

Scoping Document

AMENDMENT 12 TO THE 2006 CONSOLIDATED ATLANTIC HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

August 2019



NOAA
FISHERIES



Table of Contents

Introduction.....	1
Management History.....	2
Reassessment of 2006 Consolidated Atlantic HMS FMP Objectives.....	2
Review of Stock Status Determination Criteria for Internationally Managed HMS	3
Review of HMS Standardized Bycatch Reporting Methodology.....	4
Consideration of Allocation Triggers for Quota-Managed HMS	4
Adjustment of Publication Date of Annual HMS SAFE.....	5
Purpose, Need, and Objectives.....	5
Potential Management Options	7
Reassessment of 2006 Consolidated Atlantic HMS FMP Objectives	7
Background and Rationale.....	7
Options for Reassessing HMS FMP Objectives.....	8
Review of Stock Status Determination Criteria (SDC) for Internationally Managed HMS	11
Background and Rationale.....	11
Options for Review of SDC for Internationally Managed HMS.....	16
Issue 3: Review of HMS SBRM.....	17
Background and Rationale.....	17
Options for Review of HMS SBRM.....	18
Issue 4: Consideration of Allocation Triggers for Quota-Managed HMS.....	19
Background and Rationale.....	19
Options for Consideration of Allocation Triggers for Quota-Managed HMS	20

Issue 5: Adjustment of Publication Date of Annual HMS SAFE Report.....	22
Background and Rationale.....	22
Options for Adjusting the Publication Date of the Annual HMS SAFE Report.....	23
References	25

Introduction

Atlantic Highly Migratory Species (HMS) Fisheries are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). Under the Magnuson-Stevens Act, the National Marine Fisheries Service (NOAA Fisheries) must manage Fisheries to maintain optimum yield on a continuing basis while preventing overfishing. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate to carry out recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA Fisheries.

The Magnuson-Stevens Act includes, among other items, provisions describing the required contents of fishery management plans (FMPs) and a list of ten National Standards that every FMP (and FMP amendment) must comply with. The National Marine Fisheries Service (NOAA Fisheries) has published guidelines to help interpret, improve, streamline, and enhance the utility of these ten National Standards for managers and the public and to facilitate compliance with the requirements of the Magnuson-Stevens Act and provide management flexibility in doing so. The guidelines are occasionally updated and revised. Also, NOAA Fisheries occasionally releases national policy directives to ensure that certain issues are addressed consistently nationwide. These policy directives are described at <https://www.fisheries.noaa.gov/national/laws-and-policies/policy-directive-system>.

As explained below, this scoping document begins the process to address certain provisions of recently published Magnuson-Stevens Act National Standard guidelines updates (81 FR 71858, October 18, 2016) (NOAA Fisheries 2016a) and NOAA Fisheries national policy directives for fisheries management. This document requests additional information and comments from the public related to changes or clarifications NOAA Fisheries is considering in relation to HMS FMP objectives, stock status determination criteria (SDC) for internationally-managed HMS stocks, standardized bycatch reporting methodology (SBRM) for certain HMS fisheries, allocation review triggers for quota-managed HMS, and the timing for publication of the annual HMS Stock Assessment and Fishery Evaluation (SAFE) Report. NOAA Fisheries is considering the scope of this action as it relates to the management of HMS. This document includes a summary of the anticipated purpose and need for the FMP amendment, and discusses whether there may be potential environmental, social, and economic impacts of some potential conservation and management options.

NOAA Fisheries requests receipt of any comments on this scoping document within 60 days of publishing. Comments received during scoping will assist NOAA Fisheries in determining the options to be evaluated in an upcoming draft FMP amendment. NOAA Fisheries anticipates that a draft FMP amendment will be available in early 2020 and the final Amendment 12 document will be available later in 2020, or early 2021.

Any written comments on this document should be submitted to Rick Pearson, HMS Management Division, F/SF1, Office of Sustainable Fisheries, 263 13th Avenue South, Saint Petersburg, FL 33701 or via the Federal e-Rulemaking Portal. Public comment should be submitted via www.regulations.gov or mail. If submitting comments by www.regulations.gov, search for: NOAA-NMFS-2019-0096, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments by November 8, 2019. For further information, contact Rick Pearson at (727) 824-5399 or Sarah McLaughlin at (978) 281-9260.

The following sections describe the management history and recent background of the five topics addressed in this scoping document.

Management History

Reassessment of 2006 Consolidated Atlantic HMS FMP Objectives

In the 1980s, the Regional Fishery Management Councils were responsible for the management of Atlantic HMS. Thus, in 1985 and 1988, the five Councils finalized joint FMPs for swordfish and billfish, respectively. In 1989, the Councils requested that the Secretary of Commerce (Secretary) manage Atlantic sharks. NOAA Fisheries finalized a Shark FMP in 1993.

In 1999, due in part to amendments to the Magnuson-Stevens Act in 1996 and additional information regarding the status of several Atlantic HMS, NOAA Fisheries combined the FMPs for Atlantic swordfish and sharks and finalized the first FMP for Atlantic tunas. The result was the FMP for Atlantic Tunas, Swordfish, and Sharks (1999 FMP) (NOAA Fisheries 1999) (64 FR 29090, May 28, 1999). At this same time, NOAA Fisheries also amended the 1988 Billfish FMP with Amendment 1 to the Atlantic Billfish FMP (NOAA Fisheries 1999a). Both the 1999 FMP and Amendment 1 to the Billfish FMP included a number of FMP objectives.

In 2003, NOAA Fisheries published the final rule for Amendment 1 to the 1999 FMP (68 FR 74746, December 24, 2003), which, among other things, added new management objectives for five shark species due to changes in stock status (blacktip shark, which was no longer overfished; sandbar shark, for which overfishing was occurring; and finetooth shark, for which overfishing was occurring). The focus of Amendment 1 to the 1999 FMP was a comprehensive review of management measures for Atlantic sharks and did not consider any changes to the management of tunas or swordfish.

Based upon recognition of the interrelated nature of all HMS Fisheries and the growing need to consider management actions together, NOAA Fisheries consolidated the 1999 FMP and its amendments with the Atlantic Billfish FMP and its amendments in 2006. The result was the 2006 Consolidated HMS FMP (HMS FMP) (NOAA Fisheries 2006) (71 FR 58058, October 2, 2006). The consolidation of the 1999 FMP and the Atlantic Billfish FMP and their amendments, provided an opportunity to reassess the suitability and relevance of the HMS and Billfish FMP objectives. Both plans contained a detailed set of objectives, many of which overlapped, complemented, or otherwise reinforced each other. However, a small number of objectives were unique to each plan, and did not logically apply to the other plan. Therefore, in the 2006 Consolidated Atlantic HMS FMP,

NOAA Fisheries reassessed the objectives of the previous FMPs and revised them to remove redundancy and to update some objectives. The 2006 Consolidated Atlantic HMS FMP finalized sixteen objectives, which currently remain in effect. The 2006 Consolidated Atlantic HMS FMP has been amended 11 times (as of September 2019).

