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Small Entity Compliance Guide

Fishing Restrictions in Purse Seine Fisheries Operating in the Eastern Pacific Ocean in 2009-2011

November 2009

The National Marine Fisheries Service (NMFS) has issued regulations under the authority of the Tuna Conventions Act of 1950 for the U.S. purse seine fishery operating in the eastern Pacific Ocean (EPO). The regulations implement decisions of the Inter-American Tropical Tuna Commission (IATTC) that seek to reduce fishing mortality on bigeye tuna (*Thunnus obesus*) and control fishing mortality on yellowfin tuna (*Thunnus albacares*). The final regulations have been published in the *Federal Register* on November 23, 2009, and will be codified in the *Code of Federal Regulations* at 50 CFR Part 300 Subpart C.

This guide provides a plain-language summary of how owners and operators of affected purse seine vessels, and other affected entities, can comply with NMFS regulations and is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.

The following measures are only applicable to purse seine vessels class size 4-6 (greater than 182 metric tons (mt) carrying capacity) that fish in the IATTC Convention Area.

Affected Area

Each of the new requirements applies to either the entire IATTC Convention Area, or to specific areas within the Convention Area. The IATTC Convention Area includes the waters bounded by the coast of the Americas, the 40° N. and 40° S. parallels, and the 150° W. meridian. This area includes the U.S. west coast Exclusive Economic Zone (EEZ).

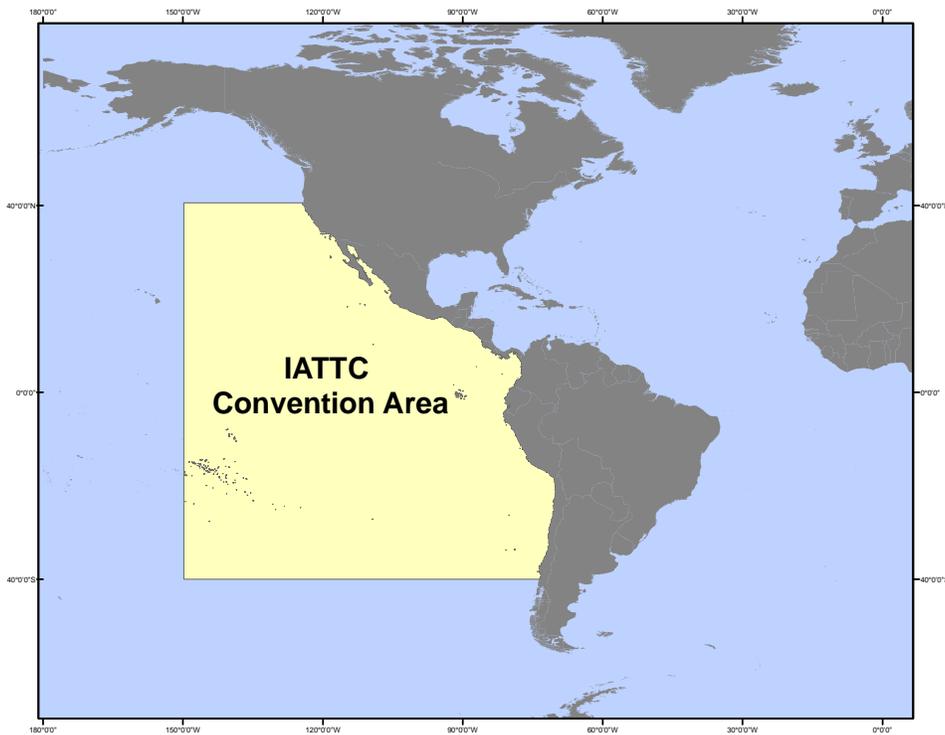


Figure 1. Map of IATTC Convention Area.

Explanation of New Regulations

The new regulations fall into the following three categories:

- 1. Temporary closure of the IATTC Convention Area*
- 2. Temporary closure area on the high seas to the west of the Galapagos Islands*
- 3. Retention of catch*

The requirements in each of these categories are described in detail below.

