



Bigeye Tuna Catch Limit in U.S. Longline Fisheries for 2017

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This guide provides information on how permit holders, owners and operators of U.S. longline vessels, and other affected entities can comply with the regulations implementing the bigeye tuna (*Thunnus obesus*) catch limit for U.S. longline fisheries in the western and central Pacific Ocean (WCPO) for 2017. The original regulations were published in the *Federal Register* on June 24, 2016 (81 FR 41239), and the modification to that regulation published in the *Federal Register* on August 4, 2017 (82 FR 36341) and will be available in the *Code of Federal Regulations* at 50 CFR 300.224. The interim rule that modified the 2017 limit and supporting documents are available on the Federal e-Rulemaking Portal, at www.regulations.gov (search for Docket ID NOAA-NMFS-2017-0085).

These regulations are subject to change. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and the *Code of Federal Regulations*.

Key Facts

- The National Marine Fisheries Service (NMFS) has modified the limit on the amount of bigeye tuna (*Thunnus obesus*) that may be caught in the Western and Central Pacific Fisheries Convention Area (see map of Convention Area on page 3) by U.S. longline vessels in 2017. The new limit is 3,138 metric tons (mt). The original limit was 3,345 mt, but because in 2016 there was an overage of 207 mt on that year's catch limit, NMFS has reduced the limit for calendar year 2017 from 3,345 mt to 3,138 mt.
- The catch limit is based on a conservation and management measure (CMM 2016-01) adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC), the international regional fisheries management organization that manages highly migratory fish stocks in the Convention Area, which comprises the majority of the WCPO. Under this conservation and management measure, any catch overage in a given year is to be deducted from the catch limit for the following year.
- The rule that modified the 2017 catch limit became effective August 4, 2017.
- Certain fishing prohibitions will go into effect when the catch limit is reached in 2017. The catch limit and the majority of the associated fishing prohibitions do not apply to U.S. longline fishing vessels operating as part of the longline fishery of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), or Guam.

Counting Catches against Bigeye Tuna Catch Limit for 2017

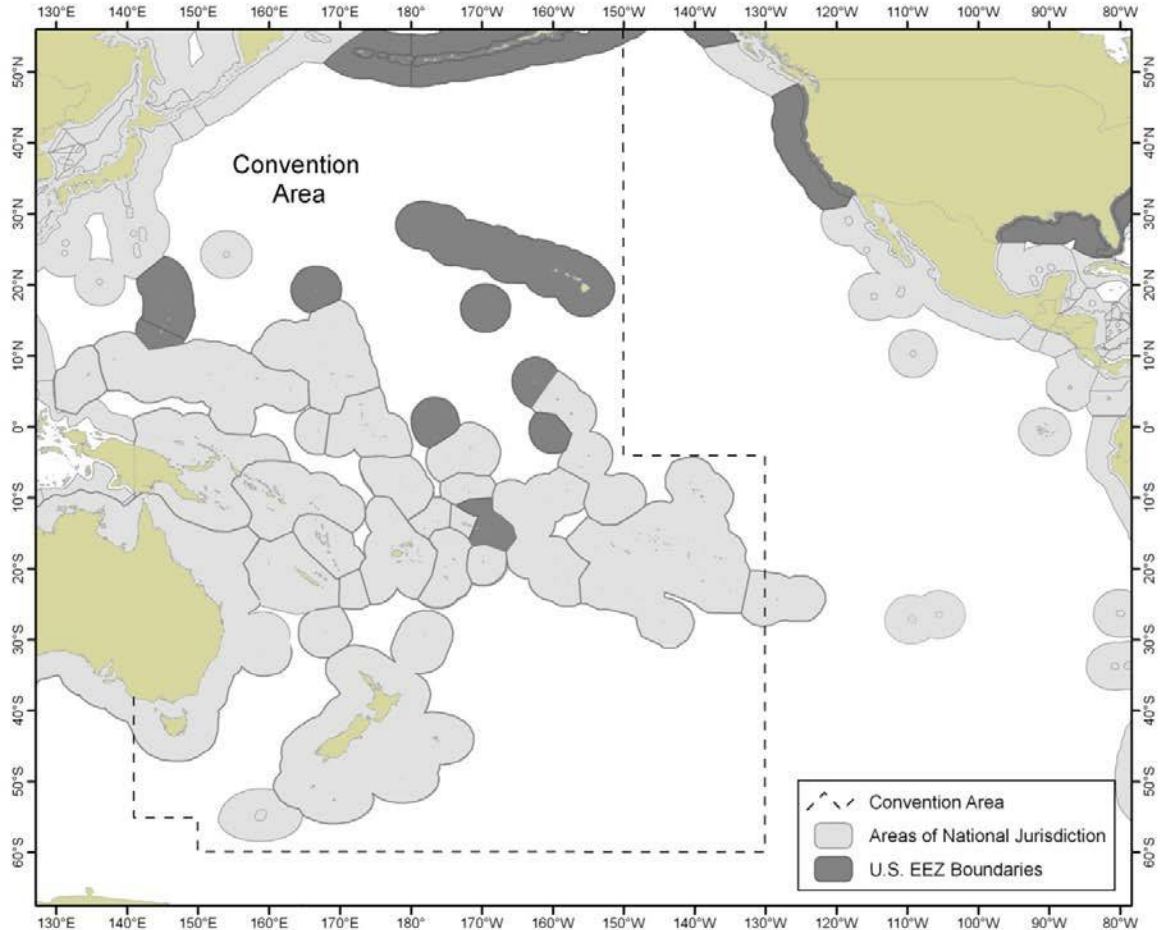
The following bigeye tuna catch will count against the limit:

- 1) All bigeye tuna caught by U.S. fishing vessels using longline gear in the U.S. EEZ surrounding the Hawaiian Archipelago (including the main and northwestern Hawaiian Islands, including Midway Atoll), except bigeye tuna attributed to the longline fishery of American Samoa, the CNMI or Guam under a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d).
- 2) All bigeye tuna caught by U.S. fishing vessels using longline gear in the Convention Area outside the U.S. EEZ surrounding the Hawaiian Archipelago, except that bigeye tuna meeting at least one of the following criteria will not count against the limit:
 - a) The bigeye tuna is landed in American Samoa, the CNMI, or Guam by a vessel with a valid permit under the Fishery Ecosystem Plan for Pacific Pelagic Fisheries of the Western Pacific Region (Pelagics FEP) or Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (West Coast HMS FMP); or
 - b) The bigeye tuna is caught by a vessel with a valid American Samoa Longline Limited Access permit and landed by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP; or
 - c) The bigeye tuna is attributed to the longline fishery of American Samoa, the CNMI or Guam under a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d).

Area of Effect

The bigeye tuna catch limit for 2017 applies to the Convention Area (see map below).

Figure 1. The Convention Area: high seas (white); U.S. exclusive economic zone (dark gray); and foreign claimed maritime jurisdictions (light gray).



Prohibitions

Once NMFS has determined that the catch limit in 2017 is expected to be reached, and published a notice in the *Federal Register* announcing the effective date of the prohibitions, the following prohibitions will apply starting on that effective date and ending at the end of December 31 of that year:

Prohibition 1: Inside of U.S. EEZ Surrounding Hawaiian Archipelago

Starting on the effective date of the prohibitions and for the remainder of the calendar, you may not retain on board, transship, or land bigeye tuna caught after the start of the prohibitions by longline gear in the portion of the U.S. EEZ surrounding the Hawaiian Archipelago.

This prohibition will not apply if your vessel is included in a specified fishing agreement under 50 CFR 665.819(c) and its bigeye tuna catch is to be attributed to the longline fishery of American Samoa, the CNMI, or Guam in accordance with 50 CFR 300.224(d).

Prohibition 2: 14-Day Landing Requirement

Catch of bigeye tuna already on board a vessel upon the effective date of the prohibitions must be landed within 14 days after the prohibitions become effective. You may not retain on board, transship, or land bigeye tuna caught by longline gear in the Convention Area before the effective date of the prohibitions outside of this period, unless at least one of the following conditions is met:

- 1) Your vessel is on a declared shallow-set trip (see 50 CFR 665.803(a)).
- 2) The bigeye tuna are landed in American Samoa, the CNMI, or Guam by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP, and are not caught in the U.S. EEZ surrounding the Hawaiian Archipelago.
- 3) The bigeye tuna are caught by a vessel with a valid American Samoa Longline Limited Access permit and landed by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP, and are not caught in the U.S. EEZ surrounding the Hawaiian Archipelago.
- 4) The bigeye tuna are caught by a vessel included in a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) and are to be attributed to the longline fishery of American Samoa, the CNMI, or Guam.