On October 18, 2016 (81 FR 71858) (NOAA Fisheries 2016a), NOAA Fisheries published a final rule revising, among other things, the guidelines for National Standards (NSs) 1, 3, and 7 of the Magnuson-Stevens Act. As part of NOAA Fisheries' efforts to carry out Executive Order 13563 to conduct retrospective analysis of existing significant regulations, the final rule included a recommendation that FMP objectives should be reassessed on a regular basis to reflect the changing needs of the fishery over time. To provide flexibility, the guidelines did not prescribe a set time period for "a regular basis." Although no time frame was prescribed, the NS3 guidelines indicated that NOAA Fisheries should provide notice to the public of the expected schedule for review.

The revised NS guidelines (see 50 CFR § 600.305(b)) states that, in establishing objectives:

- Each FMP should balance biological constraints with human needs.
- Reconcile present and future costs and benefits.
- Integrate the diversity of public and private interests.

The NS guidelines further state that if an FMP's objectives are in conflict, priorities should be established among them. Objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. Based upon these guidelines, this scoping document begins the process for reassessing the objectives contained in the 2006 Consolidated Atlantic HMS FMP.

Review of Stock Status Determination Criteria for Internationally Managed HMS

The 1999 FMP (NOAA Fisheries 1999) and Amendment 1 to the Billfish FMP (NOAA Fisheries 1999a) specified the criteria for identifying when a stock was overfished or overfishing was occurring (stock status determination criteria) and described the status of the stocks in the FMP. These same criteria were carried over to the 2006 Consolidated HMS FMP. Stock status is currently updated and presented using domestic and, when applicable, also noting international thresholds in the annual Atlantic HMS Stock Assessment and Fishery Evaluation (SAFE) Report. For some species (*e.g.*, Atlantic bigeye tuna and Atlantic yellowfin tuna), this has resulted in a difference in stock status domestically and internationally due to the use of differing stock status thresholds.

For stocks subject to management under an international agreement, which is defined in the revised NS1 guidelines as "any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the United States is a party" (81 FR 71858, October 18, 2016), the NS1 guidelines at 50 CFR § 600.310(e)(2)(ii) provide that NOAA Fisheries may decide to use the stock status determination criteria (SDC) defined by the relevant international body (*e.g.*, ICCAT) for some Atlantic tunas, swordfish, and

billfish). The NS1 guidelines do not require a review of the methodology used for stocks that may apply either domestic or international SDC, but NOAA Fisheries may consider their appropriateness and applicability. This scoping document for Draft Amendment 12 begins the process for considering the appropriateness and applicability of adopting international SDC for internationally-managed HMS stocks.

Review of HMS Standardized Bycatch Reporting Methodology

Section 303(a)(11) of the Magnuson-Stevens Act requires that any FMP prepared by a regional fishery management council (Council) or the Secretary with respect to any fishery establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable, minimize bycatch and bycatch mortality (16 U.S.C. 1853(a)(11)). *See also* 16 U.S.C. 1854(c) On January 19, 2017, NOAA Fisheries published a final rule (82 FR 6317) (NOAA Fisheries 2017c) to establish requirements and provide guidance regarding the development, documentation, and review of such SBRMs.

Specifically, each FMP must establish or review an SBRM identify the required procedure or procedures that constitute the SBRM for a fishery. Due to the inherent diversity of fisheries, different standardized [reporting](#) methodologies may be appropriate for different fisheries. The required procedures may include, but are not limited to: observer programs, electronic monitoring and reporting technologies, and self-reported mechanisms (*e.g.*, recreational sampling, industry-reported catch and discard data). The FMP must conduct an analysis that explains how the SBRM meets the purposes described at 40 CFR § 600.1600), and must assess the following criteria in establishing or reviewing a SBRM:

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

See § 600.1610(a)(2). The SBRM final rule also requires that all FMPs must ensure consistency with the requirements related to establishing and reviewing SBRMs by February 21, 2022. § 600.1610(b). Thereafter, a review of SBRM should be conducted at least once every 5 years to verify continued compliance with the Magnuson-Stevens Act and the SBRM final rule. This scoping document for Draft Amendment 12 begins the process of reviewing the 2006 Consolidated HMS FMP to update existing SBRMs and to add SBRMs for fisheries for which SBRMs are not yet established.

Consideration of Allocation Review Triggers for Quota-Managed HMS

In 2017, NOAA Fisheries issued a Fisheries Allocation Policy Directive and Procedures (01-119; 01-119-01; 01-119-02) (<https://www.fisheries.noaa.gov/national/laws-and-policies/fisheries-management-policy-directives>) (NOAA Fisheries 2017; NOAA Fisheries 2017a; NOAA Fisheries 2017b), which describe a mechanism to ensure that fisheries allocations are periodically reviewed and evaluated. The policy and directives establish three steps in an allocation review process, with the first step occurring if a review is triggered. Categories of triggers that can be used to initiate an allocation review

include: public interest, time, or indicators. The policy directive also requires the identification of one or more triggers for each fishery with a quota allocation that meets the definition contained in the revised policy directive. This scoping document begins the process to consider allocation triggers for quota-managed HMS.

Adjustment of Publication Date of Annual HMS SAFE Report

The HMS SAFE Report is a public document that provides a summary of scientific information concerning the most recent biological condition of stocks, stock complexes, and marine ecosystems, essential fish habitat (EFH), and the social and economic condition of recreational and commercial HMS fishing interests, fishing communities, and the fish processing industries. Consistent with the National Standard 2 guidelines, SAFE reports summarize, on a periodic basis, the best scientific information available concerning the past, present, and possible future condition of the stocks, EFH, marine ecosystems, and fisheries being managed under Federal regulation. 600.315(d). The agency has the responsibility to ensure that SAFE reports are prepared and updated or supplemented as necessary whenever new information is available to inform management decisions such as SDC, overfishing level (OFL), optimum yield, or allowable biological catch (ABC) values (§ 600.310(c)). § 600.315(d)(1).

In the 1999 FMP and Amendment 1 to the Billfish FMP, NOAA Fisheries stated that the SAFE report would be published in January or February of each year. In 2008, NOAA Fisheries published a final rule (73 FR 40657, July 15, 2008) implementing the management measures contained in Amendment 2 to the Consolidated HMS FMP (Amendment 2) (NOAA Fisheries 2008). In addition to a variety of shark management measures, Amendment 2 also addressed the topic of SAFE Report timing by stating that the SAFE Report would be published by the fall of each year. No implementing regulations were associated with this determination, but NOAA Fisheries aims to release the annual report by that stated deadline each year. This scoping document begins the process to consider adjusting the timing of the HMS SAFE Report release, while remaining compliant with the National Standard 2 provisions regarding the report.

