

APPENDIX A

I. RESPONSE TO COMMENTS

**FEIS SWORDFISH
SUMMARY OF PUBLIC COMMENT**

Three series of public hearings were held on the Swordfish Plan. Twenty-four hearings were held from March 15 through April 13, 1983, in selected sites on the east coast, Gulf of Mexico, and Caribbean areas:

SOUTH ATLANTIC COUNCIL

| | |
|-------------------|----------|
| Key West, FL | 3/15/83* |
| Charleston, SC | 3/15/83 |
| Pompano Beach, FL | 3/16/83 |
| Savannah, GA | 3/16/83 |
| Ft. Pierce, FL | 3/17/83 |
| Cocoa Beach, FL | 3/17/83 |
| Georgetown, SC | 3/29/83 |
| Morehead City, NC | 3/30/83 |
| Manteo, NC | 3/31/83 |

CARIBBEAN COUNCIL

| | |
|----------------------|---------|
| St. Thomas, U.S.V.I. | 4/06/83 |
| Mayaguez, PR | 4/08/83 |

NEW ENGLAND COUNCIL

| | |
|--------------|---------|
| Plymouth, MA | 4/08/83 |
| Westport, MA | 4/11/83 |
| Gallilee, RI | 4/12/83 |
| Portland, ME | 4/13/83 |

GULF OF MEXICO COUNCIL

| | |
|-------------------|----------|
| Key West, FL | 3/15/85* |
| Pt. Aransas, TX | 3/15/83 |
| Galveston, TX | 3/16/83 |
| Madeira Beach, FL | 3/16/83 |
| New Orleans, LA | 3/17/83 |
| Panama City, FL | 3/17/83 |

MID-ATLANTIC COUNCIL

| | |
|----------------|---------|
| Norfolk, VA | 3/28/83 |
| Ocean City, MD | 3/29/83 |
| Pomona, NJ | 3/30/83 |
| Riverhead, NY | 3/31/83 |

Fifteen hearings were held from March 22 through April 12, 1984 in the same general areas:

SOUTH ATLANTIC COUNCIL

| | |
|----------------|----------|
| Charleston, SC | 3/22/84 |
| Ft. Pierce, FL | 3/22/84 |
| Davie, FL | 3/23/84 |
| Key West, FL | 3/30/84* |
| Manteo, NC | 4/03/84 |

GULF OF MEXICO COUNCIL

| | |
|-------------------|----------|
| Port Aransas, TX | 3/27/84 |
| Panama City, FL | 3/28/84 |
| Madeira Beach, FL | 3/29/84 |
| Key West, FL | 3/30/84* |

*Joint public hearings.

MID-ATLANTIC COUNCIL

Hampton, VA 3/23/84
 Riverhead, NY 3/27/84
 Essington, PA 3/28/84

NEW ENGLAND COUNCIL

Fall River, MA 3/28/84
 Portland, ME 3/29/84

CARIBBEAN COUNCIL

St. Thomas, U.S.V.I. 4/10/84
 Lajas, PR 4/12/84

The public was again asked to comment on changes in the plan at five hearings held in conjunction with Council meetings from October 25 through December 6, 1984. The written comment period extended through December 17, 1984.

| | |
|---|----------|
| Mid-Atlantic & South Atlantic Councils - Virginia Beach | 10/25/84 |
| New England Council - Danvers, MA | 10/30/84 |
| Gulf of Mexico Council - Tampa, FL | 11/12/84 |
| South Atlantic Council - Duck Key, FL | 11/27/84 |
| Caribbean Council - Hato Rey, PR | 12/06/84 |

The following comments (by major category) were received either from attendees at the public hearings or from letters to the Councils:

EFFORT AND CATCH LIMITS

COMMENTS: Favor limited entry by area.

Entry should not be limited by area.

Limited entry favored over closure.

Limited entry permits should be transferable.

Limited entry permits should not be transferable.

Restrict longliners to fishing from home port.

Permit full-time fishermen only.

Reduce the number of participants in the fishery.

The increase of fishing power by using longer lines and more hooks is an argument against limited entry and limited seasons.

Cap effort.

RESPONSE: The Magnuson Act states that a system for limiting access to the fishery may be established if certain considerations are analyzed. These considerations require substantial analysis of social, cultural, and economic variables which are unknown at this time. The collection of data necessary would be time consuming and limited access is a social and economic tool which would not necessarily limit effective fishing effort. The catch of small fish would not necessarily be reduced. This is discussed in the plan under management measures considered and rejected. The Councils decided that the swordfish plan should be implemented as soon as possible and that a detailed study of limited entry as a management tool should be undertaken. A preliminary analysis by the South Atlantic Council's Technical Assistance Team from East Carolina University concluded that applying limited entry as a management tool is complex with little precedent under the Magnuson Act. Limited entry was defined as "any form of mandatory restriction of the right or ability of a specific individual or vessel to engage in the taking or landing of a fishery resource."

The South Atlantic Council has initiated a 2-year study of limited entry in general and specifically how limited entry would be applied to the swordfish, spiny lobster, and South Atlantic shrimp fisheries. This study will result in a more detailed analysis of limited entry for the swordfish fishery and could lead to a plan amendment dealing with limited entry.

COMMENTS: Regulate time and method of fishing.

Have individual boat quotas rather than seasonal closure.

RESPONSE: Restricting the length of longlines or number of hooks, establishing vessel quotas, regional quotas, or management unit quotas would not address the major problem in the fishery, the increasing harvest of small fish.

COMMENT: Pressure on females can be reduced by reduction in harpooning and longlining in the Mid-Atlantic and New England areas.

RESPONSE: Current information does not clearly identify areas and times of spawning nor does it suggest that inadequate recruitment is currently a

problem. However, should this situation change in the future, methods to maintain adequate numbers of adult spawners will be actively considered. In addition, the emphasis in the plan has shifted to a reduction in the catch of small fish, not just females.

CLOSURE DATES

COMMENTS: Recommend July 1 starting date for closure for southeast Florida.

Southeast Florida needs access to the fishery until July 15.

May represents 20-30% of annual income for southeast Florida swordfishermen.

In Southeast Florida, fishermen need access to the fishery in December.

Closures in the Gulf should end by September 30.

There are small fish in the Gulf in August and September.

Best months for swordfish are December - March in Florida.

Early fall closure best for South Atlantic area.

Have area closures at different times.

Leave starting date open until decide on percent reduction.

Recommend starting date of July 15 for Florida.

Summer months are best for swordfishing off Louisiana.

Early closures will have negative effects when the fishery is opened in late summer, such as increase in small fish, decrease in price, no restriction on Canadian fishery, and lowering of mean weights.

Close the longline and gill net fishery and prohibit traffic in fresh or frozen swordfish from November 1 until May 1.

A May closure would hurt Florida East Coast more than other areas.

RESPONSE: The Council has inserted into the plan a method whereby the variable season closure calendar will be updated annually to reflect the correct size composition of the catch by area by month. The starting date for a closure will be proposed, taking into account the fact that the burden of

the closures should be equally distributed among all areas. The plan explains how the annual update will be accomplished under Management Measure Number One. The specific starting date for the closure will be set annually by notice in the Federal Register.

CLOSURE

COMMENTS: There would be a severe economic impact from a 30 percent closure.

A 30 percent reduction should be implemented gradually over 3 years.

Adjust closure to compensate for fishing time lost due to weather.

Have no closure now.

Begin with a lower reduction.

Request an economic analysis of a 30 percent closure.

