement provisions of Resolution C-23-07 to require U.S. longline vessels with incidental catch of sharks to leave the shark in the water and cut trailing gear, using a specified line clipper, so that less than one meter remains on the animal. If this is not possible without compromising the safety of any persons, they would be required to cut the branchline as close to the hook as possible. The specifications for the line clipper would be the same as those required for line clippers on Hawaii longline vessels. Resolution C-23-07 also prohibits shark finning in the IATTC Convention Area. This proposed rule would include a cross reference to existing shark finning prohibitions (50 CFR part 600, subpart N) in regulations governing eastern Pacific tuna fisheries at 50 CFR part 300, subpart C.

This proposed rule would also implement an additional provision in Resolution C-23-11 to require a manual reporting requirement in the event of a malfunctioning vessel monitoring system (VMS). The intent of this requirement is to ensure that vessel locations and identification numbers remain available to relevant authorities at a consistent interval even in the event of a technical failure. This requirement would apply to U.S. vessels larger than 24 meters operating in the eastern Pacific Ocean (EPO) and harvesting tuna or tuna-like species that are already required to have an operational VMS unit. The existing regulations require vessel owners and operators to notify NMFS Office of Law Enforcement and follow its instructions in the event of a failure. The proposed rule would specify that these instructions include the requirement to manually report a vessel's ID, location, and time every six hours in the event of a VMS unit malfunction.

Proposed rule to implement IATTC Resolution on Fish Aggregating Devices (FADs)

NMFS plans to publish a proposed rule to implement provisions in three Resolutions on FADs adopted at the IATTC meeting in August 2023. This proposed rule would implement provisions in IATTC Resolutions [C-23-03](#) (*Amendment to Resolution C-99-07 on Fish Aggregating Devices*), Resolution [C-23-04](#) (*On The Design and Biodegradability of Drifting Fish Aggregating Devices (DFADs) in the IATTC Area of Competence*), and Resolution [C-23-05](#) (*Amendment to Resolution C-19-01 on the Collection and Analyses of Data on Fish Aggregating Devices*). These regulations would apply to U.S. large purse seine vessels that fish on FADs in the IATTC Convention Area. The proposed rule would revise the current regulations for FADs to require non-entangling materials on FADs on January 1, 2025. Beginning on January 1, 2026, U.S. purse seine vessel owners and operators would be required to use biodegradable materials in either the surface or subsurface components of FADs. Beginning on January 1, 2029, biodegradable materials would be required in both the surface and subsurface components of FADs. In addition, the proposed rule would require that vessels engaged in FAD recovery projects in the EPO report data on recovered FADs to the IATTC.