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HMS Advisory Panel Wrap-Up (Non-Comprehensive Summary of Comments)

Spring 2023 HMS AP Meeting
May 9-11, 2023

Glossary of Acronyms and Abbreviations

ACCSP – Atlantic Coastal Cooperative Statistics Program

ACL – Annual Catch Limit

AP – Advisory Panel

BAYS – bigeye, albacore, yellowfin, skipjack tunas

BFT – Atlantic bluefin tuna

BOEM – Bureau of Ocean Energy Management

CITES- Convention on International Trade in Endangered Species of Wild Fauna and Flora

CPUE – Catch-per-unit-effort

CVA – Climate Vulnerability Assessment

EEJ – Equity and Environmental Justice

EFH – Essential Fish Habitat

EFP – Exempted fishing permit

EM – Electronic monitoring

EU- European Union

HMS – Highly Migratory Species

IBQ – Individual bluefin quota

ICCAT – International Commission for the Conservation of Atlantic Tunas

ITP – International Trade Permit

IUCN – International Union for Conservation of Nature

LAPP - Limited Access Privilege Permit

LPS – Large Pelagics Survey

MSA – Magnuson-Stevens Fishery Conservation and Management Act

MSE – Management strategy evaluation

NMFS – National Marine Fisheries Service

OFRP – Oceanic Fish Restoration Project

OLE – Office of Law Enforcement

PLL – Pelagic longline

PSAT – Pop-off satellite tag

VMS – Vessel Monitoring System



Overview Presentation

- Question about which commercial fisheries are closed in the Northeast Canyons Monument area
- Question about Spring Gulf of Mexico Monitoring Area status
- Concern about the IBQ appeals process and longliners not having their needed quota allocations until past the time it is most needed
- In regards to EEJ, comment about the importance of fisheries research including coastal community participation (particularly for U.S. territories and commonwealths)
- Mention of the ACCSP proposal submitted by the States of South Carolina and Maine regarding one-stop reporting



Rulemaking Update

- General support regarding commercial spearfishing for BAYS tunas
- Regarding the issue of harpooning behind trawl vessels:
 - Very little support for prohibiting this type of activity
 - Unclear how to define “traditional harpooning”
 - The harpoon fishery relies on weather and water temperatures; no need to restrict further
 - The issue appears to be a user conflict issue; HMS often aggregate under floating objects (e.g., Sargassum, poly balls, vessels, floating logs); prohibiting this type of activity could have implications across all HMS fisheries
 - Unclear why some vessels fishing behind other vessels would cause the quota to be harvested quickly or why it would increase the number of vessels
 - Trawl vessels do not have any of the safety concerns listed
- Regarding the proposed rule on oceanic whitetip and hammerhead sharks:
 - In the Caribbean, most hammerhead landings come from territorial waters; NMFS should coordinate with the U.S. Virgin Islands and Puerto Rico



Results of the 2022 ICCAT Annual Meeting

- Question regarding why consensus sometimes changes over time when subjects have undergone long discussions



HMS Climate Vulnerability Assessment Update

- General concern around what CVA results will be used for in the future
- Question on involved experts list
- Concern about using IUCN distributions as part of the exposure analysis
- Concern about incorporating forage species into the CVA
- Question about the time ranges used, as they relate to recent distributional shifts
- Question on how the CVA can be used in international fisheries management
- Concern about incorporating effect of wind energy industry on future changes to fish behavior



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BFT Fishery Year in Review 2022 (and 2023 Management Issues)

- Question about how non-reporting compliance is determined
- Concerns that the IBQ issue affected many vessels and that they have lost five months of fishing because of it
- Comment about potential domestic market for BFT
- Concern on reporting catch estimates for the General category compliance- compare self reporting to LPS
 - Suggestions for improving compliance rates in the General category
- Question about IBQ accounting and rules for leaving on a fishing trip and concerns that participating in the repose affected IBQ allocation levels
 - Suggestion for a transfer of quota
- Questions and comments about international BFT market and compliance with regulations
- Question about why there were more dead discards in 2021
- Suggestion to have LPS timing match up with the changing of the fish distribution



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Sam Rauch: Leadership Update