Category #1. Temporary Closure of the IATTC Convention Area

NMFS is implementing a closure of the U.S. purse seine fishery operating in the IATTC Convention Area for a period of **59 days in 2009, 62 days in 2010, and 73 days in 2011.**

For 2009, the closure is from November 21, 2009, to January 18, 2010.

For 2010, the closure is from November 18, 2010, to January 18, 2011.

For 2011, the closure is from November 7, 2011, to January 18, 2012.

Class size 4 vessels are allowed to make one single fishing trip of up to 30 days duration during the specified closure periods, provided that any such vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program (AIDCP).

Category #2. Temporary Closure Area on the High Seas to the West of the Galapagos Islands

NMFS is implementing a rectangular closure area on the high seas to the west of the Galapagos Islands for **30 days from September 29 to October 29** in 2010 and 2011.

The area is **between 96° and 110° W. longitude and between 4° N. and 3° S. latitude** in the Convention Area and is depicted in Figure 2 below. The lines on this map are for illustrative purposes only and are not necessarily to scale.

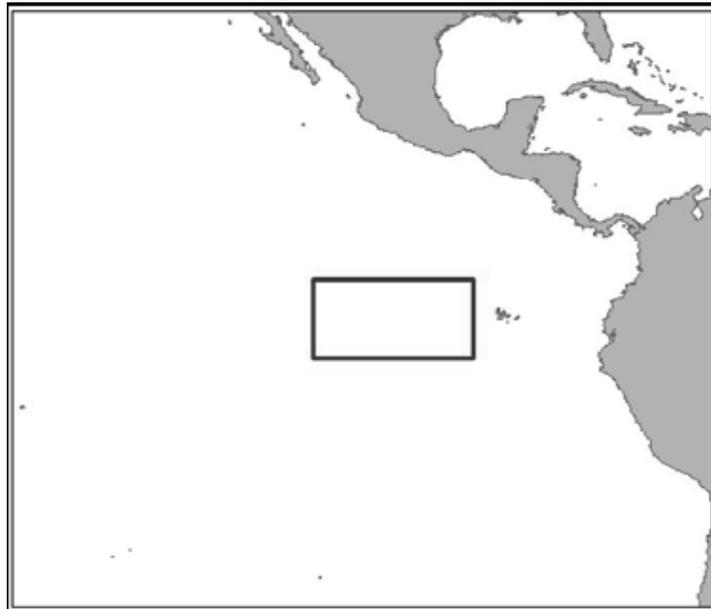


Figure 2. Temporary Closure Area on the High Seas to the West of the Galapagos Islands.

Category #3. Retention of Catch

The operator and crew of U.S. purse seine vessels class size 4-6 **may not discard from the vessel any bigeye tuna, yellowfin tuna, or skipjack tuna (*Katsuwonus pelamis*) at sea in the IATTC Convention Area**, except fish that are considered unfit for human consumption for reasons other than size.

If on the final set of the trip, there is insufficient well space to accommodate all the fish caught in that set, fish captured in that set may be discarded, provided that no additional purse seine sets are made during the fishing trip.

Key Questions and Answers

Question 1: To which vessels, exactly, do the closures and limits apply?

Answer: The limits apply to purse seine vessels class size 4-6 (carrying capacity greater than 182 mt).

Question 2: Can purse seine vessels transit the closure areas during the closure periods?

Answer: Yes. Purse seine vessels may transit the closed areas; however, all fishing gear must be stowed in a manner so as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing, but so that the skiff is accessible for use in emergency situations; the helicopter, if any shall be tied down; and launches shall be secured.

Question 3: When is the catch retention requirement effective?

Answer: The catch retention requirement will be in effect no earlier than 0000 on January 1, 2010, UTC, and will last through 2400 on December 31, 2011, UTC.