

International and Interagency Agreements and Advisory Panels

This document explains the various mechanisms for coordination between the New England Fishery Management Council (NEFMC), National Marine Fisheries Service (NMFS), and international conventions and agreements. It also includes information on interagency joint management of species between NEFMC, NMFS, the Atlantic States Marine Fisheries Commission (ASMFC), and the Mid-Atlantic Fishery Management Council (MAFMC).

Transboundary Management Guidance Committee (TMGC)

The Transboundary Management Guidance Committee (TMGC), established in 2000, is a government – industry committee comprised of representatives from Canada and the United States. In 2004, the final rule for Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP) also implemented the U.S./Canada Resource Sharing Understanding. While not a formal treaty, this Understanding provides an agreement for the allocation process of three shared groundfish stocks on Georges Bank within the U.S./Canada Management Areas (Western U.S./Canada Area (statistical areas 522 and 525) and Eastern U.S./Canada Area, which is composed of statistical areas 561 and 562).

Developed as an advisory process, the TMGC addresses how catches of transboundary stocks of Eastern Georges Bank cod, Eastern Georges Bank haddock, and Georges Bank yellowtail flounder should be allocated to each country within a defined geographic region. Council members, NOAA Fisheries representatives, and Canadian officials who serve on the TMGC negotiate the allocations annually based on the historic proportions of fishery landings caught by U.S. and Canadian fishermen, and resource distribution.¹ The [Transboundary Resources Assessment Committee \(TRAC\)](#) is the scientific arm of the TMGC, which conducts the peer review of the transboundary resources considered by the TMGC.

The Chair of the NEFMC appoints members to the TMGC and forwards the recommendations to the Regional Administrator. Each country has six members: 1 scientist, 1 manager and 4 industry representatives, which are all NEFMC members (*pers. comm. Tom Nies 10/13/17*). For more information on the TMGC, refer to *Appendix III of Amendment 13*.

International Commission for Conservation of Atlantic Tuna (ICCAT)

ICCAT was established to provide an effective program of international cooperation in research and conservation in recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species. The Convention area is defined as all waters of the Atlantic Ocean, including the adjacent seas. The Commission is responsible for providing internationally coordinated research on the condition of Atlantic tuna and tuna-like species, and their environment, as well

¹ <https://www.nefmc.org/committees/transboundary-management-guidance-committee-tmgc>

as for the development of regulatory recommendations. The objective of such regulatory recommendations is to conserve and manage species of tuna and tuna-like species throughout their range in a manner that maintains their population at levels that will permit the maximum sustainable catch.

The Advisory Committee to the U.S. Section to ICCAT was established under the Atlantic Tunas Convention Act (ATCA). The Committee is comprised of individuals representing commercial industries, recreational fishing organizations, environmental groups and academia. Members of this Committee are nominated every two years and provide advice to the U.S. ICCAT Commissioners on international issues related to the conservation and management of Atlantic highly migratory species.

The ICCAT Advisory Committee generally meets twice a year.

Advisory Structure: The U.S. Commissioners are required, under ATCA, to constitute an Advisory Committee to the U.S. National Section to ICCAT. This body shall, to the maximum extent practicable, consist of an equitable balance among the various groups concerned with the fisheries covered by the Convention and is exempt from the Federal Advisory Committee Act. The Committee consists of (1) “not less than five nor more than twenty individuals appointed by the United States Commissioners who shall select such individuals from the various groups concerned with the fisheries covered by the Convention” and (2) the Chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico Fishery Management Councils (FMCs). Public Committee members serve 2-year terms and are eligible for reappointment. The Committee generally consists of the maximum 20 public members and the five FMC representatives.²

All of the five regional FMCs on the East Coast of the U.S. within the Convention area are members of the Advisory Committee. The regions rotate annually to attend the meetings as a member of the U.S. delegation (*pers. comm. Tom Nies 10/13/17*).

North Atlantic Fisheries Organization (NAFO)

NAFO is the successor organization to the International Commission for the Northwest Atlantic Fisheries (ICNAF). Its mission is: (1) to provide for continued multilateral consultation and cooperation with respect to the study, appraisal, and exchange of scientific information and views relating to fisheries of the Convention Area and (2) to conserve and manage fishery resources of the NAFO Regulatory Area (NRA), i.e., that part of the Convention Area that lies beyond the areas in which coastal states exercise fisheries jurisdiction.

² <https://www.fisheries.noaa.gov/national/international-affairs/international-commission-conservation-atlantic-tunas>

The principal species managed by NAFO are cod, flounders, redfish, American plaice, Greenland halibut (turbot), capelin, hake, skates and shrimp.

The Convention Area is located within the waters of the Northwest Atlantic Ocean roughly north of 35° north latitude and west of 42° west latitude.

The appointment process: The Northwest Atlantic Fisheries Convention Act of 1995 provides that not more than three U.S. Commissioners and not more than three U.S. Representatives to the NAFO Scientific Council (see below) shall represent the United States in NAFO. Commissioners and Representatives are appointed by the Secretary of Commerce and serve at his pleasure. Each Commissioner and Representative is appointed for a term not to exceed 4 years, but is eligible for reappointment.

