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Atlantic Highly Migratory Species Amendment 15

Spatial Fisheries Management and Pelagic Longline Electronic Monitoring Cost Allocation

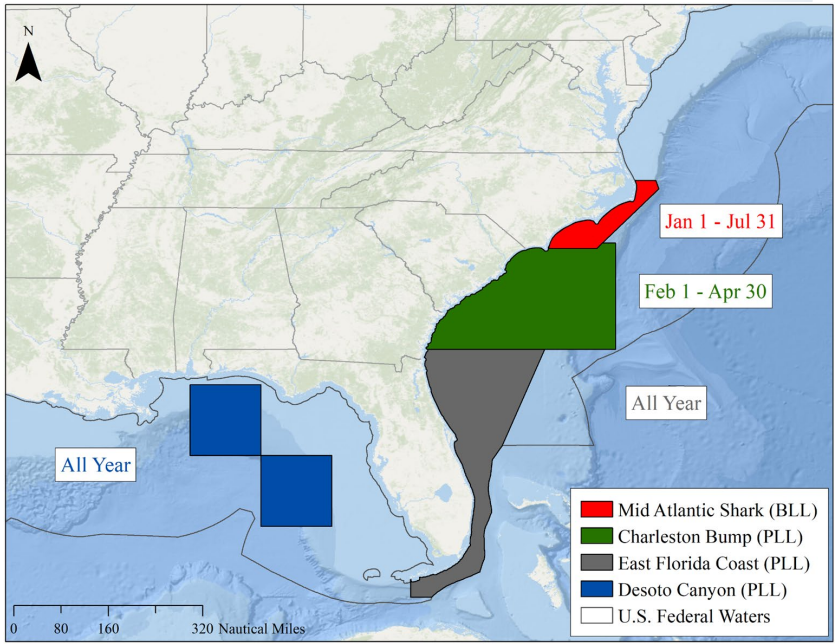
May 2024

Amendment 15 Components

2 Broad Components:

- Spatial Management: Consider modification, data collection, and assessment for 4 spatial management areas
  - Changes from proposed/draft for all areas

- Pelagic Longline Electronic Monitoring Cost Allocation: Consider shifting pelagic longline EM sampling costs from the Agency to industry
  - Change from proposed/draft -- No Action fleet-wide; will consider in future rulemaking
  - Some components incorporated into spatial management portion



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Spatial Management

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Background

- There are large areas in the Atlantic and Gulf of Mexico that restrict or prohibit longline fishing for HMS
  - Implemented in ~2000
  - Goal was to reduce bycatch (e.g. sea turtles, undersized swordfish, billfish, some sharks)

- Since implementation, there have been many changes:
  - Different ocean conditions
  - Distribution of HMS and bycatch species (e.g., sea turtles, billfish, some sharks)
  - Species in need of protection
  - Fishery management tools

- HMS and bycatch species are particularly sensitive to ocean conditions (rather than static bottom habitats) and have experienced shifts in distribution

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Background

- In the context of climate change and shifts in species distribution, static fishing closures result in a potential mismatch among original conservation needs that led to the closed areas, current conservation needs, and current ecological conditions

- Current closed areas have not been evaluated for effectiveness due to lack of fishery-dependent data
  - Restricted fishing leads to a commensurate decrease in fishery-generated data

Goals of HMS Spatial Fisheries Management in Amendment 15

- Collect data to evaluate the effectiveness of current HMS longline closed areas and consider modifications
- Delineate areas of high- and low- bycatch risk inside closed areas to guide data collection
- Develop methods of data collection in spatial management areas
- Produce guidelines through regulatory text for future design and evaluation of HMS closed areas
- Increase conservation protection efficiency for bycatch species by optimizing closed areas

