NOAA FISHERIES

West Coast Region

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Compliance Guide

Fishing Restrictions for Tropical Tuna and Fish Aggregating Device (FAD) in the Eastern Pacific Ocean for 2022 and Beyond

Updated November 2022

The National Marine Fisheries Service (NMFS) issued regulations under the authority of the Tuna Conventions Act of 1950, as amended, to implement Resolution C-21-04 adopted by the Inter-American Tropical Tuna Commission (IATTC) in October 2021.[1] The final regulations to implement C-21-04 on tropical tuna management measures were published in the *Federal Register* on July 8, 2022, 87 FR 40731, and became effective July 25, 2022. In addition to addressing those regulations, this compliance guide also addresses FAD data reporting and construction requirements adopted under Resolutions C-21-04 and C-19-01. The regulations for FAD construction requirements were published in the *Federal Register* on December 6, 2018, 83 FR 62732, and became effective January 7, 2019. The regulations addressed in this compliance guide are codified in the *Code of Federal Regulations* (CFR) at 50 CFR 300, Subpart C.

This compliance guide provides a summary of how owners and operators of affected entities can comply with these regulations.[2] These regulations are necessary for the United States to satisfy its obligations as a member of the IATTC.

[1] Read IATTC Resolutions online at: https://www.iattc.org/en-US/Resolution.

[2] This compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996: Title II of Public Law 104-21. Regulations are subject to change, so this guide may become out of date.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*.

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Area of Application

Q1. Who does this compliance guide apply to?

This compliance guide applies to owners and operators of U.S. purse seine vessels of class sizes 4-6 (carrying capacity of 182 metric tons (mt) or greater) and longline vessels greater than 24 meters (m) in overall length that catch tropical tuna in the IATTC Convention Area, including the Area of Overlap between the convention areas of the Western and Central Pacific Fisheries Commission (WCPFC) and the IATTC (**Figure 1**). Therefore, these regulations apply in all waters of the Pacific Ocean within the area bounded by the west coast of the Americas and by 50° N latitude from the coast of North America to its intersection with 150° W longitude, then 150° W longitude to its intersection with 50° S latitude, and then 50° S latitude to its intersection with the coast of South America.

