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# Atlantic Highly Migratory Species Advisory Panel

**HMS Overview**

September 7, 2022

# This Presentation...

## Brief status update on

- Rulemakings
- Inseason actions
- Unsold General category bluefin tuna
- EFH 5-year review update
- Operations
- Litigation
- HMS Catch Reporting Options
- Paperwork Reduction Act renewals
- AP Term Limits - some terms ending
- Updates beyond HMS Mgmt Division

# AP Meeting Discussion...

## Discussion Items

- Economic update
- Hudson Canyon - Proposed sanctuary designation
- Recreational issues
  - Review/update of NOAA's Saltwater Recreational Fisheries Policy
  - HMS Recreational Fishing roundtable
- Climate Vulnerability Assessment for HMS
- Update from IATC staff
- OLE/USCG update



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# Staff Changes

- New faces
  - Becky Curtis, Knauss Fellow - Rulemaking Branch
  - Tiffany Weidner - Products and Services Branch
- Upcoming departures
  - Tom Warren retiring in December



# HMS Rulemaking

Completed since Spring 2022 AP meeting:

- Final bluefin tuna and northern albacore quota rule
- Final bluefin tuna General category restricted-fishing days (RFDs) rule
- Final shortfin mako shark zero retention limit rule
- Annual swordfish quota adjustment
- 2023 shark season proposed rule

Upcoming:

- Final Amendment 13 final rule
- Final Amendment 14
- Final Shark Fishery Review (SHARE)
- Proposed Amendment 15 (Spatial Management)
- Proposed rule that considers prohibiting retention of sharks listed as threatened under the ESA (scalloped hammerhead sharks in the Caribbean and oceanic whitetip sharks everywhere)



# HMS Inseason Actions (since Spring AP Meeting)

## Shark:

- Quota transfers: Gulf of Mexico Aggregated Large Coastal Sharks and Atlantic hammerhead, June 28

## Bluefin tuna:

- General category June-August retention limit adjustment (to 3 fish), June 1
- Closure of Angling category northern area trophy fishery, June 29
- General category daily retention limit adjustment (to 1), July 3
- Quota transfer (30 mt from Reserve category to Harpoon category), July 19
- Closure of General category June-August subquota period, August 11

*Reminder that during General category closures, RFDs waived for duration of closure*



# Unsold Bluefin Tuna in the General Category

- Issue: Market conditions impacting the fishery
  - Varying circumstances each year: e.g., primarily COVID in 2020, primarily shipping (fuel) cost/exchange rate in 2022

Year	Unsold BFT	Total Landings
2019	11	4,250
2020	163	4,503
2021	14	4,703
2022 (to date)	30	2,426

- Regulations re: reporting unsold bluefin landed by a commercial vessel allow NMFS to track landings, but do not allow commerce (food safety reasons) (50 CFR 635.5(a)(3))
- Requests for rulemaking (ice requirements, verify buyer before fishing, changes to RFDs, etc.), and modifying retention limits
  - Feedback welcome, but important to be mindful that regulatory changes take time



# Pelagic Longline Biological Opinion Reinitiation

On July 8, 2022, we requested reinitiation of Endangered Species Act (ESA) formal Section 7 consultation on the 2020 biological opinion re: the U.S. Atlantic HMS pelagic longline fishery to assess effects to giant manta ray



# 5-Year Review of HMS Essential Fish Habitat (EFH)

- Announced initiation of the 5-year review on April 4, 2022
- Purpose: Evaluate the EFH provisions of the HMS FMP, as amended, and determine whether updates are warranted
- Solicited information from the public (through June 6, 2022) to have best data available as basis for the review
  - Received data from MD DNR and public comment letter from Oceana
- Review considers new information, literature, and data not previously included in recent updates to Atlantic HMS EFH, or that has become available since Final Amendment 10 in 2017
- Draft 5-year review document expected in Spring 2023



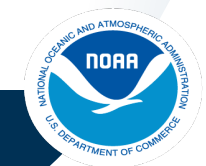
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# Operations in 2022 by the Numbers

## Through August 12, 2022

Operations:	Number
EFP/SRP/LOA	41
Shark Research Fishery Permits	5
HMS Tournaments Registered	217
Shark ID & Protected Species Workshops	15
Atlantic HMS News Subscribers	~8,800
Open Access Vessel permits	28,826
Recreational Shark Endorsements	16,522 (57%)
CHB Commercial Sale Endorsements	1,796 (45%)



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# Litigation - Dusky sharks and Amendment 5b

On June 7, 2022, the U.S. Court of Appeals for the D.C. Circuit upheld NMFS' approach to dusky shark management, granting the government's cross motion for summary judgment.