Prohibition 3: Outside the U.S. EEZ Surrounding the Hawaiian Archipelago

Starting on the effective date of the prohibitions, you may not retain on board, transship, or land bigeye tuna caught after the start date of the prohibitions by longline gear in the Convention Area outside the portion of the U.S. EEZ surrounding the Hawaiian Archipelago unless at least one of the following conditions is met:

- 1) The bigeye tuna are landed in American Samoa, the CNMI, or Guam by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP.
- 2) The bigeye tuna are caught by a vessel with a valid American Samoa Longline Limited Access permit and are landed by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP.
- 3) The bigeye tuna are caught by a vessel included in a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) and are to be attributed to the longline fishery of American Samoa, the CNMI, or Guam.

Prohibition 4: Inside and Outside the Convention Area

You may not fish with longline gear both inside and outside the Convention Area on the same fishing trip. This prohibition will not apply if you meet at least one of the following conditions:

- 1) Your vessel is on a declared shallow-set trip (see 50 CFR 665.803(a)).
- 2) The vessel's catch of bigeye tuna is landed in American Samoa, the CNMI, or Guam by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP, and the bigeye tuna were not caught in the U.S. EEZ surrounding the Hawaiian Archipelago.
- 3) The vessel has a valid American Samoa Longline Limited Access permit, its catch of bigeye tuna is not made in the U.S. EEZ surrounding the Hawaiian Archipelago, and the bigeye tuna catch is landed by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP.

- 4) The vessel is included in a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) and its catch of bigeye tuna is to be attributed to the longline fishery of American Samoa, the CNMI, or Guam.
- 5) If the prohibitions go into effect while your vessel is on a fishing trip. In this case, you must land the bigeye tuna within 14 days. For example, if the prohibitions go into effect on September 1, 2017, then you MUST land your bigeye tuna by September 15, 2017.

Prohibition 5: Gear Stowage

If you fish outside the Convention Area using longline gear, you may not have your gear readily available for fishing at any time while you are in the Convention Area on that same trip. That is, you must stow the gear while in the Convention Area so that the hooks, branch lines, and floats are not available for immediate use, and any mainline hauler on deck is covered so that it is not readily available for use. This prohibition will not apply if you meet one of the following conditions:

- 1) Your vessel is on a declared shallow-setting trip (see 50 CFR 665.803(a)).
- 2) The vessel's catch of bigeye tuna is landed in American Samoa, the CNMI, or Guam by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP, and the bigeye tuna were not caught in the U.S. EEZ surrounding the Hawaiian Archipelago.
- 3) The vessel has a valid American Samoa Longline Limited Access permit and its catch of bigeye tuna is not made in the U.S. EEZ surrounding the Hawaiian Archipelago and is landed by a vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP.
- 4) The vessel is included in a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) and its catch of bigeye tuna is to be attributed to the longline fishery of American Samoa, the CNMI, or Guam.

Prohibition 6: Transshipment

You may not transship bigeye tuna caught by longline fishing gear in the Convention Area to another fishing vessel unless that vessel has a valid permit under the Pelagics FEP or West Coast HMS FMP.

Key Questions and Answers

Question 1: How can I find out when the limit is reached?

Answer: Once NMFS determines that the limit is expected to be reached by a specific future date in 2017, NMFS will publish a notice in the *Federal Register* announcing the prohibitions that will be effective on that specific future date until the end of the calendar year. The notice will be published at least seven calendar days before the effective date of the prohibitions. NMFS' website at http://www.fpir.noaa.gov/SFD/SFD_regs_3.html provides information regarding forecasts of the date the limit is expected to be reached.

Question 2: What are the prohibitions?

Answer: Generally, you may not keep on board, transship, or land any bigeye tuna caught by longline gear in the Convention Area, unless the prohibitions do not apply to you.

Question 3: If the prohibitions apply to me and I have bigeye tuna on board my vessel when the limit is reached, may I keep them?

Answer: Yes, but only for a limited amount of time. Any bigeye tuna caught by longline gear in the Convention Area already on board a fishing vessel upon the effective date of the prohibitions may be retained on board, transshipped, and/or landed, provided they are landed within 14 days after the prohibitions become effective. However, this 14-day landing limitation does not apply to you if your vessel is on a declared shallow-set trip (see 50 CFR 665.803(a)) when the limit is reached.

Question 4: May I land bigeye tuna caught in the Convention Area in American Samoa, the CNMI, and Guam once the catch limit is reached?

Answer: Yes. As described above, after the catch limit is reached and the prohibitions go into effect, bigeye tuna caught in the Convention Area outside the U.S. EEZ surrounding the Hawaiian Archipelago may be landed in American Samoa, the CNMI, or Guam. However, the bigeye tuna must be landed by a U.S. fishing vessel with a valid permit under the Pelagics FEP or West Coast HMS FMP.

Question 5: May bigeye tuna caught by U.S. longline vessels be landed in Hawaii after the catch limit is reached?