- IBQ (VMS technical issue resulting in incorrect IBQ amounts for 2023):
 - Concern about the IBQ appeals process and longliners not fishing because they will not have their needed quota allocations in time for when it is most needed
 - Comment that a solution should have been found “in-house” vs. using the National Appeals Office/process for resolution
- EEJ:
 - Appreciation for the work to finalize NOAA Fisheries’ National EEJ Strategy
 - Comment about the importance of the agency investing in fisheries research that includes coastal community participation (particularly for U.S. territories and commonwealths and for tribes)
 - Such local research will be important with respect to climate change
 - Question about the details in the President’s budget request regarding EEJ
- Oceanic whitetip sharks: Question about the possibility of creating a Recovery Plan Implementation Team reflecting *all* stakeholders
- Support for increased funding for research programs such as the Bluefin Tuna Research Program and Saltonstall-Kennedy Program
- Support for cooperative HMS research opportunities for fishermen, particularly charter fleet



Offshore Wind

- Gratitude for keeping areas open for fishing and working with the fishermen to decide best areas for future areas of wind farms
- Concerns with wind energy not being a proven entity and unknown impacts on fisheries
 - Baseline data should be established, during and after construction
- Question about data sharing between the different projects and if there could be strong encouragement to facilitate that (holistically looking at the ecology vs. lease by lease)
- Concerns raised with the amount of material in the water and mitigation for the wind farms
- In future communications, BOEM needs to get information out to constituents in a timely and efficient manner using groups and councils such as HMS AP
- Concerns about EEJ in regard to proactive outreach to all of tribal organizations along the East Coast, Caribbean and the islands, and Gulf of Mexico
- Concerns about leasing inside sanctuaries and how close to sanctuaries leases will be allowed



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Amendment 16 - Shark Quotas and Management - Scoping

- Overall support for these options to add flexibility to improve the shark fishery and management
- Need options that look at more recent years for ACL split to better reflect the current fishery
- Need to consider management measures could have restricted catch history for Tier 4 stocks
- Support for matching ICCAT measures for sharks, but not going above them
- Support for separate Caribbean region and management measures
- Some concern that this action would remove or relax regulations (lower HMS risk policy, removing retention limits, etc.)
- Sharks are a wonderful protein source that needs positive publicity
- Shark depredation is still affecting the ability to fish for other species
- Due to the complexity, NOAA should consider breaking this into multiple rulemakings
- Need to be careful of relaxing restrictions given status of some stocks and difficulty in ID'ing sharks
- General requests regarding stock assessments, including bull and thresher sharks



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CITES-approved sharks proposals at Nov 2022 CoP19

- Question on the status of the non-detriment findings for all of the shark species and possible timeline
- Clarification on EU votes in CITES (i.e., made in solidarity or made independently by country)
- Question on whether species can be removed from CITES list
- Concern about CITES taking into consideration the rankings of three shark species at the upcoming June Animals Committee meeting
- Question about the availability of raw trade data by nation and species available readily
 - Including correct data for importing countries reporting for CITES and ICCAT



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Amendment 15 - Spatial Management

- Multiple clarifying questions about:
 - The HMS PRiSM model, including data sources, validation, and metrics
 - How the EFP process would work
 - How the economic impacts were calculated
- Multiple questions regarding and concern about using PRiSM model outputs for management action
- Comments that the proposed Charleston Bump effort cap is too low
- Comments that the 12-month Charleston Bump inshore closure is too long and questions regarding the data used to indicate that a year-round closure is necessary
- Comments that the DeSoto Canyon modification would eliminate productive PLL fishing grounds
- Concern that PLL collection in offshore portion of current East Florida Coast closure would adversely impact recreational fisheries
- Concern that the proposed alternatives would not revitalize the PLL fishery
- In reviewing the monitoring areas, how will the Agency be defining what is a successful versus unsuccessful management action
- Request for a public hearing in Panama City, FL