Purpose, Need, and Objectives

The purpose of Amendment 12 would be to address and comply with recent national Magnuson-Stevens Act guidelines and NOAA Fisheries policy directives, and to provide additional flexibility for the timing of publication of the annual HMS SAFE Report to account for unexpected events that may occasionally occur. The need for Amendment 12 is to address the changing needs of the HMS fishery over time, using the most recent information available, considering recent revisions to the Magnuson-Stevens Act regulations and guidelines regarding FMP objectives, SDC for internationally managed HMS stocks, SBRM, and recent national policy directives regarding allocation review triggers for quota-managed HMS. Finally, NOAA Fisheries modifies a previously-stated goal for publishing the annual HMS SAFE Report to allow room for unexpected events that may delay its release. This document is part of the scoping process for Amendment 12. NOAA Fisheries welcomes comments on the appropriate scope of this action as it relates to the management of Atlantic HMS.

To achieve the purpose and need for Amendment 12, NOAA Fisheries has identified the following objectives with regard to this action:

- Consistent with recent NS1 guidelines, reassess current HMS FMP objectives to reflect the changing needs of the HMS fishery and adopt revised FMP objectives, if necessary and appropriate.
- Consistent with the Magnuson-Stevens Act and ATCA, review SDC for internationally managed HMS stocks and adopt such criteria, if appropriate.
- Consistent with the Magnuson-Stevens Act and applicable regulations, review and update or establish HMS SBRM as necessary.
- Consistent with NOAA Fisheries policy directives and procedures, consider allocation triggers for quota-managed HMS and adopt such review triggers, if appropriate.
- Consistent with NS2 guidelines, consider revising goals for the publication date of the annual HMS SAFE Report and adopt such revisions, if necessary and appropriate.

Potential Management Options

Reassessment of 2006 Consolidated Atlantic HMS FMP Objectives

Background and Rationale

In 2006, NOAA Fisheries completed the Consolidated Atlantic HMS FMP (NOAA Fisheries 2006) which, among other things, combined and consolidated the 1999 FMP with the Billfish FMP. As part of the consolidation, NOAA Fisheries reassessed and revised the objectives contained in the two existing FMPs to remove redundancy and update the objectives. Currently, there are 16 objectives contained in the 2006 Consolidated Atlantic HMS FMP, plus several other objectives from 11 subsequent FMP amendments. In total, including the amendments, there are 75 FMP objectives.

As stated above, the 2016 revised NS1 guidelines stated that FMP management objectives should be regularly reassessed. Furthermore, such objectives should address the problems of a particular fishery and should be: clearly stated; practicably attainable; framed in terms of definable events and measurable benefits; and based upon a comprehensive rather than a fragmentary approach to the problems addressed.

NOAA Fisheries is considering whether to reassess the objectives contained in the 2006 Consolidated Atlantic HMS FMP, as recommended in the 2016 final rule revising the guidelines for certain National Standards. The 16 objectives that were included in the 2006 Consolidated Atlantic HMS FMP are:

1. Prevent or end overfishing of Atlantic tuna, swordfish, billfish, and sharks and adopt the precautionary approach to fishery management.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. 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.
10. Promote conservation and enhancement of areas identified as essential fish habitat (EFH) for Atlantic HMS, particularly for critical life stages.
11. Simplify and streamline HMS management while actively seeking input from affected constituencies, the general public, and the HMS Advisory Panel.
12. Promote the live release and tagging of Atlantic HMS that are voluntarily released or cannot be legally landed through active outreach and educational programs.
13. Maintain the highest availability of billfishes to the U.S. recreational fishery by implementing conservation measures that will reduce fishing mortality.
14. 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.
15. Increase understanding of the condition of HMS stocks and HMS 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.

Options for Reassessing the 2006 Consolidated HMS FMP Objectives

Option 1: No action. Do not reassess HMS FMP objectives.

Under Option 1, NOAA Fisheries would not reassess the objectives contained in the 2006 Consolidated HMS FMP.

Pros:

- There would be no changes to the HMS FMP objectives so there would be no associated administrative burden.
- If the current HMS FMP objectives have been successful at accomplishing the requirements of the Magnuson-Stevens Act, ATCA, and other applicable laws, then there may no need to reassess them.

Cons:

- Option 1 would not be consistent with the recommendation in the NS1 final rule (81 FR 71858) (NOAA Fisheries 2016a) to reassess FMP objectives on a regular basis to “reflect the changing needs of the fishery over time.”

Option 2: Reassess the objectives in the 2006 Consolidated Atlantic HMS FMP.

Under Option 2, NOAA Fisheries would reassess the objectives contained in the 2006 Consolidated HMS FMP and, potentially, change them if appropriate. In its preliminary work, NOAA Fisheries is currently considering four methods to reassess the 2006 Consolidated HMS FMP objectives. These are:

1. Analyze aspects of the objectives of the amendments published since the implementation of the 2006 Consolidated HMS FMP that could, or should, be incorporated into the FMP objectives (*i.e.*, a “gap” analysis).
2. Examine the potential to combine similar objectives, broaden the objectives’ subject fisheries where appropriate; streamline or modernize language and terminology, including making the language more “inclusive” (*i.e.*, to encompass the full range of values and priorities for HMS management).
3. Examine whether to add or revise HMS FMP objectives, similar to how several Fishery Management Councils have approached the reassessment process.
4. Examine whether to add, revise, or remove HMS FMP objectives based upon suggestions from the HMS Advisory Panel and public comment.

Analyze “Gaps” Between 2006 HMS FMP Objectives and its Amendments

In establishing a methodology to reassess FMP objectives, NOAA Fisheries is considering analyzing the objectives contained in the 11 subsequent amendments implemented after the 2006 Consolidated Atlantic HMS FMP to determine if there are any “gaps” in the FMP objectives. NOAA Fisheries considers the 16 objectives in the 2006 Consolidated HMS FMP to be the baseline FMP objectives, with subsequent amendments containing objectives that complemented these baseline objectives. Specifically, the objectives contained in the 11 subsequent amendments would be compared to the objectives in the 2006 Consolidated Atlantic HMS FMP. If there are any unique objectives in the amendments, NOAA Fisheries would consider adding those to the overall FMP objectives reflected in the 2006 Consolidated HMS FMP. For example, Amendment 4 to the 2006 Consolidated Atlantic HMS FMP included an objective to “examine and implement regionally tailored HMS management strategies, as appropriate.” Thus, the concept of “facilitating regional management strategies’ could be considered for inclusion in the HMS FMP.

