Science, Service, Stewardship

Public Hearing

Draft Amendment 8 to the Consolidated Atlantic HMS Fishery Management Plan

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March - April 2013

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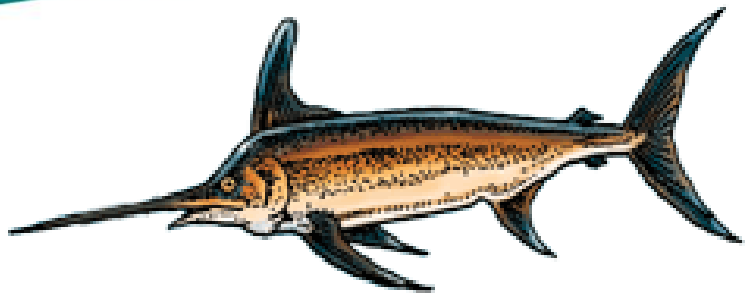
Outline



- Background & Development - Draft Amendment 8
- Alternatives Analyzed in the Proposed Rule
  - Vessel Permitting
  - Swordfish Retention Limits
    - Regional Management
- Environmental Impacts (Ecological & Socio-Economic)
- Timeline
- Information on Submitting Comments

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Background

- June – August 2009: Advance Notice of Proposed Rulemaking (74 FR 26174)
- 2009 – 2012: Presentations and Discussions at HMS Advisory Panel meetings
- March 2012: Pre-Draft of Amendment 8 Publicly Available
  - All comments received on these documents have been considered in developing Draft Amendment 8

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Background (cont.)

- North Atlantic swordfish:
  - Not overfished (B_{2009}/B_{MSY} = 1.05)
  - Overfishing not occurring (F_{2008}/F_{MSY} = 0.76)
  - Underharvest of U.S. quota (~ 70% of baseline quota 2007 – 2011)

- Under existing limited access system, it can be challenging to gain new entry to the commercial swordfish fishery.

- Public interest in more opportunities to use rod & reel, handline, harpoon, bandit gear, and other gear to commercially harvest swordfish.

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Current Commercial Swordfish Permits

- Swordfish Directed Limited Access Permit (LAP) ~ 184 permits
- Swordfish Incidental LAP ~ 73 permits
- Swordfish Handgear LAP ~ 77 permits
  - No new limited access permits.
  - Limited access permits - transfer, renewal, upgrading, termination dates.
  - Directed & incidental permits valid only when vessel also issued shark and tuna longline LAPs.
- Incidental HMS Squid Trawl permit ~ 70 permits
- Caribbean Commercial Small Boat permit < 10 permits (so far)

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Draft Amendment 8 to the 2006 Consolidated HMS FMP

- **Purpose**: To provide additional opportunities for U.S. fishermen to harvest available swordfish quota using selective gears that are low in bycatch, given the rebuilt status of swordfish and their increased availability.
  - 2011: Handgears accounted for ~ 5% of commercial swordfish landings.

- **Goal**: To more fully utilize the U.S. swordfish quota allocation while minimizing bycatch.

- **Alternatives**: (two main issues)
  1) New and Modified Commercial Swordfish Vessel Permits;
  2) Swordfish Retention Limits for New and Modified Permits.

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Vessel Permitting Alternatives

Alt. 1.1 - No Action: Maintain Current Swordfish LAP program

Alt. 1.2 - *Establish Open Access Commercial Swordfish Permit*

Sub-Alt. 1.2.1 - Modify existing Atlantic tunas General category permit by adding swordfish

Sub-Alt. 1.2.2 - Modify existing Atlantic tunas Harpoon category permit by adding swordfish

Sub-Alt. 1.2.3 *- Allow Charter/Headboat (C/HB) permit holders to fish under open access swordfish commercial regulations when not on a for-hire trip*.

