



THE BILLFISH FOUNDATION
CONSERVATION THROUGH RESEARCH, EDUCATION AND ADVOCACY
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Dear Thomas Warren,

Thank you for the opportunity to comment on the proposed rule for Draft Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) with the aim to reduce bluefin discards and account for discards across all categories while optimizing fishing opportunities.

The Billfish Foundation (TBF) and our members understand the importance of making rational decisions that benefit not only the fish, but also the fishermen of the United States—both commercial and recreational. From a domestic fishery management standpoint, it is imperative that as a country we make decisions that allow our fishermen to harvest and more importantly account for the country's allocated quota. If not, we may potentially face losing portions of the quota to other countries who fish with fewer regulations or regards for conservation of the fishery.

With the U.S. quota remaining the same for 2014 following the recent ICCAT negotiations, the U.S. must continue to make conservation-based decisions that reduce the amount of dead discards of bluefin tuna while also creating opportunities for fishermen. The roughly 21% of the 2012 catch resulting in dead discards from the pelagic longline fleet is far too high to make large gains and unacceptable for conservation. The processes by which the longline fishery accounts for discards of bluefin tuna must be reevaluated. In 2012 alone, there were 239.5 mt of dead discards of bluefin tuna compared to the 89.6 mt of landed bluefin tuna equating to more than two and a half times more bluefin discarded than what was brought to the docks. While Amendment 7 does not have alternatives geared specifically towards reducing interactions or discards of billfish with pelagic longlines, many of the proposed and preferred alternatives could have lasting negative impacts on billfish populations. Our comments to specific alternatives are below.

The Billfish Foundation strongly opposes Alternative B 3b, which would allow a number of vessels on conditional bases to fish in the current pelagic longline closed zones including the Florida East Coast (FEC), the Desoto Canyons, and the Charleston Bump. Let us not forget that these areas were established in 2000 to reduce the bycatch and discards of juvenile swordfish, billfish, and other marine life. The table below summarizes the benefits generated for billfish and swordfish by the established closed zones. The resulting benefits of these longline closed zones have been instrumental for the recreational fishing community with great numbers of billfish and swordfish caught in recent years. If NMFS allows the estimated 80 conditional trips into the DeSoto Canyons and 20 trips into the Florida

East Coast (FEC), it would not only have large negative ecological impacts but also tremendous socio-economic impacts on the sportfishing community.

Reduction of Billfish and Swordfish Discards After Establishment of Closed Zones in 2000¹				
Years Following Closed Zone (2000)	<i>Blue Marlin Discards</i>	<i>White Marlin Discards</i>	<i>Sailfish Discards</i>	<i>Swordfish Discards</i>
2001-2003	-58.7%	-47.0%	-74.6%	-38.5%
2005-2011	-61.6%	-59.8%	-66.9%	-56.7%

While not addressed directly in this document, TBF also strongly opposes the issuance of Exempted Fishing Permits (EFPs) in the closed areas. However, this relates due to the justification for conditional access used by NMFS within the DEIS that it will “*be used to evaluate the effectiveness and/or impacts of closed areas as well as stock assessments or other management measures.*” This does not provide due justification despite NMFS desiring to “*provide additional fishing opportunities...and mitigate the potential negative impacts of other draft Amendment 7 alternatives that may be implemented.*” There simply is no reason to take a step backwards and jeopardize the conservation achievements we have attained.

TBF believes for a pelagic longline Gear Restricted Area (GRA) to be effective in the Gulf of Mexico, it must encompass the entire EEZ west of 82°W. The preferred alternative, the ‘Small Gulf of Mexico Closed Area’, does not generate enough benefits for bluefin tuna. Fishery-wide, this alternative is only estimated to have a 2.6% reduction in the number of bluefin tuna kept and a 3.4% reduction in the number of bluefin tuna discarded. The significant benefits for bluefin tuna primarily stem from the Cape Hatteras Closed Area with Performance Based Access (B 1c), which TBF supports. Fishery-wide this area is estimated to reduce the number of bluefin kept by 3% and the number of bluefin discarded by 29%.

Of the proposed alternatives, TBF supports Alternative B 1e for the 3-month Gulf of Mexico Closure (March-May) for several reasons. The fishery-wide change for bluefin tuna would be a reduction of 12% for bluefin kept and a reduction of 10% for bluefin discarded. Combined with the Cape Hatteras Closure, this would provide a combined reduction of 15% for bluefin tuna kept and a reduction of 39% for bluefin discarded, better achieving the goal of reducing bluefin discards. Additionally, the benefits for billfish will also be greater with a 3-month Gulf of Mexico pelagic longline GRA. This closure is estimated to reduce bycatch of blue marlin, white marlin, and sailfish by 8%, 4%, and 10% respectively, compared to less than 1% for each species for the ‘Small Gulf of Mexico’ GRA. A 3-month Gulf of Mexico closure would produce an additional 12% reduction in swordfish discards for the entire fishery. During these months, it is important to remember the use of buoy gear and other alternative gears would still be permitted to fish for swordfish and yellowfin tuna in the Gulf of Mexico.

