

Science, Service, Stewardship



Highly Migratory Species Advisory Panel HMS Management Overview

September 19, 2012

**NOAA
FISHERIES
SERVICE**

NOAA



Goal of Presentation

- Provide a brief update of recent actions
- Provide update on actions recommended at previous AP meetings
- Will defer issues to be discussed later:
 - Caribbean Amendment 4 final rule status update
 - Shark Amendment 5
 - Bluefin tuna 2012 year to date & Amendment 7 predraft
 - Swordfish Amendment 8 status update
 - HMS Research Plan
 - HMS Recreational issues



Rulemaking/Operations Update

Since the March 2012 AP meeting:

- Published 5 proposed rules and 4 final rules
- Received AP input on Shark Amendment 5 pre-draft
- Progressed with next steps on several issues from the 2009 ANPR
- Oversaw 20 workshops
- Conducted scoping for Bluefin tuna Amendment 7
- Conducted public conference call on yellowfin tuna issues

In 2012 so far:

- Issued 42 EFPs, SRPs, & LOAs
- Issued 5 Shark research fishery permits; some changes this year
- Registered 231 HMS tournaments
- ~4,400 people receiving Atlantic HMS News



Bluefin Tuna 2012 (to date)

2012 Specifications final rule published July 27 (77 FR 44161)

- Details in Bluefin Year in Review presentation, prior to A7 pre-draft discussion (both Thursday morning)

2012 Inseason Actions (since last AP meeting):

- General Category: Daily retention limit of 3 large medium/giant BFT June 1 through Aug 31; Sept 1 – Dec 31
- Closures:
 - Angling category Trophy South on April 7
 - Longline category South on May 29
 - Longline category North on June 30 (not including the Northeast Distant area)



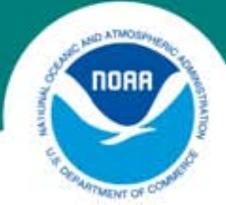
Swordfish Quotas & Other Measures

- **Established 2012 North and South Atlantic swordfish quotas to account for 2011 underharvests & transfer 112.8 mt dw to Morocco to support scientific research** (July 31, 2012; 77FR 45273)
 - 2012 North Atlantic adjusted quota is $3,672 - 112.8 = 3559.2$ mt dw
 - 2012 South Atlantic adjusted quota is 75.2 mt dw
 - Implemented 25% reduction in carry-forward of underharvest
- **Commercial and recreational minimum sizes:**
 - Alternative 25-inch cleithrum to caudal keel measure implemented
 - Swordfish bill may be removed, as long as bill is removed forward of anterior tip of the lower jaw and head is naturally attached
- **Allowed quota transfer from directed to incidental/reserve categories**
- **Implemented annual reserve category allocation of 50 mt dw for fishery research landings**



ICCAT 2011 Trade Related Actions

- Lifted trade sanctions on importing Atlantic bigeye tuna from Bolivia and Georgia per ICCAT Recommendation 11-19
- Updated HMS regulations consistent with 2012 changes to Harmonized Tariff Schedule
- Proposed Rule published June 26, 2012 (77 FR 38030)
- Final Rule published August 29, 2012 (77 FR 52259)



ICCAT Silky Shark Rule

- Proposed rule published June 22, 2012 (77 FR 37647); comment period closed July 23
- Action would:
 - Implement ICCAT Recommendation 11-08, which requires fishing vessels operating in ICCAT-managed fisheries to release all silky sharks whether dead or alive, and prohibits retaining on board, transshipping, or landing any part or whole carcass of silky shark; and
 - Prohibit the storing, selling or purchasing of silky sharks
 - To facilitate domestic compliance and enforcement -- consistent with similar regulations finalized last year regarding oceanic whitetip and most hammerhead sharks