Mid-Atlantic closure should extend out to 150 miles.

Closure must be equitable to all areas.

The recreational swordfish fishery has collapsed, so a closure gains little.

There is no good time for a closure.

Closures only create more boats during open periods.

Closed seasons would be disruptive to the marketing and pricing of swordfish.

Boats will move from one area to another.

A better weight than 50 pounds would be 25 pounds dressed weight for calculations of the closure.

Closure of the South Carolina fishery will have dramatic and lasting effects economically on fishermen and banks.

Reopening of the season after a closure will cause large amounts of fish to be placed on the market and the price will drop.

RESPONSE: Three major factors were considered by each Council in choosing closure times. The first consideration was to minimize the loss in

harvest of all fish and still achieve the required percent reduction in the catch of small fish. October or November starting dates for closures result in the smallest losses of total landings in each area. This time also minimizes the length of the closures necessary for a given reduction in the catch of small fish. The second consideration was swordfish markets and the third consideration was vessel mobility. Instead of a 30 percent closure, the amount of time to be closed will be adjusted to reflect the trend of an increasing catch of small fish from 1980 through 1984. The first update will be by May 1, 1985 and the results will apply to the 1985 closures. Initial estimates, based on 1983 data, indicate closures that would reduce the catch of small fish and result in fishermen postponing the harvest of between 5 and 12 percent of their annual catch due to the closure. By having closures during the same general period, movement of boats from one region to another will be discouraged. The closure time which has the least disruptive influence on markets will be chosen. Impacts of closures can be equitably distributed among areas with varying fishing patterns.

COMMENT: To say there is not sufficient information to close fishing areas based on size and sex is contradicting the rest of the plan.

RESPONSE: The plan now emphasizes closing areas based on the frequency of small fish. There is still no method of fishing selectively for just males or just females. The onboard technician program will provide sex composition data by area. By combining this with the size by sex information, the Councils will be able to evaluate closed areas.

COMMENT: If our fishermen are outside the U.S. FCZ when the season is closed, can they catch swordfish?

RESPONSE: Yes, but they cannot enter a closed area with swordfish aboard or land swordfish during a closure. The prohibitions do not apply to swordfish greater than 125 pounds dressed weight that were harvested by harpoon if the closure occurs between June and October. Swordfish may be caught outside the western North Atlantic, but no vessel can possess swordfish with operable longlines or nets aboard the vessel in closed areas or import swordfish.

CLOSURE EXEMPTIONS

COMMENTS: Harpoon vessels should not be exempted.

Harpooned fish are caught in the summer and help suppress the price of swordfish; they should be included in closures.

Harpooned swordfish should have a size limit.

Ban the harpooners because they kill large females.

RESPONSE: Harpoon vessels take preferred larger fish and their landings have averaged about 800,000 pounds over the last 10 years. Harpoons are only used in New England during a short summer season. A minimum size limit of 125 pounds dressed weight has been placed on harpooned swordfish during a closure, as well as a cap on the total monthly catch during a closure. The cap is the average monthly harpoon landings for the previous 10 years, excluding the highest and lowest years.

COMMENT: Vessels smaller than 42 feet should be exempt.

RESPONSE: A vessel exemption would be difficult to enforce and there are no data to substantiate that smaller boats catch fewer small fish.

COMMENTS: Recreational fishermen should not be exempt from closure.

Recreational fishermen should be exempt from closures.

Allow only rod and reel equipment onboard during closure.

A letter of authorization to fish should not include recreational swordfishermen.

During 1982, sport fishermen in Louisiana did not catch any swordfish.

RESPONSE: Rod and reel fishermen are exempt because they catch very few fish. However, they will not be able to sell their catch during a closure so as to prevent the at-sea transfer of fish from commercial longline vessels to recreational rod and reel boats. Rod and reel fishermen will not be required to have a letter of authorization to fish. The traditional handline fishery in the Caribbean is allowed an incidental catch limit of one swordfish per trip during their closure and this fish may be sold.

COMMENTS: Make provisions to allow longlining for other species such as tuna, shark, and tilefish.

Do not allow longlines between sunrise and sunset.

Fishermen cannot unload all longline gear during closure.

Can the combination boat fishing tuna in closed season be allowed an incidental catch, as are the Japanese?

Small businesses will not be able to absorb the decreases in total catch and will be seeking new fisheries.

RESPONSE: The provision to allow longlining during daylight hours during a closure was added to the plan so as to reduce the economic impacts of the VSC. All swordfish caught by other than exempt gear during the closure must be released. Exempt gear includes harpoons, rod and reels, and the Caribbean handline fishery.

GEAR

COMMENT: Allow no new gear while the fishery is facing a closure.

RESPONSE: Gear and fishing practices will be monitored. Vessels utilizing new methods may be required to carry an onboard technician or directly provide information to document their activity. Future gear restrictions may be imposed by amending the regulations if sufficient information is available.

COMMENT: Use a #42 or #36 hook to reduce the swordfish bycatch when tuna fishing.

RESPONSE: There is at this time no established correlation between hook size and the bycatch when tuna fishing. When there are data to support the reduction of bycatch, changes could be implemented by amending the regulations.

COMMENTS: Gillnets should be studied before any judgement is made.

Average size of swordfish caught in gill nets is 100-125 pounds.

Prohibition on gill nets is not fair and equitable and does not necessarily promote conservation.

Opposed to the use of gill nets.

Limit number of gill nets allowed.

Opposed to any ban on gill nets.

There has not been any gear conflict with gillnets during the last three years.

The addition of gill nets in the Mid-Atlantic region will cause gear conflicts.

Gill nets do not have a bycatch of whales and porpoises.

It is not true that all draggers or any boat with a drum can easily gear up for gill netting.

Give the three vessels gill netting a temporary permit and then make a final decision later, after all data are in.

RESPONSE: The Councils requested the Secretary to implement a data collection program prior to plan implementation in which drift entanglement net vessels would have their fishing methods and catch monitored. This program will continue under the swordfish plan until there are sufficient data to evaluate the use of nets. At the time of submission to the Secretary, the plan will have no restrictions on entanglement nets other than the VSC. There is also a management measure in the plan under which gear and fishing practices will be monitored. Modifications of the rules can be made by amending the regulations as necessary.

COMMENT: All swordfish longline vessels should have a permit to fish.

RESPONSE: Under the swordfish plan, anyone who wishes to retain swordfish for sale must have a permit. The permit is for the vessel and is issued at no cost to the fisherman.

IMPORTS

COMMENTS: Prohibit imports during a closure.

Suggest no imports during August through October.

Place embargo on Canadian fishery during closure.

Imports will depress markets.

The import prohibition should continue for a period of time after the VSC is lifted to give domestic fishermen the opportunity to land fish before imports hit the market.

RESPONSE: During a closure the importation of swordfish harvested from the western North Atlantic stock is prohibited. This import prohibition is tied to the closure of each adjacent management area and will extend past the opening date for that area so as to provide domestic fishermen the opportunity to make a trip prior to imports getting to the market and to discourage foreign fishermen from fishing on the western North Atlantic stock during the closure. An exception is provided for swordfish greater than 125 pounds dressed weight (if the closure occurs between June and October) that were harvested by harpoon and accompanied by a certificate of eligibility from the country of origin indicating that such fish were harpooned or harvested from other than the western North Atlantic stock of swordfish.

DATA COLLECTION

COMMENTS: There should be mandatory data collection.

Size of sample should be larger.

