



**NOAA
FISHERIES**

1. Correspondence (June 22-24, 2021) M

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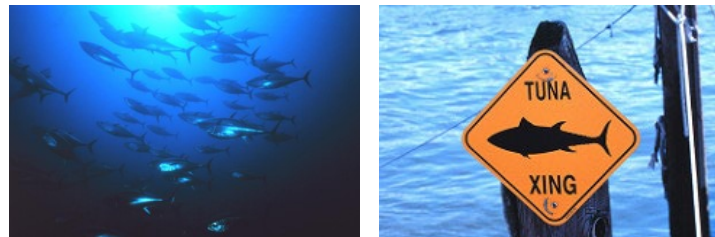
Proposed Rule to Implement Federal Atlantic Tunas Regulations in Maine State Waters

Highly Migratory Species Management Division

May 2021

Background

- Atlantic Tunas Convention Act (ATCA) requires:
 - Federal regulations implementing International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations to apply within state waters where state regulations are less restrictive or not effectively enforced
 - Continuing review of state regulations and their enforcement
- For Atlantic tunas:
 - Most determinations made in 1976 - Maine included in part
 - Regulations revised with 1999 Fishery Management Plan - Maine excluded from determination (at 50 CFR 635.1(b))



Request from Maine Department of Marine Fisheries (MEDMR)

- October 5, 2020 letter from MEDMR requested adding Maine to the list of states where Federal tunas regulations apply in state waters.
- MEDMR noted:
 - Cannot adjust state regulations to remain consistent with Federal regulations; and
 - Commercial tuna fishing activity in state waters has increased.



Maine Sea Grant



NOAA Fisheries Review of Maine Laws and Regulations

- State laws do not address tuna fishing in state waters in detail, other than:
 - restricting permitted gears;
 - implementing permit for certain tuna tournaments; and
 - requiring a commercial fishing license.
- Recreational highly migratory species (HMS) fishing policy.



Proposed Change to HMS Regulations

- Proposed rule published April 26, 2021 (86 FR 22006).
- Would add Maine to the list of states at 50 CFR 635.1(b) for which Federal Atlantic tunas regulations are applicable within state waters.
- Applicable regulations would include all part 635 tunas regulations, including: open and closed seasons, retention limits, size limits, authorized gears and gear restrictions, and permitting and reporting requirements.
- Atlantic tunas managed under these regulations: bluefin, bigeye, albacore, yellowfin, and skipjack tunas.

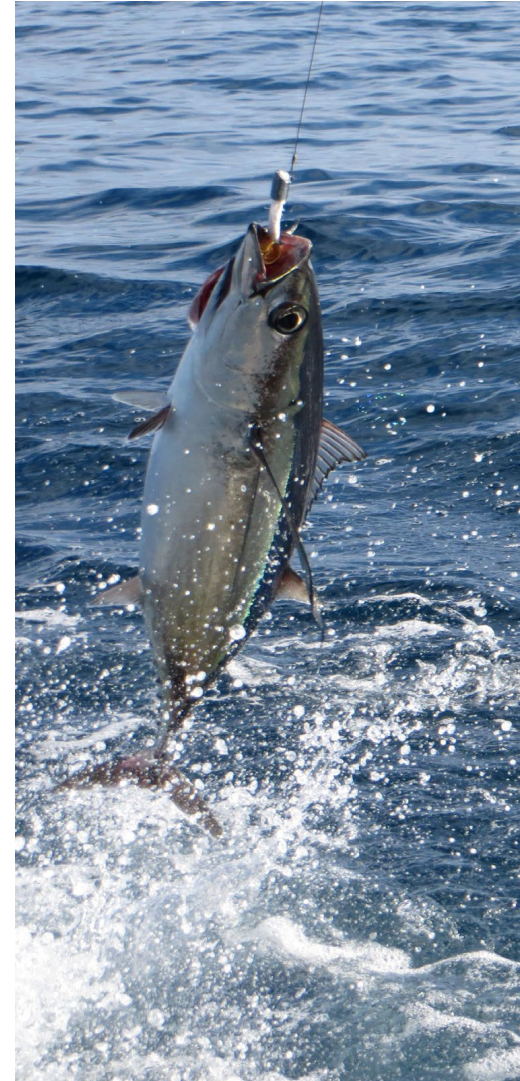


Impacts of Proposed Change

- Regulatory change not anticipated to:
 - Change fishing location, timing, effort, authorized gear types, or harvest levels;
 - Change ecological or socioeconomic impacts; or
 - Have significant economic impact on small entities.
- Regulatory change would:
 - Provide regulatory consistency;
 - Enhance enforcement of Federal regulations; and
 - Ensure tunas landed in state waters are reported in compliance with ICCAT requirements.

Future Review of State Regulations

- NOAA Fisheries may review Connecticut and Mississippi state tunas regulations to determine if these states should also be included under § 635.1(b).
- NOAA Fisheries may also review regulations for other HMS that implement ICCAT recommendations.



Request for Public Comments

- Comment period closes on June 10, 2021
- Please submit comments at <https://www.regulations.gov> (Search “NOAA-NMFS-2021-0013”)
- Action webpage:
<https://www.fisheries.noaa.gov/action/proposed-rule-implement-federal-atlantic-tunas-regulations-maine-state-waters>
- For more information contact:
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