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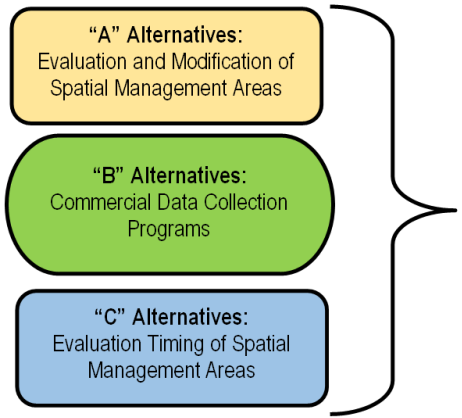
FEIS Organization

- "A" Alternatives: evaluate bycatch risk throughout each spatial management area and designate areas of high- and low-bycatch-risk
  - Low and high bycatch risk areas designated using the HMS PRiSM spatial tool and other information such as fishing locations and ports
- "B" Alternatives: bycatch risk-appropriate data collection programs
- "C" Alternatives: future evaluations of spatial management areas



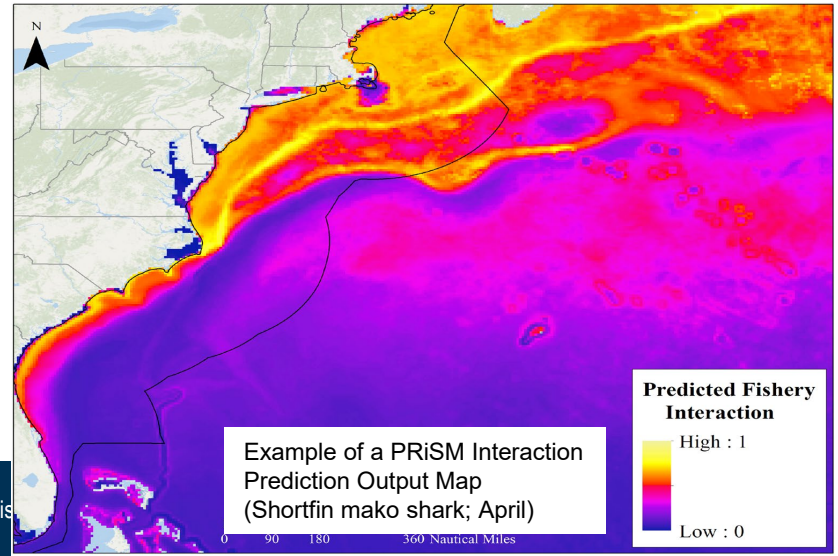
Preferred Alternative Packages

Mid-Atlantic Spatial Management Area
Preferred "A" Alternative
+
Preferred "B" Alternative
+
Preferred "C" Alternative

Charleston Bump Spatial Management Area
Preferred "A" Alternative
+
Preferred "B" Alternative
+
Preferred "C" Alternative

