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Scoping for Amendment 12

NMFS National Standard Guidelines and Policy Directives

Highly Migratory Species Management Division
Fall 2019

Background

Purpose: To comply with Magnuson-Stevens Act National Standard (NS) Guidelines and NMFS Policy Directives

Issues

- 1) Reassess HMS FMP Objectives
- 2) Review Stock Status Determination Criteria (SDC) for Internationally-Managed HMS
- 3) Review of Standardized Bycatch Reporting Methodology (SBRM)
- 4) Consideration of “Triggers” to Determine when to Review Allocation Decisions for Quota-Managed HMS
- 5) Consider Timing of HMS Stock Assessment and Fishery Evaluation Report



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Options

For each issue, scoping document describes two options and pros/cons.

Summary

Reassess, Review, or Consider the Issues

Pros:

- Consistent with NS Guidelines and Policy Directives
- Addresses changing needs of HMS fisheries
- May reduce inconsistencies of international vs. domestic SDCs
- Updates SBRM for several HMS fisheries
- Establishes formal “triggers” to determine when to review quota allocations
- Provides flexibility for publication of SAFE Report to account for unexpected events (furloughs, staffing, etc.)

Cons:

- Potential unknown effects of changing FMP objectives and other measures



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Options

Do Not Reassess, Review, or Consider the Issues

Pros:

- If FMP objectives have accomplished the requirements of the Magnuson-Stevens Act, ATCA, and other applicable laws, there may be no need to reassess them
- SDCs would remain unchanged for all HMS
- Quota allocation decisions could still be made without formal “triggers”

Cons:

- Inconsistent with NS Guidelines and Policy Directives
- Continued inconsistencies and confusion of international vs. domestic SDCs
- HMS constituents would not have access to updated SBRM descriptions or descriptions for tuna greenstick, swordfish buoy gear, and recreational tuna speargun fisheries



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Reassessment of HMS FMP Objectives

- Currently, 16 objectives from 2006 HMS FMP and other objectives from 11 FMP amendments
- Per the final rule revising the NS1 guidelines (50 CFR § 600.305(b)(2)): “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

Reassessment of HMS FMP Objectives

The Scoping Document describes four methods to reassess HMS FMP Objectives:

- Analyze objectives of amendments published since 2006 that could, or should, be incorporated into the FMP objectives (i.e., a “gap” analysis)
- Combine similar objectives, broaden subject fisheries where appropriate; streamline or modernize language and terminology, including making the language more “inclusive”
- Examine whether to add or revise HMS FMP objectives, similar to how other Fishery Management Councils approached the process;
- Examine whether to add, revise, or remove HMS FMP objectives based upon suggestions from the HMS Advisory Panel and public comment



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Reassessment of HMS FMP Objectives

“Gap” Analysis Results

- Regularly assess and update HMS essential fish habitat (EFH), and analyze impacts on HMS EFH, as necessary
- Facilitate regionally-tailored HMS management strategies
- Address biological reference points, such as ACLs and AMs, if applicable
- Address the concept of providing “flexibility” to HMS fishery participants (utilize alternative fishing gears and techniques)

Reassessment of HMS FMP Objectives

Combine, Broaden, Streamline, Modernize Existing Objectives

Objective 5 – Minimize, ~~to the extent practicable, adverse~~ **optimize** social and economic ~~impacts~~ **benefits to the nation in managing HMS fisheries** ~~on fishing communities and recreational and commercial activities during the transition from overfished fisheries to healthy ones, consistent with ensuring achievement of the other FMP objectives of this plan and with all applicable laws*~~

* For example purposes only (not proposed)



Reassessment of HMS FMP Objectives

- Objective 6 – ~~Identify, collect, and provide~~ the data necessary to ~~support and enhance effective management of~~ 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*
- Objective 10 - ~~Promote~~ ~~Identify~~, conserve, ~~ation~~ and enhance ment of areas identified as essential fish habitat for Atlantic HMS, particularly for critical life stages*

* For example purposes only (not proposed)

Reassessment of HMS FMP Objectives

Examples from Other Fishery Management Councils

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



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Reassessment of HMS FMP Objectives

Suggestions From HMS Advisory Panel & Public Comment

- Refer to management strategy evaluation (MSE)
- Encourage the development of better technologies to reduce bycatch and post-release mortality
- Promote bilateral cooperation for coastal shark species through Regional Fishery Management Organizations
- Include more long-term and historical data for stock assessments (*i.e.*, data rescue) and promote the use of more technology in data collection
- Ensure better and more stock assessments to eliminate “unknown” shark stock status
- Consider more frequent shark stock assessment updates



Reassessment of HMS FMP Objectives

- Consider language for either limiting or increasing fleet capacity -- make commensurate with stock status
- Address the need to increase revenues for commercial fishermen so that the fishery is economically sustainable
- Add a new objective to include ecosystem-based fishery management
- Measureable goals should be specified in the FMP objectives.
- Current FMP objectives reiterate Magnuson-Stevens Act goals. Are they all needed?
- FMP objectives should not use ambiguous language



