

*Science, Service, Stewardship*



# Draft Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan – Comment Summary

HMS Advisory Panel Meeting  
April 2014

**NOAA  
FISHERIES  
SERVICE**



# Background

## Summary of Current Situation

- **Difficult to account for Atlantic bluefin tuna (BFT) mortality, and limited dead discard information**
- **Existing FMP quota allocation percentages do not take into account recent changes in ICCAT recommendations or recent trends in fishery**
- **Longline category vessels may continue to fish for the target species after BFT quota is reached but may no longer retain BFT, resulting in continuing discards.**
- **BFT interactions resulting in too many dead discards (~21% of 2012 catch)**



# Amendment 7

## Management Objectives

- Prevent **overfishing and rebuild BFT**, achieve on a continuing basis optimum yield, and **minimize BFT bycatch** to the extent practicable by ensuring that domestic bluefin tuna fisheries continue to **operate within the overall TAC** set by ICCAT consistent with the existing rebuilding plan
- **Optimize** the ability of all permit categories to **harvest** full BFT quota; **account for mortality and** associated discarded BFT in all categories; **maintain flexibility of quota management** to account for the highly variable nature of the BFT fishery from year-to-year; and **maintain fairness** among permit/quota categories



# Amendment 7

## Management Objectives cont.

- **Reduce incidental interactions** with BFT and minimize possible reductions in target catch, to the extent practicable
- Improve the **timeliness and quality of catch data** through enhanced reporting and monitoring to ensure that landings and dead discards do not exceed the quota and to improve accounting for all sources of fishing mortality
- Adjust **other** aspects of the 2006 Consolidated HMS FMP as necessary to improve management measures



# Amendment 7

## Comments on Proposed Rulemaking

- NMFS published a proposed rule on August 21, 2013.
- The comment period ended January 10, 2014.
- The following is a summary of the public comments received on Amendment 7.
- Note: The comments in this presentation represent the opinions of the commenters. NMFS will respond to comments in the final rulemaking.



# Amendment 7

## Public Comments – Quota Allocations Codified Reallocation

NMFS should/should not:

- Modify FMP allocation percentages (incl. 8.1% for Longline category)

NMFS should not reallocate quota to Longline category because it would:

- Undercut the benefits of a catch cap
- Discourage efforts to reduce interactions (incl. transition to alternative gears)
- Disadvantage traditional fleets and infrastructure
- Give more quota to a less sustainable category

NMFS should reallocate quota to the Longline category because:

- Other quotas are regularly unfilled
- The PLL category needs quota to account for dead discards and current allocation of 8.1% is not fair for various reasons
- The PLL fishery is important to maintaining U.S. quotas internationally, operated under strict regulations when the allocations were set, and has a smaller carbon footprint than other categories
- All user groups should sacrifice, rather than just one



# Amendment 7

## Public Comments – Quota Allocations

### **Codified Reallocation, cont.**

Instead of the codified reallocation as proposed, NMFS should:

- Implement a larger and longer Gulf of Mexico Gear Restricted Area (GRA) with no access to the Cape Hatteras GRA
- Impose greater restrictions in the Longline category
- Reallocate 40% of Purse Seine (PS) quota to Longline category
- Reduce the 68-mt dead discard allowance because 68 mt was a historic amount associated with past quota that was larger than current quota
- Work towards increasing the WBFT Total Allowable Catch/U.S. quota in the international negotiations context



# Amendment 7

## Public Comments – Quota Allocations

### Annual Reallocation from the Purse Seine (PS) Category

NMFS should:

- Make unused PS quota available to all categories
- Use more than 1 year's landings to calculate PS allocation
- Implement June 1st PS fishery start date and 73" minimum size
- Maintain 75% of PS quota and reallocate 25% to Reserve category
- Base reallocation on individual vessels, not entire PS category
- Reduce PS quota by 40%, then calculate annual reallocation
- Consider PS had fewer opportunities due to PS min size/availability of 81"+ BFT

NMFS should not:

- Use a fluctuating quota for the PS category
- Allow the Longline category to take entire PS quota in the future
- Provide disincentive to reduce PLL discards by providing more quota



# Amendment 7

## Public Comments – Quota Allocations

### Modification to Reserve Category

NMFS should:

- Split Reserve category into prior year underharvest and quota transferred from PS category (to increase transparency)
- Redistribute unused Reserve quota to active PLL vessels during the last quarter
- Make up to 50% of Reserve quota available to Longline category during first 3 years of IBQ system