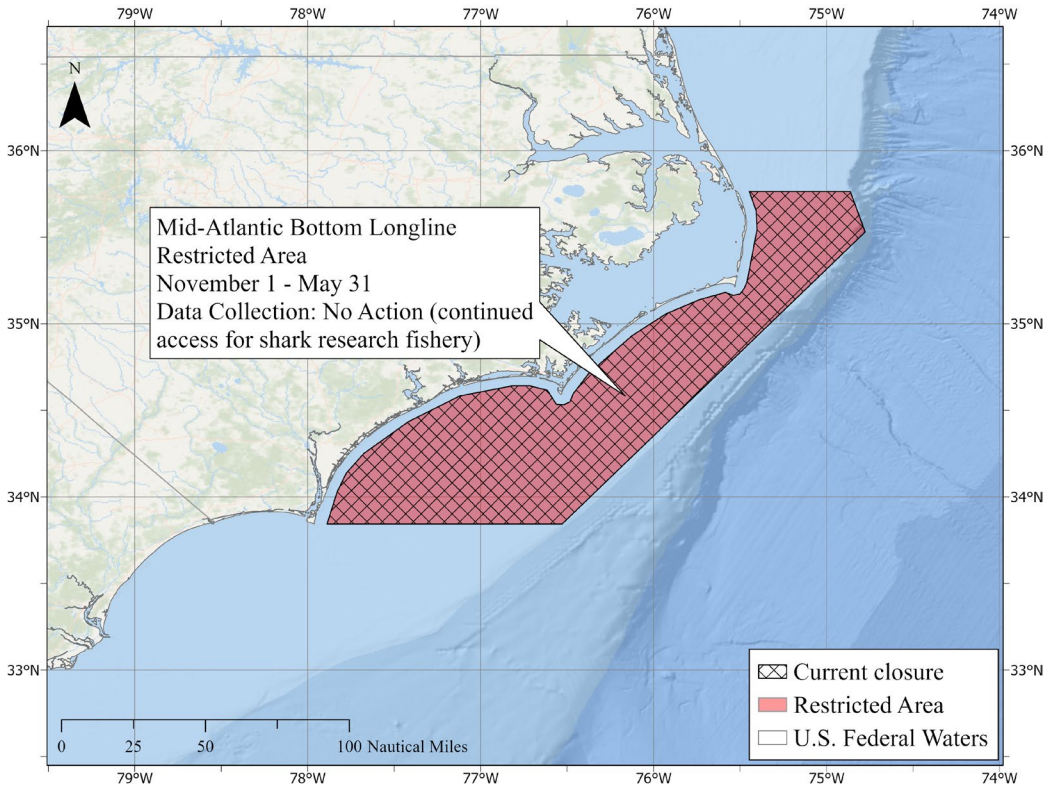
East Florida Coast Spatial Management Area
Preferred "A" Alternative
+
Preferred "B" Alternative
+
Preferred "C" Alternative

DeSoto Canyon Spatial Management Area
Preferred "A" Alternative
+
Preferred "B" Alternative
+
Preferred "C" Alternative



Example of a PRiSM Interaction Prediction Output Map (Shortfin mako shark; April)

Mid-Atlantic Shark Spatial Management Area (Bottom Longline)



Changes from the draft and preferred final measures:

- Maintain current spatial boundaries
- Shift the timing (as proposed)

Reason:

- Public comment indicated that proposed eastward extension of the area would impact non-HMS bottom longline fisheries
- Very low effort in the HMS bottom longline fishery may not warrant an expanded closure

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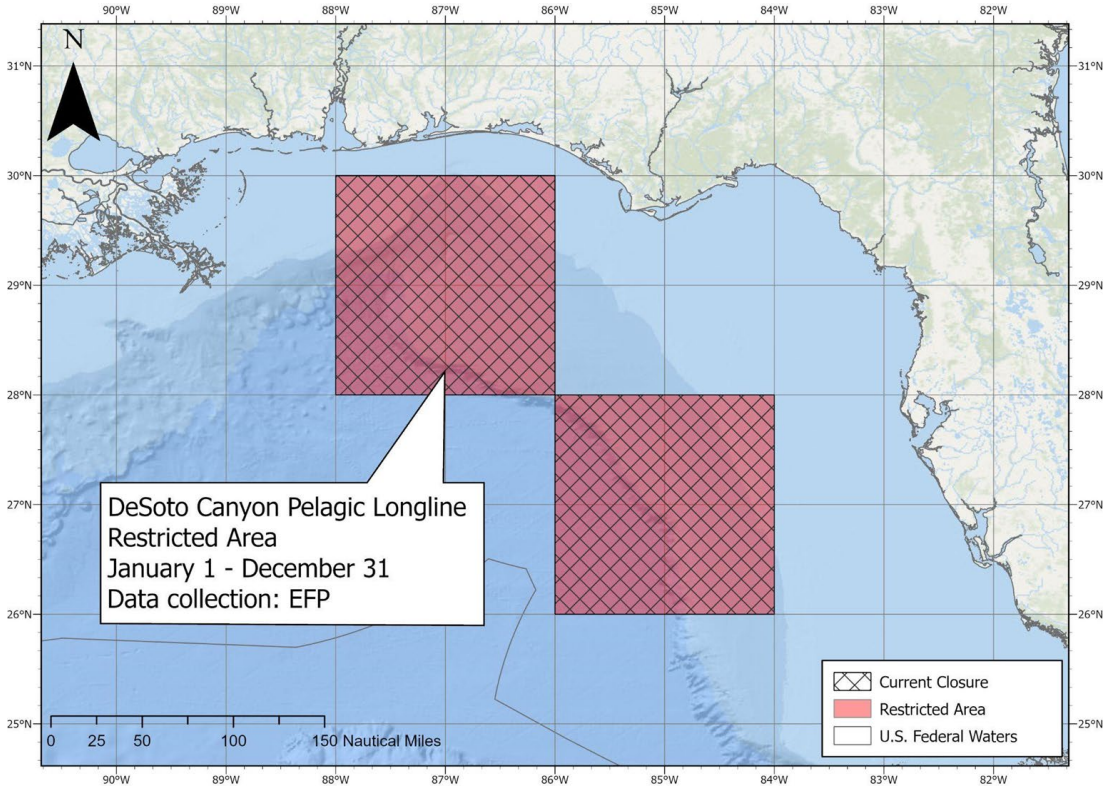
DeSoto Canyon Spatial Management Area (Pelagic longline)