Data collection should include bycatch.

Need better data on marine mammal and reptile interactions with U.S. and foreign fleets.

Need more accurate and complete data on foreign bycatch by Japanese and Spanish.

Data needs can be met by surveys done by the states.

Need analysis of the impacts of each gear type used by foreign and U.S. vessels.

RESPONSE: Data derived from requests for permits to fish indicate the number of vessels by area in each month. Sufficient data for monitoring and refining the plan can be obtained by sampling at the specified level. Technicians would collect basic biological data, size selectivity of fishing, survival of hooked swordfish, and bycatch data. Participation is mandatory for vessels selected to participate in the data collection program utilizing

onboard technicians. Mandatory landings data are not being required at this time (except for the Caribbean area) because they are not necessary for the current level of management and could cause the industry problems with the FDA. Observer coverage on foreign vessels and the technician program on domestic vessels will provide information on the impacts of gear types and fishing methods.

COMMENT: Records should be kept on numbers instead of pounds of fish.

RESPONSE: Currently, data are being provided by fishermen in numbers as well as pounds of fish.

COMMENT: Recreational swordfishermen should not have to obtain a letter of authorization to fish.

RESPONSE: The plan does not require a permit for recreational fishermen. However, the Mid-Atlantic Council is requesting that anyone wishing to land swordfish in the Mid-Atlantic area must obtain a permit.

COMMENT: Could have inspectors at the Boston and New York markets count carcasses and weigh swordfish from marked containers, which would give an accurate number of swordfish sold.

RESPONSE: This would require extra expenses to hire inspectors and the biological data needed would not be obtained. In addition, the area of catch could not be accurately determined.

COMMENTS: Why is there a 20 percent sampling of all swordfish boats in the Mid-Atlantic region?

Most of the questionnaires for the Mid-Atlantic will come back with useless data.

RESPONSE: The Mid-Atlantic Council desires more information on the fishermen in their region. The sampling will be by questionnaire.

COMMENT: Lobster and crab gear have pushed the longliners out of some of their most productive fishing grounds.

RESPONSE: This plan only addresses swordfish longlining. If gear conflicts continue to be a problem, modifications of the regulations can be accomplished by regulatory amendment.

COMMENT: The swordfish fishery represents an excellent opportunity, if closures result, to assist those who are displaced with guaranteed operating loans or other lines of credit used by the National Marine Fisheries Service fisheries obligation guarantees.

RESPONSE: The National Marine Fisheries Service should be contacted regarding fisheries obligation guarantees. The swordfish plan does not contain any recommendations concerning loans or lines of credit.

MISCELLANEOUS

COMMENTS: Need a better description of swordfish life history.

More research should be done on swordfish gear.

More research is needed.

More study needed on predator-prey relationships.

Not enough information to regulate the fishery.

Need more basic data on swordfish size ranges taken by all gear in all areas.

Need research on migratory patterns.

RESPONSE: Research needs are listed in the plan and classified as short, intermediate, and long term, according to the length of time necessary to produce results. Short-term research on minimum size limits, specific gear restrictions, and modification of the data collection program are discussed. Critical evaluation of alternative stock assessment methods are intermediate term research projects, and analysis of stock structure is the most important long-term research need. The Councils have concluded that the information on catches of small fish by time and area is sufficient to justify management.

COMMENTS: There should be rules to protect ripe females.

There should be measures to reduce juvenile mortality.

Close east coast of Florida March through May when ripe females are found.

Do we know importance of large spawners versus small spawners?

Focus on protecting nursery areas.

According to some fishermen, roe fish are not caught north of Cape Hatteras.

If we do not take care of spawning closures and enforce closures, the plan will eliminate pelagic longlining and not restore the swordfish abundance.

A total closure of Florida east coast and Gulf of Mexico during November 1 until May 1 would be reasonable management by closing spawning and migratory seasons.

RESPONSE: Spawning closures are one means of limiting effort on adult fish. However, as the plan indicates, current information does not clearly identify areas and times of spawning nor does it suggest that inadequate recruitment is currently a problem. If the situation changes in the future, methods to maintain adequate numbers of adult spawners will be actively considered. Changes in the plan can be accomplished by amending the regulations.

COMMENT: Identify spawning locations in relation to ocean dumping sites and relate dredge disposal to actions for protection of the species.

RESPONSE: Current information does not clearly identify specific areas and times of spawning. Swordfish spawn throughout the tropical and sub-tropical western North Atlantic. Spawning occurs at or near the surface of oceanic waters away from coastal sources of pollution. Should specific areas of concentrated spawning be identified, the impacts of ocean dumping and dredge disposal will be evaluated.

COMMENT: Swordfish are migratory and different sizes are caught at different times of the year.

RESPONSE: This in fact forms the basis for the variable season closure. Sampling will continue throughout the entire year in all areas. This information will be incorporated into the annual stock assessment.

COMMENT: Vessels should have large, visible registration numbers on top of boat.

RESPONSE: Each vessel of the U.S. engaged in the swordfish fishery shoreward of the seaward boundary of the FCZ in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea must display its official number so as to be clearly visible. The number must be 18 inches in height for vessels over 65 feet and at least 10 inches in height for all other vessels.

COMMENT: When fishermen violate the rules, all fishing privileges should be suspended.

RESPONSE: Any person or fishing vessel found in violation of regulations issued under the Magnuson Act is subject to the civil and criminal penalty provisions of the Magnuson Act.

COMMENTS: Fishermen should be subsidized like tobacco farmers.

If there is a closure, will fishermen be compensated for lost income?

RESPONSE: The plan has no provisions for compensation of losses. Closure dates and the provision for daytime longlining minimizes, as best the Councils can, the impacts from a closure. Short-term losses due to closures should be more than offset by longer term gains as discussed in the plan. Economic gains from increased value per pound and increased total pounds will result from allowing small fish to grow into the next market category.

COMMENT: The recreational fishery is being eliminated by the swordfish bycatch of billfish.

RESPONSE: The bycatch of the directed swordfish fishery will be monitored by technicians aboard sampled vessels. If a problem exists or arises, this can be addressed by amending the regulations.

COMMENT: On small boats a technician would be a liability.

RESPONSE: Only those vessels capable of safely accommodating a technician will be required to carry an observer/technician aboard their vessel.

COMMENT: All data should be weighted to reflect each area's contribution to total landings.

RESPONSE: The data used to calculate the VSC calendars were estimates of number of small fish caught in each area by month.

COMMENT: A larger percentage of small fish off South Carolina could be a large year class rather than a shift in the size at entry.

RESPONSE: True. However, there are biological and economic benefits from delaying the harvest of small fish regardless of why there are small fish present. Larger fish are worth more in the market.

COMMENT: Management measures are necessary and there should be quick implementation.

RESPONSE: The plan will be submitted to the Secretary in March, 1985. The development of the swordfish plan has taken a long time due to the involvement of 5 Councils but, more importantly, as a result of public comments and data that resulted in significant refinements and modifications.

COMMENT: Smaller fish are found in warmer waters and this should be taken into consideration.

RESPONSE: The areas of concentrations of small fish were considered in adjusting the VSC.

COMMENT: Government officials should take time to talk to the fishermen.

RESPONSE: The Councils appoint advisory panels whose members represent the fishing industry. Also, the Councils have made an effort to talk directly with fishermen and solicit their help in obtaining data. This swordfish plan is the result of extensive input from fishermen and dealers.

COMMENT: Fishermen request that they have a person representing them on the Swordfish Advisory Panel.