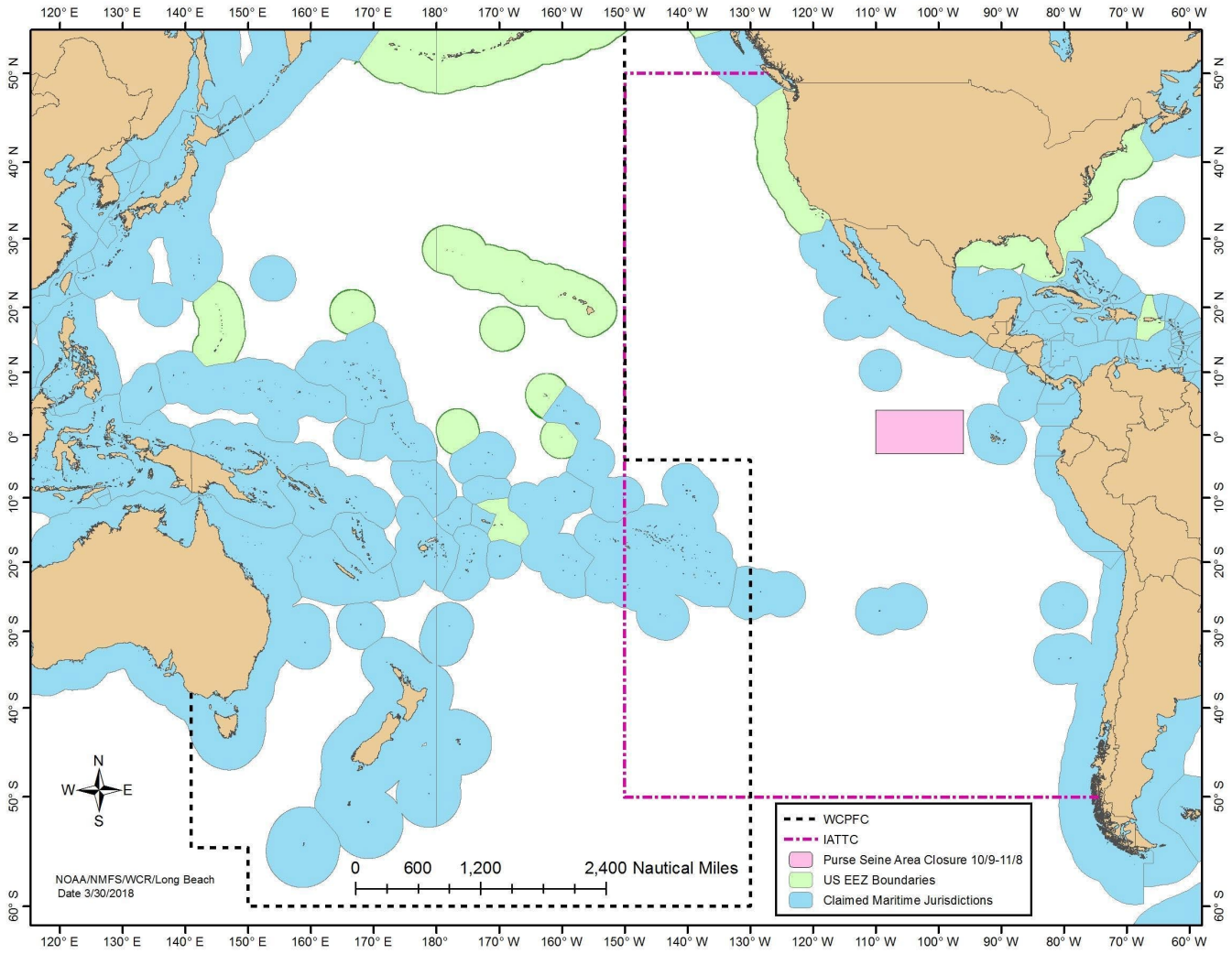

Figure 1. *The IATTC Convention Area is encompassed by the purple dashed line and the west coast of the Americas. The WCPFC Convention Area is encompassed within the black dashed line, and the Area of Overlap is the rectangular area bounded between the Convention Areas of the IATTC and WCPFC.*

Longline Fisheries: Bigeye Tuna Catch Limits (50 CFR 300.25(a))

Q2. What is the season and catch limit for bigeye tuna caught on longline vessels in the EPO?

The season begins on 0000 hours Coordinated Universal Time (UTC) January 1 and ends on either 2400 hours UTC on December 31 or when NMFS closes the fishery. There is currently a bigeye tuna catch limit of 750 metric tons (mt) for U.S. longline vessels greater than 24 meters (m) in overall length (large longline vessels).

Q3. How will I be notified when the catch level is reached?

NMFS will publish a notice in the *Federal Register* at least 7 days in advance of a closure announcing that the annual limit is projected to be reached. NMFS WCR will also notify stakeholders of the upcoming closure through the IATTC distribution list.[3] Updates on the status of bigeye tuna catch limits within a calendar year can be found online.[4]

Q4. What happens if a closure is announced?

Once the closure is announced, the following restrictions for large longline vessels will be in effect through the end of the calendar year:

- Vessels cannot be used to retain, transship, or land bigeye tuna that was captured by longline gear in the IATTC Convention Area, except when:
  - the bigeye tuna is already on board the vessel, provided that it is landed within 14 days after the closure date; or
  - the 14-day limit is waived in the case of a vessel that has already declared to NMFS that the trip type is shallow-setting. However, the number of bigeye tuna retained must not exceed the number on board the vessel upon the effective closure date, as recorded by the NMFS observer on the vessel.
- Bigeye tuna may not be transshipped to a fishing vessel unless that fishing vessel is operated in compliance with a valid permit issued under 50 CFR §§ 660.707 or 665.801.
- Vessels cannot be used to fish in the Pacific Ocean using longline gear both inside and outside the IATTC Convention Area during the same fishing trip. Exceptions exist for trips that were declared to NMFS as shallow-setting or if the fishing trip began before the announcement of the closure.
- If the vessel is used to fish with longline gear outside the IATTC Convention Area and the vessel enters the IATTC Convention Area during an effective bigeye closure period on the same fishing

[3] Requests to be added to the IATTC distribution list should be directed to Rachael Wadsworth at *Rachael.Wadsworth@noaa.gov*.
[4] Updates on the catch level of bigeye tuna in the EPO: https://www.fisheries.noaa.gov/pacific-islands/commercial-fishing/pacific-islands-annual-catch-limits.

trip, gear must be stowed in a way that it is not readily available for fishing. Specifically, the hooks, branch or dropper lines, and floats used to buoy the mainline must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use. This does not apply to vessels that have made a prior declaration to NMFS that the trip is shallow-setting.

