

Science, Service, Stewardship



Introduction to Atlantic Highly Migratory Species Management & Advisory Panel

March 13, 2012

**NOAA
FISHERIES
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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 (Sec. 302)
- Certain international considerations (Sec. 304(g))
- Certain FMP requirements (Sec. 304(g))



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 recs
- 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



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 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"> •Aquilent (HMS & Tuna Open Access) •SER (SHK/SWO/Tuna Limited Access) •HMS HQ (EFPs) •HMS SE (Tournaments) •TBD (Incidental HMS Squid Trawl) •TBD (Smoothhound) 	<ul style="list-style-type: none"> •NER (Commercial VTR/NE FMP) •SEFSC (Logbooks, Tournaments, Observers) •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, <i>International</i>) •Aquilent (BFT IT Support) •NER (ONLY w/NE permit) •SF NSIL (BET, SWO International, <i>BFT</i>) •SEFSC (Non-BFT S.E.) •I/A HQ (ICCAT) •NEFSC (BFT) •HMS HQ (E-Dealer coming soon for SWO, SHK, BAYS)



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



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



Current Issues

Bluefin Tuna – domestic, international

Swordfish – revitalization

Shark – fishery trends, catch shares?

Bycatch -

- Billfish
- Sea turtles
- 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