



THE BILLFISH FOUNDATION
CONSERVATION THROUGH RESEARCH, EDUCATION AND ADVOCACY
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Thursday, May 02, 2013

Dear Margo Schulze-Haugen,

Thank you for the opportunity to comment on the proposed rule for Draft Amendment 8 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) that addresses the new proposed North Atlantic swordfish commercial fishery measures. 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 our allocated quota. If not, we may potentially face losing portions to other countries who fish with fewer regulations or regards for conservation of the fishery. With an impending ICCAT stock assessment in 2013, it is important that the US shows an effort towards fulfilling our allocated quota so that the current allocation of 31.7% is not reduced at the international negotiations. In 2011 alone, there was an unused quota of 1,847 mt (ww) with only 37.6% of the adjusted quota harvested. However in 2012, the US fishermen accounted for nearly 80% of baseline and 66% of adjusted quotas. With the decreased allowance for rollover to 25% of unused quota and the increased swordfish harvest in 2012, increasing access to the fishery will allow the U.S. to harvest a greater portion of the allocated quota.

Before commenting on the specific proposed alternatives, TBF believes there is an extreme over exaggeration in the estimation of expected new vessel permits for the Florida Swordfish Management Area (currently estimated at roughly 1,455 entities). Based on communication with many of our members in South Florida, we do not believe there will be as large of a shift from the recreational sector to the new commercial swordfish permit as expected by NMFS for several reasons. The most apparent of these is the diverse nature of the angling community in South Florida that target a large number of species during a given day, season, or year. With world-class sailfishing in their backyard, there would be little incentive for individuals to obtain the new Open Access Swordfish Handgear Permit which would make it illegal for that vessel to fish for billfish outside of HMS sanctioned tournaments.

The number of vessels currently reporting swordfish in South Florida is less than 6%¹ of the number of vessels expected to enter the new commercial swordfish fishery. There were 76 unique HMS Angling Vessels and 35 Charter/Headboats that reported a successful swordfish trip in 2012, 82 of either Angling or Charter/Headboat came from the state of Florida (Rick Pearson, 2013). Wouldn't it be thought that the recreational anglers legally reporting their swordfish landings may also be the ones interested in obtaining the new permit? Looking at the

¹ In 2012, 82 Florida Vessels (Angling and Charter/Headboat) reported successful swordfish trips, equaling 5.6% of the expected 1,455 individuals expected to enter the fishery in the Florida Swordfish Management Area.

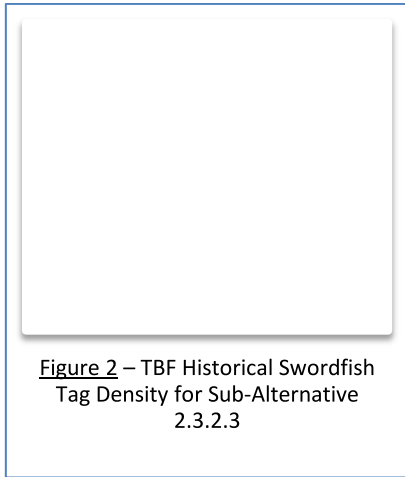
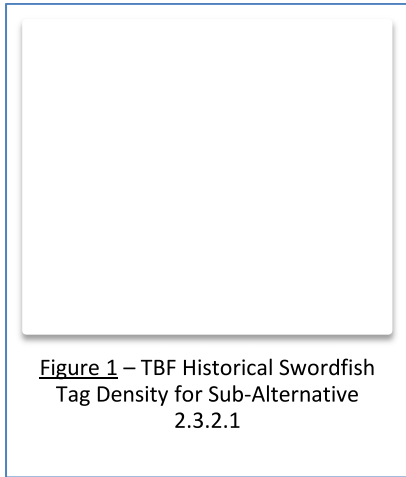
numbers, between 2009 and 2012 there was a total of 1,120 (83% of the 1,353 US total) swordfish reported in Florida by either HMS Angling Permit or Charter/Headboat. On a yearly basis between 2009 and 2012 the average number of swordfish reported by the recreational sector was 451. Of these, an average of 373 came from the state of Florida. Conversely, the 2012 SAFE Report indicates that the Rod and Reel category in 2011 harvested 48.7 mt based on surveys of the U.S. recreational sector, translating into 107,140 lbs of swordfish. Even using the conservative whole weight commercial average of 128lb per swordfish, roughly 837 swordfish were landed or discarded dead by the recreational fleet in U.S. in 2011. The numbers published in these two reports do not match up between what is projected and what is reported, further demonstrating the great need to increase the accountability from the recreational sector. Regardless of which numbers are used to determine landings, the expected transition of effort from the recreational sector to the new/modified commercial swordfish permit is extremely high and should be reevaluated.

Additionally, the number of safety requirements that must be met by commercial vessels will make it unlikely for the expected large shift from the recreational to the commercial sector. While the initial retention limits will be addressed below, the question focuses on the recreational sector with the known fact that there are issues with reporting as well as anecdotal suggestions of illegal sales to restaurants and/or transfer to commercial vessels. With the current limit of one fish per person up to a maximum of four fish per vessel per trip as the current regulation for HMS Angling Permit vessels, why would an angler who is interested in selling the swordfish go the 'legal route' to acquire a permit that would only allow them to harvest and sell one fish under the current default limits established for the Florida Swordfish Management Area? If NMFS wishes to make an effective change, the retention limit of swordfish must be equal to the number legally allowed for HMS Angling permit holder or anglers will continue to sell swordfish illegally, especially since there has been a lack of enforcement to stop the illegal sale or transfer to commercial vessels. Brought to the attention of NMFS several times by both the commercial and recreational sectors, TBF fully supports increased enforcement to prevent the current and future illegal back-door sale of swordfish.

