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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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September 30, 2019

Submitted via www.regulations.gov

Mr. Craig Cockrell
NMFS/SF1
1315 East-West Highway
National Marine Fisheries Service SSMC3
Silver Spring, MD 20910

RE: NOAA–NMFS–2018–0035; Proposed Rule; Atlantic Bluefin Tuna Fisheries; Pelagic Longline Fishery Management

Dear Mr. Cockrell:

The Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the Proposed Rule for Pelagic Longline Fishery Management and provide the following comments for National Marine Fisheries Service (NOAA Fisheries) consideration.

NOAA Fisheries is proposing to modify the Spring Gulf of Mexico Pelagic Longline Gear Restricted Areas (Spring GOM GRAs) by changing the GRAs to Monitoring Areas and allowing the areas to be fished under specific conditions during April and May for three years beginning in 2020 and extending through 2022. The Spring GOM GRAs are currently closed during April and May. The purpose of this regulatory action is to provide commercial fishermen with increased areas to fish while optimizing target catch and minimizing bycatch and bycatch mortality. Specifically, the Federal Register notice for the proposed rule states:

The proposed rule is designed to continue to minimize, to the extent practicable, bycatch and bycatch mortality of bluefin tuna and other Atlantic HMS by pelagic longline gear consistent with the conservation and management objectives (e.g., prevent or end overfishing, rebuild overfished stocks, manage Atlantic HMS fisheries for continuing optimum yield) of the 2006 Consolidated Atlantic HMS FMP, its amendments, and all applicable laws...

While the notice states that the proposed rule is designed to minimize bycatch and bycatch mortality of bluefin tuna and other Atlantic Highly Migratory Species (HMS), the exact opposite is likely to occur. One (or both) of the Spring GOM GRAs is located within federally designated Essential Fish Habitat (EFH) for all life stages of the following HMS: blue and white marlin, sailfish, longbill spearfish, swordfish, bluefin/bigeye/albacore/yellowfin/skipjack tunas, and dusky/ bigeye thresher/oceanic whitetip/whale sharks. One (or both) of the Spring GOM GRAs is also located within federally designated critical habitat for the loggerhead sea turtle, which is listed as threatened pursuant to the Endangered Species Act (ESA). It is highly unlikely opening closed areas to pelagic longline fishing that are located within designated EFH and Critical Habitat of the above species will result in minimizing bycatch or bycatch mortality of these species.

The proposed rule's actions are singularly focused on managing HMS fisheries for continuing optimum (commercial fishing) yield for target species but are ignoring other conservation and management objectives during the process. Of the HMS that have EFH in the Spring GOM GRAs, one species is undergoing overfishing (bigeye tuna), three species are overfished and overfishing is occurring (blue marlin, white marlin and dusky shark), and five species have unknown stock status (longbill spearfish, bluefin tuna, bigeye thresher/oceanic whitetip/whale sharks). If

bycatch and bycatch mortality increases for any of these HMS or for loggerhead sea turtles due to the proposed rule action, it will have a greater negative effect on rebuilding or maintaining overfished, unknown and ESA-listed populations than any unlikely increase to optimum commercial fishing yield is worth.

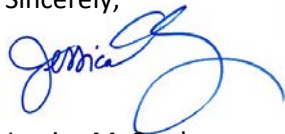
The proposed rule's focus on optimum commercial fishing yield also does not address optimum recreational fishing economic yield. For example, recreational billfish tournaments coincide with the Spring GOM GRA closures primarily during the month of May, and disruptions from pelagic longline fishing to concentrations of billfish utilizing their EFH during this time could negatively affect recreational billfish tournaments. Recreational billfish tournaments are a huge economic engine for coastal communities in states located adjacent to the Spring GOM GRAs and any impact to these tournaments would be extremely hard-felt by these communities.

The potential for increased bycatch and bycatch mortality from reopening the Spring GOM GRAs is additionally very concerning given there is no specific provision to monitor bycatch levels. It is proposed to monitor bluefin tuna catch and mortality and close-down the GRAs if a specific threshold is met, but there is no provision to monitor bycatch and bycatch mortality of other HMS species and sea turtles and also close down these areas if a threshold is met. It is also questionable whether NOAA Fisheries will even be able to minimally and appropriately monitor bluefin catches and mortalities in these areas given that no additional staffing resources are being proposed to conduct such monitoring.

The FWC is staunchly opposed to reopening HMS Gear Restricted Areas because of the direct benefits to both targeted fisheries and bycatch species stocks, and also the associated economic benefits that these improved fisheries provide to Florida. The focus of this proposed rule on a single benefit for a single sector of a single HMS fishery at the expense of HMS conservation and management objectives and benefits to other HMS fisheries and sectors is not acceptable, and the FWC strongly requests that the HMS Management Division does not move forward with implementing this action.

The FWC appreciates the opportunity to provide comment on the Proposed Rule for Pelagic Longline Fishery Management. If you have any questions or would like to discuss our comments, please contact Martha Guyas in the Division of Marine Fisheries Management at Martha.Guyas@MyFWC.com or 850-487-0554.

Sincerely,



Jessica McCawley
Director

jm/mg/kf/lg