2012 Shark Quotas and Preliminary Landings, January 1 – August 22, 2012

Species Group	Region	2012 Quota	Estimated Landings in 2012	% of 2012 Quota
Non-Sandbar Large Coastal Sharks	Gulf of Mexico	392.8 mt dw (866,063 lb dw)	369.8 mt dw (815,236 lb dw)	94%
	Atlantic	183.2 mt dw (403,889 lb dw)	32.9 mt dw (72,648 lb dw)	18%
Shark Research Fishery Quota (Non-Sandbar LCS)	No regional quotas	37.5 mt dw (82,673 lb dw)	9.1 mt dw (20,015 lb dw)	24%
Shark Research Fishery Quota (Sandbar only)		87.9 mt dw (193,784 lb dw)	Inside SRF 21.6 mt dw (47,653 lb dw)	28%
			Outside SRF 3.1 mt dw (6,786 lb dw)	
Non-Blacknose Small Coastal Sharks		332.4 mt dw (732,808 lb dw)	133.8 mt dw (294,871 lb dw)	40%
Blacknose Sharks		19.9 mt dw (43,872 lb dw)	10.9 mt dw (23,991 lb dw)	55%
Blue Sharks		273.0 mt dw (601,856 lb dw)	8.6 mt dw (18,868 lb dw)	3%
Porbeagle Sharks		0.7 mt dw (1,585 lb dw)	1.9 mt dw (4,105 lb dw)	259%
Pelagic Sharks Other Than Porbeagle or Blue		488 mt dw (1,075,856 lb dw)	99.7 mt dw (219,691 lb dw)	20% 8



Shark 2012 Commercial Fishery Closures (to date)

- Gulf of Mexico Non-Sandbar Large Coastal Sharks
 - Opened February 15, closed July 6; 94% of quota landed*
- Porbeagle Shark
 - Opened January 24, closed May 31; 259% of the quota landed*

*as of August 22, 2012

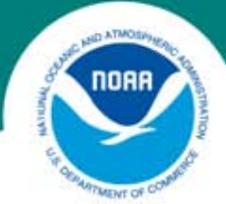


Shark 2013 Specifications

- Proposed rule coming; Final rule expected to be effective 1/1/13
 - Adjusts quotas based on over/underharvests (2011 and 2012, e.g., porbeagle); establishes season opening dates for all shark fisheries
- The 5-year quota and retention limit reductions due to large overharvests in 2007 expire on 12/31/12
 - Non-sandbar LCS and sandbar shark quotas return to base quotas

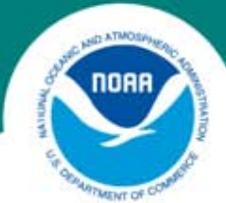
Species Group	Region	2008-2012 Base Quota	2013 Base Quota	Change
Non-Sandbar LCS	Gulf of Mexico	390.5 mt dw	439.5 mt dw	49 mt dw
	Atlantic	187.8 mt dw	188.3 mt dw	0.5 mt dw
Non-Sandbar LCS Research	No Regional Quota	37.5 mt dw	50 mt dw	12.5 mt dw
Sandbar Shark Research		87.9 mt dw	116.6 mt dw	28.7 mt dw

— Non-sandbar LCS retention limit increases to 36 LCS/vessel/trip



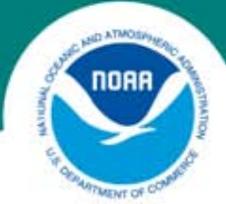
Shark Amendment 6: Future of the Shark Fisheries

- During the March 2012 AP meeting, we presented the comments received during scoping on potentially implementing catch shares
- Since then, we are continuing to
 - Analyze the permit and landings data (e.g., adding years, state vs. federal landings)
 - Considering appropriate next steps, including the need for a referendum



Vessel Monitoring System Requirements in HMS Fisheries

- The December 2011 final rule required:
 - Installation of E-MTU VMS units
 - Using VMS to declare target species, fishing gear possessed onboard, time/location of landing
- As of Feb 29, 2012, NMFS notified the public that, pending further notice:
 - HMS vessels can use either old MTU or new E-MTU units
 - No new installs of MTU units; installations of E-MTU units must be done by qualified marine electrician
 - Still need to provide hourly position reports starting 2 hours before leaving port and at all times when away from port
- Reimbursement funds for E-MTU VMS still available on a first come, first served basis for eligible vessels
- Tentatively expect that vessels must have an E-MTU no later than January 1, 2013; Date will be announced in Federal Register



Electronic HMS Dealer Reporting

Final rule published Aug 8 (77 FR 47303); EFFECTIVE JAN 1, 2013

1) Electronic dealer (eDealer) reporting requirement

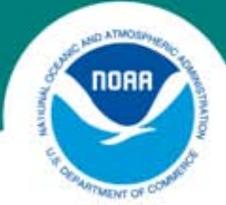
All dealers would report commercially-harvested Atlantic HMS, other than BFT, through an eDealer system on a weekly basis.

2) First receiver requirement

Individual who takes possession for commercial purpose of any HMS product by purchasing, trading, or bartering for it from the fishing vessel once it is offloaded (does not include solely for transport).