Changes from the draft and preferred final measures:

- No action on spatial and temporal modifications

Reason:

- Public comment indicated that proposed modification would reduce fishing opportunities without a specific conservation need
- Wait for and consider any finalization of Rice's whale critical habitat designation

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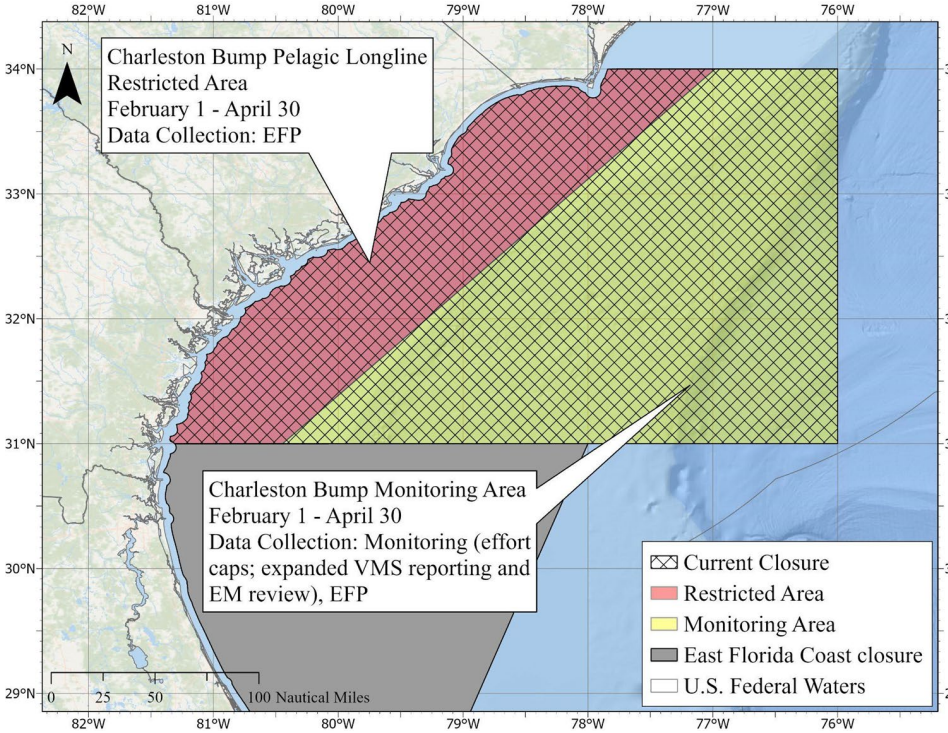
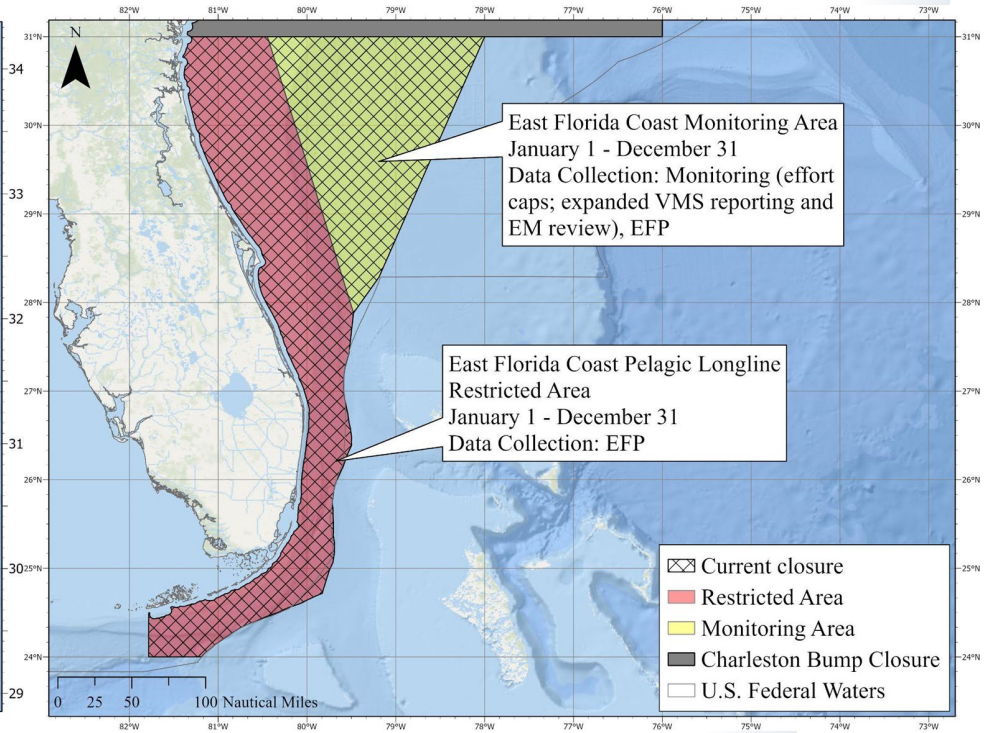
Charleston Bump and East Florida Coast Spatial Management Areas (Pelagic Longline)