Sub Alt 1.2.4 *- Create new separate open access commercial permit*

Alt. 1.3 - Establish New Limited Access Commercial Swordfish Permit

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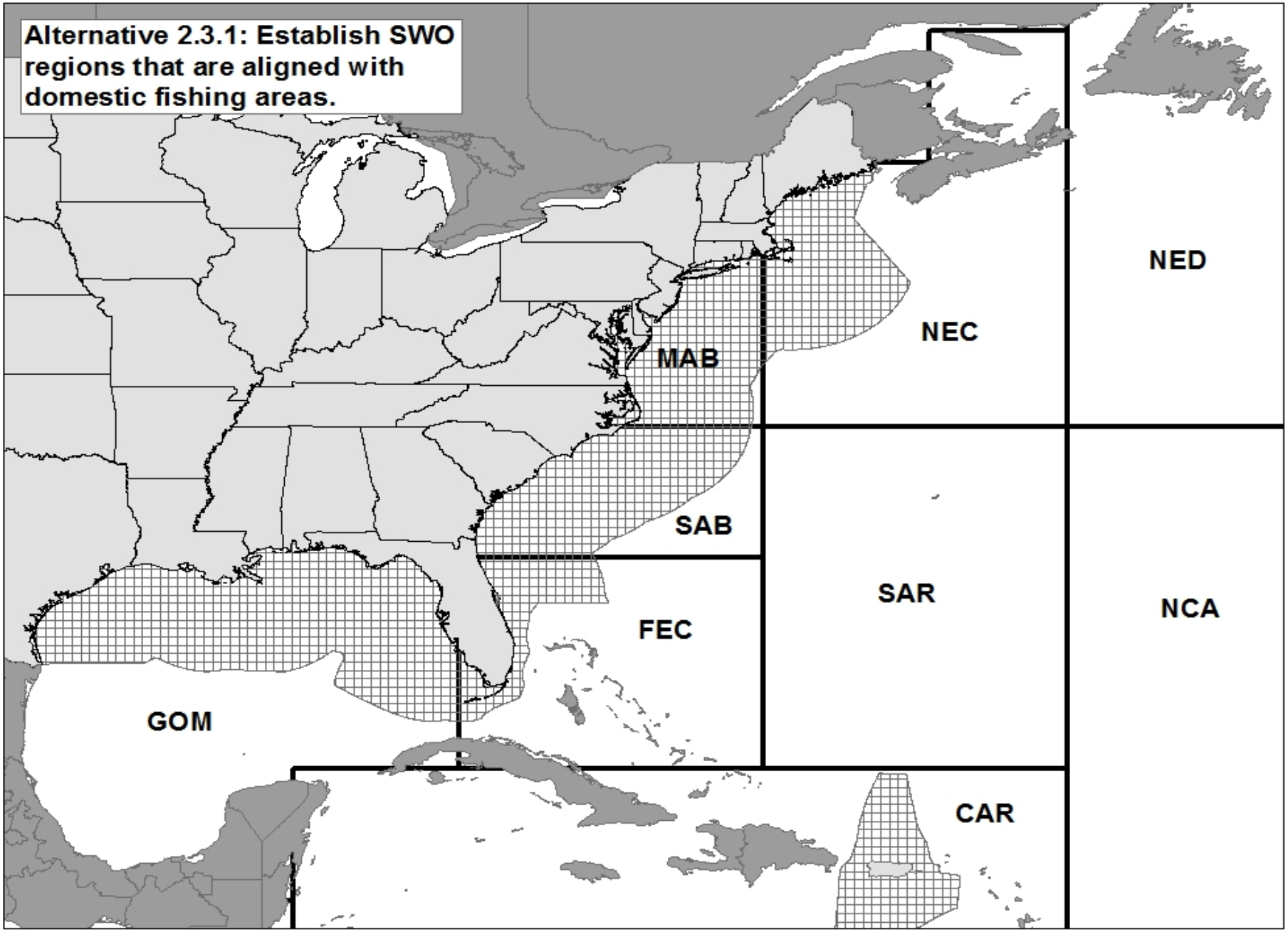
Swordfish Retention Limit Alternatives