Amendment 15 - Electronic Monitoring

- Strong negative reaction to estimated EM costs for vessel owners
 - Many comments that the additional costs would lead to many exiting the fishery
 - Comments that loss of U.S. PLL vessels would lead to adverse ecological impacts as less conservation-minded fisheries fill the gap
- Skepticism about whether cost mitigation measures would lead to lower EM costs for vessel owners
- Questions about overlap between cost allocation policy and MSA LAPP cost recovery limits
- Disagreement with the EM Data Review Areas, particularly the timing of bluefin catch in the Mid-Atlantic Bight
- Comments that EM Data Review Areas unevenly benefit fishermen in different regions
- Request for Standard Operating Procedures/metrics for equitable and efficient video review by EM vendors
- Questions on what would happen if there are no EM vendors



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Deepwater Horizon Restoration Update

- Gratitude for keeping the Caribbean included in updates, especially recently and with increasing frequency
- Question about what private organizations are involved with the Caribbean project
- Clarifications about the future PSAT program, purpose of project, who will be involved, outreach possibilities
- Question about obtaining the results from previous studies and initiatives from OFRP
 - To include species, species length, and weights caught on alternative gears
- A possibility for cooperative research collecting DNA samples from commercial size bluefin tuna for five year management strategy evaluation along with PSAT data
- Concerns with the deep-set longline project starting up and also offering up the East coast knowledge that has been around for a time



eReporting Advance Notice of Proposed Rulemaking

General comments:

- Support for One-Stop Reporting across regions
- Clarification that future requirements to report discards could include live release
- Additional data on large bluefin tuna and BAYS tuna catch and CPUE will be useful at ICCAT for quota negotiations, stock assessments, MSE
- Recognition of need for geospatial information for wind development, climate change, etc., along with questions and suggestions on how to collect it, and importance of confidentiality
- Should be clear on rationale for reporting and prioritize resources
- Should collaborate with reporting app used in Puerto Rico
- Should work with other regions on reporting lessons learned
- Should retain catch and effort surveys
- Angling:
 - Questions on validation between vessel reporting and LPS, as well as reporting to ICCAT following a change in methodology
 - Consider accuracy of shark identification



eReporting Advance Notice of Proposed Rulemaking

Timing requirements:

- Continuing reporting at 7 days (once per week) is enough info to track quotas; allows time for Vietnamese community to get assistance with reports
- Commercial logbooks cannot be submitted prior to landing due to weighout slips
- Do/do not require recreational reports prior to landing
- Should allow flexibility for small recreational vessels to report within 24-48 hours
- Incentives and permit blocks:
 - Do/do not use incentives for reporting; concern about resources to provide prizes; suggestions for incentives; use of cooperative research/tagging/sampling as incentive.
 - Support for blocking permit issuance due to lack of reporting; evaluate resources to check compliance; suggestion for tag-based system
 - Could improve angler reporting by integrating reporting into apps anglers already use
 - Continue outreach and education
- Exempted Fishing Permit Program:
 - Support for online portal and more flexible timing to report



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Draft EFH 5-Year Review

- Question regarding incorporating recreational vessel data into EFH
- Question regarding how uncertainty with EFH boundary delineations is treated
- Question regarding climate as a non-fishing impact
- Question regarding how data is shared and suggestion to provide a public comment with enough metadata that we can sufficiently describe the dataset
- Comment on coastal population increases (e.g., seasonal communities are now year round communities off Cape Cod) and recommendation to look at harmful algal blooms as a result of increased sanitary waste discharge in coastal, nearshore and inshore waters
- Suggestion to review methodology (smoothing parameters used in interpolation) more carefully to identify important areas, and make sure to remove areas that don't make biological sense (e.g., yellowfin tuna in inshore areas)
- It would be helpful to understand the main problems affecting HMS EFH - we often discuss fishing effects, but what about fishing regulations
- It is important to include prey relationship information
- Support for including acoustic and PSAT data



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Enforcement Update

- Concern about boats from Massachusetts and New York fishing in Rhode Island state waters (primarily fishing for bluefin tuna) and question about necessary permit requirements
- Question about tracking non-U.S. vessels (location after fishing activity, species fished for)
- Question about guidance for the confidentiality of those that are violating the law and being caught?
 - Demonstrating the violations could reiterate what regulations are and show Law Enforcement is out and monitoring

