



NOAA
FISHERIES

Draft Amendment 12
to the
2006 Consolidated Atlantic HMS FMP
NMFS National Standard Guidelines
and Policy Directives

Highly Migratory Species Management Division
September 2020

Background

Purpose: To address Magnuson-Stevens Act National Standard (NS) Guidelines, Rules, & NMFS Policy Directives

Issues Addressed:

- 1) Reassess and revise HMS FMP objectives
- 2) Use of international stock status determination criteria (SDC) for certain ICCAT-managed HMS
- 3) Review and update of standardized bycatch reporting methodologies (SBRM) for HMS fisheries
- 4) Establishing “triggers” to determine when to review allocation decisions for quota-managed HMS
- 5) Revise the timing for release of the HMS Stock Assessment and Fishery Evaluation (SAFE) Report



NOAA
FISHERIES

Reassessment of HMS FMP Objectives

- Currently, there are 16 objectives in the 2006 Consolidated HMS FMP
- Per the final rule revising the NS1 guidelines: “FMP objectives should be reassessed on a regular basis to reflect the changing needs of the fishery over time.”

FMP objectives should be:

- Clearly stated
- Practicably attainable
- Framed in terms of definable events and measurable benefits
- Based upon a comprehensive rather than a fragmentary approach to the problems addressed