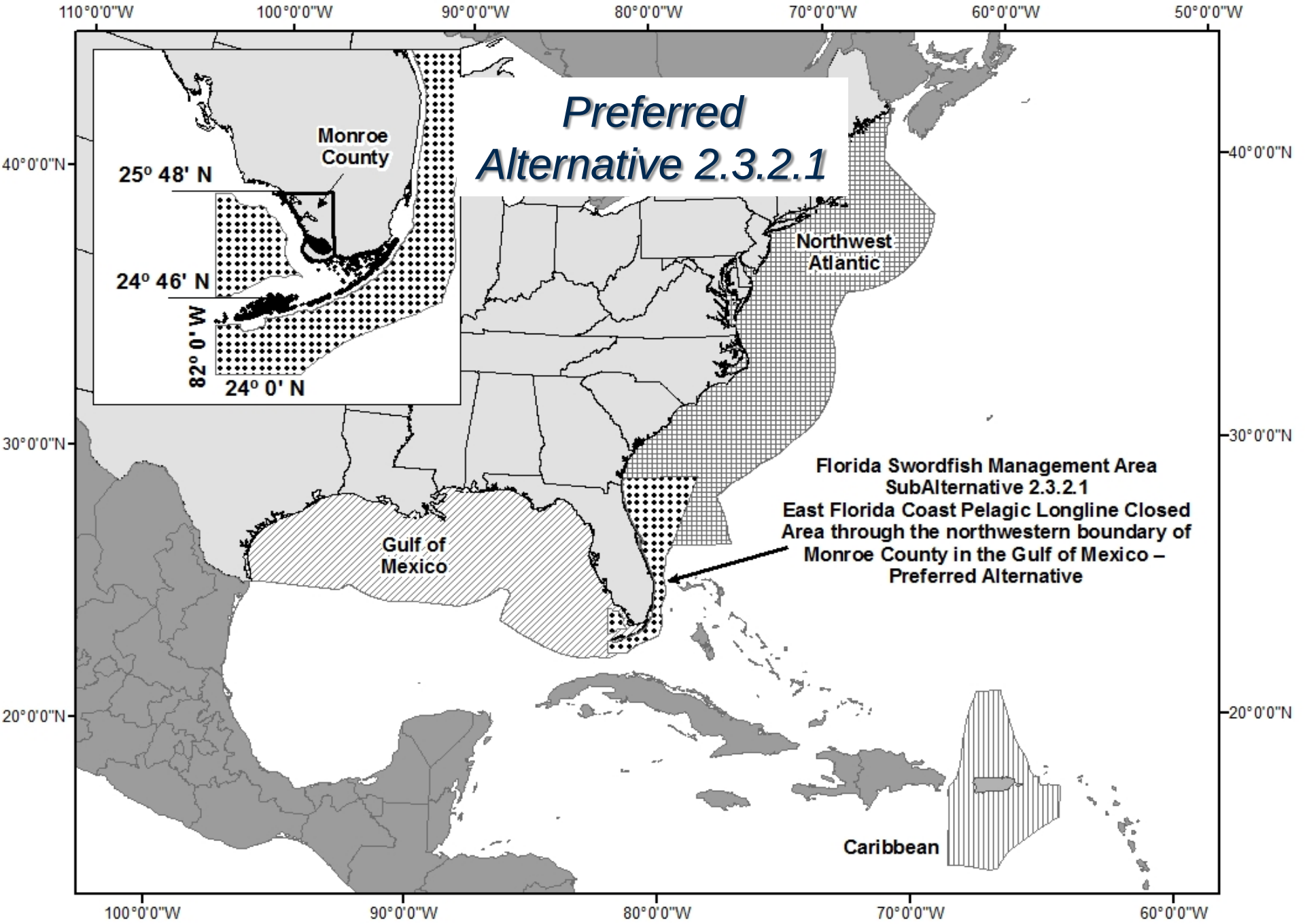
Alt. 2.1 – Establish a fishery-wide 0 to 6 fish limit range for new/modified permit and codify a single limit within range

Alt 2.2 - Establish a fishery-wide 0 to 6 fish limit range for new/modified permit; codify a single limit within range; and, establish in-season authority to adjust limit