RESPONSE: The swordfish advisory panels have individuals representing each of the five Council regions.

COMMENT: The plan was in error in stating that Massachusetts has a law restricting recreational fishermen to one fish per angler per day.

RESPONSE: This comment has been deleted from the final plan.

OPTIMUM YIELD

COMMENT: The OY (harvest producing maximum yield-per-recruit for female swordfish) and measures to achieve it will not prevent overfishing.

RESPONSE: The OY has changed and measures to achieve an optimum number of fish under 50 pounds dressed weight are now part of the plan. Reversing the trend of increasing catches of small fish will prevent overfishing.

FOREIGN FISHERY

COMMENTS: Allow no foreign fishing of swordfish or tuna in U.S. waters.

Restrict or close foreign fishing before restrictions are placed on domestic fishermen.

Give American fishermen priority.

Agree with measures in the Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks.

Do not support a cap on foreign bycatch allotment.

Support declining bycatch quota for foreigners.

RESPONSE: Councils have no authority under the Magnuson Act to manage tunas. However, directed foreign fishing for swordfish is not allowed. Restrictions already exist for the foreign bycatch of swordfish when targeting species not under the Magnuson Act, such as tuna. In addition to the measures already existing in the Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks, the swordfish plan has added a cap of 1 1/2 percent of the previous year's domestic harvest or 1,136 fish in the Atlantic and Caribbean and 400 fish in the Gulf of Mexico, whichever is the lesser amount, on the foreign longline catch. The foreign squid trawl bycatch for vessels under a GIFA is limited to the 1982 ratio of swordfish to target catch in the foreign squid trawls in New England and Mid-Atlantic regions. In addition, equivalent restrictions are placed on foreign fishing in the FCZ that are placed on domestic fishing (e.g., daytime longlining only). These measures are discussed in more detail in the plan.

COMMENTS: Catch-per-unit-of-effort for Japanese tuna vessels has not changed in the past 10 years.

U.S. catches of swordfish have doubled from 1974 to 1980.

Japanese catch does not cause swordfish resources in the North Atlantic to diminish.

Tuna longliners take less than 5 percent of the swordfish in U.S. FCZ.

RESPONSE: The swordfish resource is believed to be fully utilized. Any additional source of swordfish mortality will reduce the domestic catch.

Increased U.S. swordfish landings since 1974 reflect an expansion of the fishery and relaxed mercury restrictions.

COMMENT: Yield-per-recruit analysis is based on many assumptions and is not a reliable estimate of stock size.

RESPONSE: Yield-per-recruit (YPR) analysis is not used in the plan to estimate stock size. YPR analysis and surplus production models are two major approaches for determining yield from a fishery. Neither approach is exempt from relying upon assumptions. YPR analysis is not subject to some of the delays imposed by surplus production models and fulfills the basic management task of monitoring the stock and estimating the relative yield from a fishery with different regulations.

COMMENTS: Regulatory measures in the plan will exclude tuna fishery operations by foreign vessels and are unreasonable and illegal. Japanese fishing vessels have had voluntary regulatory measures on their own operations, but the proposed regulations are unnecessary. Measures to phase out foreign longline fishing in the U.S. FCZ are illegal.

RESPONSE: Measures that were originally considered as ways to accelerate the reduction of swordfish bycatch by foreign vessels have been rejected. Since the 1983 foreign bycatch has been so small, and the voluntary agreement with the Japanese industry not to fish the Gulf of Mexico has been maintained, measures to reduce the bycatch are no longer necessary. The chosen alternatives are less burdensome and adequately assure that the foreign swordfish bycatch does not increase to earlier levels. Foreign fishing management measures are discussed in Section 11.1 of the Plan. The approved measures allow foreign fishing a reasonable opportunity to fish for tuna.

COMMENT: Object to compensatory damages to be paid by foreign vessels.

RESPONSE: 1983 amendments to the PMP for Atlantic Billfishes and Sharks considered charging foreign fishing compensatory damages for killing billfish and swordfish. The amounts considered presumably compensated the U.S. an amount equal to the economic value of the fish killed. This was not implemented. There was controversy over the appropriate economic value for assessing damages. The Councils discussed the measure but then rejected this approach.

COMMENTS: Area restrictions are unnecessary; gear conflicts are almost non-existent.

Time or area extension of current PMP closures or enforcement of unimplemented PMP closure regulations would deprive Japan's longliners of reasonable opportunity to catch tuna as required by the Magnuson Act.

RESPONSE: The Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks (PMP) presently contains regulations restricting foreign longliners north of Cape Lookout in the Atlantic FCZ from June 1 -November 30 to the U.S./Canada boundary. The swordfish plan adds the PMP amendment approved but not implemented, in which no foreign longlines having an incidental catch of swordfish in the Atlantic FCZ out to 100 miles from Key West to Cape Lookout June 1 - September 30 are allowed. This allows foreigners a reasonable opportunity to fish for tuna. The restricted areas are from 100 miles shoreward and are scheduled for only part of the year.

Japan's tuna fishermen have continued with voluntary measures to not fish in the Gulf of Mexico FCZ. Therefore, the Gulf of Mexico area closures have been held in reserve. There are no restrictions on foreign longliners in the Caribbean other than those that are imposed on domestic longliners.

COMMENTS: The proposal to apply the same restrictions to foreign fishermen and domestic fishermen alike is excessive, unwarranted, and unjustified.

A more reasonable cap on the incidental swordfish catch of foreign tuna longliners would be 5 percent to 10 percent of the U.S. catch because almost all conservation programs allow at least a 10 percent bycatch of the species under conservation management.

RESPONSE: The Councils have concluded that domestic fishermen should not be restricted more than foreign fishermen. Therefore, any restriction on domestic fishing necessary to prevent overfishing, will also apply to foreign fishing. This measure will only impact a few foreign vessels during the length of the variable season closure.

The cap established by the Councils far exceeds the current bycatch levels of the foreign fishing and will serve to prevent future increases beyond the level established as a cap.

COMMENT: These alternatives should be present in the FMP:

1) Voluntary measures to reduce the incidental mortality of billfish and swordfish and prevent gear conflicts, 2) imposition of a percentage reduction in incidental catch of swordfish equal to the percentage reduction imposed upon U.S. swordfish fishermen.

RESPONSE: The Councils concluded that voluntary measures to reduce the incidental mortality of swordfish and prevent gear conflicts are not effective except in the Gulf of Mexico. So long as the voluntary agreement continues, no closures will be implemented in the Gulf of Mexico. Foreign fishing will be treated in the same manner as domestic fishing.

COMMENT: If Japanese longliners were forced to fish for their tuna outside of the 200-mile zone, they could keep all swordfish hooked and none would be released alive. This situation would defeat any conservation measure aimed at minimizing incidental mortality of swordfish by excluding foreign tuna longliners from the 200-mile zone.

RESPONSE: The Councils cannot regulate fishing beyond the FCZ and have concluded that managing swordfish within the FCZ will result in positive impacts on the western North Atlantic stock.

II. 1983 COMMENTS

SECTION A AGENCY COMMENTS

SECTION B PUBLIC COMMENTS

SECTION A AGENCY COMMENTS



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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE ADMINISTRATOR

February 25, 1983

Dear Reviewer:

In accordance with provisions of the National Environmental Policy Act of 1969, we enclose for your review our draft environmental impact statement/fishery management plan for the swordfish fishery.

