



Mid-Atlantic Fishery Management Council

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P. Weston Townsend, Chairman | Michael P. Luisi, Vice Chairman

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Mrs. Karyl Brewster-Geisz
Branch Chief for Regulations, NOAA Fisheries Highly Migratory Species (HMS) Management
Division, Office of Sustainable Fisheries
NMFS/SF1
1315 East-West Highway
Silver Spring, MD 20910

Dear Mrs. Brewster-Geisz:

Thank you for your presentation to the Mid-Atlantic Fishery Management Council (Council) at our June 2023 Council meeting regarding the recent and ongoing domestic HMS management initiatives. Based on Council discussions at, and following that meeting, the Council would like to offer the following comments on 1) Amendment 15 to the 2006 Consolidated HMS Fishery Management Plan: Spatial Fishery Management and Electronic Monitoring Cost Allocation, 2) the Advance Notice of Proposed Rulemaking: Electronic Reporting Requirements for Atlantic HMS, and 3) Amendment 16 to the 2006 Consolidated Atlantic HMS Fishery Management Plan: Shark Management.

Amendment 15 to the 2006 Consolidated HMS Fishery Management Plan: Spatial Fishery Management and Electronic Monitoring Cost Allocation

HMS Mid-Atlantic Spatial Management Area – Preferred Alternatives A1d, B1, C2, and C4

The Council supports the HMS preferred alternative package for the Mid-Atlantic shark closed area which would extend the eastern boundary of the current closed area, shift the timing of the closure to November 1 – May 31, implement no new requirements for commercial data collection, and establish a timeline for when the spatial management area would be re-evaluated in the future to ensure continued assessment of this area. Given the limited shark fishing that currently occurs in the region, the Council anticipates the proposed modifications to the Mid-Atlantic shark closed area will have little to no impact on the fishing industry.

HMS Pelagic Longline Electronic Monitoring Program

The Council *does not* support the HMS preferred alternative F2, which proposes transferring the electronic monitoring (EM) sampling cost to industry. We are concerned about the cost associated with the EM systems and the significant financial burden this would place on fisherman. We are also concerned about the potential cost associated with the vendor requirements, lack of negotiable rates, and the unpredictability of system failures. The Council is concerned that the excessive cost associated with the EM sampling could lead to even more loss in U.S. commercial fisherman participation in the pelagic longline fishery as well as loss of supply to the domestic marketplace. The Council recognizes the importance of the current EM program and recommends alternative

F1, no action, as the preferred. Given the limited number of active vessels with bluefin tuna Individual Bluefin Tuna Quota (IBQ) and the significant cost associated with the program, the Council encourages maintaining the current agency-funded EM program.

If maintaining the current EM program is too difficult, we recommend HMS address the EM cost allocation through a separate action to allow for a more comprehensive evaluation of available options and provide an opportunity to consider and evaluate other alternatives.

Advance Notice of Proposed Rulemaking: Electronic Reporting Requirements for Atlantic HMS

The Council supports HMS's proposal to implement electronic reporting requirements for HMS managed species across all sectors. The Council recognizes the importance of electronic reporting and its ability to gather comprehensive and timely information on catch and landings data.

However, we also believe it is important to streamline the electronic reporting process and recommend that HMS consider a unified approach across regions and fisheries. The Council recommends HMS consider a one-stop reporting system that would facilitate angler's ability to report their HMS catch as well as satisfy the various reporting requirements that already exist for other species (e.g., New England and Mid-Atlantic commercial and for-hire reporting, private recreational tilefish reporting, etc.). Several online and application platforms already exist, and it would be beneficial to both fishermen and HMS to utilize existing platforms. The Council also requests that HMS consider electronic platforms that ensure the data collected cannot be lost, or provide fishermen with a paper backup option, especially for fisheries where allocated quotas rely on fishermen's reported catch.

There are several compliance issues that are often associated with electronic reporting requirements. The Council supports HMS's consideration of penalties or incentives to enhance compliance rates, and recommends HMS consider a program that incentivizes participation and encourages accurate data submission. The Council believes it is important to consider requirements that are easy to navigate but also hold individuals accountable for accurate reporting. These efforts will help ensure sufficient collection of data that is useful for management.

The Council also recommends HMS work with the Greater Atlantic Regional Fisheries Office (GARFO) and the regional Councils as they go through this proposed rulemaking process, as these groups have existing programs in place and an open line of communication could be valuable given the overlap of the various managed fisheries.

Amendment 16 to the 2006 Consolidated Atlantic HMS Fishery Management Plan: Shark Management

The Council agrees with the need for more flexibility in the management of sharks and expressed support for measures that would increase harvest opportunities. The Council recommends adjusting commercial trip limits to better complement the annual catch limits. We believe that in some cases the current trip limits are too restrictive and have limited fishing effort and industry's ability to catch the quota.

The Council agrees Amendment 16 represents progress, but it is unclear what sort of impact this rulemaking will have given the limited number of participants in the shark fishery and the small market for sharks within the Mid-Atlantic. Additionally, due to the recent regulations on thresher and short fin mako sharks, which historically have been the primary species targeted for consumers, there has also been a decrease in recreational effort. However, the Council recognizes that in some areas there is still a viable commercial fishery and some interest in recreationally targeting sharks. As such, the Council is supportive of Amendment 16 and the intent of the action.

The Council also discussed the Shark Fin Elimination Act and the confusion associated with the proper way to dispose of the fins after the shark has been landed. The Council recommends HMS provide clear messaging on this issue to avoid any future challenges or compliance issues.

Thank you for your consideration of the Council's comments. Please call me or Hannah Hart of my staff if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "C. Moore". The signature is written in a cursive style with a large, looped initial "C" and a stylized "Moore".

Dr. Christopher M. Moore
Executive Director, Mid-Atlantic Fishery Management Council

Cc: R. Blankinship, W. Townsend, M. Luisi, S. Lenox, H. Hart