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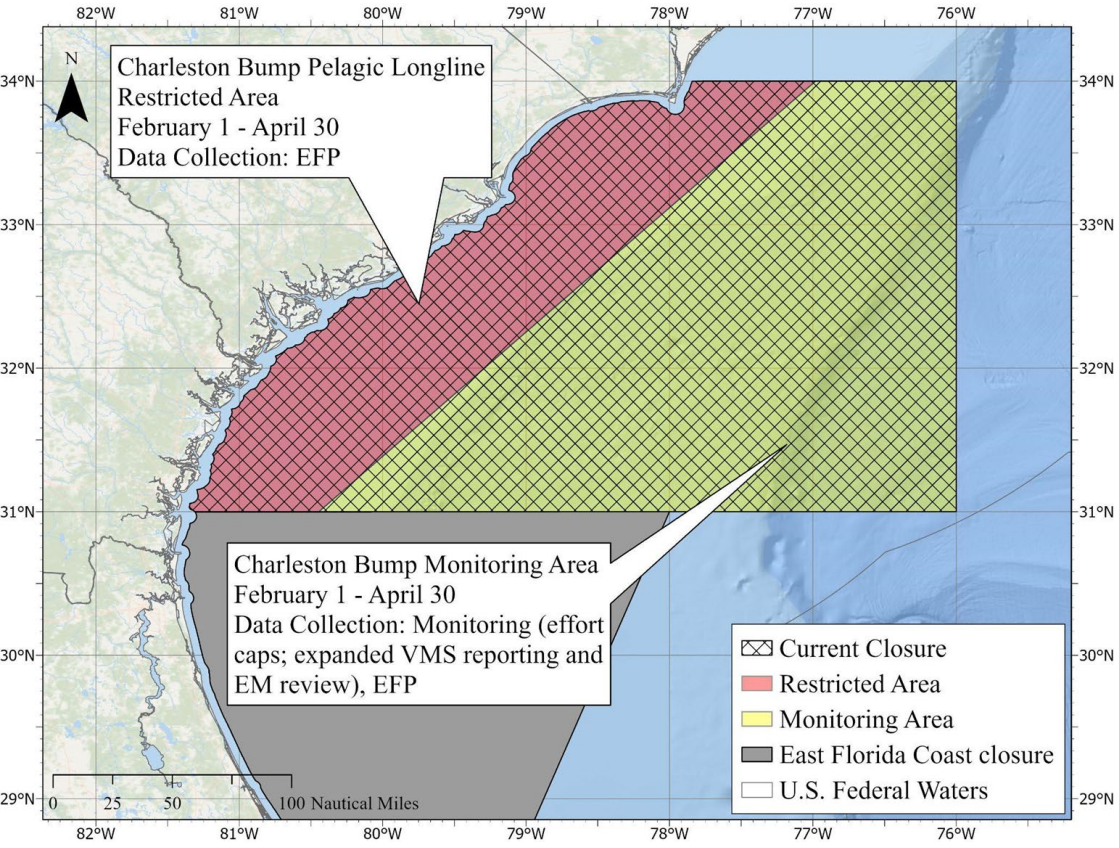
Charleston Bump Spatial Management Area (Pelagic longline)