Any written comments or questions you may have should be submitted to the responsible official identified below by April 18, 1983. Also, one copy of your comments should be sent to me in Room 6800, U.S. Department of Commerce, Washington, D.C. 20230.

RESPONSIBLE PERSON

David H.G. Gould, Executive Director
South Atlantic Fishery Management Council
Southpark Bldg., Suite 306
1 Southpark Circle
Charleston, South Carolina 29407
Phone: 803/571-4366

Thank you.

Sincerely,

Thomas E. Sigford for

Joyce M. T. Wood
Chief, Ecology and
Conservation Division

Enclosure





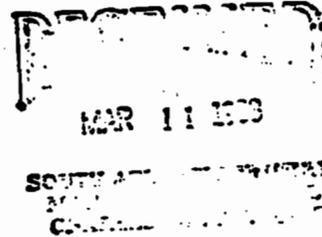
DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553

REPLY TO
ATTENTION OF:

March 8, 1983

Environmental Resources
Branch

Mr. David H. G. Gould
Executive Director
South Atlantic Fishery
Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, South Carolina 29407



Dear Mr. Gould:

This is in response to your letter dated February 25, 1983, which provided a copy of the draft Environmental Impact Statement for Fishery Management Plan for the Swordfish Fishery for our review and comment.

The management plan will not affect any projects under study by the Corps of Engineers, Galveston District. We have no comments on this document.

Sincerely,

Joseph C. Trahan
Chief, Engineering and
Planning Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

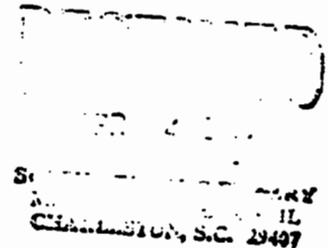
REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

MAR 31 1983

4PM-EA/JM

Mr. David H. G. Gould, Executive Director
South Atlantic Fisheries Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, South Carolina 29407-4699



Dear Mr. Gould:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for the Draft Fishery Management Plan and Regulatory Impact Review for Swordfish.

From the standpoint of EPA's areas of jurisdiction and expertise, we believe that the proposed plan will not cause significant adverse impacts on the environment. Therefore, we have rated the DEIS LO-1, that is we do not believe the proposal will have a significant environmental impact and the DEIS is adequately written.

If we can be of any further assistance, please do not hesitate to contact us.

Sincerely yours,

Sheppard N. Moore
Sheppard N. Moore, Chief
Environmental Review Section
Environmental Assessment Branch

cc: Joyce M. T. Wood
Chief, Ecology and
Conservation Department



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS

516 TITLE BUILDING, 28 PRYOR STREET, S.W.

ATLANTA, GEORGIA 30303

April 7, 1983

Environmental Resources Branch

RECEIVED
APR 11 1983
SOUTH ATLANTIC DIVISION
CORPS OF ENGINEERS
ATLANTA, GEORGIA

Mr. David H. G. Gould, Executive Director
South Atlantic Fishery Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, South Carolina 29407

Dear Mr. Gould:

Comments are attached in response to your recent letter sent to the Office of the Chief of Engineers for review of the draft environmental impact statement/fishery management plan for the swordfish fishery.

We appreciate the opportunity of reviewing this document.

Sincerely yours,

John W. Rushing
for Dan M. Mauldin
Chief, Planning Division

Enclosure

COMMENTS ON
DRAFT ENVIRONMENTAL IMPACT STATEMENT
FISHERY MANAGEMENT PLAN FOR THE SWORDFISH INDUSTRY

Spawning locations need to be identified more specifically in relation to ocean dumping sites in order to determine any possible adverse effects from present or future sites. (Ref. Sec. 8.2.2, page 17 and Sec. 8.1.2.1, page 3). This factor related to dredge disposal should also be discussed in relation to actions for protection of the species.

There appears to be no identified effects on this species from Corps project activities or maintenance of navigational channels.

Enclosure



8
United States Department of the Interior

OFFICE OF ENVIRONMENTAL PROJECT REVIEW

Southeast Region / Suite 1384
Richard B. Russell Federal Building
75 Spring Street, S.W. / Atlanta, Ga. 30303

April 14, 1983

ER-83/305

RECEIVED
APR 18 1983

Mr. David H. G. Gould, Executive Director
South Atlantic Fishery Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, South Carolina 29407

Charleston, S.C. 29407

Dear Mr. Gould:

The Department of the Interior has reviewed the draft Environmental Impact Statement for Swordfish Fishery Management Plan, South Atlantic, as requested in your February 25, 1983 letter and has no comments.

Thank you for the opportunity to review this document.

Sincerely,

James H. Lee
Regional Environmental Officer

cc: Joyce M.T. Wood
NOAA, Washington



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Region
9450 Koger Boulevard
St. Petersburg, FL 33702

May 10, 1983

F/SER21:MEJ

TO: David H. G. Gould, Executive Director
South Atlantic Fishery Management Council

FROM: Paul J. Leach *Paul*
Assistant Regional Director, Fisheries Management Division

SUBJECT: Critical and Substantive Issues on the Swordfish Environmental
Impact Statement/(Draft) Fishery Management Plan/Initial
Regulatory Impact Analysis.

Attached are the National Marine Fisheries Service's critical and substantive issues on the subject documents. Critical issues are those which may affect the approvability of the FMP and substantive issues are those which would strengthen the FMP. All of these issues should be communicated to the New England, Mid-Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils for consideration in converting the document into final form.

Attachment

cc: F/M11 - Donald J. Leedy, w/attachment
F/M1 - Roland Finch, w/attachment
F/NER - Allen Peterson, w/attachment

| | |
|---------|--------------------|
| Date | 5/13/83 |
| Fishery | SWORDFISH |
| Subject | NMFS INFORMAL REV. |
| Staff | AUSTIN/WAUGH |
| Source | NMFS |



10

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20230

F/MI:DL

MAY 9 1985

TO: F/SEE2 = Paul J. Deasch
FROM: F/MI/*[Signature]* Roland Finch
SUBJECT: Issues on the Draft Swordfish Plan

As a result of the issues Meeting on the draft Swordfish Plan and associated documents, we have reviewed your proposed issues letter to the South Atlantic Fishery Management Council. I understand that Mike Juston and Don Leedy have discussed the draft letter and suggested some minor modifications (see attached).

I agree with the letter, as modified. If my staff can be of assistance in responding to the Council's future changes, please contact Joe Clem.

Attachment



SOUTH ATLANTIC COUNCIL - SWORDFISH FMP
CRITICAL AND SUBSTANTIVE ISSUES
MAY 10, 1983

I. CRITICAL ISSUES

(A) Optimum Yield (OY)

Management measures used to achieve OY must be agreed to by all councils in the final FMP. Procedural mechanisms should agree in degree of discretion given to the managing authority, the type of action required (i.e., field orders, regulatory amendment, and/or plan amendment), and the type of measure used (i.e., moving closed seasons).

(B) Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act - Proposed Management Regime

The proposed management regime consists of the foreign fishing management measures, data collection, and variable seasonal closure. The total costs and reporting burden of this management regime needs to be developed and stated. The incremental benefit, costs, and reporting burden associated with this regime compared with alternative regimes needs to be finished and incorporated into the final FMP/(Draft) Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Compliance with Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act.