Combine, Streamline, or Modernize Existing FMP Objectives

As part of the effort to reassess FMP objectives, NOAA Fisheries has considered that the goal of “reflect[ing] the changing needs of the fishery over time” could involve changes to the fishery resource, fishery management, the fishery, and to science and data collection. Thus, potential modifications to the existing objectives could include more streamlined or updated language, the removal of redundant language, and the addition of more “inclusive” language. For example purposes only, Objective 5 (below) in the 2006 Consolidated HMS FMP specifies the minimization of “adverse social and economic impacts.” This text could potentially be changed to “optimize social and economic benefits” to better reflect the concept of “optimum yield.” Also, the words “recreational

and commercial” may be unnecessary as fishing activities are commonly understood to include both and “to the nation” achieves a broader perspective. The words “during the transition from overfished fisheries to healthy ones” may be unnecessary from the perspective that optimizing social and economic benefits to the nation should be the objective regardless of stock status, understanding that certain objectives regarding stock status must be met.

Potential Revision to Objective 5

Provided as a hypothetical example using strikeout and underlining new text

- ~~Minimize, to the extent practicable, adverse impacts to the nation in managing HMS Fisheries on fishing communities and recreational and commercial activities during the transition from overfished Fisheries to healthy ones,~~ To the extent practicable, ~~adverse~~ optimize social and economic benefits consistent with ensuring achievement of the other FMP objectives of this plan and with all applicable laws.

Consider New HMS FMP Objectives as Inspired by the Work of Other Fishery Management Councils

In addition to the “gap” analysis and potential modifications using more streamlined or inclusive language described above, NOAA Fisheries could consider past and current efforts of other Fishery Management Councils to revise FMP objectives. For example, the Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC) are in the process of developing revised objectives for their joint Summer Flounder, Scup, and Black Sea Bass FMP. That effort was initiated prior to the NS1 final rule and is part of a comprehensive amendment to revisit important elements of the summer flounder fishery management plan, *i.e.*, the context for the changes was broader than what is contained in more recent guidance from the NS1 final rule. Their exercise provides some useful aspects for NOAA Fisheries’ consideration.

For example, in reviewing the work of the MAFMC/ASMFC and other Councils, NOAA Fisheries has identified a few items not explicitly referenced in the current HMS FMP objectives, including an outreach/compliance/enforcement objective and an ecosystem-based science objective. NOAA Fisheries considers these important to the success of federal fishery management programs and could add these (or similar) objectives to the HMS FMP:

- “Promote and enhance the understanding of, compliance with, and effective enforcement of HMS fishery management regulations.”
- “Promote ecosystem-based science to support and enhance effective HMS fishery management.”

Suggestions from the HMS Advisory Panel and Public Comment

NOAA Fisheries intends to consider comments from the HMS Advisory Panel (HMS AP) and the general public. In May 2019, at the HMS AP meeting in Silver Spring, MD, NOAA Fisheries presented an overview of Draft Amendment 12 and asked panelists to submit suggestions on changes to the FMP objectives. These suggestions included:

- Consider language in Objectives 1 & 2 regarding management strategy evaluation.
- Consider language in Objective 3 to encourage the development of better/other technological solutions for bycatch reduction and to reduce post-release mortality.
- Consider language in Objective 4 to include bilateral cooperation for coastal shark species through regional fishery management organizations (RFMOs) other than ICCAT.
- Consider language in Objective 6 to include more long-term and historical data for stock assessments (*i.e.*, data rescue), and use more technology in data reporting and collection.
- In Objectives 6 and 15, consider language to ensure “better and more” stock assessments to eliminate “unknown” status for some shark species and consider more frequent assessment updates for shark species that have been assessed.
- In Objective 16, consider language for either limiting or increasing fleet capacity, as appropriate, to ensure that it is commensurate with stock status.
- Consider adding a new objective to include ecosystem-based fishery management.
- Measureable goals should be specified in the HMS FMP. Current FMP objectives are very high-level and reiterate goals of the Magnuson-Stevens Act. Are they all needed?
- HMS FMP objectives need to address the problem of improving revenues for commercial fishermen so that the fishery is economically sustainable.
- HMS FMP objectives should not use ambiguous language that could have multiple meanings.

Pros:

- Option 2 would be consistent with the recommendation contained in the 2016 revisions to the National Standard 1 guidelines to reassess FMP objectives on a regular basis to “reflect the changing needs of the fishery over time.”

Cons:

- There could be unforeseen consequences to changing the HMS objectives.
- If the HMS FMP objectives have been successful at accomplishing the requirements of the Magnuson-Stevens Act, ATCA, and other applicable laws, then there may no need to reassess and potentially modify them.

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

Background and Rationale

The term “stock of fish” means a species, subspecies, geographical grouping or other category of fish capable of management as a unit. “Stock” may also refer to a multispecies complex managed as a single unit due to the occurrence of two or more species being harvested together. (Magnuson-Stevens Act, 16 U.S.C. 1802). Stock assessments measure the health of stocks and the impact of fishing on stocks and project harvest levels that will preventing overfishing, and where necessary, rebuild depleted stocks and identifying the maximum sustainable yield from the fishery, where possible.. Status determination criteria (SDC) are measurable and objective factors (e.g., MFMT, OFL, and MSST, or their proxies) that are used to determine if overfishing has occurred, or if a stock or stock complex is overfished. The Magnuson-Stevens Act (section 3(34)) defines both “overfishing” and “overfished” to mean a rate or level of fishing mortality that

jeopardizes the capacity of a fishery to produce the MSY on a continuing basis. “Overfished” relates to biomass of a stock or stock complex, and “overfishing” pertains to a rate or level of removal of fish from a stock or stock complex. The criteria that NOAA Fisheries uses domestically to determine the status of Atlantic HMS stocks are presented in **Error! Reference source not found.** and are fully described in Chapter 3 of the 1999 FMP and Amendment 1 to the Billfish FMP. These thresholds were incorporated into the 2006 Consolidated HMS FMP, and were based upon the thresholds described in a paper providing the initial technical guidance for implementing NS1 of the Magnuson-Stevens Act (Restrepo et al. 1999).

Images like **Figure 0.1** are often used by stock assessment scientists to summarize the results of various stock assessment models. Generally, if the model results are in the white portion of the figure, the stock may have a status of “not overfished” and “overfishing is not occurring.” Similarly, if the model results are in the gray portions of the figure, the stock may have a status of “overfished,” “overfishing is occurring,” or both.