3) Timely dealer report requirement

Dealers would be authorized to receive commercially-harvested HMS only if they have submitted timely reports to NMFS.



eDealer - Next Steps

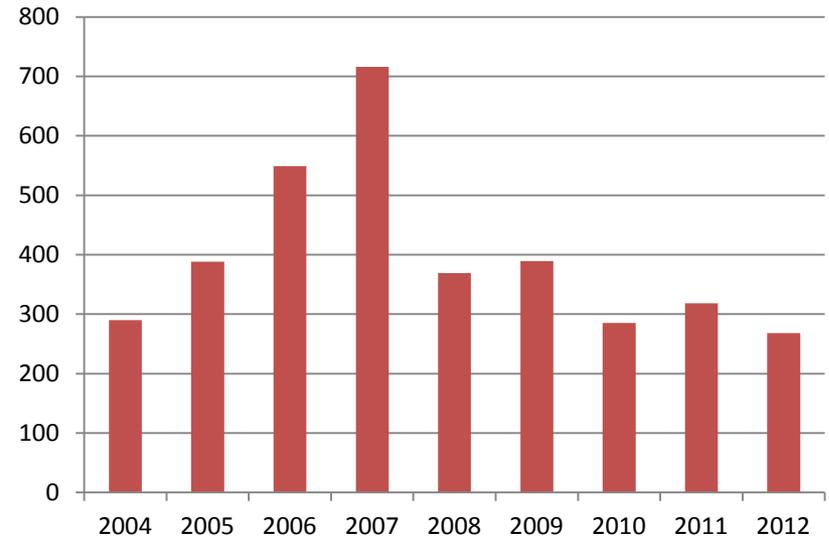
- Proposed Rule – Fall 2011
- Final Rule – August 2012
- Requirements effective January 1, 2013
- Delaying implementation to allow for outreach with dealers regarding new reporting system
- eDealer Training Workshops underway; more coming



Recreational Swordfish Issues

Non-Tournament SWO Landings

• CY 2004: 290	• CY 2009: 389
• CY 2005: 388	• CY 2010: 285
• CY 2006: 549	• CY 2011: 318
• CY 2007: 716	• CY 2012: 268*
• CY 2008: 369	



- Calendar year 2012 landings to date – 268



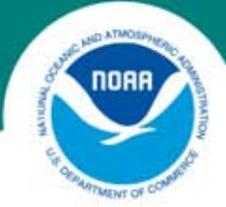
Recreational Billfish Update

Marlin Landings

- CY 2009: 44 Blue marlin; 53 White marlin (final)
- CY 2010: 25 Blue marlin; 41 White marlin; 19 Roundscale spearfish (final)
- CY 2011: 43 Blue marlin; 56 White marlin; 7 Roundscale Spearfish (final)
- CY 2012: 43 Blue marlin; 8 White marlin; 4 Roundscale Spearfish (to date)

Sailfish Landings

- CY 2009: 140 (final non-tournament)
- CY 2010: 185 (final non-tournament)
- CY 2011: 166 (final non-tournament)
- CY 2012: 112 (to date)



Tournaments Update

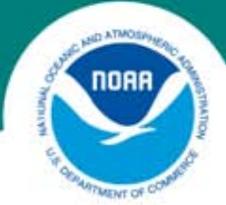
Year	Total Number Registered (All HMS)
2009	270
2010	270
2011	248
2012	231* <small>* as of Sept 2012</small>

- Email: HMSTournamentRegistry@noaa.gov
- HMS Tournaments Website:
<http://www.nmfs.noaa.gov/sfa/hms/tournaments>
 - Registration & Reporting Information
- Satisfaction survey sent to operators of registered tournaments



Litigation update

- **Humane Society of United States v. Bryson**
 - Alleges Agency violated Administrative Procedure Act by not putting porbeagle sharks on prohibited species list
 - Briefing complete; awaiting court decision
- **Center for Biological Diversity v. Blank**
 - Alleges Agency violated Magnuson-Stevens Act, National Environmental Policy Act, and Administrative Procedure Act by increasing fishing opportunities for bluefin tuna in General & Harpoon categories
 - Briefing complete; awaiting court decision



Operations/Other

- **Re-initiation of Consultation on 2004 Pelagic Longline Biological Opinion**
 - Multiple requirements in the Opinion
 - Circle hooks & other potential gear modifications
 - Training workshops & maximizing gear removal
 - Incidental take statement & post-release mortality rate goals
 - Continuous monitoring of fishery performance
 - Oceana public comment at previous AP meetings
 - NMFS is reviewing triggers for re-initiation of consultation, including new scientific information on fishery and/or populations and fishery performance with Opinion requirements
 - Re-initiation expected in near term