Of the three Commissioners, one (but no more than one) must be an official of the U.S. Government, at least one a representative of the commercial fishing industry, and one a voting (non-government employee) member of the New England Fishery Management Council. Commissioners must be knowledgeable and experienced concerning the fishery resources to which the NAFO Convention applies. Of the three U.S. Representatives to the NAFO Scientific Council, at least one must be an official of the U.S. Government. All Representatives must be knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.³

The current Commissioner for the NEFMC is Michael Sissenwine.

Highly Migratory Species (HMS) Advisory Panel

The Atlantic Highly Migratory Species Management Division within NOAA Fisheries manages a number of fish species in U.S. Atlantic and Gulf of Mexico waters known as highly migratory species (HMS). These fish—tuna, sharks, swordfish, and billfish—live throughout the Atlantic Ocean and Gulf of Mexico and often migrate long distances. Because these species cross domestic and international boundaries, NOAA Fisheries' HMS Management Division is responsible for managing them under the Magnuson-Stevens Fishery Conservation and Management Act. In cooperation with an advisory panel, the division develops and implements FMPs for these species taking into account all domestic and international requirements under the Atlantic Tunas Convention Act, Marine Mammal Protection Act, the Endangered Species Act, and the Migratory Bird Treaty Act.

NOAA Fisheries consults with, and considers the comments of the HMS Advisory Panel (AP) when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks.

³ <https://www.fisheries.noaa.gov/national/international-affairs/regional-international-agreements>

The [members](#) of the HMS AP represent commercial and recreational fishing interests, the scientific community, and the environmental community who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. HMS AP Members serve 3-year terms, with approximately one-third of the total HMS AP members' terms expiring on December 31 of each year.⁴

The current member representing NEFMC is Rick Bellavance.

Interagency Joint-Management

There are several species that are jointly managed by the NEFMC and ASMFC or the MAFMC. These species include:

- Monkfish
Monkfish are managed jointly by NEFMC and MAFMC, with the NEFMC in the lead to develop management actions. The Monkfish FMP was implemented in 1999 following industry concerns over increasing fishing mortality rates, gear conflicts, a growing directed trawl fishery, and a decline in size of landed monkfish. The FMP has been revised through Amendments 1 -7 and Framework Adjustments 1 – 9. There are two separate management areas: the Northern Fishery Management Area and the Southern Fishery Management area, spanning the EEZ from the North Carolina/South Carolina border north to the U.S.-Canada maritime boundary.
- Spiny Dogfish
Spiny Dogfish are managed jointly by MAFMC and NEFMC, with the MAFMC in the lead to develop management actions that affect the fishery in federal waters. The Spiny Dogfish FMP was implemented in 2000 in response to the classification of the stock as overfished in 1998. The ASMFC approved an Interstate FMP to complement the federal FMP in late 2003.
- Winter Flounder
ASMFC and NEFMC both manage winter flounder. The ASMFC manages the fishery in state waters, and NEFMC manages federal permit holders in both state and federal waters. ASMFC manages winter flounder through Amendment 1 to the Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder, and Addenda I-III. The Council includes winter flounder as part of the Northeast Multispecies Fishery Management Plan (Groundfish FMP). Federal management focuses on the commercial fishery because the bulk of harvest in federal waters is from that sector.
- Atlantic Herring

⁴ http://www.fisheries.noaa.gov/sfa/hms/advisory_panels/hms_ap/index.html

Atlantic herring can be found in state and federal waters, and thus are managed by plans administered by ASMFC and NEFMC. These plans allow for the setting of annual quotas, called annual catch limits (ACLs), for three management areas and two sub-areas (Areas 1A, 1B – inshore/offshore Gulf of Maine, 2 – South Coastal Area & 3 – Georges Bank).

In federal waters, the NEFMC manages herring through the Atlantic herring FMP. The fishery is managed through an overall ACL, (reduced from the overfishing limit and acceptable biological catch to address scientific uncertainty and management uncertainty) and sub-ACLs for management areas that are designed to prevent overfishing on individual stock components.

In state waters, ASMFC manages Atlantic herring through Amendment 3 to the Interstate FMP, which was approved in February 2016 and implemented on June 1, 2016. The Amendment refines the spawning closure system and modified the fixed gear set-aside. It also consolidates prior amendments and addenda along with recent management decisions into a single document; it is now the comprehensive document for Atlantic herring management in state waters.

- Atlantic Salmon

The Atlantic Salmon FMP was implemented NMFS on March 17, 1988, establishing explicit U.S. management authority over all Atlantic salmon of U.S. origin. Its purpose was to complement state salmon management programs in coastal and inland waters and federal management authority over salmon on the high seas, a designation conferred on the U.S. as a signatory nation to the North Atlantic Salmon Conservation Organization (NASCO). The plan prohibits the possession of Atlantic salmon and any directed or incidental (bycatch) commercial fishery for Atlantic salmon in federal waters and strengthens the efforts of local groups, such as the Connecticut River Atlantic Salmon Commission and others, that are working towards the restoration of salmon stocks in New England river systems.

For more information on how ASMFC manages fisheries through Interstate Fishery Management Plans (ISFMP), visit their website: <http://www.asmfc.org/fisheries-management/program-overview>