



**NOAA**  
**FISHERIES**

Office of  
Sustainable  
Fisheries

# Introduction to Atlantic Highly Migratory Species Management & Advisory Panel

March 29, 2016

# 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; GARFO\* 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 (Sec. 302(g)(4))
- Certain international considerations (Sec. 304(g)(1))
- Certain FMP requirements (Sec. 304(g)(1))



# 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 Div. implements ICCAT recommendations as necessary & appropriate through regulations under ATCA

## Atlantic Tunas Convention Act (ATCA) – 1975

- Domestic legislative authority to implement ICCAT recommendations
- Regulates all fishing activities (including research)
- Limits subsequent action that could increase or decrease any U.S. allocation of quota or F agreed to at ICCAT



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# 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 Regulatory Actions

## FMP Amendment with Environmental Impact Statement

- Scoping & scoping meetings
- Predraft & AP meeting
- Draft Amendment/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

### Vessels

- Recreational
- Charter/Headboat
- Commercial
- Research

### Dealers

- Domestic
- International

<ul style="list-style-type: none"> <li>•<b>HMS permits website</b> (HMS/Tuna/Swordfish Open Access)</li> <li>•<b>SERO</b> (SHK/SWO/Tuna Limited Access, Commercial Caribbean Small Boat, &amp; Smoothhound)</li> <li>•<b>HMS HQ</b> (EFPs)</li> <li>•<b>HMS SE</b> (Tournaments)</li> <li>•<b>GARFO</b> (Incidental HMS Squid Trawl)</li> </ul>	<ul style="list-style-type: none"> <li>•<b>GARFO</b> (Commercial VTR/NE FMP)</li> <li>•<b>SEFSC</b> (Logbooks, Tournaments, Observers)</li> <li>•<b>HMS permits website</b> (Non-Tournaments)</li> <li>•<b>S&amp;T HQ</b> (Recreational LPS, MD &amp; NC)</li> <li>•<b>HMS HQ</b> (EFP)</li> <li>•<b>OIA HQ</b> (ICCAT)</li> </ul>
<ul style="list-style-type: none"> <li>•<b>SERO</b> (SHK/SWO Domestic, HMS International Trade)</li> <li>•<b>GARFO</b> (Tuna Domestic)</li> </ul>	<ul style="list-style-type: none"> <li>•<b>HMS NE</b> (BFT Domestic)</li> <li>•<b>HMS HQ</b> (E-Dealer for SWO, SHK, BAYS)</li> <li>•<b>SF NSIL</b> (International BFT, SWO, BET)</li> <li>•<b>GARFO</b> (ONLY w/NE permit)</li> <li>•<b>SEFSC</b> (SE/GOM FMPs)</li> </ul>



# 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



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# 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



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# Current Issues

## Bluefin Tuna:

- Amendment 7, domestic, international

## Shark:

- Amendment 5b (dusky sharks)
- Blacknose

## Swordfish:

- Revitalization

## Bycatch:

- Sea turtles
- Billfish
- Marine Mammals



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# Questions?

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Extensive Council Training Materials available at:  
[www.nmfs.noaa.gov/sfa/reg\\_svcs/councils.htm](http://www.nmfs.noaa.gov/sfa/reg_svcs/councils.htm)