The Billfish Foundation was extremely dissatisfied that the Commercial Swordfish Tagging Program was no longer being considered as an alternative under the basis that there were concerns about the effectiveness of the program at reliably identifying swordfish to be sold at market. Section 2.3.1 states "the establishment of an open-access commercial swordfish permit is expected to significantly reduce the incentive for recreational anglers to illegally sell or transfer swordfish to the commercial market," but because of requirements, logistics, and costs the program is no longer being considered. TBF believes that a tagging program for swordfish by recreational anglers could be an effective way to better gauge the number of swordfish being harvested by this sector. Enforcement issues would continue to be the biggest obstacle, but tagging programs have been used in the recreational sector for years with large success.

The Billfish Foundation believes that the preferred alternative, Sub-Alternative 2.3.2.1, which establishes the Florida Swordfish Management Area as the same boundaries as the current East Florida Coast Pelagic Longline Closed Area will create the easiest scenario for compliance and enforcement. A significant amount of The Billfish Foundation's historical tag data for swordfish falls within this proposed Florida Swordfish Management Area and believes that this area should be managed separately because of the known nursery grounds for juvenile swordfish (Figure 1). Sub-Alternative 2.3.2.3 (Figure 2) would also be a feasible alternative because of the unique oceanographic features that occur south of St. Lucie County that greatly compress the swordfishing grounds and

subsequently condense the swordfishing effort. As a result, congestion, particularly with the over-projected number of new entrants in the Florida Management Area, could result in increased conflicts between fishermen. However, for Sub-Alternative 2.3.2.3, why was the southern boundary created differently ending at Key West rather than extending through Monroe County (seen in 2.3.2.1) if concerns were present regarding landings on either side of the Florida Keys? Regardless of the boundaries for the Florida Swordfish Management Area, special considerations should be taken because of the low initial retention limits and the high-grading that could result from new/modified permit holders only allowed to retain one fish at current levels.



There are several problems that arise surrounding the initial default retention limits for swordfish within the three separate management areas for new/modified open-access commercial permit holders. The greatest of these, if established above a zero retention limit, is the economic incentive to target swordfish for vessel owners. Utilizing the economic information provided in the Environmental Assessment, the average swordfish at 96lb (dw) yields a total of \$432.96 assuming the average Ex-Vessel Price for 2011 of \$4.51/lb. For vessels in the Northeast or in the Gulf of Mexico with a default retention limit of three swordfish, the long distances incurred to get to the swordfish grounds would make it infeasible if only \$1298.88 could be made on a trip assuming average weight and ex-vessel prices. This would simply not cover the gas and other expenses on the trip. Proposed as a supplemental fishery in these regions, it may be feasible if other species were harvested on the same trip, but not if swordfish were the sole species harvested as would likely occur in some regions.

It is understood that NMFS desires to take a conservative approach with the default retention limits, but one must look at it from the eye of prospective permit holders, particularly the recreational anglers who it is predicted will make a large shift to obtain the new commercial permit. If it is not economically feasible or there is not an incentive for a recreational angler to sell swordfish legally by making the transition to the new permit, then they will simply not do it. Enforcement, as described to NMFS on several occasions by both the commercial and recreational sectors, is the necessary means to prohibit the illegal sale of swordfish and provide incentive for obtaining the new permit. The Billfish Foundation would support retention limits in Florida Swordfish Management Area equal to that of the legal recreational harvest limit (one per person with a max of 4) and a limit of 6 in all other regions. If the purpose of the permit is to allow access to the fishery and decrease unused quota, then allow fishermen to harvest the fish. In-season adjustments should be taken with care and a required logbook program should be implemented for the new open-access swordfish permit holders to keep an eye on

both discards and the size of landed swordfish to gauge the impacts of the new permit. With that being said, in-season closures should be monitored with restrictions placed on the new/modified permit holders first and prior to restrictions placed on the current commercial fishermen.

One must look at the process from the perspective of the United States as a whole. No matter which way it is sliced, we must find means to harvest our allocated quota or potentially face losing it to other nations. This must be kept in mind from all parties whether recreational, current commercial fishermen, or someone wishing to enter the fishery. Prior to the next evaluation process, The Billfish Foundation believes that NMFS should try to get a better gauge on the number of entities that would actually be interested in obtaining this permit. From a South Florida standpoint as we mentioned above, we believe there is an extreme over exaggeration in expected participants that has significantly skewed the perception and potential outcome of this permit. In order for this permit to be effective, it must produce incentives that outweigh the expenses and forgone abilities of current recreational anglers. Focusing on recreational transition, the question truly lies in if the permit is even something someone would want to obtain or something simply to be on the books.

After listening to the comments received during both NMFS HMS webinars and at the public hearing in Fort Lauderdale, it seems that the over exaggeration of expected new entrants into the commercial swordfish fishery has caused concern for increased competition for current commercial swordfishermen, especially those in South Florida. A much better estimation of entrants into the commercial fishery is essential before moving forward. Regardless of the number of expected new entrants, it is very unlikely that support from current commercial permit holders would be had for a retention limit above zero for the Florida Swordfish Management Area—most likely to reduce competition and protect personal interest. However if the focus is solely on the fishery, a commercial vessel that would be allowed to legally harvest and sell only one fish would make far less impact than a recreational vessel that could land up to 4 swordfish per trip and potentially sell them illegally. Before moving forward, it is imperative that the goals of Amendment 8 are kept in mind by all parties which is to provide increased opportunities for U.S. fishermen to harvest available swordfish quota.

Again, thank you for the opportunity to comment. 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