- Case involved a 2016 rule implementing Amendment 5b, which addressed overfishing and rebuilding of dusky sharks
- On appeal, Plaintiffs re-asserted arguments that the rule's annual catch limit of zero and accountability measures would not prevent overfishing and were not consistent with the Magnuson-Stevens Act
- After a 2019 remand for additional agency explanation of the scientific information used for the rule, the D.C. district court found that NMFS offered a reasoned justification for the regulation, deferred to the agency's "considerable scientific expertise," and upheld the rule
- The appellate court fully upheld the district court's ruling



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# HMS Catch Reporting Options

- HMS Angling, Charter/Headboat, and Atlantic Tunas General/Harpoon category permit holders can now submit catch reports for bluefin tuna, billfish, and swordfish via:
  - [HMS Permit Shop website](#)
  - [HMS Catch Reporting smartphone app](#)
  - [SAFIS eTrips Mobile and Online](#) – now available for HMS open access permit holders that submit state or Federal vessel trip reports via eTrips
  - No matter which option is used, **HMS catch reports must be submitted within 24 hours of returning from a trip**
- NC and MD fishermen are still required to complete state HMS Catch Cards
- As of May 18, 2022, the commonly used GARFO FishOnline (eVTR) and Bluefin Data, LLC “VESL” reporting platforms do not collect all the data needed to satisfy HMS Catch Reporting requirements. Those using these platforms will need to submit separate HMS catch reports via the HMS Catch Reporting app or Permit Shop website.
- HMS Commercial Logbook participants must continue to submit paper logbooks at this time



# Paperwork Reduction Act

We are seeking public comment on PRA renewal for [OMB Control Number 0648-0328](#): Atlantic HMS Recreational Landings and Bluefin Tuna Catch Reports

- Specifically, we are interested in comments on:
  - Utility of the data collected;
  - Accuracy of our burden (time and cost) estimates;
  - Ways to enhance the quality of the data collected; and
  - Ways to minimize reporting burden
- Comments can be sent to [Adrienne.Thomas@noaa.gov](mailto:Adrienne.Thomas@noaa.gov) and should include the corresponding OMB Control Number (0648-0328)
- Comment period ends September 19, 2022



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# Landings & Tournaments Updates

<b>Species</b>	<b>Link to Monthly/Annual Landings Updates and Tournament Information</b>
Swordfish, BAYS tunas, Sharks, Bluefin tuna, and Billfish	<a href="http://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-landings-updates">www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-landings-updates</a>
Tournaments	<a href="http://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-tournaments">www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-tournaments</a>
Daily Bluefin Tuna Landing Updates	<a href="http://hmspermits.noaa.gov">hmspermits.noaa.gov</a>
Minimum Sizes and Bag Limits	<a href="http://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-minimum-sizes-and-bag-limits">www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-minimum-sizes-and-bag-limits</a>



# HMS Advisory Panel Term Limits

- AP members who have served 3 consecutive terms, and whose terms are expiring, will not be eligible for re-nomination at that time
- Members who reach a term limit must wait 1 year before being eligible for re-nomination to the AP
- Some terms expiring at the end of this year (Dec. 31, 2022) and those AP members were notified via email before this AP meeting
  - Pat Augustine
  - Andrew Cox
  - Shana Miller
  - Steve Iwicki
  - Jeff Oden
  - Marty Scanlon



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# There is a lot happening outside the HMS Division

## Some things might impact HMS fisheries

- [Shortfin Mako ESA 12-Month Finding](#): In review
- [Shark/Dolphin Report to Congress](#): Submitted August 22
- [Offshore Wind](#): HMS continues to engage with the Regions/BOEM on numerous Wind projects
- [Right Whale Vessel Speed proposed rule](#): Would expand mandatory speed restrictions to include 35-65' vessels and broaden seasonal speed restriction zones. Comments due by September 30, 2022.



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## Some things might impact HMS fisheries

- Deepwater Horizon (DWH) strategic planning: In Spring 2022, the DWH Open Ocean Trustee Implementation Group released a [strategic plan](#) to inform future Fish and Water Column Invertebrates restoration. Among other things, the plan IDs priority species for restoration, including blue marlin and yellowfin tuna.
- DWH Oceanic Fish Restoration Project: completed.  
The “repose” project supported some GoM longliners to take a break from fishing with longline gear for the first 6 months of the year and instead use alternative gear. From 2017 through 2021, 19 unique vessel owners participated.



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# There is a lot happening outside the HMS Division

## DWH Hotspots Mapping Initiative

- Project overview: Five-year voluntary project, being managed by the National Fish and Wildlife Foundation (NFWF) and NOAA to evaluate the feasibility of fisheries hotspot communication networks to improve fishing in and around the Gulf of Mexico.

### Mapping hotspots could:

- Improve commercial and recreational fishing experiences through less sorting time and fewer dead discards
- Create potential marketing or certification opportunities
- Reduce unwanted catch to allow more fish to grow and reproduce, restoring natural resources that were affected by the DWH oil spill

### Interested?

Please fill out a brief [online form](#), which will be available later this month



# Communication Goal: No Surprises

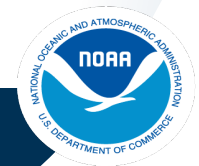
- **Goals for All**
  - Advisors/Public aware, informed, and engaged
  - Agency aware, informed, and engaged
  - R-E-S-P-E-C-T
- **AP Member Role**
  - Listen and engage in discussions
  - Share with your constituents
  - Bring ideas to and advise Agency
- **Agency Role**
  - Ensure compliance with all domestic & international requirements
  - Raise issues and inform AP and public
  - Listen and engage in discussions
  - Make decisions considering feedback



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# Contacting the HMS Management Division

- **HMS staff continue the transition back to the offices**
- If you need to contact us, you can:
  - Email specific staff
  - Call the main phone line (301-427-8503) and leave a voicemail
- While we're settling into our new hybrid telework/in-office schedules, we are monitoring voicemails and will call/email people back



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# Conclusion/Looking Forward

## *In conclusion:*

- We are covering a lot of ground at this in-person/virtual hybrid meeting
- Operational activities require substantial agency resources

## *Looking forward:*

- We value your input and want your input on priorities and potential solutions



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# Questions?

## Thank you!



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