NOAA
FISHERIES

Proposed Revised HMS FMP Objectives and Rationale

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
1	<p>Prevent or end overfishing of Atlantic tuna, swordfish, billfish, and sharks and adopt the precautionary approach to fishery management.</p>	<p>Prevent or end overfishing of Atlantic HMS and adopt the precautionary approach to fishery management.</p>	<p>Replaces “Atlantic tuna, swordfish, billfish, and sharks” with “Atlantic HMS.” While some tunas, billfish, and sharks are not managed under the Atlantic HMS FMP, Atlantic HMS are clearly defined in the FMP and implementing regulations.</p>
2	<p>Rebuild overfished Atlantic HMS stocks, and monitor and control all components of fishing mortality, both directed and incidental, so as to ensure the long-term sustainability of the stocks and promote Atlantic-wide stock recovery to the level where MSY can be supported on a continuing basis.</p>	<p>Rebuild overfished Atlantic HMS, and monitor and control all components of fishing mortality so as to ensure long-term sustainability of the stocks and promote Atlantic-wide stock recovery to the level where MSY can be supported on a continuing basis.</p>	<p>Streamlines the objective by removing “both directed and incidental” because these are the only two sources of fishing mortality and “fishing” is broadly defined under the MSA without distinguishing between the two types of catch. Also removes the word “stocks” to reduce redundancy and to be consistent with other FMP objectives .</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
3	<p>Minimize, to the extent practicable, bycatch of living marine resources and the mortality of such bycatch that cannot be avoided in the fisheries for Atlantic HMS or other species, and minimize, to the extent practicable, post-release mortality in the directed billfish fishery.</p>	<p>Minimize, to the extent practicable, bycatch of living marine resources and the mortality of such bycatch that cannot be avoided in all Atlantic HMS fisheries, and minimize, to the extent practicable, post-release mortality of discards in all Atlantic HMS fisheries.</p>	<p>Clarifies that this objective refers to minimizing, to the extent practicable, bycatch and bycatch mortality in all HMS fisheries to make text and objective clear.</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
4	<p>Establish a foundation for international negotiation on conservation and management measures, through international entities such as ICCAT, to rebuild overfished fisheries and to promote achievement of optimum yield for these species throughout their range, both within and beyond the exclusive economic zone.</p>	<p>Establish a foundation for international negotiation on conservation and management measures, through international entities such as ICCAT and other regional fishery management organizations, to rebuild overfished Atlantic HMS fisheries and promote the achievement of optimum yield for these species throughout their range.</p>	<p>Clarifies that this objective refers to Atlantic HMS fisheries. Adds other RFMOs. Reduces redundancy by removing “both within and beyond the exclusive economic zone” because the term “throughout their range” already incorporates that concept.</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
5	<p>Minimize, to the extent practicable, adverse social and economic impacts on fishing communities and recreational and commercial activities during the transition from overfished fisheries to healthy ones, consistent with ensuring achievement of the other objectives of this plan and with all applicable laws.</p>	<p>Minimize, to the extent practicable, adverse social and economic impacts on fishing communities and recreational and commercial activities, consistent with ensuring achievement of the other objectives of this plan and with all applicable laws.</p>	<p>The words “during the transition from overfished fisheries to healthy ones” are removed because minimizing social and economic impacts to the extent practicable, regardless of stock status. This change also streamlines the objective.</p>
6	<p>Provide the data necessary for assessing the fish stocks and managing the fisheries, including addressing inadequacies in current collection and ongoing collection of social, economic, and bycatch data on Atlantic HMS fisheries.</p>	<p>Identify, collect, provide, and utilize the data necessary to support and enhance the effective assessment and management of Atlantic HMS fisheries, including biological, social, economic, and bycatch information.</p>	<p>Adds the words “identify, collect, provide, and utilize” to include other activities that are important and reflect NOAA Fisheries work. The words “support and enhance the effective assessment and management of Atlantic HMS fisheries” broadens the language to include more transcendent goals than simply providing data for stock assessments and fishery management.</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
7	<p>Consistent with other objectives of this FMP, manage Atlantic HMS fisheries for continuing optimum yield so as to provide the greatest overall benefit to the Nation, particularly with respect to providing food production for commercial fisheries, enhancing recreational opportunities, preserving traditional fisheries to the extent practicable, and/or taking into account the protection of marine ecosystems.</p>	<p>No change.</p>	
8	<p>Better coordinate domestic conservation and management of the fisheries for Atlantic tuna, swordfish, sharks, and billfish, considering the multispecies nature of many HMS fisheries, overlapping regional and individual participation, international management concerns, historical fishing patterns and participation, and other relevant factors.</p>	<p>Coordinate domestic conservation and management of Atlantic HMS, considering the multispecies nature of many HMS fisheries, overlapping state, States commissions, and fishery management council management jurisdictions, individual participation, regional variations, international management concerns, historical fishing patterns and participation, and other relevant factors.</p>	<p>Replaces “the fisheries for Atlantic tuna, swordfish, sharks, and billfish” with “Atlantic HMS.” Clarifies that “overlapping regional participation” refers to coordination between “overlapping state, States commissions, and fishery management council management jurisdictions.” Adds the concept of “regional variations” in HMS fisheries.</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
9	<p>Provide a framework, consistent with other applicable law, to take necessary action under ICCAT compliance and/or conservation recommendations, including controlling Atlantic-wide fishing mortality.</p>	<p>No change.</p>	
10	<p>Promote conservation and enhancement of areas identified as essential fish habitat (EFH) for Atlantic HMS, particularly for critical life stages.</p>	<p>Promote, identify, conserve, enhance, and analyze impacts on areas identified as essential fish habitat (EFH) for Atlantic HMS, particularly for critical life stages.</p>	<p>Adds “identify” to better reflect NOAA Fisheries work to identify Atlantic HMS EFH. Maintains the concepts of conservation and enhancement, but in active voice. Adds the concept of “analyzing impacts” to EFH.</p>
11	<p>Simplify and streamline HMS management while actively seeking input from affected constituencies, the general public, and the HMS Advisory Panel.</p>	<p>Simplify and streamline Atlantic HMS management while actively seeking input from affected constituencies, the general public, and the HMS Advisory Panel.</p>	<p>Inserts “Atlantic.”</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
12	<p>Promote the live release and tagging of Atlantic HMS that are voluntarily released or cannot be legally landed through active outreach and educational programs.</p>	<p>Promote careful handling, live release and tagging of Atlantic HMS that are voluntarily released or cannot be legally landed through active outreach and educational programs.</p>	<p>Adds the concept of promoting careful handling of Atlantic HMS that are voluntarily released or cannot be legally landed.</p>
13	<p>Maintain the highest availability of billfishes to the U.S. recreational fishery by implementing conservation measures that will reduce fishing mortality.</p>	<p>Maintain the highest availability of Atlantic billfishes to the U.S. recreational fishery by implementing conservation measures that will reduce fishing mortality.</p>	<p>Inserts “Atlantic.”</p>
14	<p>Optimize the social and economic benefits to the nation by reserving the Atlantic billfish resource for its traditional use, which in the United States is entirely a recreational fishery.</p>		<p>Removes this objective as it is no longer needed. Billfish recreational fisheries are adequately addressed in objectives 3, 5, 7 and 13. The Billfish Conservation Act of 2012, as amended in 2018, prohibits any person from offering billfish or billfish products for sale, selling them, or having custody, control, or possession of them for purposes of offering them for sale except when they are retained in Hawaii or Pacific Insular Areas.</p>