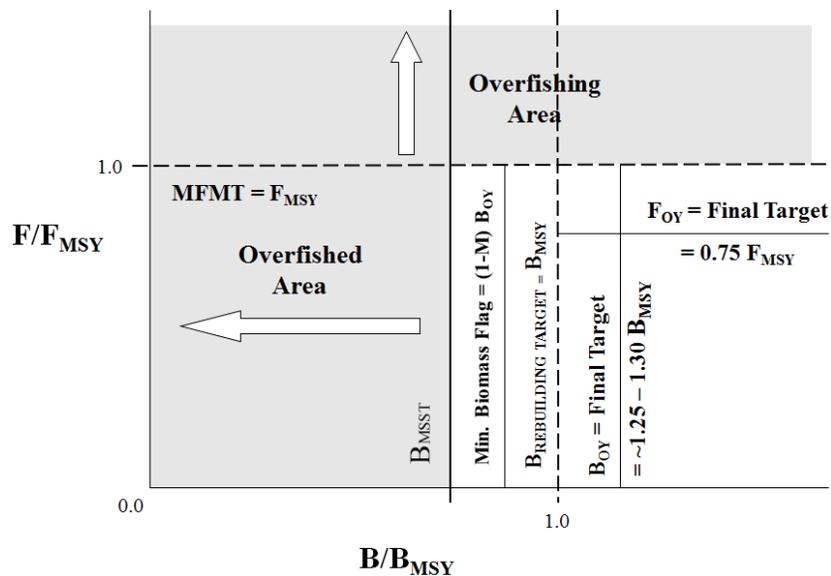


Figure 0.1 Illustration of the Status Determination Criteria and Rebuilding Terms

In summary, under the applicable domestic stock status determination criteria used for Atlantic HMS, a species is considered “overfished” when the current biomass (B) is less than the minimum stock size threshold ($B < B_{MSST}$). The minimum stock size threshold (MSST) is determined based on the natural mortality of the stock and the biomass at maximum sustainable yield (B_{MSY}). Maximum sustainable yield (MSY) is the maximum long-term average yield that can be produced by a stock on a continuing basis. The biomass can fall below the B_{MSY} without causing the stock to be declared “overfished” as long as the biomass is above B_{MSST} . If a stock is declared overfished, action to rebuild the stock is required by law. A stock is considered rebuilt when B is greater than B_{MSY} . It is important to note that ICCAT uses different thresholds for the overfished stock status determination. ICCAT defines an overfished status as B_{year} relative to B_{MSY} , while the domestic definition of an overfished status is B_{year} relative to B_{MSST} .

A stock may be determined as “overfishing may be occurring” if the current fishing mortality (F) is greater than the fishing mortality at MSY (F_{MSY}) ($F > F_{MSY}$). In the case of F, the maximum fishing mortality threshold is F_{MSY} . Thus, if F exceeds F_{MSY} , overfishing is occurring and action to end overfishing is required by law. The same status determination criteria for overfishing are applied by ICCAT and NOAA Fisheries for relevant stocks.

A species is considered healthy when B is greater than or equal to the biomass at optimum yield (B_{OY}) and F is less than or equal to the fishing mortality at optimum yield (F_{OY}).

The domestic thresholds used to calculate the status of Atlantic HMS, as described in the 1999 FMP and 2006 Consolidated HMS FMP, are:

- Maximum Fishing Mortality Threshold (MFMT) = $F_{limit} = F_{MSY}$.
- Overfishing is occurring when $F_{year} > F_{MSY}$.
- Minimum Stock Size Threshold (MSST) = $B_{limit} = (1-M)B_{MSY}$ when $M < 0.5$ or $MSST = 0.5B_{MSY}$ when $M \geq 0.5$, M = natural mortality. Formula exceptions include blue marlin ($0.9B_{MSY}$), white marlin ($0.85B_{MSY}$), and west Atlantic sailfish ($0.75B_{MSY}$). In many cases an average M across age classes or sensitivity runs from a stock assessment model is used to calculate MSST. Domestically, an overfished status is defined as B_{year} relative to B_{MSST} .
- Biomass target during rebuilding = B_{MSY} .
- Fishing mortality during rebuilding $< F_{MSY}$.
- Fishing mortality for healthy stocks = $0.75F_{MSY}$ (Final target = F_{OY}).
- Biomass for healthy stocks = $B_{OY} \approx 1.25$ to $1.30B_{MSY}$.
- Minimum biomass flag = $(1-M)B_{OY}$.
- Level of certainty of *at least* 50 percent but depends on species and circumstances.
- For some stocks (*e.g.*, bluefin tuna, albacore), spawning stock biomass (SSB) is used as a proxy for biomass.
- For sharks, in some cases, spawning stock fecundity (SSF) or number of fish (N) can be used as a proxy for biomass since biomass does not influence pup production in sharks. SSF is the sum of the number of mature sharks at age multiplied by pup-production at age.

The 2016 revisions to the National Standard 1 guidelines noted that, for stocks managed under international agreements, consistent with provisions in the Magnuson-Stevens Act, NOAA Fisheries may decide to use the SDC defined by the relevant international body (*e.g.*, the International Commission for the Conservation of Atlantic Tunas) for some Atlantic tunas, swordfish, and billfish). Although the NS1 final rule does not require a review of international SDC, it allows NOAA Fisheries to consider their appropriateness and applicability. In this scoping document, NOAA Fisheries is beginning the process of considering the appropriateness and applicability of using the same SDCs utilized by ICCAT for HMS managed under ATCA.

Currently, there are differences between international and domestic thresholds (*i.e.*, the SDCs) for the three species highlighted in Table 2.1. As shown in **Table 0.1**, the international thresholds are more conservative than the domestic ones (*i.e.*, the international threshold is a higher biomass level), where a stock is considered overfished

if the assessed biomass is below B_{MSY} (in other words, $B_{year}/B_{MSY} < 1$). Domestic thresholds generally account for natural mortality (M) and often take the form of $(1-M) * B_{MSY}$ or $(1-M) * SSB_{MSY}$.

Table 0.1 Atlantic HMS Stock Status Summaries Showing Domestic and International Threshold and Status (Overfished as of 2018 SAFE Report/2018 Status of Stocks Report).

Species	International 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}	Overfished	0.5 B_{MSY} (age 2+)	Not overfished
North Atlantic albacore tuna	B_{MSY}	Not overfished	0.7 B_{MSY}	Not overfished (Rebuilt)
West Atlantic skipjack tuna	B_{MSY}	Not overfished	Unknown	Not overfished
North Atlantic swordfish	B_{MSY}	Not overfished	0.8 B_{MSY}	Not overfished
South Atlantic swordfish	B_{MSY}	Overfished	0.8 B_{MSY}	**
Blue marlin	B_{MSY}	Overfished	0.8 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)
Longbill spearfish	B_{MSY}	Unknown	Unknown	Unknown
Northwest Atlantic porbeagle sharks	B_{MSY}	Overfished	(1-M) $B_{MSY} \ddagger \ddagger^*$	Overfished
North Atlantic blue sharks	B_{MSY}	Not likely overfished	(1-M) B_{MSY}	Not overfished
North Atlantic shortfin mako sharks	B_{MSY}	Overfished	(1-M) $B_{MSY} \ddagger \ddagger^*$	Overfished

Note: Species for which the current international and domestic status differ are highlighted.