Review of Stock Status Determination Criteria (SDC) for Internationally 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.” (50 CFR § 600.310(h)(ii))

- 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, and billfish. (50 CFR 600.310(e)(2)(ii))



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

Atlantic HMS Stock Status Summaries (Domestic and International Threshold and Status)

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)



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Domestic vs. International Status Determinations - Two Examples

Atlantic yellowfin tuna: 2016 assessment

- ICCAT status: “**overfished**” because $B_{2014} < B_{MSY}$
- Domestic status: “**not overfished – rebuilding**” because $B_{2014} > MSST$ (i.e., $B_{2014} > 0.6 B_{MSY}$); not rebuilt because $B_{2014} < B_{MSY}$

Issue: Different threshold for “overfished” status

West Atlantic Sailfish: 2016 assessment

- ICCAT status: “**not likely overfished**”
- Domestic status: “**not overfished - rebuilding**”

Issue: Domestic SDC terminology does not include “likely”



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

- Use of international SDC may reduce confusion because it will be consistent with ICCAT stock assessments
- Stocks not previously identified as overfished could be “overfished”

Magnuson-Stevens Act Requirements:

- Must assess effectiveness of ICCAT rebuilding plan and U.S. compliance with the rebuilding plan
- Management implications may be mitigated by international rebuilding plans, U.S. compliance with those rebuilding plans, and the relatively small impact of U.S. vessels
- Continued use of “not likely” for sailfish may create some uncertainty, *although may not be fixed with this Amendment*



Review of HMS Standardized Bycatch Reporting Methodology

Magnuson-Stevens Act: Any FMP, with respect to any fishery, must establish a standardized bycatch reporting methodology (SBRM) to assess the amount and type of bycatch occurring (50 CFR 600.1600)

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

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

Review of HMS Standardized Bycatch Reporting Methodology

- Final rule (82 FR 6317, January 19, 2017) defines SBRM as “established, consistent procedures used to collect, record, and report bycatch data in a fishery”
- Clarifies requirements to:
 - Identify SBRMs in FMPs
 - Explain how an SBRM meets its purpose based on a “*fishery-specific analysis*”
 - Provides for regular review of SBRMs



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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 are used** to assess bycatch in the fishery



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Review of HMS SBRM Fishery Specific Analysis

- Directed Commercial Fisheries
 - Pelagic Longline
 - Bottom Longline
 - Handgear (rod and reel, handline, harpoon, bandit gear)
 - **Buoy Gear**
 - Gillnet
 - **Greenstick**
 - Purse Seine
- Recreational Fisheries
 - Handgear (rod & reel, handline, greenstick, **speargun for BAYS tunas**)



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Review of HMS SBRM Bycatch Data Collection

- Self-Reported
 - HMS and Coastal Fisheries logbooks
 - Open Access Reporting (hmspermits.noaa.gov, cellphone apps)
 - Individual Bluefin Tuna Quota Program/VMS catch reports
- Observers
 - Pelagic Longline
 - Commercial Shark Fishery – Bottom Longline, Gillnet
 - Purse Seine
- Large Pelagics Survey/Marine Recreation Information Program
- Electronic Monitoring
 - Pelagic Longline camera systems



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Review of HMS SBRM

- Amendment 12 would ensure consistency with the SBRM final rule by including descriptions of SBRM for greenstick, speargun, and buoy gear and updating SBRM for other gears (if necessary)
- All FMPs must be consistent with the SBRM final rule by February 21, 2022
- Continue review every 5 years to verify continued compliance



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Consideration of Allocation Triggers for Quota-Managed HMS

- Fisheries Allocation 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 allocations are periodically evaluated
- For fisheries with an allocation, trigger(s) should be identified within three years (or as soon as practicable)*

* This is where we are in the process



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Consideration of Allocation Triggers for Quota-Managed HMS

- Only one trigger could be met 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

In the scoping document, NMFS has preliminarily identified 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

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 analysis
- Public input
- Formal rulemaking process



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 considering options to provide more timing flexibility (e.g., in case of government furloughs, staff unavailability, data unavailability, weather events, or other emergencies)
- NMFS will continue to strive for releasing the SAFE Report annually by the winter of each year

Amendment 12 Timeline

- Scoping – 60 day comment period (~ early Nov.)
- Draft FMP – 2020
- Final FMP – 2021

Date	Time	Webinar Instructions
October 9, 2019	2:00 – 4:00 p.m.	Link: https://noaanmfs-events1.webex.com/noaanmfs-events1/onstage/g.php?MTID=ea75b63983365ec291964d9bc1a6fb968 Event Password: NOAA Dial In: 888-843-6167 Passcode: 3439062



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Questions or Comments?

Thank You!

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