Changes from the draft measures:

- Delineation line shifted west
- Maintain current timing

Reason:

- Public comment indicated that year-round closure of the 100-fathom line would significantly reduce fishing opportunities
- Public comment indicated that access to 100-fathom line was necessary to ensure fishermen would voluntarily fish in the monitoring area to collect data

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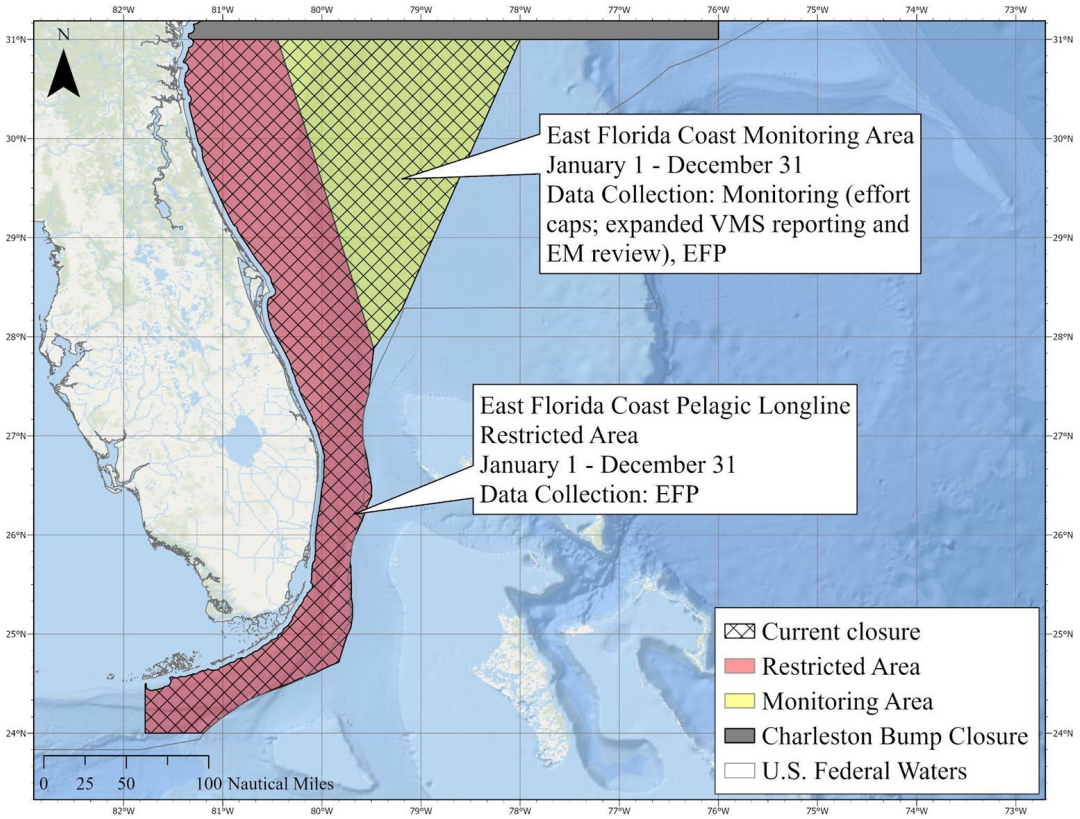
East Florida Coast Spatial Management Area (Pelagic longline)