Q5. How will I know if the bigeye limit for large longline vessels is increased?

As a member of the IATTC, the U.S. may transfer catch limits for bigeye tuna in the EPO with other IATTC members or cooperating non-members (collectively known as CPCs). If the United States engages in a transfer of a bigeye tuna catch limit with another IATTC CPC, NMFS will publish a notice in the *Federal Register* announcing the new catch limit for bigeye tuna in the EPO that is available to U.S. large longline vessels over 24 m in overall length. The same restrictions described above apply if an announcement is made that the new limit is projected to be reached.

Purse Seine Closures (50 CFR 300.25(e))

Q6. When is the IATTC Convention Area closed for purse seine vessels?

Commercial U.S. purse seine vessels that are class 4-6 (over 182 mt of carrying capacity) may not be used to fish with purse seine gear in the Convention Area for 72 consecutive days during one of the following two periods:

- From 0000 hours Coordinated Universal Time (UTC) July 29, to 2400 hours UTC October 8 (fall closure), or
- From 0000 hours UTC November 9, to 2400 hours UTC January 19 of the following year (winter closure).

Q7. Can I choose which closure period I will observe each year?

Yes. To do so, vessel owners, managers, or association representatives of the applicable purse seine vessels must write a notification to the Regional Administrator by May 15 each year identifying which of the two closure periods they will observe (50 CFR 300.25(e)(1)).

In addition to the selected closure period, the notification must also include the vessel name, registration number, and the vessel owner or managing owner's name, signature, business address, and business telephone number. The notification must be submitted by email to *wcr.hms@noaa.gov* and must be received no later than May 15. Vessels that do not send a notification to NMFS will be required to observe the second closure period (November 9 through January 19 of the following year).

Q8. Are there any limits for bigeye tuna purse seine vessels catch?

Although there are no catch limits for purse seine vessels, there are new restrictions including a system of additional closure days for class size 4-6 purse seine vessels that exceed specified

annual catch levels for bigeye tuna (see 50 CFR 300.25(e)(2)).

These catch levels begin at 1,200 mt of bigeye tuna with 10 additional closure days and increase in increments of 300 mt and 3 additional closure days beyond that level. In 2023 and 2024, U.S. purse seine vessels that exceed a certain annual catch level of bigeye tuna will be required to increase the number of closure days they observe in the following year, as specified in **Table 1**.

Table 1. Bigeye Tuna Catch Levels and Corresponding Additional Closure Days.

Catch level (mt) exceeded	Additional closure days observed
1,200	10
1,500	13
1,800	16
2,100	19
2,400	22

Q9. When should additional closure days for bigeye tuna purse seine vessels be observed?

The additional days of closure must be added to whichever closure period the vessel has elected to observe for that year. For vessels observing the first closure period, the additional days must be added at the beginning of the closure period. For vessels observing the second closure period, the additional days must be added to the end of the closure period. The HMS Branch will confirm the determination of annual catch levels for U.S. purse vessels based on information provided by the IATTC and notify any U.S. vessel that exceeds a given catch level.

Q10. Are there any circumstances where a purse seine closure period can be reduced?

Yes. If a vessel experiences a *force majeure* event (i.e., is disabled by mechanical or structural failure, fire, or explosion while at sea, except while transiting between ports on a trip during which no fishing operations occur) that renders the vessel unable to proceed to outside one of the two closure periods for at least 75 continuous days, the vessel owner or operator may apply for a reduced closure period.

A request for an exemption due to *force majeure* must be made to the Highly Migratory Species Branch no later than 20 calendar days after the end of the period of inactivity due to *force majeure*. The request must be made via email to *wcr.hms@noaa.gov* or by contacting the HMS Branch. The request must include the name and official number of the vessel, vessel owner or manager's name and signature, and evidence to support the request, which may include but is not limited to photographs, repair bills, certificates of departure from port, and in the case of a marine casualty, a completed copy of the U.S. Coast Guard Form CG-2692A (See **46 CFR 4.05-10**).

Q11. What happens after submitting a force majeure exemption request?

If the request is accepted by the NMFS Sustainable Fisheries Division, it will be forwarded to the IATTC Director.