Obj. #	Current FMP Objective	Draft Revised FMP Objective	Rationale
15	Increase understanding of the condition of HMS stocks and HMS fisheries.	Increase understanding of the condition of Atlantic HMS stocks and fisheries, including stock status, biological, social, and economic information.	Adds text to elaborate upon the type of information that could help with understanding Atlantic HMS stocks and fisheries.
16	Consistent with the other objectives of this FMP, create a management system to make fleet capacity commensurate with resource status so as to improve both economic efficiency and biological conservation, and provide access for traditional gears and fishermen.	No change.	

Proposed New HMS FMP Objectives

NEW FMP Objective	Rationale
Through outreach and communication, promote the understanding of, compliance with, and enforcement of HMS fishery management regulations.	Adds an objective regarding the need for effective outreach to HMS constituents to promote understanding and compliance with Atlantic HMS regulations.
Consistent with the other objectives of this FMP, consider ecosystem-based effects to support and enhance effective HMS fishery management.	Adds an objective to clarify that we consider ecosystem-based effects in HMS fishery management.
Promote the development of technologies to improve HMS fishery reporting, reduce bycatch of non-target species, and enhance fishing opportunities.	Adds an objective acknowledging the need to promote and utilize emerging technologies in HMS fishery management.

Review of Stock Status Determination Criteria (SDC) for ICCAT-Managed HMS

Magnuson-Stevens Act: ACLs and AMs apply to all fisheries “unless otherwise provided for under an international agreement in which the United States participates.”

- For these stocks, NS1 guidelines provide that NMFS “may decide to use the SDC defined by the relevant international body.”
- This could apply to some ICCAT-managed Atlantic tunas, swordfish, billfish, and pelagic sharks (caught as bycatch in ICCAT fisheries).



SDC for ICCAT-Managed HMS

Species	ICCAT Threshold	International Stock Status	Domestic Threshold	Domestic Stock Status
Western Atlantic bluefin tuna	B_{MSY}	Unspecified*	$0.86 SSB_{MSY}$	Unknown*
Atlantic bigeye tuna	B_{MSY}	Overfished	$0.6 B_{MSY}$	Overfished
Atlantic yellowfin tuna	B_{MSY}	Not overfished	$0.5 B_{MSY}$ (age 2+)	Not overfished
North Atlantic albacore tuna	B_{MSY}	Not overfished	$0.7 B_{MSY}$	Not overfished (Rebuilt)
North Atlantic swordfish	B_{MSY}	Not overfished	$0.8 B_{MSY}$	Not overfished
Blue marlin	B_{MSY}	Overfished	$0.9 B_{MSY}$	Overfished
White marlin (and roundscale spearfish)	B_{MSY}	Overfished	$0.85 B_{MSY}$	Overfished
West Atlantic sailfish	B_{MSY}	Not likely overfished	$0.75 B_{MSY}$	Not overfished (Rebuilding)
North Atlantic blue sharks	B_{MSY}	Not likely overfished	$(1-M) B_{MSY}$	Not overfished
Northwest Atlantic porbeagle sharks	B_{MSY}	Overfished	$(1-M) B_{MSY} \ddagger \ddagger *$	Overfished

Application of ICCAT SDC

- Would reduce the confusion associated with a stock having separate international and domestic stock statuses
- Avoid terminology mismatch
- Would not result in any impacts at this time
 - While the status of some stocks could, in theory, change from “not overfished” to “overfished” due to the differing thresholds, there are no internationally-managed HMS stocks with assessed B/B_{MSY} levels that are currently between the domestic and international thresholds
- NMFS will continue to follow ICCAT recommendations (e.g., rebuilding or management programs based on ICCAT’s determination of stock status)
- Any future ICCAT recommendations would continue to be implemented domestically through a formal rulemaking process, including NEPA analysis, public review and comment under the Administrative Procedures Act, and adherence to all other applicable law



NOAA
FISHERIES

Review of HMS Standardized Bycatch Reporting Methodology (SBRM)

Magnuson-Stevens Act: Any FMP, with respect to any fishery, must establish an SBRM to assess the amount and type of bycatch occurring

SBRM required procedures may include, but are not limited to:

- Observer programs
- Electronic monitoring & reporting technologies
- Self-reported mechanisms