*In the 2017 stock assessment, the Standing Committee on Research and Statistics (SCRS) indicated that it is not possible to calculate biomass-based reference points (e.g., B_{MSY}) absent additional knowledge or a basis for assumptions regarding how future recruitment potential relates to spawning stock biomass.

**South Atlantic swordfish are managed by ICCAT, and domestic stock status is not determined or

reported in the U.S. stock status report.

††*M is unknown.

Options for Review of SDC for Internationally Managed HMS

This document only considers adopting the SDC applicable to determining a stock's overfished status (B) because the SDC applicable to overfishing (F) is the same both domestically and internationally (*i.e.*, F_{MSY}) for relevant stocks (*i.e.*, those subject to both domestic requirements and also managed by ICCAT). NOAA Fisheries is considering making a change such that NOAA Fisheries would adopt international SDC for all ICCAT/internationally-managed HMS (essentially B_{MSY} rather than the domestic threshold of B_{MSST}).

Option 1: No action. No change of SDC for internationally managed HMS stocks.

Option 1 would not change the SDC for internationally managed HMS stocks and would continue to retain domestic thresholds for overfished status.

Pros:

- Overfished status would remain unchanged for all HMS until, potentially, the next stock assessment.
- There may continue to be fewer HMS listed as overfished domestically than if international SDC are used because under international SDC, a species is declared as overfished using a larger level of B_{MSY} than the current domestic SDC.

Cons:

- There would continue to be inconsistencies and **potential for** confusion by the regulated community from a stock having a separate international and domestic stock statuses.

Option 2: Adopt international SDCs for internationally managed HMS.

Option 2 would adopt international SDCs for internationally managed HMS. This could change the overfished status for some species. For example, the Atlantic yellowfin tuna stock, for which $B_{2014}/B_{MSY} = 0.95$, would go from being considered by NOAA Fisheries as “not overfished (rebuilding)” to “overfished” because $0.95 < 1$. The change could reduce any confusion associated with a stock having a separate international and domestic stock status. However, despite the change from not overfished to overfished, the change would not result in real fishery management implications because the United States would continue to comply with, or follow, international ICCAT conservation and management program, as it currently does. NOAA Fisheries and other U.S. scientists actively participate in the stock assessments conducted by ICCAT's SCRS.

Adoption of international SDC also would avoid the mismatch of terminology for international and domestic stock status, such as “not likely overfished” and “not overfished” (*e.g.*, for West Atlantic sailfish). Although this terminology is different from that used domestically, it may allow for the acknowledgement of stock assessment uncertainties. NOAA Fisheries will examine this issue as Amendment 12 progresses.

Pros:

- Option 2 could reduce some confusion associated with a stock having a separate international and domestic stock statuses.
- Adopting international SDCs for internationally managed species should not result in fishery management implications because the United States would continue to comply with, or follow, ICCAT conservation and management programs, as it currently does.

Cons:

- Overfished status for some HMS stocks could change from “not overfished” to “overfished” because under the applicable international SDC (ICCAT’s SDC for stocks of highly migratory tunas and tuna-like species), a species is declared as overfished using a larger level of B_{MSY} than the current domestic SDC; however, there would be no real fishery management implications because the United States would continue to follow the ICCAT conservation and management programs for these species.

Issue 3: Review of HMS SBRM

Background and Rationale

Section 303(a)(11) of the Magnuson-Stevens Act requires all FMPs to “establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery” (16 U.S.C. § 1853(11)). In addition to the definitions in the Magnuson-Stevens Act and §600.10, *standardized reporting methodology* means an established, consistent procedure or procedures used to collect, record, and report bycatch data in a fishery, which may vary from one fishery to another. Bycatch assessment is not part of the standardized reporting methodology, but must be considered as described in §600.1610(a)(2)(iv). The terms “bycatch” and “fishery” are used in the same manner as in the Magnuson-Stevens Act, 16 U.S.C. 1802.

Requirements pertaining to the collection, reporting, and recording of bycatch information for Atlantic HMS are set forth in the 2006 Consolidated HMS FMP, its amendments, and the implementing regulations. NOAA Fisheries also provides an overview of bycatch in Atlantic HMS fisheries through 2017 in its 2018 SAFE Report (NOAA Fisheries 2018) and an updated overview of bycatch, including observer coverage rates, in Chapter 5 of the 2018 SAFE Report for Atlantic HMS (NOAA Fisheries 2018).

On January 19, 2017, NOAA Fisheries published its final guidance on the requirements and implementation of SBRM in all fisheries managed under the Magnuson-Stevens Act (82 FR 6317) (NOAA Fisheries 2017c). That final rule required that a SBRM must meet the specific purpose under §600.1610, may be different for different fisheries, and must address information about the characteristics of bycatch in the fishery, feasibility, data uncertainty, and data use. The methods for Atlantic HMS were described in the 2006 Consolidated Atlantic HMS FMP and are further described with updated information in the 2018 SAFE Report for Atlantic HMS. Under §600.1605, “standardized reporting methodology” means an established, consistent procedure or procedures used to collect,

record, and report bycatch data in a fishery, which may vary from one fishery to another. The purpose of an SBRM is to collect, record, and report bycatch data in a fishery that, in conjunction with other relevant sources of information, are used to assess the amount and type of bycatch occurring in the fishery and inform the development of conservation and management measures that, to the extent practicable, minimize bycatch and bycatch mortality. The 2006 Consolidated Atlantic HMS FMP, as amended, and the 2018 SAFE Report for Atlantic HMS fulfill the SBRM requirements by establishing and describing standardized reporting methodology that meets this purpose and regulations at §600.1610.

The SBRM final rule (82 FR 6317) (NOAA Fisheries 2017c) also required that all FMPs have established SBRMs by February 21, 2022, and that, thereafter, a review of SBRM should be conducted at least once every 5 years to verify continued compliance with the Magnuson-Stevens Act and the SBRM final rule. Thus, this scoping document for Amendment 12 to the 2006 Consolidated Atlantic HMS FMP begins the process of updating SBRM descriptions for all HMS fisheries, adding fisheries for which SBRM is not yet described (including the tuna greenstick fishery, swordfish buoy gear fishery, and recreational tuna speargun fishery).

Options for Review of HMS SBRM

Option 1: No action. Do not review and update HMS SBRM.

Under Option 1, NOAA Fisheries would not review and update SBRM for HMS.

Pros:

- None.

Cons:

- The 2006 Consolidated Atlantic HMS FMP would be inconsistent with the SBRM final rule (NOAA Fisheries 2017c), which requires that SBRMs be described for all Fisheries.
- HMS constituents would not have access to updated descriptions of SBRM for several HMS fisheries, nor descriptions of SBRM for the tuna greenstick fishery, swordfish buoy gear fishery, and recreational tuna speargun fishery.