- If the request is accepted by the IATTC, the vessel must observe a reduced closure period of 40 consecutive days of the vessel's selected closure period in the same year during which the *force majeure* event occurred.
- The exemption does not apply to the additional closure days specified in Table 1.
- If the request is accepted by the IATTC, but the vessel has already observed its closure period in the year in which the *force majeure* event occurred, the vessel must observe a reduced closure period of 40 consecutive days in one of the two closure periods the following year.
- If a *force majeure* exemption is granted to a vessel, they must carry an IATTC observer on their trip during the closure period, unless the vessel has been granted an exemption from the observer requirement by the NMFS.

If the request is declined by the NMFS Sustainable Fisheries Division or the IATTC, the applicant may supply additional information to further substantiate the request. However, this does not guarantee it will be granted.

Q12. Are there other closures for purse seine vessels?

Yes. There is a 31-day area closure for class size 4-6 purse seine vessels each year. These vessels may not be used from 0000 hours UTC on October 9 to 2400 UTC on November 8 to fish with purse seine gear within the area bounded at the east and west by 96° and 110° W longitude and bounded at the north and south by 4° N and 3° S latitude (**Figure 1**).

Q13. Are there any other EPO restrictions in place during closure periods?

Unless NMFS and the IATTC grants a purse seine vessel a *force majeure* exemption to the EPO closure period, the fishing gear of the vessel must be stowed in a manner that is not readily available for fishing (i.e., the boom must be lowered as far as possible so that the vessel cannot be used for fishing in the EPO, but so that the skiff is accessible for use in emergency situations; the helicopter, if any, must be tied down; and launches must be secured).

FAD Reporting and Restrictions (50 CFR 300.22(c) and 300.28)

Q14. What is an Active FAD?

An Active FAD is a FAD deployed at sea where activation of the satellite buoy has occurred and the satellite buoy is transmitting its location and is being tracked by the vessel owner or operator. A FAD is considered an Active FAD unless/until the vessel owner or operator is no longer tracking its location and the vessel owner or operator notifies the IATTC that the FAD is deactivated.

Q15. How is a satellite buoy deactivated?

Deactivation of a satellite buoy means the act of canceling network service for receiving the satellite buoy's position. Deactivation is done by the buoy supplier company at the request of the vessel owner or manager. Following deactivation, the communication service is no longer paid for and the buoy stops transmitting.

Q16. What is "reactivation" of a satellite buoy?

Reactivation means the act of re-initializing network service for transmission of a satellite buoy's position after deactivation. The procedure is the same as the one to be followed for activation of a satellite buoy.

Q17. Can I deactivate satellite buoys whenever I want?

No. A U.S. vessel owner or operator is only allowed to deactivate a satellite buoy attached to a FAD that was activated in the IATTC Convention Area in the following circumstances:

(1) Complete loss of signal reception;
(2) Beaching;
(3) Appropriation of a FAD by a third party;
(4) Temporarily during a selected closure period;
(5) For being outside of the area between the meridians 150° W and 100° W, and the parallels 8° N and 10° S; the area between the meridian 100° W and the coast of the American continent and the parallels 5° N and 15° S; or
(6) Transfer of ownership.

Q18. How do I report satellite buoy deactivations?

A vessel owner or operator that deactivates a satellite buoy attached to a FAD must comply with the reporting requirements for buoy deactivations in § 300.22(c)(3) and report any deactivation of a satellite buoy to the IATTC using the data fields included in **Table 2**.

Table 2. *Reporting for any deactivation of a satellite buoy to the Secretariat using the following data fields of the first communication of the buoy after being activated.*

Data fields	Examples/format
Date	YYYY/MM/DD
Time	hh:mm
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
Location	Latitude and longitude of each FAD (Degrees and minutes in decimal value)
Speed	Knots
Reason of deactivation	Allowed reasons include: signal loss, stolen FAD, beaching, temporarily during closure periods, transferred ownership, FAD outside of the area between the meridians 150° W and 100° W, and the parallels 8° N and 10° S; the area between the meridian 100° W and the coast of the American continent and the parallels 5° N and 15° S. If another reason say "other" and specify.

The IATTC also provides an excel spreadsheet for download to report this information:

- Excel form for Deactivations and Reactivation
- Instructions on How to use the FAD deactivations/reactivations form
- Video tutorial

These forms must be submitted to the IATTC at either of the addresses below:

- Address: Inter-American Tropical Tuna Commission
  - 8901 La Jolla Shores Drive
    La Jolla, CA 92037-1509
- E-mail: BuoyInfo@iattc.org

Q19. Can I reactivate satellite buoys whenever I want?