TBF would further support the establishment of a 4-month Gulf of Mexico longline closure (March-June). This closure would allow for more management flexibility and any changes in seasonal migrations of bluefin tuna in the Gulf of Mexico that may occur. Using the 2006-2011 logbook data, the additional month of June would reduce the bluefin tuna kept in the Gulf of Mexico by 13% (16%

¹ 2012 Stock Assessment and Fishery Evaluation Report, NOAA

fishery-wide) and reduce discards by 12% (40% fishery-wide). The benefits for billfish from a 4-month Gulf-wide closure would nearly double compared to the 3-month closure with discards of blue marlin, white marlin, and sailfish reducing by 15%, 10% and 18%, respectively fishery-wide. The additional month would only have marginal impacts on target species compared to the 3-month Gulf of Mexico closure.

While TBF understands that a 6-month or 12-month longline closure in the Gulf of Mexico would be the most beneficial for bluefin tuna, billfish, swordfish, and other marine life, NMFS must balance conservation goals with realities of domestic fisheries management and the need to harvest target species for the country to stay prominent in international fisheries negotiations. Closing the Gulf of Mexico year-round would provide a reduction of 21% in kept bluefin tuna and 12% in bluefin tuna discards fishery-wide. If a year-long closure is implemented, the yellowfin fishery would experience a 40% reduction in landings and swordfish landings would reduce by 15%. A year-long closure would provide minimal additional benefits to reducing bluefin tuna discards compared to a 4-month closure, one of the primary objectives of Amendment 7, and still maintain important commercial landings.

TBF believes that the proposed Alternative E 3b is a good start to a more equitable distribution of bluefin tuna for anglers in the Gulf of Mexico. Despite there only being an incidental bluefin tuna fishery in the Gulf of Mexico, recreational anglers in the Gulf of Mexico do encounter bluefin from time to time. In recent years encounters have occurred after the Southern Trophy quota was closed. To provide this opportunity to Gulf Anglers and further reduce the possibility of discarded bluefin tuna, TBF supports this alternative. However, TBF believes that the equal allocation of between the three regions may take opportunities away from the North Carolina and Mid-Atlantic region and subsequently suggests the following quotas: 33% (1.4 mt) for the North, 50% (2.1 mt) for the South, and 17% (0.7 mt) for the Gulf of Mexico. This will provide opportunities for Gulf of Mexico anglers without creating negative impacts on anglers fishing in the other portions of the Southern region.

A similar goal may also be achieved by moving the current North/South dividing line south of Great Egg Inlet, NJ. A possibility would be the North Carolina/Virginia border at 36° 33.00" N. To be effective, NMFS would need to evaluate historical recreational landings to determine if this would allow a more equitable opportunity for anglers that would also provide Gulf of Mexico anglers the opportunity of an incidental Trophy bluefin tuna catch.

The idea of transferring quota from the Angling to the Longline category as part of a codified reallocation (A 2a) is an alternative within the DEIS in which TBF strongly disagrees. There is no justification to shift quota from the angling sector, or the other sectors for that matter, despite NMFS's desire to balance the books for discards among user groups. Even if a codified reallocation was implemented, the amount of dead discards alone in 2012 would be 100 mt greater than the entire new PLL allocation. The available quota for the PLL is not the issue; it is the amount of discards resulting from the non-selective nature of the fishery.

TBF strongly supports a cap for bluefin tuna catch that establishes a gear-wide closure for the Pelagic Longline Fishery (C 4b) when the total longline category bluefin quota is reached. Once this occurs, longline vessels should be allowed to switch to more selective gears such as buoy gear or greenstick so that they can continue to take part in the fishery. The conservation benefits associated with this alternative must be combined with other alternatives to create the greatest benefit for the fishery while

keeping in mind the goal reducing the unnecessary discard of bluefin tuna. This suite of alternatives must include the elimination of the target catch requirement (C2l. 1b), include the mandatory retention of commercial legal-sized bluefin that are dead at haul-back (C2l. 2b) as well as require the use of electronic monitoring of longline category (D 2b) so that vessels are held accountable and unable to undermine the system.

The complexities from the potential creation of an Individual Bluefin Quota (IBQ) system are great concerns for TBF and we believe that a fishery-wide bluefin cap would be a more effective means to minimize the excessive discards of bluefin tuna in the pelagic longline fishery. In 2012 alone, the PLL fleet discarded 239.5 mt of bluefin tuna, almost the equivalent of the PLL total annual quota combined for *three years*. How the bluefin quota is exchanged within the fishery is not the problem, but rather the issue lies with the sheer quantity of bluefin tuna discarded. Instead of creating a complex system of leasing of quota allocation (C2d. 1), trade amongst the PLL and Purse Seine vessels(C 2d. 1), and the possible future sale of quota share (C. 2d. 3), a simple system that holds the pelagic longline vessels accountable for the high levels of bluefin tuna bycatch and discards would be more effective. There are too many questions surrounding the effectiveness of an IBQ system and the economic inefficiencies that could ultimately result. A simple, transparent system will be a much better solution.

The Billfish Foundation and our members applaud NMFS for their effort and creativity within the DEIS for Amendment 7. It is imperative during the decision making process for the Final Rule to not lose sight of the ultimate goal of reducing bluefin tuna discards and increasing opportunities for U.S. fishermen. Again, thank you for the opportunity to comment on this very important issue. We look forward to working with you during the continued amendment process of the HMS FMP.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Cox".

Andrew Cox

Science and Policy Specialist, The Billfish Foundation