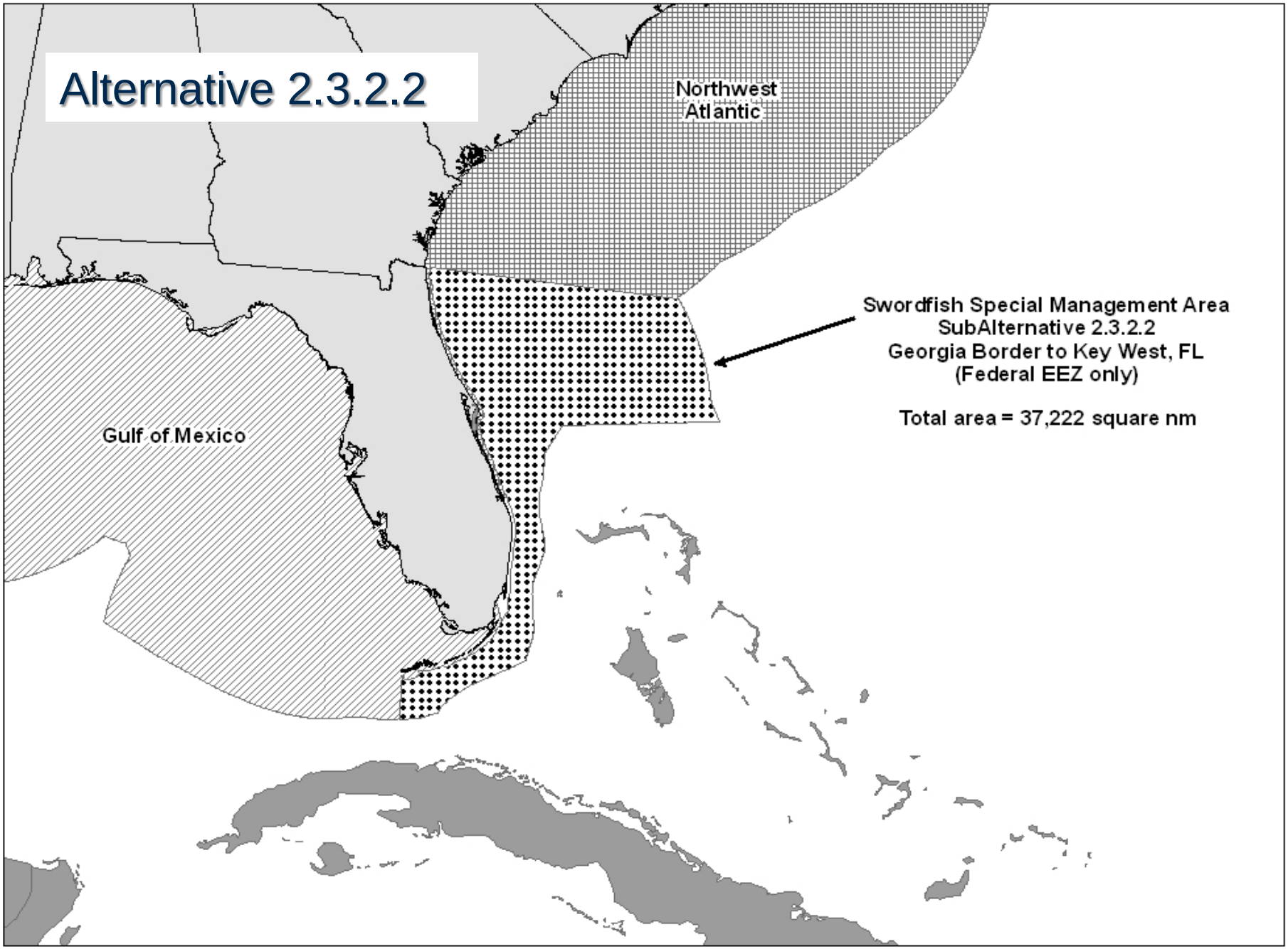
Alt. 2.3 - *Establish swordfish management regions, a 0 to 6 limit range for each region, and codify a single limit for each region with in-season authority to adjust the limit within each region*

- Several sub-alternatives to designate regions to account for unique environmental and biological factors affecting swordfish stock