NOAA
FISHERIES

Review of HMS Standardized Bycatch Reporting Methodology

On January 19, 2017, NMFS published a final rule (82 FR 6317) that:

- Defined SBRM as “established, consistent procedures used to collect, record, and report bycatch data in a fishery”
- Clarified requirements to:
 - Identify SBRMs in FMPs
 - Explain how an SBRM meets its purpose based on a “*fishery-specific analysis*”
 - Provide for regular review of SBRMs



NOAA
FISHERIES

Review of HMS Standardized Bycatch Reporting Methodology

The SBRM final rule requires a **fishery-specific analysis** when establishing or reviewing an SBRM:

1. The **characteristics of the bycatch** occurring in the fishery
2. The **feasibility of the methodology** from cost, technical and operational perspectives
3. The **uncertainty of the data** resulting from the methodology
4. How **data resulting from the methodology will be used** to assess the amount and type of bycatch in the fishery



Review of HMS SBRM: Fishery-Specific Analysis

Directed Commercial Fisheries

- Pelagic Longline
- Bottom Longline
- Handgear (rod and reel, handline, harpoon, bandit gear)
- Buoy Gear (swordfish)
- Gillnet
- Green-stick (tuna)
- Purse Seine

Recreational Fisheries

- Handgear (rod & reel, handline, greenstick, speargun for BAYS tunas)



NOAA
FISHERIES

Review of HMS SBRM

- Amendment 12 would ensure consistency with the SBRM final rule by reviewing and updating SBRM for HMS fisheries
- All FMPs must be consistent with the SBRM final rule by February 21, 2022
- Continue review every 5 years to verify continued compliance



Consideration of Allocation Triggers for Quota-Managed HMS

- Fisheries Allocation Review Policy Directive 01-119 (February 23, 2017) creates a transparent process for assessing when a fishery allocation may need to be reviewed and what should be considered
- Describes a three-step mechanism to ensure that fisheries quota allocations are periodically evaluated
- For fisheries with a quota allocation, trigger(s) should be identified within three years (or as soon as practicable)



Consideration of Allocation Triggers for Quota-Managed HMS

- Only one criterion needs to be triggered to initiate an allocation review. Examples of triggers that could be used to initiate a quota allocation review include:
 - Public Interest
 - Time
 - Fishery Indicators



Consideration of Allocation Triggers for Quota-Managed HMS

NMFS is proposing five potential “triggers” to initiate an allocation review:

- Public comment received by NMFS with new information to review (interest)
- A maximum of 10 years between review of the allocation for a management group and/or species (time)
- A species and/or management group stock status change based on a recent stock assessment or ICCAT recommendation (fishery indicator)
- Change in effort or participation in HMS fisheries (fishery indicator)
- Implementation of a national rulemaking that impacts HMS fisheries (change indicator)



Consideration of Allocation Triggers, cont.