(C) Management Measure #1 - Variable Seasonal Closure (Section 10.1)

The main management measure used to obtain the optimal yield (OY) is the variable seasonal closure. This measure is based on the assumption that effort is proportional to estimated instantaneous fishing mortality as determined by yield per recruit analysis. If growth overfishing of the female by more than 5% is indicated by the yield per recruit analysis, then reduction of the fishing effort through this closure would be the prescribed solution. This measure's effectiveness may be questionable if, during the closure, the fishing fleet concentrates its effort in the open areas, or during the fishing year, the fleet expands, or fishing technology improves, or otherwise previously non-fishing days in the year become active fishing days. Additional factors are the movement of American vessels into the Canadian zone to harvest the swordfish off the Flemish Cap And Tail of the Grand Banks, the alleged transfer of swordfish from Canadian vessels to American vessels in or adjacent to the Canadian zone. These operations may be substantial, although the details may be difficult to obtain. Because of these contingencies, the closure may be trying to catch up with the expanding fishing effort. This may require predicting and implementing a larger number of closed days than indicated in the plan. This potential for exceeding OY is suboptimal and appears inconsistent with National Standard 5, "conservation and management shall take into account and allow for variations among, and contingencies in fisheries..." and National Standard 1, "...achieve on a continuing basis, the OY from the fishery." The Councils should consider setting the trigger for initiating the closure before OY is exceeded, rather than after, and justify selected triggering criteria.

The cost NMFS would incur in enforcing the variable seasonal closure, on a per closure basis if implemented, has been estimated to be \$55,952 with \$30,500 in the Southeast region and \$25,452 in the Northeast region. If the closures were implemented in all five areas, total NMFS costs would be \$142,404. Estimated U. S. Coast Guard

costs for the Southeast region on a per closure basis is \$107,100 or \$321,300 for the three Council areas. Similar U. S. Coast Guard costs would be expected in the Northeast region. These estimates were based on large areas to be closed for sustained periods (i.e., 30 days or more), current costs, at least 300 vessels in the vessel population, a possession or landings law against landing or possessing the swordfish in the closed area during the closed season, and 80 percent dockside, and 20 percent at sea enforcement activities. Enforcement may be less effective without the landing law and the large area closures. The Councils should reiterate the justification for this management measure.

(D) Foreign Fishing Management Measures

The foreign fishing activities in 1983 have changed significantly since 1980 due to the recent ICCAT restrictions on bluefin tuna, the Japanese Voluntary Agreement, and Amendments 2 and 3 to the Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks. The Japanese have not conducted extensive tuna fishing activities with longline gear in the FCZ's associated with the Gulf of Mexico since 1981, the South Atlantic (i.e., below Cape Lookout, N. C.) since 1980, the Caribbean since 1977, and the North Atlantic (i.e., above Cape Lookout, N. C.) since January 18, 1983. According to the U. S. observer data, the Japanese tuna longline incidental catch and kill of swordfish from the above areas decreased from 7,638 and 5,461 in 1980 to 1,024 and 459 in 1982. Currently, no Japanese tuna longline vessels and one Faroese shark longline vessel with no swordfish incidental catch are fishing in the FCZ. The Squid, Butterfish, and Atlantic Mackerel FMP has a limited TALFF in a directed fishery for Loligo squid and no TALFF for a directed fishery for Illex squid, only incidental catches permitted. The potential for an extensive incidental catch of swordfish in the squid trawlers nets has been reduced since 1980. The rationale for the proposed Foreign Fishing Management Measures does not show what problem(s) they are designed to resolve and how their implementation would supplement existing regulations. Finally, the rationale neither defines reasonable opportunity nor assesses whether foreign tuna longliners would have a reasonable opportunity to fish for tuna. Longlining gear has an unavoidable incidental catch of swordfish when used in a directed tuna fishery.

Based on the successful integration of the existing foreign fishing regulations into various fishery management plans in the Northeast, the Councils should consider following the same pattern and implement the existing foreign regulations into the Swordfish FMP by reference, otherwise they will be voided. If the Councils want to add additional foreign fishing measures; then they should be justified and incorporated as framework measures to be implemented through regulatory amendment, field order, or emergency regulations.

(E) Compliance with Coastal Zone Management Act of 1972 (CZMA)

A determination of consistency of the FMP with coastal zone management programs of all States from Texas to Maine, the Commonwealth of Puerto Rico, and the Territorial Government of the Virgin Islands is essential for compliance with the CZMA. Prior to beginning the Secretarial review, the Council should send a copy of the FMP to the coastal zone management program official of each of these States with a consistency determination and request State concurrence. This is the same procedure used with the snapper/grouper FMP.

II. SUBSTANTIVE ISSUES

(A) More Detailed Explanation on Yield per Recruit

Section 8.1.5.7 contains the information on the yield-per-recruit relationships for female and male swordfish. The key information in this analysis depends on the relationship between the instantaneous rate of fishing mortality that maximizes yield per recruit, F_{max} , and fishing mortality, F . If F_{max} is greater than F , no growth overfishing exists. If F is greater than F_{max} , growth overfishing exists. The degree of the overfishing depends on how much F is greater than F_{max} . The catalyst for beginning the process leading to the variable seasonal closure is the yield-per-recruit relationship as expressed by the percentage difference between F and F_{max} . This technique does not show when recruitment overfishing might occur; however, the greater the percentage difference between F and F_{max} , the greater the potential for growth overfishing to develop into recruitment overfishing. This section should explain the above information so that anyone could understand the implications resulting from the yield per recruit analysis.

(B) Inappropriate Rationale for Banning the Use of Gill Nets

The rationale for prohibiting the use of gill nets to take swordfish does not provide a convincing need for this action. This may be a problem with National Standards 4 and 5.

(C) Inappropriate Rationale for Rejecting Limited Entry

Rejected measure 10.7.7 limited entry's rationale for rejection does not present a very convincing case. The rationale for rejection should focus on the lack of need to impose limited entry at this time, inequality between user groups, inability to base an allocation on economics alone, and other reasons. See Section 303(b)(6) of the Magnuson Act.

(D) New Information

The final FMP should be revised in several areas to take into account the best scientific information. We note the following areas:

- 1) The section dealing with the FMP for Atlantic billfishes and sharks does not reflect what is in Amendment 2 and Amendment 3. This needs to be added.
- 2) Table 1 - Domestic reported landings of swordfish for 1982 are now available.
- 3) Section 8.2.1- There is no description of the condition of the habitat in the management area.
- 4) Section 8.4.1.2- Can the Berkeley and Houde description of the commercial fishery be updated for events since 1980?
- 5) Section 8.1.5.3- Can the description of the New England drift gill net fishery be updated for events since 1980?
- 6) Section 8.1.5.4- Can the trends of recreational catch and effort be followed subsequent to 1980?
- 7) Section 8.4.4- The hooking of swordfish (alive and dead) by Japanese longliners can be updated through 1982.

8) The estimates of the incidental swordfish catch by foreign squid trawlers are overestimated. Further, there will be no directed foreign fishery for Illex squid in the current fishing year. The references to foreign incidental catch in the Summary, page vii, are outdated (foreign longline) and factually incorrect (Spanish squid trawl fishery).

9) Section 8.4.5- The statement "The expanding domestic longline fleet is experiencing increasing gear conflicts with Japanese tuna longliners in the Gulf of Mexico and Atlantic waters." and "There are numerous areas along the Atlantic and Gulf coasts where U. S. rod and reel fishermen conflict with Japanese longliners" must be substantiated.

10) Section 8.1.7.1- It appears that there is increasing interdependence on tunas as a directed fishery by domestic longline fishermen with a resulting increasing incidental catch of other billfishes. This trend should be described to the extent that information is available.