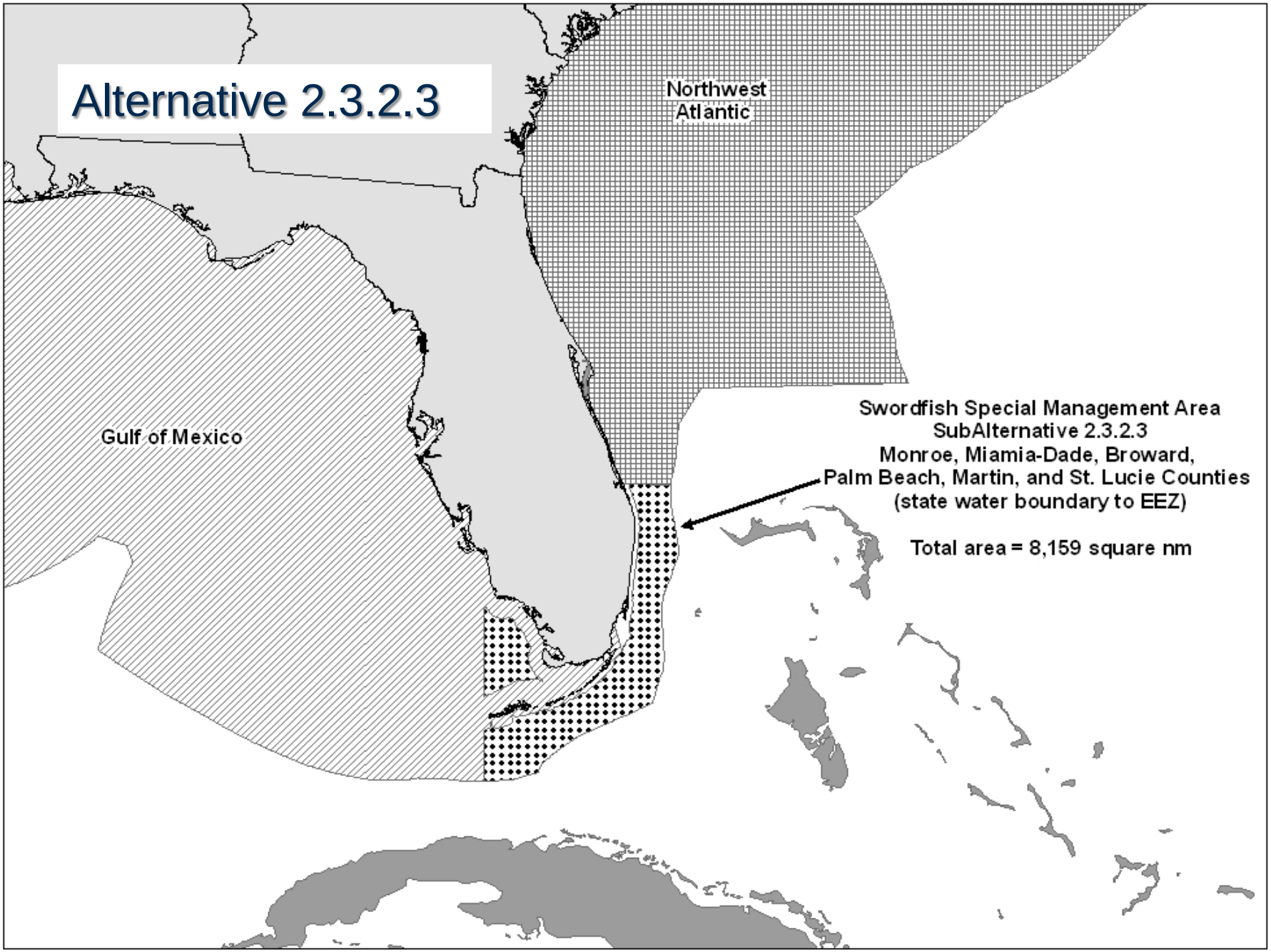

Alternative 2.3.1: Establish SWO regions that are aligned with domestic fishing areas.
NED
NEC
MAB
SAB
SAR
NCA
FEC
GOM
CAR


Preferred Alternative 2.3.2.1
Monroe County
25° 48' N
24° 46' N
82° 0' W
24° 0' N
Northwest Atlantic
Gulf of Mexico
Florida Swordfish Management Area SubAlternative 2.3.2.1
East Florida Coast Pelagic Longline Closed Area through the northwestern boundary of Monroe County in the Gulf of Mexico – Preferred Alternative
Caribbean
110°0'0"W
100°0'0"W
90°0'0"W
80°0'0"W
70°0'0"W
60°0'0"W
50°0'0"W
40°0'0"N
30°0'0"N
20°0'0"N

Alternative 2.3.2.2



Alternative 2.3.2.3



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Proposed New Swordfish Permit and Modification to HMS Charter/Headboat Permit

1) Create new open-access commercial swordfish permit (tentatively called "Swordfish General Commercial Permit").

   - Authorized gears: rod & reel, handline, harpoon, bandit gear, and green-stick

2) Allow HMS C/HB permit holders to commercially fish under the new permit's regulations when on a non for-hire trip.

   - Authorized swordfish gears: rod & reel and handline

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Ecological Impacts of Preferred Alternatives for Permitting:

* New Open-Access Swordfish Permit
* Allow CHB Permit Holders to Fish Commercially on Non For-Hire Trips

- Neutral to minor ecological impacts on swordfish:
  - Shift from recreational fishing effort to commercial effort.
  - Potential for minor increase in overall swordfish fishing effort.
  - **Swordfish quota is available**: ~ 1,847 mt (ww) of unused quota in 2011 (from adjusted quota).
  - **Landings monitored**: Weekly dealer reports, and directed fishery is closed when quota reached or projected to be reached.

