

Science, Service, Stewardship



Highly Migratory Species (HMS) Advisory Panel

Electronic Dealer Reporting

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FISHERIES
SERVICE



Outline of Talk

- Objectives
- Proposed Rule
- Alternatives of Proposed Rule
- Summary of Comments
- Next Steps



Objectives

Modify existing reporting requirements for all Federal Atlantic HMS dealers* to:

- Allow timely, efficient, and accurate dealer reporting; and
- Improve quota monitoring of Atlantic HMS
- Proposed Rule published: June 28, 2011 (76 FR 37750)
 - Comment Period Ended: August 12, 2011
 - Hearings in Peabody, MA; Bronx, NY; Atlantic City, NJ, Manteo, NC; Panama City, Orlando, Miami, FL; & Kenner, LA
- Received 35 comments submitted via fax, phone, mail, or internet

* includes only shark, swordfish, and bigeye, albacore, yellowfin, and skipjack (BAYS) tuna dealers; does not include BFT dealers.



Proposed Rule

Published: June 28, 2011 (76 FR 37750)

1) Electronic dealer (eDealer) reporting requirement

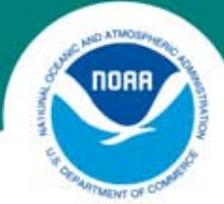
All dealers would report commercially-harvested Atlantic HMS, other than BFT, through an eDealer system on a more frequent basis.

2) First receiver requirement

All first receivers of commercially-harvested Atlantic HMS (including extensions of a dealer's place of business, such as a truck) would need to obtain the appropriate HMS dealer permit.

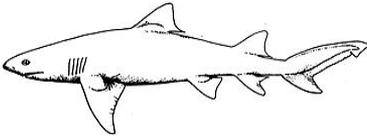
3) Timely dealer report requirement

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



Proposed Rule

eDealer: Reporting frequency

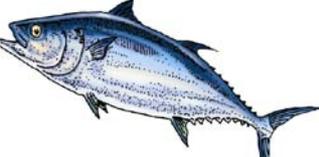
| Species/ Complex | Current Regulations | Proposed rule* | Criteria |
|---|---------------------|----------------|--|
| Sharks  | Bi-weekly | Daily | Fishing season <u>open</u> for: -non-sandbar large coastal sharks (LCS), -blacknose sharks, and -non-blacknose small coastal sharks (SCS) |
| | | Weekly | Fishing season <u>closed</u> for: -LCS -blacknose sharks -SCS |

*Notice will be published in the Federal Register with at least 3 calendar days notice of any changes in required reporting frequency. Dealers would also be notified by e-mail, and notices would be available on the HMS Management Division's webpage.

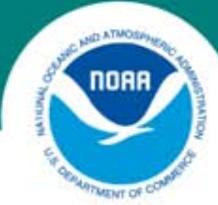


Proposed Rule

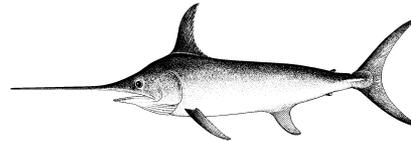
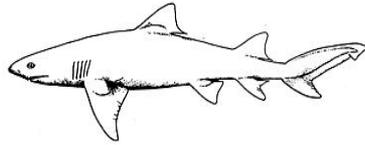
eDealer: Reporting frequency

| Species/ Complex | Current Regulations | Proposed rule* | Criteria |
|--|------------------------|----------------|---|
| Swordfish  | Bi-weekly | Weekly | Fishing season for both fisheries <u>open</u> |
| BAYS tunas  | | Daily | 80% of the swordfish directed fishery quota is attained or as necessary for BAYS tunas management |

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Alternatives



| Alternative | eDealer | Reporting Frequency | First receiver | Timely Dealer Reporting | Eff. date after rule publishes | Cost |
|--------------------------------------|---------|---|--|-------------------------|--------------------------------|--|
| A1- Status quo | | Bi-weekly | only shark dealers (exc. for transport) | | | \$50 – \$75 for dealer permit(s) |
| A2 | X | Flexible (e.g., weekly/daily; depending on criteria) | sharks, swordfish, and BAYS tuna dealers (including transport) | X | 30 days | \$50 – \$75 for dealer permit(s) |
| A3 <i>(Preferred alternative)</i> | X | | | | February 2012 | |
| A4 | X | Weekly | | | February 2012 | Internet service \$50 - \$99 per month |



Electronic Dealer Reporting

- Overall support for electronic reporting, but dealers need ways to confirm receipt of their reports by NMFS and ability to submit reports in lieu of system/ internet failure

Frequency of Reporting

Sharks

- Some support for 24 hour reporting; others felt 24 hours was too frequent & would create undue burden on dealers; not enough time to determine price information

Swordfish & BAYS Tunas

- Weekly reporting too frequent; species are not quota limited
- Can take dealers up to 21 days to determine price info



First Receiver Issue

- Unanimous support to keep status quo; species identification not an issue for swordfish and BAYS tunas
- Transporters should not be a first receiver/dealer as they do not have the knowledge/incentive to accurately report HMS
- Requiring first receivers to have dealer permits in NE would create major problems for fish transported to NE dealer from SE or other countries

Timely Reporting

- Support for timely report submission to receive HMS product
- NMFS should have enforcement action against the dealers who chronically submit late reports



Next Steps

- Currently working on final rule
- Final rule expected in late 2011
- Rule effective in early 2012
- Delaying implementation to allow for outreach with dealers regarding new reporting system

Questions?

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