

Science, Service, Stewardship



Introduction to Highly Migratory Species Management & Advisory Panel

February 2009

August 26, 2009

**NOAA
FISHERIES
SERVICE**

HMS Management History

- 1976: Magnuson Fishery Conservation & Management Act passed
- 1990: Magnuson Act amended, giving authority to Secretary of Commerce to manage:
 - Atlantic tunas (not previously with a Council; NERO lead); listed by species
 - Atlantic sharks (transferred from Councils); listed by group
 - Atlantic swordfish and billfish (transferred from Councils); listed by family
 - Secretarial Authority delegated to NMFS
 - NMFS created HMS Management Division in 1992
- 1996: Magnuson amended again, renamed Magnuson-Stevens Act
 - Required NMFS to establish separate HMS Advisory Panels for each FMP (Billfish & HMS)

HMS Management Overview

- Provisions of Magnuson-Stevens Act apply to HMS management (except Council-specific requirements)
 - National Standards (Sec. 301)
 - Prevent overfishing
 - Promote safety at sea
 - Minimize bycatch
 - Use best available science
 - FMP content requirements (Sec. 303)
 - Contain measures necessary to rebuild overfished stocks
 - Describe and identify essential fish habitat
 - Cumulative impact assessment
- Some provisions unique to HMS
 - Advisory Panel
 - Certain international considerations
 - Certain FMP requirements

ICCAT & ATCA

- International Commission for the Conservation of Atlantic Tunas (ICCAT)
 - Management recommendations for tunas, billfish, swordfish, and (increasingly) sharks (generally as bycatch)
 - Recommendations binding for United States (quotas, minimum sizes, trade restrictions, statistical documents, vessel lists, etc.)
 - HMS implements ICCAT recommendations as necessary & appropriate through regulations under authority of ATCA
- Atlantic Tunas Convention Act (ATCA) - 1975
 - Domestic legislative authority to implement ICCAT recommendations
 - Regulates all fishing activities (including research)
 - Limits action that could increase or decrease any U.S. allocation of quota or F agreed to at ICCAT

HMS Management Overview

We must also comply with, among other laws:

- Endangered Species Act (ESA)
- Marine Mammal Protection Act (MMPA)

HMS Management Overview

We must also comply with numerous other Acts and Executive Orders:

- Administrative Procedure Act (APA)
- National Environmental Policy Act (NEPA)
- Coastal Zone Management Act (CZMA)
- Regulatory Flexibility Act (RFA)
- Paperwork Reduction Act (PRA)
- Information Quality Act (IQA)
- Executive Order 12866 (E.O. 12866) - significance
- Executive Order 13132 (E.O. 13132) – federalism

HMS AP Process vs. Council Process

HMS AP

- AP recommendations *advisory* in nature
- NMFS decides what actions to consider and implement
- HMS staff seek input of Science Center staff and other experts
- AP meets ~ 2x/year

Councils

- Council members *vote* to approve/disapprove actions to submit to NMFS
- NMFS approves or disapproves action
- Scientific & Statistical Committees provide expert advice to Council
- Councils meet ~ 5x/year

HMS Regulatory Actions

- **FMP Amendment with Environmental Impact Statement**
 - Scoping & scoping meetings
 - Predraft & AP meeting
 - Draft EIS with proposed rule
 - Public hearings & AP meeting
 - Final EIS with final rule
- **Regulatory Amendment with EIS**
 - Same as FMP Amendment (predraft optional)
- **Regulatory Amendment with Environmental Assessment**
 - Draft EA with proposed rule
 - Public hearings
 - Final EA with final rule
- **In-season actions and “framework” actions**

HMS Operational Infrastructure

(A diffuse system)

Permits

Reporting

<ul style="list-style-type: none"> •Aquilent (HMS & Tuna Open Access) •M&B HQ (COTR, IT Support) •HMS NE (Tuna Limited Access) •SER (SHK/SWO Limited Access) •HMS HQ (EFPs) •HMS SE (Tournaments) 	<ul style="list-style-type: none"> •NER (Commercial VTR/NE FMP) •SEFSC (Logbooks, Tournaments) •Aquilent (Non-Tournaments) •S&T HQ (Recreational LPS, MD & NC, economic add-on) •HMS HQ (EFP)
<ul style="list-style-type: none"> •SER (Shark/Sword Domestic, HMS ITP) •HQ-S&T (HMS ITP IT Support) •NER (Tuna Domestic) 	<ul style="list-style-type: none"> •HMS NE (BFT Domestic, International) •Aquilent (BFT IT Support) •NER (ONLY w/NE permit & IT support) •SF NSIL (BET, SWO International) •SEFSC (Non-BFT S.E.) •I/A HQ (ICCAT) •NEFSC (Non-BFT IT Support)

Vessels

- Recreational
- Charter/Headboat
- Commercial
- Research

Dealers

- Domestic
- International

What to expect from AP

- NMFS staff provides:
 - New information/analyses
 - Updates on actions
 - Administrative support (travel, documents, etc.)
- AP members:
 - Engage in discussion
 - Debate issues
 - Provide advice
- No decisions “made” at meeting

Questions?

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Extensive “Training” Materials available at:
www.nmfs.noaa.gov/sfa/reg_svcs/councils.htm