11) Section 9.5.1.5- Is the Canadian fishery still operating under a 3,000 mt quota? Did Canada implement its plan to issue licenses to foreign vessels to enter Canadian waters to purchase swordfish? What is the status of the certification program regarding imports of Canadian swordfish into the United States?

12) Section 11.- The statement under Alternative #9 that "It is likely that the TALFF for squid will increase" should be substantiated.

(E) Definition of Terms

1) Domestic annual harvest (DAH) is defined incorrectly as the reported 1980 landings of 8.4 million pounds. DAH is an estimate of the capacity and extent to which U. S. vessels will harvest the optimum yield on an annual basis (e.g., how many metric tons of swordfish will U. S. fishermen harvest during the first year under the FMP.

2) Preliminary Management Plan (PMP). The correct term is "Preliminary Fishery Management Plan." See Section 201 (h) of the Magnuson Act.

3) Territorial Seas is defined incorrectly as "The seas under the jurisdiction of a state." The Submerged Lands Act of 1953, as amended, granted certain rights (e.g., right to control resources in the water within the maritime boundary but only the Federal Government has a territorial sea. Territorial sea should be defined as the "waters subject to the jurisdiction of the United States extending from near low water mark on the shore three geographic miles outward to the open sea." The term "fishery jurisdiction" is preferred when referring to State fishery authority.

(F) Letters of Authorization

The description of the letters of authorization is similar to a regional fisheries permit which is now under development along the Atlantic and Gulf coasts. By making it a Federal Fisheries Permit, the Southeast Region could incorporate it into an existing system for coral permits and use an OMB approved form. The Councils should determine whether the existing system would be appropriate for swordfish. Northeast fishermen are required to obtain a permit to enter a regulated fishery which can accommodate swordfish. Some fishermen could be required to have both -- a letter of authorization and a permit -- an unwarranted burden.

(G) New Yield Per Recruit Information

Zweifle and Slater (1982) conducted an analysis of the data used to estimate the yield per recruit analysis in Berkley and Houde (1981) and arrived at a different conclusion using a different estimating procedure. The conclusion was that the female swordfish were not reaching growth overfishing status in 1980. This analysis should be considered in the FMP and Source document and rejected if it is found to be unsupported. The reasons for rejecting the Zweifle and Slater conclusion and accepting the Berkley and Houde conclusion should be articulated.

(H) Questionable Need for 20 Percent Sample in the Mid-Atlantic Council Area

The rationale for the level of sampling in the Mid Atlantic Council area does not provide a convincing need for this information. It appears to be inconsistent with the Regulatory Flexibility Act, Paperwork Reduction Act, Executive Order 12291, and National Standard 7.

(I) Unclear Objectives

The objectives are not clearly stated. The objectives should outline the intended operations for the fishery and provide the basis for responsive actions when anticipated actions occur. Phrases like "economic, social, and biological integrity of the swordfish fishery" are unclear and difficult to relate to a specific management measure and problem. Based on the Council's proposed management measures, the implied intent is to monitor and to resolve gear and user group conflict within the swordfish fishery. By making these changes, the Councils can clearly state what the objectives mean and propose solutions to the problems requiring management actions.

(K) Justification for use of "field order" authority

The statement that "Considerable scientific judgment will be required to predict the number of closed days that will be required in the coming year to stabilize fishing mortality . . ." indicates that the regulatory amendment, rather than field order procedure, is appropriate.

The statement that the specification of the date the original closure will begin or end "will allow the original closures to be implemented by field order" is unclear. The justification for a "field order" procedure is the analysis of the ecological, social, and economic impacts likely to occur over the range of alternative closures. The draft FMP provides no such an analysis but indicates that the timing can have a very different economic and social impact.

The Councils are responsible for preparing the basic management strategy for swordfish management, including the basis for actions by "field order"; however, the Councils do not "submit a field order." If there are uncertainties that necessitate preparation of an RIR and public hearings, there is no basis for a "field order."

SECTION B PUBLIC COMMENTS



SOUTHEASTERN FISHERIES ASSOCIATION, INC.

ALABAMA • FLORIDA • GEORGIA • LOUISIANA • MISSISSIPPI • NORTH CAROLINA • SOUTH CAROLINA • TEXAS

312 EAST GEORGIA STREET
 EXECUTIVE OFFICES: ~~MEMPHIS, TENNESSEE~~ • (904) 224-0612 • TALLAHASSEE, FLORIDA 32301
 ROBERT P. JONES - RES. PHONE 388-7628 GEORGE T. PATRENOS, JR. - RES. PHONE 386-0852

RECEIVED

MAR 17 1983

SOUTH ATLANTIC FISHERY
 MANAGEMENT COUNCIL
 CHARLESTON, S.C. 29407

March 14, 1983

Mr. David Gould, Executive Director
 South Atlantic Fishery Management Council
 1 Southpark Circle
 Charleston, S. C. 29407-4699

Dear David:

The Southeastern Fisheries Association would like to comment on the proposed management measures for the Swordfish FMP.

We cannot support the proposed prohibition of gill-nets in the New England and Mid-Atlantic Regions. We might have a fisherman who wanted to use a gill-net in the FCZ to catch some swordfish and we find no rationale for discriminating against a net in favor of a harpoon or a series of hooks in the longline operation. We feel the prohibition of gill-nets violates several national standards and would seriously consider appropriate legal action if gill-nets are prohibited without absolute justification. During my exposure to the development of the FMP as a member of the management committee for six years, I never saw any evidence that would justify the prohibition of gill-nets. The main thrust I saw came from Chris Weld to outlaw gill-nets, and his statements on the administrative record would probably not convince an impartial reviewer that the nets are any more harmful than hooks and harpoons.

We also do not support special consideration for harpooners. If they deserve a longer period of time to operate than other sectors, then give them some more time based on sound reasoning and data. We do not believe that a plan should be set up and then some sectors be exempt. If they have special needs, address those needs and come up with something fair and equitable.

We also doubt that 20% of all recreation and commercial boats will be sampled and wonder why this requirement is there. Is the Mid-Atlantic so different from all the other regions that they require a certain percentage? Why 20%, why not 10% or 61%?

Please see that our objections are made part of the plan and that they are addressed by the appropriate officials. We would greatly like to have an answer from the Council on our objections and would appreciate the results of the

Mr. David Gould
March 14, 1983
Page 2

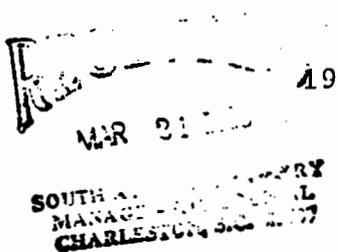
discussions pertaining to the national standards that are used to prohibit the gill-nets.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'R. P. Jones', written over a horizontal line.

Robert P. Jones
Executive Director
eds

cc: SFA Officers, Directors and Past Presidents
Wayne Swingle, Roger Anderson, Eldon Greenberg



Gerald M. Kapp
3032 Lesley Dr.
Morgan City, La. 70380

March 14, 1983

Mr. David H. G. Gould
Executive Director
South Atlantic Fishery Management Council
1 Southpark Circle, Suite 306
Charleston, S. C. 29407

Dear Mr. Gould:

The closure of the swordfish season during the summer months would completely destroy any chances of a sportfisherman catching one. In Louisiana, the only months that sportfishermen seek the swordfish are June through October.