No. A U.S. vessel owner or operator is only allowed to remotely reactivate a satellite buoy at sea that was activated in the IATTC Convention Area in the following circumstances:

(1) To assist in the recovery of a beached FAD;
(2) After a temporary deactivation during the closure period; or
(3) Transfer of ownership while the FAD is at sea.

Q20. How do I report satellite buoy reactivations?

A vessel owner or operator that reactivates a satellite buoy must comply with the reporting requirements for satellite buoy reactivations in § 300.22(c)(4) and using the data fields included in **Table 3**.

Table 3. *Reactivation of satellite buoys reporting requirements.*

Data fields	Examples/format
Date	YYYY/MM/DD
Time	hh:mm
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
Location	Latitude and longitude of each FAD (Degrees and minutes in decimal value)
Speed	Knots
Reason of remote reactivation	Allowed reasons include: recovery of a signal loss, after a temporary deactivation during the closure period, or transfer of ownership while FAD is at sea. If another reason say "other" and specify.

The IATTC provides an excel spreadsheet for download to report this information:

- Excel form for Deactivations and Reactivation
- Instructions on How to use the FAD deactivations/reactivations form
- Video tutorial

These forms must be submitted to the IATTC at either of the addresses below:

- Address: Inter-American Tropical Tuna Commission
  - 8901 La Jolla Shores Drive
    La Jolla, CA 92037-1509
- E-mail: BuoyInfo@iattc.org

Q21. Are there restrictions on deploying a non-Active FAD?

Yes. It is prohibited to deploy a FAD in the IATTC Convention Area that is not an Active FAD.

Q22. Is there a limit on the number of Active FADs I can deploy?

Yes. U.S. vessel owners and operators of purse-seine vessels with the following well volume in cubic meters (m3) must not have more than the following number of Active FADs per vessel in the IATTC Convention Area at any one time during the following years.

Table 4. *Number of active FADs allowed per U.S. purse seine vessel by well volume capacity.*

Well volume (m^3)	Active FAD limit
For 2022 calendar year	
1,200 or more	400
426-1,199	270
213-425	110
0-212	66
For 2023 calendar year	
1,200 or more	340
426-1,199	255
213-425	105
0-212	64
For 2024 calendar year and beyond	
1,200 or more	340
426-1,199	210
213-425	85
0-212	50

Q23. Are there restrictions on deploying or retrieving Active FADs?

Yes. Vessel owners, operators, and crew of purse seine vessels of class size 4-6 (more than 182 mt carrying capacity) must not deploy a FAD during the 15 days prior to the start of the selected closure

period. Additionally, during the same 15 days prior to the start of the vessel's selected closure period owners, operators, and crew of purse seine vessels of class size 6 (greater than 363 mt carrying capacity) must remove from the ocean the same number of FADs it sets upon during that same 15-day period.

Q24. Are there restrictions on FAD construction?

Yes. All FADs onboard or deployed by U.S. vessel owners, operators, or crew must comply with the following design requirements:

(1) Raft: If the FAD design includes a raft (*e.g.*, flat raft or rolls of material) and if mesh netting is used as part of the structure, the mesh netting must have a mesh size less than 7 centimeters and the mesh net must be tightly wrapped such that no netting hangs below the FAD when deployed; and,

(2) Subsurface: Any netting used in the subsurface structure of the FAD must either be tightly tied into bundles ("sausages"), or

   a. have a stretched mesh size less than 7 centimeters in a panel that is weighted on the lower end with at least enough weight to keep the netting taut in the water column.
   b. Mesh size means the distance between the inside of one knot to the inside of the opposing knot when the mesh is stretched, regardless of twine size.

NMFS recognizes that any netting used in a FAD may become loose over time. However, to achieve the intent of the Resolution, the netting must remain secure and tight whenever deployed. Therefore, NMFS reminds the fleet that in order to keep FADs in compliance with these regulations, the purse seine operators must remain vigilant in maintaining and securing all mesh netting used in FADs.

Q25. What are FAD satellite buoy reporting requirements?

U.S. vessel owners and operators must record or maintain daily information on buoy location and acoustic data for all Active FADs that have been deployed in the water in the IATTC Convention Area and report that information to the IATTC.