NMFS should not:

- Add new criteria to existing determination criteria for inseason/annual adjustments
- Allow most of Reserve quota to go to Longline category



# Amendment 7

## Public Comments – Area Based Measures

### **Cape Hatteras Gear Restricted Area (GRA)**

NMFS should/should not:

- Implement the GRA with conditional access
- Expand, modify, and/or include other GRAs
- Implement dynamic GRAs due to variable BFT distribution

NMFS should:

- Allow PLL vessels in GRA with weak hooks, observers
- Allow access to area in the spring during period of favorable fishing
- Consider impact on fishermen who lack other fishing grounds



# Amendment 7

## Public Comments – Area Based Measures

### Cape Hatteras GRA – Performance Metrics

NMFS should/should not include performance metrics for conditional access to GRA

- It is not fair that the amount of BFT caught in the past negatively affects a vessel's performance score, because it was perfectly legal in the past to catch BFT
- Small vessels unable to provide for observers
- Northeast Distant Area data should not be included because it's a distinct fishery
- All logbook species should be included
- Consider effects of ownership changes on past performance

NMFS should not:

- Allow GRA access without 100% observer coverage or electronic monitoring
- Prohibit fishing in areas until there are more reliable data collection methods



# Amendment 7

## Public Comments – Area Based Measures

### **Allow PLL Vessels to Fish under General Category Rules**

NMFS should/should not:

- Allow PLL vessels that are not allowed to fish in the Cape Hatteras GRA to fish under General category rules

NMFS should:

- Allow all PLL vessels to fish under the General category, not just those affected by the Cape Hatteras GRA

NMFS should not:

- Expand a BFT fishery in this area due to high interaction rates and limited quota



# Amendment 7

## Public Comments – Area Based Measures

### Small Gulf of Mexico GRA

NMFS should:

- Expand scope and duration of GRA due to variability in the timing and area of BFT spawning activity and annual fishing patterns
- Lengthen GRA to 3 months (Mar-May), 4 months (Feb-May), or 6 months (either Jan-Jun or Dec-May)
- Expand GRA to entire EEZ for Mar-May or to the BFT Habitat Area of Particular Concern; move GRA to the south and east
- Consider:
  - Expanding scope and duration would eliminate the need for reallocation
  - GRA would save observer days; use to increase Atlantic observer coverage

NMFS should not distinguish between BFT in the Gulf of Mexico and Atlantic as they are from the same breeding stock.



# Amendment 7

## Public Comments – Area Based Measures

### **Small Gulf of Mexico GRA, cont.**

NMFS should:

- Consider whether the Gulf of Mexico PLL fleet would remain viable
- Consider impacts together with existing constraints on fishing grounds: seismograph vessels, oil rigs, and/or effort concentration
- Compensate vessels for time period of the GRA
- Implement performance standards and allow conditional access as in the proposed Cape Hatteras GRA
- Implement the GRA provided there is access to current closed areas if using electronic monitoring
- Examine observer data in addition to logbook data to estimate BFT savings
- Encourage PLL vessels to switch to buoy gear by authorizing vessels with a swordfish incidental permit to use buoy gear



# Amendment 7

## Public Comments – Area Based Measures

### Access to Closed Areas

NMFS should:

- Modify what is considered an “observer” to include electronic monitoring
- Allow access to the Straits of Florida where vessels can fish without catching BFT
- Consider potential impacts on the recreational fishery

NMFS should not:

- Allow PLL vessels in current closed areas. This will undermine protection of juvenile/prohibited HMS and protected resources
- Consider logbook data as a performance metric because it is not reliable and could reward underreporting



# Amendment 7

## Public Comments – Individual BFT Quotas

NMFS should/should not:

- Implement the IBQ system
- Be flexible at start of IBQ program, particularly for small vessels
- Implement strict enforcement and fines
- Limit catch in Gulf of Mexico with gear restrictions, not IBQ
- Consider impacts on swordfish fishery and maintaining U.S. quota
- Address the NED 25-mt set-aside in the IBQ system
- First phase in GRAs and allocation requirements, then implement IBQ
- Address IBQ in separate action following additional analyses



# Amendment 7

## Public Comments – Individual BFT Quotas

### NMFS should:

- Ensure annual quota is distributed in time for January 1 season
- Consider legality of diminishing vessel's opportunity to catch its quota
- Note that increased dead discards are due to stock dynamics
- Consider unintended results e.g. creating directed BFT fishery
- Limit number of vessels fishing BFT in categories other than Longline and PS

