



October 6, 2014

Alan D. Risenhoover
Director, Office of Sustainable Fisheries
National Oceanic and Atmospheric Administration
1315 East West Highway, Silver Spring, MD 20910

Subject: Final Amendment 7 to the Atlantic HMS FMP [NOAA-NMFS-2013-0101]

Dear Alan,

In 2009, when NOAA Fisheries released an Advance Notice of Proposed Rulemaking on reducing longline bycatch of Atlantic bluefin tuna in the pelagic longline fishery, *Wild Oceans* (then NCMC) recommended that the agency initiate a comprehensive conservation program featuring a hard cap on bycatch, new time-area closures, and incentives for fishermen to use “cleaner” alternative gears while phasing down longlining, most urgently on the western bluefin’s Gulf of Mexico spawning grounds.¹

In spite of serious reservations about certain provisions, we are pleased that Final Amendment 7 to the Atlantic Highly Migratory Species Fishery Management Plan includes what we consider the key elements of an effective longline bycatch reduction program. If properly implemented and enforced, it should, for the first time, hold the longline fleet accountable for substantially reducing its bycatch of bluefin tuna.

We Support Amendment 7 and Urge Prompt Implementation

Let the record show, then, that we support Amendment 7 and urge implementation of the following measures in the 2015 fishing season:

- *The “cap-and-close” strategy for limiting total longline bycatch and encouraging bycatch avoidance, through new authority to prohibit the use of pelagic longline*

¹ See our letter on the Advanced Notice of Proposed Rulemaking for Atlantic Highly Migratory Species; Pelagic Longline Incidental Catch Requirements (0648-AX85). National Coalition for Marine Conservation (NCMC), August 31, 2009.

gear when the Longline category's bycatch allowance is reached.

U.S. Atlantic longline bycatch (landings and dead discards combined) averaged 247.2 metric tons (MT) a year from 2006 to 2012, accounting for about one-quarter of the total U.S. quota of western Atlantic bluefin tuna, even though its historic share as an "incidental" fishery is only 8.1%, or about 75 MT. The new regulations in Amendment 7 are projected to reduce bycatch from recent levels by about 44 percent, using a fleet-wide closure of the longline fishery as a backstop if a hard cap of 137.2 MT is reached. While we believe that number should be lower, the resulting reduction in longlining effort will provide immediate benefit to bluefin as well as other vulnerable species taken as bycatch in the fishery.

- *Maintenance of the existing pelagic longline closed areas and the addition of three new time-area closures.*

We applaud the agency's decision not to allow conditional access to longlining in areas previously closed to the gear, specifically the Florida East Coast, Charleston Bump, Desoto Canyon and North East Distant areas. These time-area closures have been crucial to keeping longline bycatch low for a wide range of pelagic species.

The new modified "Gear Restricted Areas" - one off Cape Hatteras and two in the Gulf of Mexico, where longlining will be prohibited in favor of alternative gears such as tuna green-sticks and swordfish buoy-gear - will better protect known concentrations of pre-spawning and, most importantly, bluefin in the act of spawning. These closures alone are projected to reduce bycatch by 67.5 MT, saving from 200 to 300 giant bluefin.

- *Enhanced electronic reporting and monitoring of all longline vessels to enforce the new limits.*

Using video cameras to supplement mandatory reporting and spotty observer coverage is an experimental enforcement tool, but it is the only alternative to 100% observer coverage for enforcing the bycatch cap, which is not an option at this time. Having longline fishermen foot the bill (an estimated \$5,500 per vessel) is a reasonable price for them to pay if they wish to participate in a program that, quite frankly, makes numerous concessions to accommodate their inability to fish without hooking bluefin.

Our Reservations

On that point, one of our strongest objections to the Final Amendment is the indefinite quota re-allocation, which nearly doubles the historic "incidental" share of the U.S. bluefin quota, at the expense of thousands of commercial and recreational fishermen in other categories where bycatch is minimal or non-existent. As we stated in our comments on Draft Amendment 7,² the need to add 62.5 MT of bluefin to the Longline category would be unnecessary if other measures were strengthened, most

² See Comments on Amendment 7 to the HMS FMP. Wild Oceans, January 10, 2014.

notably closure of the entire Gulf of Mexico during breeding season, March-April, and more aggressive promotion of alternative fishing methods.