The information provided shall be identical in form and content to the raw satellite buoy data provided by the buoy manufacturers to the original users (i.e., vessels and vessel administrators), as specified in the Annex IV of Resolution C-20-04. The data fields and examples of the information to be submitted to the IATTC are included in **Table 5 (**for daily buoy data from satellite buoy manufacturers), in **Table 6 (**for buoy data transmission information), and **Table 7 (**for buoy acoustic information).

These reports must be submitted no later than 90 days after the month covered by the report. For example, reports covering the month of January 2022 must be submitted on or before May 1, 2022. Data should be received in csv files named "X-YYYY-MM-ZZZZZZZ-Sounder.csv" where X is the code of the buoy manufacturer (M, S, Z, for Marine Instruments, Satlink, and Zunibal, respectively), YYYY is the year, MM the month, and ZZZZZZZ the name of the fishing company. A single csv file will be prepared for company, year and month.

This data must be submitted to the IATTC at either of the addresses below:

- Address: Inter-American Tropical Tuna Commission
  - 8901 La Jolla Shores Drive
    La Jolla, CA 92037-1509

- E-mail: BuoyInfo@iattc.org

Table 5. *Daily reporting information on satellite buoys. The following data fields must be included for all the buoys and positions recorded during the day, in fishing company-specific csv files.*

Data field	Format/examples
Date	dd-mm-yyyy
Time	hh:mm
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
IMO number of vessel	"IMO" followed by a unique, seven-digit number: the pattern is "NNNNNNN," where N is a single-digit number, e.g., "1234567"
Location	latitude [expressed as decimal degrees] longitude [expressed as decimal degrees]
Speed	Knots

Table 6. *The following data fields of corresponding information to each transmission are to be submitted to the IATTC.*

Data field	Format/examples
Water temperature	Degrees celsius
Buoy in the water	Only for those buoys with sensors that allow identifying buoys in the water
Activation and deactivation dates	d-mm-yyyy
Estate or transmission mode of the buoy	.g. immediate information, retrieving, etc.

Table 7. *Reporting requirements for acoustic records. Daily acoustic data will vary depending on the buoy company and the following are the data fields for each company that must be included for all the buoys and acoustic records recorded daily, in fishing company-specific csv files.*

Data field	Format, examples
ZUNIBAL	
Company	ZUNIBAL
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
Date	date, time
Type	position or sounder
Location	latitude, longitude
Speed	Knots
Drift	
Total	
SATLINK	
Company	SATLINK
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
Message Descriptor (MD)	
Date	Date, time
Type	Position or sounder
Location	Latitude, longitude
Battery charge (bat)	
Temp	Degrees celsius
Speed	Knots
Drift	
layer1, layer2, layer3, layer4, layer5, layer6, layer7, layer8, layer9, layer10, sum, max, mag1,	

mag2, mag3, mag4, mag5, mag6, mag7, mag8	
MARINE INSTRUMENTS	
Company	SATLINK
Buoy identifier code	The format varies for each buoy manufacturer but is always an alphanumeric code
Transmission Date	dd-mm-yyyy
Transmission Hour	hh:mm
Location	Latitude, longitude
Mode	
Light	
Poll	
Temperature	Degrees celsius
Vcc	
SounderDate	
Gain	
Layers	
Layerbits	
Maxdepth	
sd1, sd2, sd3, sd4, sd5, sd6, sd7, sd8, sd9, sd10, sd11, sd13, sd12, sd14, sd15, sd16, sd17, sd18, sd19, sd20, sd21, sd22, sd23, sd24, sd25, sd26, sd27, sd28, sd29, sd30, sd31, sd32, sd33, sd34, sd35, sd36, sd37, sd38, sd39, sd40, sd41, sd42, sd43, sd44	

Cannery Data (50 CFR 300.22(d))

Q26. Am I required to report cannery data to IATTC?

Yes. U.S. purse seine vessel owners and operators must report processing plant data for fish caught in the IATTC Convention Area to the IATTC, and also make the data available to NMFS upon request, no later than 10 days after completion of unloading and the last day of grading by size.

These forms must be submitted to the IATTC at either of the addresses below:

- Address: Inter-American Tropical Tuna Commission
  - 8901 La Jolla Shores Drive
    La Jolla, CA 92037-1509
- E-mail: datahandlers@iattc.org

List of Contacts

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