

CHANGE REQUEST
INTERNATIONAL DOLPHIN CONSERVATION PROGRAM
OMB CONTROL NO. 0648-0387

The National Marine Fisheries Service (NMFS) is proposing regulations under authority of the Tuna Conventions Act of 1950 (TCA), as amended, to implement a resolution adopted by the Inter-American Tropical Tuna Commission (IATTC) in June 2013, specifically Resolution C-13-01 for a Multiannual Program for the Conservation of Tuna in the Eastern Pacific Ocean during 2014-2016. The proposed regulations to implement these tuna conservation measures would amend the Pacific tuna fisheries regulations at 50 CFR part 300, subpart C. These revisions would ensure that the United States is satisfying its obligations under the TCA.

This rule, RIN 0648-BD52, amends current tuna conservation measures in the longline and purse seine fisheries operating in the IATTC Convention Area by:

- 1) Establishing a 500 metric ton catch limit on bigeye tuna caught by longline vessels greater than 24 meters in length in the IATTC Convention Area during 2014 through 2016;
- 2) Prohibiting purse seine vessels of class size 4 to 6 (greater than 182 metric tons in carrying capacity) from fishing for yellowfin, bigeye, and skipjack tunas in the IATTC Convention Area for a period of 62 days in each year 2014, 2015, and 2016, and allowing exceptions for:
 - a) Purse seine vessels of class size 4 (between 182 and 272 metric tons carrying capacity) to make a single fishing trip of up to 30 days duration during the closed period, provided that the vessel carries an observer of the On-Board Observer Program of the Agreement on the International Dolphin Conservation Program;
 - b) In the event of force majeure (vessels disabled by mechanical and/or structural failure, fire, or explosion) rendering a purse seine vessel unable to proceed to sea outside of a closure period for at least 62 days (the prescribed closure period), the vessel owner may request an exemption from the closure period and if the request is accepted by the IATTC, the purse seine vessel owner may observe a reduced closure period of 30 consecutive days;
- 3) Closing the fishery for yellowfin, bigeye, and skipjack tuna within the area of 96° and 110°W and between 4°N and 3°S to purse seine vessels of class size 4 to 6 from 0000 hours on September 29 to 2400 hours on October 29, in years 2014, 2015, and 2016.

There are two aspect of this rule that will effect a change in information collection:

- 1) Purse seine owners were previously required to notify NMFS of their choice of 62-day closure period (July 29 to September 28 or November 18 to January 18) via fax, but now vessel owners or an association representative may also notify NMFS via e-mail.
- 2) The addition of the force majeure provision: purse seine vessel owners or managers interested in requesting a force majeure exemption will be required to submit the information listed below to NMFS via fax or e-mail, such that their request can be considered for approval by IATTC Members.
 - a) The name and official number of the vessel,

- b) Vessel owner or manager's name and signature, and
- c) Evidence to support the request, which may include but is not limited to photographs, repair bills, certificates of departure from port, United States Coast Guard form CG-2692A (Ref. 46 CFR 4.05-10).

Once the rule is final, NOAA will promptly post instructions for completing the force majeure exemption request to this website – http://www.westcoast.fisheries.noaa.gov/fisheries/management/inter-american_tropical_tuna_comm.html – as part of a small entity compliance guide.

The number of respondents (139) is not expected to change as a result of this rulemaking. It is estimated that about 1 respondent per year may express an interest in requesting a force majeure exemption and to do so would be required to provide the aforementioned information, adding one response (312 total (previously 311) per year.

Additional annual burden: 1 x 1 hour = 1 hour; new total burden for this information collection: 177 hours (previously 176 hours) per year.

Additional annual cost: (1 application x \$3 fax) = \$3; new total cost: \$3,781 (previously \$3,778).