A Process for Adaptive Management

Step 1: Allocation Trigger is Met

- Time
- Public interest
- Fishery indicators

Step 2: Fishery Allocation Review

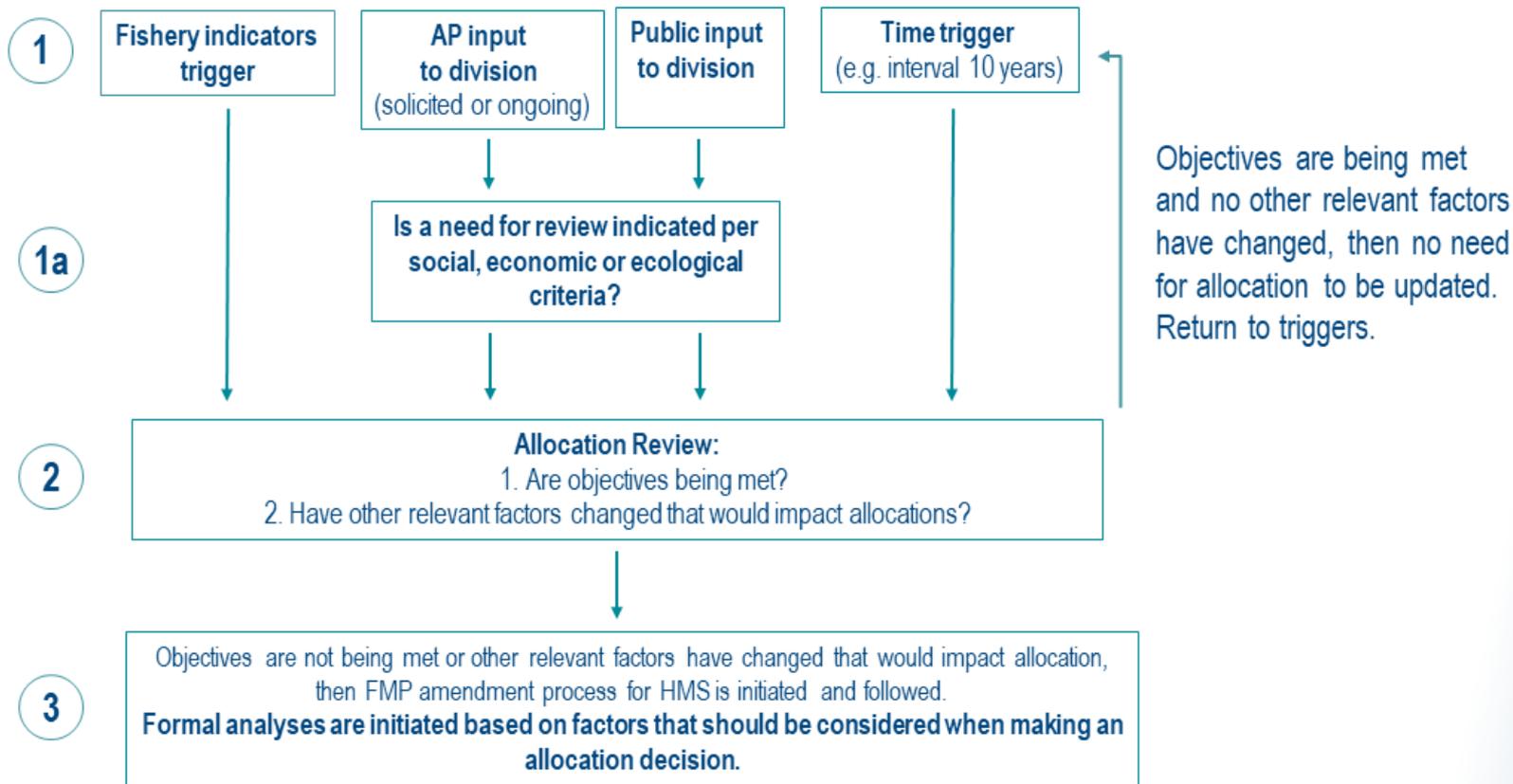
- Is review necessary?
- Are FMP objectives being met?
- Have fishery conditions changed?

Step 3: Analysis & Evaluation of Allocation Options for FMP Amendment

- Formal rulemaking process
- Formal analysis
- Public input



NOAA
FISHERIES



Timing of Publication of HMS Stock Assessment and Fishery Evaluation (SAFE) Report

- Currently, the HMS FMP specifies that the SAFE Report will be released to the public by the *winter* of each year
- NMFS is proposing to adjust the publication date of the HMS SAFE Report to account for unexpected delays (e.g., data availability, staff availability, furloughs, emergencies, etc.), while remaining compliant with Magnuson-Stevens Act requirements
- NMFS will continue to strive for releasing the SAFE Report annually in the fall of each year



Amendment 12 Timeline

- Comment period ends October 26, 2020
- To comment on Draft Amendment 12, go to: <https://www.regulations.gov>, enter *NOAA-NMFS-2019-0096* into the search box, click the “Comment Now!” icon, complete the required fields and enter or attach your comments

Date	Time	Webinar Instructions
September 23, 2020	2-4 p.m.	Link https://noaanmfs-meets.webex.com/noaanmfs-meets/j.php?MTID=m6d4223b580c2d26883b4ca44e1d35a7a Meeting number: 199 162 5739 Password: D3Pn3hQt2J9 Join by phone: 1-415-527-5035 Access code: 199 162 5739
September 29, 2020	3-5 p.m.	Link: https://noaanmfs-meets.webex.com/noaanmfs-meets/j.php?MTID=m335138f7bf5bbac0518e97789ee49776 Meeting number: 199 054 2449 Password: yfSEgJW24d3 Join by phone: 1-415-527-5035 Access code: 199 054 2449

- Final FMP anticipated in mid-2021



Questions or Comments?

Thank You!



NOAA
FISHERIES