Changes from the draft measures:

- Northern end of the delineation line shifted west

Reason:

- Public comment indicated that access to 100-fathom line was necessary to ensure fishermen would voluntarily fish in the monitoring area to collect data
- Use of a diagonal line keeps the monitoring area at least 45 nm from shore

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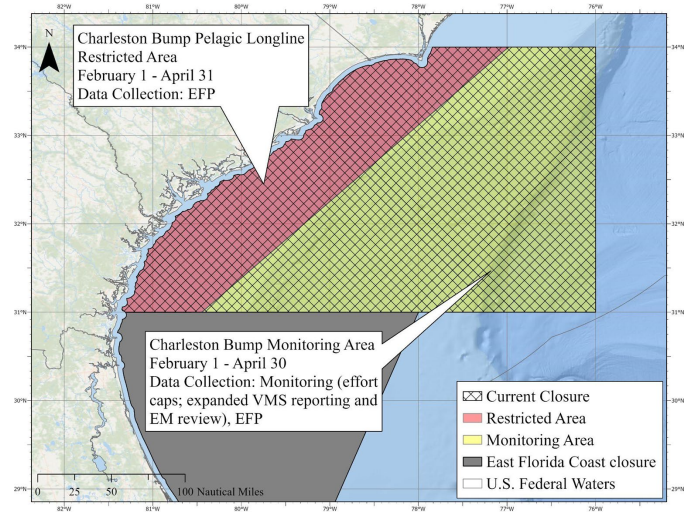
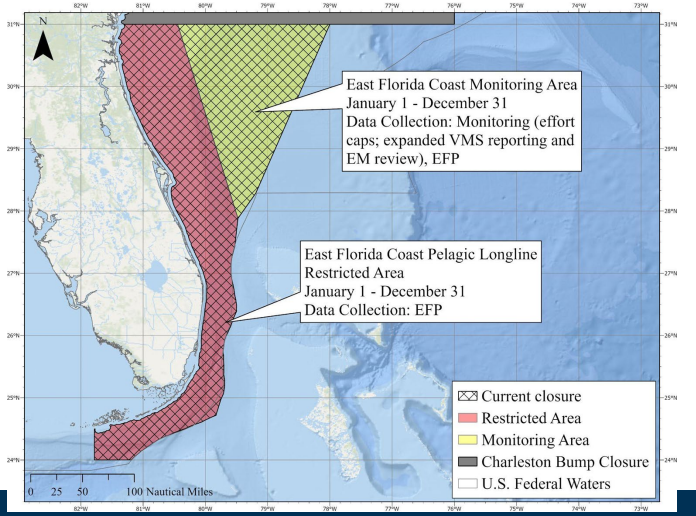
Charleston Bump and East Florida Coast Spatial Management Areas





High-bycatch-risk area: Restricted area

- Data collection via EFPs
- No PLL fishing allowed outside of EFPs

Low-bycatch-risk area: Monitoring areas

- Increased real-time species reporting via VMS (shortfin mako, loggerhead, leatherback, billfish)
- Enhanced EM video review (50% of sets at owners' expense)
- Effort cap (maximum number of sets in each area)
  - Charleston Bump: 380 sets (Feb-April)
  - East Florida Coast: 250 sets/year
- Special access area: can be closed and/or not reopened
- VMS hail-out requirement