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Summary of Ecological Impacts of Preferred Alternatives for Permitting:

- Neutral to minor impacts on non-target species, protected species, and essential fish habitat (EFH):
  - Handgears are "tended," and selective with regard to target species;
  - Endangered Species Act (ESA) - Potential for ESA "takes" with handgear is low (2001 BiOp);
  - Marine Mammal Protection Act (MMPA) - Category III fishery under the MMPA (a "remote likelihood of incidental mortality or serious injury to marine mammals");
  - Essential Fish Habitat (EFH) - Handgears have "negligible adverse physical impacts on mid-water environments, the substrate, and most sensitive benthic habitats."

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Proposed Retention Limits for New and Modified Permits

- Establish swordfish management regions with a 0 to 6 fish range for each region, and codify one initial default limit for each region with in-season authority to adjust limit:

Management Region	Initial Retention Limit
Northwest Atlantic	3 SWO/Vessel/Trip
Gulf of Mexico	3 SWO/Vessel/Trip
U.S. Caribbean	2 SWO/Vessel/Trip
FL Swordfish Management Area	1 SWO/Vessel/Trip

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In-Season Adjustment Criteria
(limits could be increased or decreased)

(A) Information from biological sampling and monitoring;

(B) Ability of vessels participating in fishery to land quota;

(C) Amounts by which quotas for other categories of fishery might be exceeded;

(D) Effects of adjustment on accomplishing objectives of 2006 Consolidated HMS FMP;

(E) Variations in seasonal distribution, abundance, or migration patterns;

(F) Effects of catch rates in one region precluding vessels in other regions from opportunity to harvest a portion of overall quota;

(G) Review of dealer reports, landing trends, and availability of swordfish.

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Ecological Impacts of Preferred Alternatives for Retention limits:

* Swordfish Management Regions
* 1 – 3 Fish Initial Default Limits
* Criteria for In-Season Adjustments

- Regional management would better accommodate regional differences in fishery, while continuing to protect the fishery resource:
  - Seasonal availability;
  - Juvenile abundance;
  - Migratory patterns;
  - Incidental catch of non-target species;
  - Distance from shore to productive fishing areas;
  - Variations in fishing effort.

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Ecological Impacts of Preferred Alternatives for Retention Limits:

- Neutral to minor ecological impacts with proposed retention limits:
  - **Low initial default retention limits**: Set conservatively during establishment of new swordfish fishery;
  - **Retention limits could be modified**: In-season adjustment authority as information becomes available;
  - **Discards and discard mortality**: Potential for minor increase;
  - **Handgears closely "tended:"** Low bycatch and bycatch mortality rates, and incidentally-caught species can be released quickly.

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Socio-Economic Impacts of All Preferred Alternatives

- **Potential Number of New Permits**: Not possible to precisely determine, so NMFS used number of Atlantic Tunas General Category permits issued in 2012 as proxy: ~ 4,084.
  - To determine number of entities potentially affected by Florida Swordfish Management Area, NMFS estimated that ≤ 1,455 new permits could be issued to vessels in the area (based upon % of current commercial swordfish vessel and dealer permits issued on east coast of Florida).
  - Estimate of ~ 1,455 entities would vary depending on which alternative is selected for Florida Swordfish Management Area.

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Impact on Swordfish Landings under All Preferred Alternatives

- # of successful Atl. Tunas General Category vessels(2011) = 583
- Weight of average commercial swordfish(2011) = 128 lb. (ww) (96 lb (dw))
- Assuming 583 vessels land 10 swordfish per year:
  - 583 vessels x 10 swordfish/vessel = 5,830 total swordfish
- 5,830 swordfish x 128 lb. = **746, 240 lb. (338.5 mt (ww))**
  559,680 lb. (253.9 mt (dw))

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Summary of Socio-Economic Impacts of All Preferred Alternatives (cont.)

- Increased commercial fishing opportunities within available quota:
  - Direct economic benefits to some fishermen;
  - Indirect economic benefits to tackle suppliers, bait suppliers, etc.

- Could impact ex-vessel prices and limited access permit values:
  - Impacts mitigated by low retention limits.

- Potential shift in fishing effort from recreational to commercial:
  - Impacts mitigated by commercial requirements & other restrictions.

