

Science, Service, Stewardship



Introduction to Atlantic Highly Migratory Species Management & Advisory Panel

April 3, 2014

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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; GARFO* 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(g)(4))
- Certain international considerations (Sec. 304(g)(1))
- Certain FMP requirements (Sec. 304(g)(1))



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 recommendations
- 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 Amendment/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

| | |
|--|---|
| <ul style="list-style-type: none"> • ERT (HMS/Tuna/Swordfish Open Access) • SERO (SHK/SWO/Tuna Limited Access & Commercial Caribbean Small Boat) • HMS HQ (EFPs) • HMS SE (Tournaments) • GARFO (Incidental HMS Squid Trawl) • TBD (Smoothhound) | <ul style="list-style-type: none"> • GARFO (Commercial VTR/NE FMP) • SEFSC (Logbooks, Tournaments, Observers) • ERT (Non-Tournaments) • S&T HQ (Recreational LPS, MD & NC, economic add-on) • HMS HQ (EFP) • OIA HQ (ICCAT) |
| <ul style="list-style-type: none"> • SERO (SHK/SWO Domestic, HMS ITP) • GARFO (Tuna Domestic) | <ul style="list-style-type: none"> • HMS NE (BFT Domestic) • HMS HQ (E-Dealer for SWO, SHK, BAYS) • SF NSIL (International BFT, SWO, BET) • GARFO (ONLY w/NE permit) • SEFSC (SE FMP) |

Vessels

- *Recreational*
- *Charter/Headboat*
- *Commercial*
- *Research*

Dealers

- *Domestic*
- *International*



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:

- Amendment 7, domestic, international

Shark:

- Amendment 5b (dusky sharks)
- Amendment 6 (future of the fishery)

Swordfish:

- Revitalization

Bycatch -

- Sea turtles
- Billfish
- Marine Mammals



Questions?

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Extensive Council Training Materials available at:
www.nmfs.noaa.gov/sfa/reg_svcs/councils.htm