Answer: Yes, in certain situations. First, bigeye tuna caught by vessels operating under a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) may be landed in Hawaii after the catch limit is reached in 2017, provided that the bigeye tuna are to be attributed to the longline fishery of American Samoa, the CNMI, or Guam. Second, bigeye tuna caught outside the Convention Area by U.S. longline fishing vessels, such as bigeye tuna caught in the eastern Pacific Ocean (i.e., the area of competence of the Inter-American Tropical Tuna Commission), may be landed in Hawaii after the catch limit is reached. Third, bigeye tuna caught by vessels that are "dual-permitted" with both a valid Hawaii Longline Limited Access permit and a valid American Samoa Longline Limited Access permit may be landed in Hawaii after the prohibitions go into effect, provided that the fish were not caught in the portion of the U.S. EEZ surrounding the Hawaiian Archipelago.

Question 6: Once the catch limit is reached, may U.S. longline fishing vessels fish with longline gear in the eastern Pacific Ocean and then fish for species other than bigeye tuna, such as yellowfin tuna, in the Convention Area on the same trip?

Answer: Generally no, as described above, once the prohibitions go into effect, a vessel must meet at least one of the following conditions to continue fishing with longline gear both inside and outside the Convention Area on the same trip. The vessel must:

- 1) Have declared to NMFS that the current trip type is shallow-setting;
- 2) Land its catch of bigeye tuna in American Samoa, the CNMI, or Guam;
- 3) Have a valid American Samoa Longline Limited Access permit;
- 4) Be operating under a specified fishing agreement under 50 CFR 665.819 (c), in accordance with 50 CFR 300.224(d), providing that the bigeye tuna are to be attributed to the longline fishery of American Samoa, the CNMI, or Guam; or
- 5) Be on a fishing trip at the time the prohibitions go into effect (this applies only during the trip when the prohibitions go into effect, and in this case, the catch of bigeye tuna must be landed within 14 days after the prohibitions go into effect).

All other vessels will not be able to fish with longline gear both inside and outside the Convention Area during the same fishing trip.

Question 7: If the prohibitions go into effect fewer than 14 days before the end of the year, do I still need to land my catch of bigeye tuna from the Convention Area within 14 days?

Answer: No. The prohibitions and requirements specified in the rule will be effective from the date specified in the Federal Register notice until the end of the calendar year. At the beginning of 2018, the 2017 prohibitions and requirements will no longer be in effect.

Question 8: When the prohibitions go into effect, do I have to stop fishing and remove all my gear from the water at the very start of the date the prohibitions go into effect (i.e. at midnight), or may I finish hauling even after midnight?

Answer: You do not have to stop fishing or remove gear from the water, but you may not keep any bigeye tuna caught on or after the very start of the date the prohibitions go into effect. You may continue to use longline gear in the Convention Area and may continue to retain, transship, and land all fish, except bigeye tuna, in the Convention Area during the effective period of the prohibitions.

Question 9: After the prohibitions go into effect, may I catch bigeye tuna on the high seas in the eastern Pacific Ocean and land those fish in Hawaii?

Answer: Yes, you may land bigeye tuna caught outside the Convention Area on the high seas and land them in Hawaii at any time.

Question 10: If my vessel falls under more than one category for attribution of bigeye tuna catch to the three territories, to which territory will the catch be attributed?

Answer: Any catch of bigeye tuna that is landed by a vessel operating under a specified fishing agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) is attributed to the longline fishery of the territory that is a party to the arrangement. Where there is no specified fishing agreement, catch is attributed to the longline fishery either where the catch is landed or, in the case of vessels with an American Samoa Longline Limited Access Permit, to American Samoa provided that the fish are not harvested in the U.S. EEZ surrounding Hawaii.

Notwithstanding the other landing or permit attributions, bigeye tuna that is caught by a vessel included in a specified agreement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d) will always be attributed to the territory that is a party to the arrangement on or after the attribution start date. For example, fish harvested on the high seas by a vessel operating under both a Hawaii Longline Limited Access Permit and an American Samoa Longline Limited Access Permit ordinarily will be attributed to American Samoa regardless of where it is landed. However, if the vessel enters into a specified fishing arrangement under 50 CFR 665.819(c), in accordance with 50 CFR 300.224(d), with a territory, the catch will be attributed to the territory that is a party to the arrangement, on or after the attribution start date, regardless of where the catch is landed or whether the vessel has an American Samoa Longline Limited Access Permit.

[For more information or to obtain additional copies of this guide please contact:](#)

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