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Summary of Socio-Economic Impacts of All Preferred Alternatives (cont.)

POTENTIAL GROSS REVENUES	
Average Swordfish Weight (2011)	**96 lb. (dw)**
Average Ex-Vessel Price (2011)	**$4.51/lb. (dw)**
Average Value per Swordfish (96 lb. x $4.51/lb.)	**$432.96**

- 10 swordfish per year yields ~ $4,329.60 annual gross revenues
- NMFS anticipates that the preferred alternatives would support a seasonal, or supplemental, fishery for many new permit holders.

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Other Proposed Regulatory Measures in Draft Amendment 8

- New permit could not be held in combination on vessels with HMS Angling, C/HB, or other swordfish limited access permits.

- New permit could be held on vessel with Atlantic Tunas General Category permit.

- Vessels issued Swordfish General Commercial permit could fish in registered HMS tournaments. Otherwise, no recreational fishing for billfish, or for sharks and tunas unless vessel issued proper commercial permits for sharks and tunas.

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Other Proposed Regulatory Measures in Draft Amendment 8 (cont.)

- Vessels issued new permit (and C/HB vessels on non for-hire trip) must comply with the specified regional retention limits in the region in which the vessel is located.
- Swordfish may only be purchased by permitted swordfish dealers.
- Swordfish landings deducted from semi-annual directed swordfish quota.
- All other swordfish regulations would apply (*e.g.*, minimum size, landing requirements, gear definitions, etc.).

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Timeline

- ✓ Scoping/AP Meetings – June 2009 ANPR scoping; May 2010, September 2010, April 2011, September 2011 AP meetings
- ✓ Pre-Draft Available: March 14, 2012, AP meeting
- ✓ Draft Environmental Assessment and Proposed Rule: Published February 22, 2013 (78 FR 12273)
- ➢ Public Hearings: ~ Winter/Spring 2013
- ➢ Comment Period Ends – May 8, 2013
- ➢ Potential Final EA and Final Rule: ~ Spring 2013
- ➢ Potential Effective Date: ~ Summer 2013

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Public Hearing Schedule

Date	Time	Meeting Locations
March 11, 2013	1:00 – 3:00 p.m.	Conference Call/Webinar
March 11, 2013	5:00 – 7:00 p.m.	NMFS Southeast Regional Office in St. Petersburg, FL
March 14, 2013	1:00 – 4:00 p.m.	NMFS Headquarters (Science Center Auditorium)
March 28, 2013	5:30 – 7:30 p.m.	NMFS Northeast Regional Office in Gloucester, MA
April 10, 2013	5:00 – 7:00 p.m.	Broward County (FL) Main Library Auditorium
April 10, 2013	5:00 – 8:00 p.m.	Stafford Branch Library (Manahawkin, NJ)
April 18, 2013	2:30 – 4:30 p.m.	HMS Advisory Panel Consultation Call/Webinar
April 30, 2013	2:30 – 4:30 p.m.	Conference Call/Webinar

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Seeking Comments On:

- Boundaries for regions and for Florida Swordfish Management Area;
- Retention limits for new and modified permits;
- Criteria for in-season adjustment of retention limits;
- Requirement to comply with regional retention limits both at sea and upon landing;
- All other items related to proposed action.

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Request for Public Comments

Please submit comments to: **http://www.regulations.gov**

Keyword - "NOAA-NMFS-2013-0026"

or

Fax: 301-713-1917, Attn: Jennifer Cudney

Mail: NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910

Identify comments with NOAA-NMFS-2013-0026

For more information: http://www.nmfs.noaa.gov/sfa/hms/

or by calling 727-824-5399

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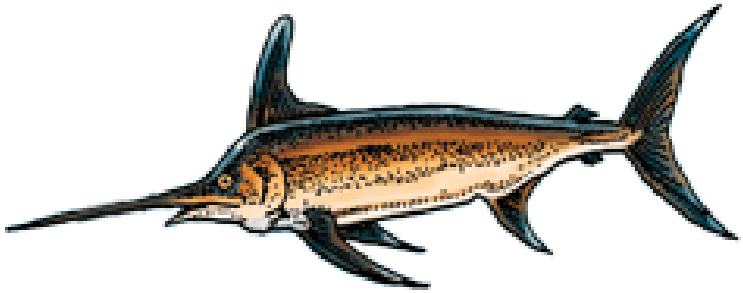

Thank You!

- Questions
- Comments