Option 2: Review and update SBRM for HMS.

Under Option 2, NOAA Fisheries would review and updated SBRM for HMS.

Pros:

- The 2006 Consolidated Atlantic HMS FMP would be consistent with the SBRM final rule, which requires that SBRMs be described for all fisheries.

- HMS constituents would have access to updated descriptions of SBRM for the tuna greenstick fishery, swordfish buoy gear fishery, and recreational tuna speargun fishery.

Cons:

- None.

Issue 4: Consideration of Allocation Triggers for Quota-Managed HMS

Background and Rationale

An allocation of fishing quotas is a distribution of the opportunity to participate in a fishery among authorized individuals. Allocation can be across jurisdictions (*e.g.*, state, regional), across sectors (*e.g.*, commercial, recreational, research), and within sectors (*e.g.*, individual fishermen, gear types). Allocation of fishery quotas can be a controversial issue because of the history and tradition of access to fishery quotas, the perceptions of equity that arise with allocation decisions, and differences in the economic and social values competing user groups place on those quotas. In addition, fisheries management is not static and should be adaptable as environmental, ecological, social, and economic influences change. Therefore, allocation decisions need to be considered in the context of adaptive management.

In 2017, NOAA Fisheries issued a Fisheries Allocation Policy Directive and Procedures (01-119; 01-119-01; 01-119-02) (<https://www.fisheries.noaa.gov/national/laws-and-policies/fisheries-management-policy-directives>) (NOAA Fisheries 2017; NOAA Fisheries 2017a; NOAA Fisheries 2017b), which describe a mechanism to ensure that fisheries allocations are periodically evaluated. The policy and directives establish three steps in an allocation review process, with the first step occurring if a review is triggered. Categories of triggers that can be used to initiate an allocation review include: public interest, time, or fishery indicators. The policy directive also requires the identification of one or more triggers for each fishery with a quota allocation that meets the definition contained in the revised policy directive. This document considers establishing pre-determined review triggers that would establish when NOAA Fisheries initiates the process for considering allocating or reallocating quota distribution for quota-managed HMS.

The objective of this measure is for NOAA Fisheries to be more adaptive in management measures. This way, the ongoing evaluation of management objectives can be considered and adjusted accordingly. Based on Fisheries Allocation Policy Directive 01-119, NOAA Fisheries is considering whether to create a process for assessing when, or if, an allocation may need to be reviewed and what should be considered. Some of the guidance recommended when reviewing and making allocation decisions in Policy Directive 01-119 include:

- Evaluate and update FMP objectives.

- Identify specific needs and interests of the different fishery participants or sectors within a fishery.
- Consider a control date if an allocation decision is to be made to minimize speculative behavior or practices.
- Plan for future conditions that may occur as a result of stock assessments, management regulations, and other factors.

Options for Consideration of Allocation Review Triggers for Quota-Managed HMS

Option 1: No Action. Do not establish allocation triggers for quota-managed HMS.

Typically, decisions regarding quota allocation have been closely aligned with historical use of the fishery resource, considering the needs of the fishery under current conditions. Under Option 1, NOAA Fisheries would not implement a systematic and transparent process with pre-established triggers that initiate consideration of whether to review and, potentially, make quota allocation or reallocation decisions for Atlantic HMS. Rather, NOAA Fisheries would continue to use a case-by-case process for initiating these decisions, triggered by an independent assessment of the need to reconsider the allocation, which may be based on changed conditions within the fishery, the status of the stock, or new management objectives. This case-by-case, independent approach could continue to incorporate any number of factors, including historical use of the resource. While the process for considering re-allocation rulemaking has been *ad hoc* in nature that does not mean the Agency has not been considering public input when making quota allocation decisions for Atlantic HMS. Overall, the current process includes considering changes based on requests from the public or considering changes when NOAA Fisheries notices issues during rulemaking or while reviewing fishery data. Any changes to quota allocations have been made via rulemaking and have fully considered public comment.

Pros:

- Quota allocation or reallocation decisions would continue to be made without pre-established triggers to initiate the process, which could provide flexibility.

Cons:

- The process for considering quota allocations or reallocations would continue to remain uncertain and without a systematic and transparent process with pre-established triggers to initiate the re-allocation process.

Option 2: Establish allocation triggers for quota-managed HMS.

While historical use of the fishery resource may be taken into consideration when deciding whether to initiate, review, and make an allocation decision, the Magnuson-Stevens Act requires a continuing of optimum yield from each fishery, which encompasses a broader range of considerations.

Factors to consider when initiating, reviewing or making fishery quota allocation decisions include ecological, economic, social, and fishery indicators of performance and change. As described in Fisheries Allocation Policy Directive 01-119, NOAA Fisheries has outlined some transparent criteria for triggering allocation review for all fisheries that have allocations assigned to sectors (*e.g.*, commercial, recreational, for-hire, gear-specific, international, etc.) outside of normal rulemaking process (Figure 0.2). In step 1, NOAA Fisheries could consider the three items that would trigger the process of considering an allocation review. An indicator-based trigger could be any economic, social, ecological factors that would impact the target species. A public interest-based trigger could be any ongoing input, solicited input, or petitions. The public input would be reviewed to determine if it is based on social, economic, or ecological criteria. The last trigger that could be considered would be time. NOAA Fisheries normally does not review allocations unless for a reason (*e.g.*, stock assessment, international measures, changing fishery needs or conditions). A temporal element could be introduced through this new approach to ensure periodic review, even absent some other identified event. For example, NOAA Fisheries could consider a time trigger to review all allocations if it was not already considered within the past 10 years. Based upon these criteria, NOAA Fisheries is currently considering five potential allocation triggers for quota-managed Atlantic HMS. This list of triggers is not all-inclusive, as there may be other appropriate factors to consider. The priority and weight afforded each factor will vary, depending upon, for example, the time horizon of the decision, the objectives of the allocation decision, the objectives of the FMP, and other factors.

- Public comment received by NOAA Fisheries 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).

If a trigger is met, NOAA Fisheries would then review whether the FMP objectives are being met and whether relevant factors have changed that would have an impact on allocation. Some relevant factors could be species migratory patterns, fishing efforts, quota utilization, and new international stock assessments. If the objectives are being met and no other relevant factors have changed, then the allocation does not need to be reviewed. In Step 3, if the objectives are not being met or other relevant factors have changed that would have an impact on allocation, then an FMP amendment process for HMS would be initiated. Under Option 2, NOAA Fisheries would adopt allocation triggers for quota-managed HMS to implement these three steps in the 2006 HMS FMP. The three steps in adaptive management of allocations are outlined in Figure 0.2.

