

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

Pacific Loggerhead Conservation Area (LCA) Reopening

On August 1, 2024, NMFS reopened the LCA closure ([89 FR 62667](#)) that became effective June 1, 2024, because the sea surface temperatures (SSTs) in the Southern California Bight (SCB) for the months of May and June have returned to normal or below normal, and El Niño conditions are no longer present in the SCB. The LCA closure prohibited fishing with large-mesh drift gillnet (DGN) gear (≥ 14 inches mesh) off the coast of southern California east of the 120° W meridian from June 1, 2024, through August 31, 2024. NMFS based our determination to reopen the LCA on recent observations of SSTs in the SCB relying on SST maps available through NOAA's [Coast Watch program](#), along with the [Climate Prediction Center report](#) related to changing El Niño conditions.

EFP Updates

In March 2024, NMFS completed an Endangered Species Act informal consultation for up to 5 night-set buoy gear (NSBG) vessels at 100 nights each. Three NSBG EFPs, which the Council had previously recommended, were issued at that time. It is anticipated that 2 additional NSBG EFPs, which the Council recommended at its June 2024 meeting, can be issued soon after August 21, 2024.

Proposed Rule on Fish Aggregating Devices (FADs)

NMFS published a proposed rule ([89 FR 15654](#)) on July 19, 2024, to implement two Resolutions adopted at the 101st meeting of the Inter-American Tropical Tuna Commission (IATTC) in August 2023. These resolutions include Resolution C-23-03 (*Amendment to Resolution C-99-07 on Fish Aggregating Devices*) and Resolution C-23-04 (*On the Design and Biodegradability of Drifting Fish Aggregating Devices (DFADs) in the IATTC Area of Competence*). The proposed rule would modify regulations for the design of fish aggregating devices (FADs) in the eastern Pacific Ocean (EPO) to require non-entangling and biodegradable materials. Furthermore, the proposed rule would require that data related to the recovery of FADs for the purpose of final disposal or recycling in the EPO be collected by vessel owners and operators, and submitted to the IATTC, unless that information is already collected and submitted to the IATTC by an observer. The proposed rule closed for comments on August 19, 2024, see comments and supporting documents [here](#).

Sharks and Vessel Monitoring System (VMS) final rule

NMFS published a final rule ([89 FR 54724](#)) on July 2, 2024, to implement IATTC Resolutions C-23-07 (*Conservation Measures for the Protection and Sustainable Management of Sharks*) and C-23-11 (*On the Establishment of a Vessel Monitoring System*).

For U.S. longline vessels fishing in the EPO, the rule requires longline vessels with unwanted shark catch 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 are required to cut the line as close to the hook as possible. This is intended to reduce post-release mortality in impacted shark species. Shark finning is already prohibited by the Shark Conservation Act (50 CFR part 600, subpart N). This rule adds a cross

reference to these regulations in the regulations governing eastern Pacific tuna fisheries found at 50 CFR part 300, subpart C.

For vessels 24 meters or more in overall length fishing for tuna and tuna-like species in the EPO, the rule specifies that if a VMS unit malfunctions, the vessel must manually report the following to NMFS Office of Law Enforcement (OLE) every six hours: the vessel ID, location, date/time, and speed/course. The intent for this requirement is to ensure that if a technical VMS unit failure occurs, the location of the vessel remains available to relevant authorities. These vessels are already required to have an operational VMS unit.

The 30-day public comment period for the proposed rule closed on May 28, 2024. The final rule became effective on August 1, 2024.

DSBG Updates

In July 2024, NMFS issued the final two DSBG limited entry permits which qualified under the initial application period for Tiers 1-8. Out of 77 qualified applicants, two did not renew this year, so the total number of DSBG limited entry permits currently issued is 75. Next, NMFS will solicit applications for DSBG limited entry permits under Tier 9 on a first-come, first-served basis, as outlined in the Council's recommendation and described in the proposed rule ([88 FR 7661](#)) as well as the [FAQs](#). The plan for soliciting and issuing Tier 9 permits is as follows:

- **January 2025:** NMFS will publish a Federal Register notice announcing the application period for Tier 9 DSBG limited entry permits.
- **February 1-March 31, 2025:** Open application period for Tier 9 permits, with no limit on the number of applications accepted.
- **April 1-30, 2025:** NMFS will approve and issue the first 25 Tier 9 permits received. Any qualifying applications beyond the 25 will roll over to the following year.
- **May 1, 2025-April 30, 2026:** DSBG permits for the 2025 fishing season, including new Tier 9 permits, will be valid.

We encourage anyone interested in fishing DSBG who does not currently have a limited entry permit to apply during the Tier 9 application period beginning February 1, 2025.