Operations/Other



- Continued coordination with Councils & Commissions; ASMFC for sharks
- North Carolina greenstick gear study report expected early 2013
- Louisiana greenstick gear study underway for FY12-13
- ICCAT submissions: bluefin monthly landings, bigeye/yellowfin vessel lists, changes to HMS permitted vessels monthly
- ICCAT electronic Bluefin Tuna Catch Document (e-BCD) system in progress; rulemaking likely in 2013 for Jan 2014



Operations/Other

Petitions to list under Endangered Species Act:

- **White marlin** – two petitions submitted by James Chambers and Center for Biological Diversity, 90-day finding on whether petition presents substantial information that listing may be warranted pending
- **Scalloped hammerhead sharks** – submitted by WildEarth Guardians and Friends of Animals, positive 90-day finding Nov 2011, status review pending
- **Pacific white sharks** – submitted by WildEarth Guardians, 90-day finding pending



HMS Workshops

Protected Species Safe Handling, Release, and Identification Workshops

- For Swordfish and Shark longline and gillnet vessel owners and operators
- Angler Conservation Education (ACE) continuing to conduct ~ 24 workshops annually
- Certificates expire after 3 years, so most attendees are renewing
- Schedule published quarterly

Atlantic Shark Identification Workshops

- For Atlantic Shark dealers
- Eric Sander continuing to conduct ~ 12 workshops annually
- Certificates expire after 3 years, so most attendees are renewing
- Schedule published quarterly



Looking Ahead – 2012/2013

- ICCAT support – fall Advisory Committee meeting (October), Annual meeting (November)
 - Possible measures for bluefin tuna, marlin, sharks, trade?
- Proposed Rules and Public Hearings:
 - Shark Amendment 5
 - Swordfish Amendment 8
 - 2013 Shark Specifications
 - 2013 Swordfish Specifications
 - Shark Conservation Act and Smoothhounds
- Final Rules: Caribbean Amendment 4, Silky Shark
- Re-initiation of Consultation on PLL Biological Opinion



Continued Progress on 2009 ANPR

Advanced Notice of Proposed Rulemaking (ANPR) published June 1, 2009 (74 FR 26174)

- Intended to obtain public input on:
 - Increasing opportunities to harvest available U.S. quota while ending overfishing & rebuilding bluefin tuna
 - Continuing efforts to revitalize swordfish fishery while minimizing bycatch
 - Clarifying & simplifying HMS permit structure
 - Implications of catch shares, limited access privilege programs, and individual bycatch caps for HMS fisheries
- Status (*Detailed discussion Thurs of some items*):
 - Bluefin tuna management
 - Swordfish revitalization
 - Future of the shark fisheries
 - Bycatch management



Suggestions from Prior AP meetings Underway

- Improve dealer reporting, i.e., electronic reporting on a real time basis (*eDealer final rule*)
- Consider catch shares for sharks (*Amendment 6*)
- Potentially adjust regulations to address bluefin tuna discards (*Amendment 7 discussion Wednesday*)
- Work with states on recreational tagging programs (tag issuance, data collection, and enforcement) (*Pilots in Puerto Rico and Massachusetts, update Friday*)



Suggestions from Prior AP meetings Under Consideration

- Permit-Related Suggestions
 - Re-issue lapsed permits; Use or lose permit requirement; Reopen Swordfish handgear permits; Allow permit leasing
 - Establish gear-based permits or Limited Access Privilege Programs
 - Create Swordfish General category permit (*discussion Wed.*)
- Conduct research in the Mid-Atlantic Bottom Longline closed area (*ongoing in shark research fishery*)
- Create placards for other HMS species
- Investigate electronic monitoring technology through pilot studies (ongoing; Bycatch Reduction Engineering Project)



Communication Goal: No Surprises

- Goals for All
 - Advisors/Public aware, informed, and engaged
 - Agency aware, informed, and engaged
- AP Member Role
 - Listen and Engage in Discussions
 - Share with Your Constituents
 - Bring Ideas to and Advise Agency
- Agency Role
 - Ensure compliance with all domestic & int'l requirements
 - Raise Issues and Inform AP and Public
 - Listen and Engage in Discussions
 - Make Decisions Considering Feedback



Conclusion/Looking Forward

In conclusion,

- We are covering a lot of ground at this meeting
- Operational activities continue to require substantial agency resources

Looking forward,

- We value your input & want your input on priorities & potential solutions



Questions?

Thank you!