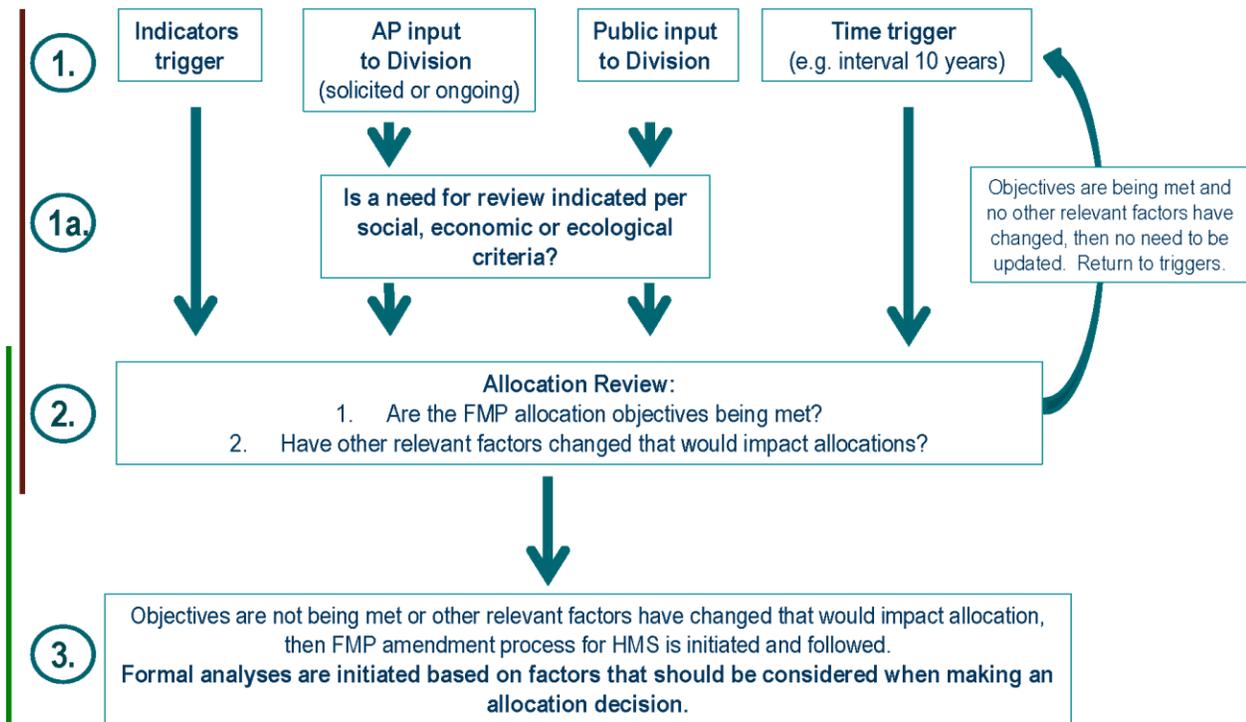


Figure 0.2 Steps in Adaptive Management of Allocations

Pros:

- Quota allocation or reallocation decisions would be made utilizing pre-established triggers to initiate the process, which would provide a more systematic and transparent process for the regulated community and interested parties.
- Could ensure that quota allocations are reviewed on a periodic basis (for example, at least every 10 years) if other allocation triggers are not met.

Cons:

- Could commit the agency to reviewing quota allocations even if there has been no public request or changes in fishery indicators.

Issue 5: Adjustment of Publication Date of Annual HMS SAFE Report

Background and Rationale

The HMS SAFE Report is a public document that provides a summary of scientific information concerning the most recent biological condition of stocks, stock complexes, and marine ecosystems, EFH, and the social and economic condition of recreational and commercial HMS fishing interests, fishing communities, and the fish processing industries. The National Standard 2 guidelines specify that SAFE reports summarize, on

a periodic basis, the best scientific information available concerning the past, present, and possible future condition of the stocks, EFH, marine ecosystems, and fisheries being managed under Federal regulation. NOAA Fisheries has the responsibility to ensure that SAFE reports are prepared and updated or supplemented as necessary whenever new information is available to inform management decisions such as SDC, overfishing level (OFL), optimum yield, or allowable biological catch (ABC). The SAFE Report must be available for making management decisions for the HMS FMP to ensure that the best scientific information available is being used. It provides information for determining annual catch limits for some HMS stocks; documenting significant trends or changes in the resource, marine ecosystems, and fishery over time; implementing required EFH provisions; and assessing the relative success of the HMS FMP. It may also include an explanation of information gaps and highlight the need for future scientific work. Information on bycatch and safety for each fishery should also be summarized. The SAFE Report must be available on a readily accessible internet site.

The HMS Management Division has produced a SAFE Report on an annual basis since 2000. Due to the need to incorporate information from ICCAT's SCRS, which provides final reports in October that are then reviewed by the ICCAT plenary in November, and because other data sources often become available around the same time, the annual SAFE Reports have generally been released to the public in the late fall or winter months and include information updated for the previous year. NOAA Fisheries has changed the timing of the HMS annual SAFE Report in the past to accommodate these issues. No implementing regulations are associated with the timing of the report, but NOAA Fisheries aims to release the annual report by that stated deadline each year. Draft Amendment 12 considers adjusting the timing of the HMS SAFE Report again, while remaining compliant with National Standard 2 provisions regarding the report. NOAA Fisheries is considering changing the timing because in recent years, due to the occurrence of unanticipated events, the FMP requirement that the HMS SAFE Report be released in the fall has not always been attainable. Therefore, the rationale for this issue is to consider adopting more flexible language in the FMP regarding SAFE Report timing to account for unanticipated events.

Options for Adjusting the Publication Date of the Annual HMS SAFE Report

Option 1: No action. Do not adjust the publication date of the annual HMS SAFE Report.

Under this option, NOAA Fisheries would not adjust the publication date of the annual HMS SAFE Report. The Agency would publish the report in the fall of each year, regardless of data availability or unexpected events (weather, furloughs, staff availability, emergencies, etc.).

Pros:

- This option would increase the likelihood that the annual HMS SAFE Report is always published and available by the fall of each year.

Cons:

- This option may result in deficient SAFE Reports if important data is not available.
- This option may not always be attainable if unexpected events occur (weather, furloughs, staff availability, emergencies, etc.).

Option 2: Adjust the publication date of the Annual HMS SAFE Report.

Under this option, NOAA Fisheries would adjust the publication date of the annual HMS SAFE Report to specify that it be published periodically. The agency would strive to publish the report in the fall of each year.

Pros:

- This option would provide some flexibility regarding the publication date of the annual HMS SAFE Report to account for data availability and the occurrence of unexpected events (weather, furloughs, staff availability, emergencies, etc.).

Cons:

- This option would not ensure that the annual HMS SAFE Report is always published and available by the fall of each year.

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