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Monitoring Areas

Changes from the Draft/Proposed:

- EM video review rate reduced to 50%
- Effort caps in both areas increased
  - Charleston Bump: 380 sets (Feb-April)
  - East Florida Coast: 250 sets/year

Reason:

- Public comment indicated that expense of a 100% review rate would dissuade fishermen from accessing monitoring areas. 50% is still high enough to incentive accurate reporting of bycatch species via VMS.
- Public comment indicated that proposed effort caps were too low to provide sufficient data, especially for rare catch events.
- Public comment provided suggestions for effort cap calculations
  - Charleston Bump: use actual effort data in the area when open
  - East Florida Coast: remove closed areas from reference area to provide a more accurate estimate of fishing in the region

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Monitoring Areas

Monitoring Area EM Program

- No change to current bluefin/IBQ EM program. Those requirements would still apply in the monitoring areas
- On trips that fish wholly or in part in monitoring areas, fishermen must arrange and pay for increased video review (50% of sets)
- Note that bycatch data would come from VMS reports and EM video review is focused on incentivizing accurate reporting. We will investigate if EM video review data can be used in PRiSM.

Use existing vendor providing IBQ EM services

- Vessel owners submit payment to current vendor to pay for increased video review rate
- Note that NOAA Fisheries would cover the additional video review cost if funds are available

Use a different approved vendor

- NMFS solicits and approves vendors to provide monitoring area EM services
- Vessel owner and vendor would work together to meet program requirements (e.g., VMP, 50% video review, equipment)
- Vendor submits quarterly reports to NMFS
- This option may require additional equipment

“B” Alternatives
Commercial Data Collection Programs

- Cooperative research via an EFP
  - EFP applications accepted to perform gear-specific research in a spatial management area
  - Particular consideration given to collaborative research projects with participation by two or more industry, recreational, academic, eNGO, or government groups
  - Additional conditions must be incorporated into the research plan in order to be considered:
    - Effort Cap (50% of the monitoring area level)
    - Bycatch Caps
    - Reporting (must report all effort and catch)
    - Observers and electronic monitoring (100% observer or EM coverage)
    - Applicability of Study Design (research must be designed to provide useful management information)
    - Exclusion Areas (avoid areas of high bycatch or gear conflict, e.g. no research within 45 nm of shore)
    - Fleet Communication (participating research vessels must communicate bycatch events so other vessels can avoid the area)

Data Collection Summary

- Data collection programs would be implemented in some areas/times that were previously closed to fishing
- No previously-closed areas would be fully opened to normal commercial fishing without strict effort limits, enhanced monitoring, and reporting requirements
- Level of bycatch risk determines level/type of access
  - Areas with higher bycatch risk: Precautionary/limited data collection through an exempted fishing permit
  - Areas with lower bycatch risk: Conditional commercial fishing that is heavily monitored with caps on fishing effort (monitoring area)
- **Monitoring areas**
  - Special access areas where commercial vessels would be allowed in certain portions of spatial management areas to collect data under strict effort controls and enhanced reporting to avoid jeopardizing conservation goals

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“C” Alternatives
Evaluation Timing of Spatial Management Areas

Across all 4 spatial management areas, 2 preferred “C” Alternatives

- Alternative C2: Evaluate once three years of data are available
- Alternative C4: Triggered Evaluation

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“E” Alternatives
Framework Provisions

- Reorganize and add new elements to the framework provisions at § 635.34(d) to address the high level design elements of specific objectives, timing of evaluation, data collection and access
  - Preferred Alternative E2: Framework Provisions - Revise

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Amendment 15 Timing

- Draft stage
  - Proposed rule published May 5, 2023
  - Comment period ended on October 2, 2023

- Final Stage
  - FEIS released May 6, 2024
  - Final rule expected July 2024
  - Anticipating an effective date of January 1, 2025

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Additional Information

Amendment 15 Website:
https://tinyurl.com/A15homepage

- Or QR Code:

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