### NMFS should not:

- Allow carryforward of quota
- Allow PLL fishery to profit from BFT
- Allow vessels to land and sell BFT without sufficient quota



# Amendment 7

## Public Comments – Individual BFT Quotas

### **Vessels Eligible to Receive BFT Quota Shares**

NMFS should/should not:

- Provide quota to all vessels with permits, even inactive vessels
- Use stricter criteria for determining active vessels; <161 active vessels
- Associate IBQ with permits, not with vessels
- Determine eligible vessels annually
- Consider ability of new entrants to access the fishery
- Eliminate ability to reactivate latent permits
- Measure dependence on commercial fishing using income



# Amendment 7

## Public Comments – Individual BFT Quotas

### Bluefin Quota Share Formulas

NMFS should/should not:

- Allocate equal BFT quota shares
- Raise total BFT allocations
- Auction rather than award quota
- Take into account DWH oil spill and storms
- Base allocations on logbook data and past performance
- Award distant water vessels a prorated portion of their allocation in the EEZ
- Separate Gulf of Mexico and Atlantic quota

NMFS should base allocations on:

- Ratio of individual hooks/landings to total hooks/landings
- Target species landings and fishing effort
- Number of sets in the previous year, in 25-set increments
- Data after 2012 Notice of Intent, not prior to 2011 NED target catch requirement



# Amendment 7

## Public Comments – Individual BFT Quotas

### **Scope and Duration of Quota Trades**

NMFS should/should not:

- Implement quota trade among PLL and PS vessels
- Only allow Longline category to lease quota
- Allow PS category to lease to all other categories
- Lease quota from the government, not from PS vessels
- Consider price of leasing, especially for small boat owners
- Consider whether low allocations will provide enough quota to lease
- Provide additional access to quota for PLL vessels
- Only allow leasing to active vessels with intent to fish
- Ensure leasing will not disadvantage PS vessels in following year
- Ensure businesses cannot consolidate and control quota
- Ensure functional trading infrastructure is in place



# Amendment 7

## Public Comments – Individual BFT Quotas

### Measures Associated with an IBQ

NMFS should:

- Eliminate target catch requirements
- Require retention of legal-sized BFT
- Require retention of all dead discards; count all against quota
- Eliminate incentive to catch BFT; vessels should not profit from conversion of discards to landings
- Address PLL discards of undersized BFT

NMFS should not require retention of BFT in Gulf of Mexico – fish are too big to bring on board.



# Amendment 7

## Public Comments – Quota Controls

### **NMFS Closure of the PLL Fishery**

NMFS should/should not:

- Close the PLL fishery
- Close the PLL fishery when the 8.1% allocation is met
- Consider the impacts of closing the fishery early in the year
- Consider the implications for ICCAT and optimal yield of target species
- Close the fishery after unusually high BFT catch, not when quota reached



# Amendment 7

## Public Comments – Enhanced Reporting

NMFS should ensure **VMS** functions properly before implementation.

NMFS should/should not require **electronic monitoring**.

- Electronic monitoring is/is not cost prohibitive/redundant/an invasion of privacy.
- Regarding electronic monitoring, NMFS should:
  - Require it for all categories with BFT discards
  - Use the data for stock assessments
  - Implement it on a pilot scale
  - Limit it to one camera
  - Ensure it will distinguish between BFT and bigeye tuna

NMFS should/should not implement **automated catch reporting**.

NMFS should increase **observer coverage**.

Observers should be industry-funded.



# Amendment 7

## Public Comments – Other Measures

NMFS should/should not allow additional flexibility for adjustment of General category time-period subquotas.

- Transfers would move quota away from traditional Northeast fishery to the mid-Atlantic and South.
- NMFS should:
  - Provide larger allocation to January subquota period
  - Establish 12 equal monthly subquotas
  - Shift subquota for December to January subquota period
  - Divide quota equally between the first and second halves of the year

NMFS should/should not allocate a portion of the Angling category trophy south subquota to the Gulf of Mexico.

NMFS should/should not change the Purse Seine category start date to June 1.



## Timeframe of Action

- Draft Amendment and Proposed Rule – August 21, 2013
- Comment period – Through January 10, 2014
- Consider comments, finalize Environmental Impact Statement, **publish final rule** (estimated for **mid-2014**).
- Anticipate **varying implementation dates** -- some 30 days after publication; others in 2015.