While we appreciate that the agency is trying to minimize the economic impact on the longline fleet, we would point out that alternatives to longlining for tuna and swordfish are available which would allow fishing within closed areas to continue, albeit at a somewhat reduced level. Fishing effort outside the closed areas, however, could actually increase, *if* longline vessels were to adopt cleaner fishing techniques, such as fishing shorter sets with shorter soak times (something we've advocated for many years), so that incidentally-caught bluefin (and other bycatch) can be released alive. (Live releases do not count against individual or overall quotas.) Accommodating the longline fleet by allowing them to land what they previously were forced to discard only serves to lessen the incentive to experiment with these safer, more sustainable fishing methods.

Which leads to our second concern with Final Amendment 7; that is, that the increased quota share and Individual Bluefin Quota/catch share program will institutionalize a longline fishery for bluefin, thus limiting options for reducing bycatch in the future. An IBQ system for a bycatch species is an experiment, an unknown, either offering the potential to hold individual vessels accountable for reducing their interactions with bluefin, as intended, or inadvertently taking away the incentive to avoid interactions for a majority of active vessels. The agency estimates that the proposed re-allocated quota and IBQ assignments will require only 25% of the fleet to restrict their fishing behavior and reduce interactions from their historical average.³

Expand the Scope of the Three-Year Program Evaluation

To be constructive at this point in the process, where substantive changes to the preferred alternatives in the Final Amendment are unlikely, and in any event would only postpone the very real benefits to be gained from this plan, we offer the following recommendation for monitoring and evaluating the program once it is in force.

As stated previously, we urge NOAA Fisheries to perform an evaluation of the bluefin tuna management program *in aggregate* every three years, basing such evaluation on defined conservation performance indicators as well as the economic performance indicators outlined in the plan's Appendix, and extending the economic evaluation to include non-longline fisheries impacted by the program, too.

Amendment 7 already proposes a three-year review of the effectiveness of the new time-area closures in minimizing interactions with bluefin, which we strongly support. The Gear Restricted Area in the western Gulf of Mexico was modified and an eastern gulf closure was added based on analysis of recent shifts in effort. While we believe the dynamic nature of the fleet's fishing patterns and bluefin spawning activity argue for a larger closed area in the gulf to accommodate future changes in either, at the

³ Final Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery management Plan, NOAA Fisheries, August 2014. Page xii.

very least it underscores the need to monitor such shifts and make adjustments to ensure the plan's conservation goals are being met.

In this vein, we strongly urge NOAA Fisheries to expand the scope of the proposed three-year evaluation of the new IBQ Bluefin Quota program. The Performance Indicators for Catch Share Programs are economic in nature. While the document states that "(o)ther indicators would include the number of and distribution of bluefin interactions," the Amendment does not contain any performance indicators for evaluating the impact of the IBQ program on the twin goals of reducing bluefin interactions and associated mortality. We recommend that, as part of Amendment 7, NOAA Fisheries develop criteria for evaluating "the number of and distribution of bluefin interactions," as well as a means to balance these conservation indicators with the aforementioned economic indicators.

In sum, Final Amendment 7 takes a big step forward on a long-standing problem, proposing badly needed measures to reduce longline interactions with bluefin tuna along with innovative ways to hold fishermen accountable. We remind the agency, however, that every amendment to the HMS FMP should contribute to a long-term vision of sustainable fisheries, one where indiscriminate, ecologically-harmful fishing gears are replaced by more selective, sustainable fishing methods that provide a local supply of seafood caught in an environmentally responsible way. That is why it is so important that NOAA Fisheries commit to a full review of Amendment 7's effectiveness in three years time and retain the regulatory flexibility to make whatever changes are needed.

Thank you and the HMS Management Division for all your work, for listening, and for considering our views.

Best regards,

Sincerely,



Ken Hinman
President