I feel very strongly that some type management program must be initiated. During 1980, sportfishermen caught 19 fish. The commercial longliner catch was 1,726,000#. During 1981, only "2" fish were caught in Louisiana and during 1982, "0" fish were caught in Louisiana by sportfishermen.

The following facts should prove that the sportfishermen in Louisiana cannot harm the swordfish stock in the Gulf of Mexico.

FACT: My boat leads the state in the number of swordfish caught on a single trip, (3) three.

FACT: Only three boats in the state have caught (2) two swordfish on a single trip.

FACT: I personally know most of the sportfishermen who fish and have caught swordfish and know for certain that not one ounce of swordfish has been sold.

During the 1982 season, to my knowledge, not one swordfish was caught in this state. I personally fished over 60 hours and did not catch one. This I attribute to overfishing during the most productive winter months.

Why should we, the sportfishermen, be penalized for the actions of the commercial fishermen?

The only logical and fair season closure should be during the winter months.

Respectfully,

Gerald M. Kapp

3/17/83

Memo from

L. H. FOSTER

MR. GREGORY MCINTOSH JR.
 SAF Management Council
 Charleston S.C. 29407

DEAR SIR:

It was a pleasure to speak briefly with you after the formal aspect of the hearing on the swordfish fishery. As I explained I came to the meeting with the understanding that other fisheries could be discussed. As a small boat sport fisherman I am deeply concerned over the depletion of the King & Spanish Mackerel stocks the past five years by big & small net fishermen with their scatter phrases & other sophisticated fish finder gear. I was really shocked & surprised over the SAFMC decision to allow

Memo from

Fr. CONT.

L. H. FOSTER

THE ISSUE PERMITS TO BOATS WITH PURSE SEINE NETS TO HARVEST A LARGE QUOTA OF KING MACKEREL. I HAVE HEARD FROM GOOD AUTHORITY THAT THEY HAVE DONE A GOOD JOB ON THE REEFS N.E. OF FT PIERCE THIS PAST WEEK OR SO. I HAVE HAD MANY CONVERSATIONS WITH OTHER FISHERMEN BOTH BY RADIO ON THEIR BOATS & ON SHORE AT KINGS^{REEF} SINCE THE EXCEPTION RATHER THAN THE RULE TO BE CAUGHT.

I URGE YOU AT YOUR NEXT COUNCIL MEETING TO QUICKLY AMEND THE KING MACKEREL PLAN TO WITHDRAW THE PURSE-SEINE PERMITS & TAKE ACTIONS TO SAVE THIS FISHERY - EVEN IF IT MEANS QUOTAS FOR ALL TYPES OF FISHERMEN.

SINCERELY

L. H. (Lou) FOSTER

1057 WILLETTS IS. SIMPSON COK FLA 33457

Landry, Gary & Guidry
a medical corporation

RICHARD M. LANDRY, M.D.
HAND SURGERY

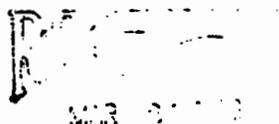
DEXTER A. GARY, M.D.
SPORTS MEDICINE

GARY T. GUIDRY, M.D.
SCOLIOSIS

MICHAEL P. ALLEMAND, R.T.
BUSINESS MANAGER

LOCATED AT:
HOUMA ORTHOPEDIC CLINIC
1001 SCHOOL STREET
HOUMA, LOUISIANA 70360
PHONE: 868-1540

March 17, 1983



SOUTH ATLANTIC
FISHERY
MANAGEMENT
COUNCIL

Mr. David H.G. Gould, Executive Director
South Atlantic Fishery Management Council
1 Southpark Circle, Suite 306
Charleston, South Carolina 29407

Re: Swordfish Fishery Management Plan for the Gulf of Mexico

Dear Mr. Gould:

This is a written comment on the Swordfish Fishery Management Plan for the Gulf of Mexico as requested in your notice published in the Federal Register on March 2, 1983. This is being written because I will not be able to attend the public hearings.

Please be advised that I do participate in the recreational fishery for swordfish in the Gulf of Mexico offshore Louisiana. I am unable to fish for swordfish anytime except during the months of June and July.

Facilities for recreational angling are not available during the winter months. The weather, of course, is a deterrent to fishing during the winter months.

I am not aware of any swordfish caught by recreational fishermen that have been sold.

Please do not allow a system to be developed that could close the season during the only time of year that I can fish for swordfish.

Sincerely,

Richard Landry, M.D.

RL/ph

cc: Wayne Swingle
Gulf of Mexico Fishery Management Council
5401 W. Kenney Blvd., Suite 881
Tampa, Florida 33609

cc: Maumus F. Claverie, Jr.
830 Union Street
Third Floor
New Orleans, Louisiana 70112

November 2, 1982

The Editor, National Fisherman
21 Elm Street
Camden, Maine 04843

Dear Sir,

It has taken four issues of the National Fisherman for me to get stirred up enough to write my comments on their contents. As a subscriber I go back to ~~ME~~ the years after WWII when I extracted Vitamin A out of pollack livers in Westport, Maine. Since I have been involved in just about all phases of marine science, sport fishing, and the business and for over sixty years, I feel some degree of competence in asserting my comments.

Your August story concerns the Raffield operation in St. Joe, Florida. Your September ~~xxxx~~ articles concern the roller-rigs in the Chesapeake and the story about the line, Kingfishermen in Fort Pierce, Florida. Your October articles concern the continuation of the roller-rig affair in the Chesapeake and in Florida, plus your feature story about the Merritt family operation in South Florida. This is capped by your narrowly conceived ~~xxxxxx~~ editorial in the November issue.

All these articles really carry the same theme: what will be the future of fishing stocks in our waters in the years to come? Fifteen years ago, when Fish Protein Concentrate appeared to be the answer to many of the nutritional problems in this country as well as worldwide hunger and related diseases, the sources of protein in the sea seemed endless. Today, if some one asked me where they could set-up a new FPC installation stateside to handle 100 tons/day for 200 days yearly...over and above what is in operation today, I would have no positive answer for him.

What has happened to the fish stocks during this period, both edible and so-called trash variety? First of all, the Russians, Japanese and some of the other high-seas fishing countries have put a vacuum cleaner to the pelagic and territorial species worldwide. Their quest for fish finally put them into the highly prolific fish populations close to our shores and the result has been quite obvious in its finality. Then we got the two-hundred-mile limit over the protestations of the west coast tuna fishermen who got a good return on their investment after the good old USA ransomed their boats from confiscation in foreign territorial waters. Even then the State Department, for reasons not quite obvious, allowed the Japanese to fish to within these limits so that now we are facing almost a complete loss of the commercial species within our lifetime, if something is done quickly to cur this excess. The positive side of the two-hundred mile limit, as it has applied to the New England groundfishery should be enough encouragement to make a point.

You might ask, "What do all these articles have to do with each other?". Plenty.....The August article about the Raffield success story has tremendous undertones. Many years ago two FPC plants were planned for the north

RIVERDALE PRODUCTS COMPANY

-2-

25

486 W. FRONTAGE RD. • P.O. BOX 101 • NORTHFIELD, ILL. 60093 • AREA 312 • 446-6383

The one in New Bedford was in operation for several years until the supply of trashfish ran out. The one at Orient Point never got off the ground after completion for the same reason. Last winter several purse seiners were allowed to operate in the Ft. Pierce area. After cleaning out most of the jacks and other so-called trash fish which, like the Raffield fish, were destined for foreign shores, there were not enough remaining to make this operation economically feasible...and so they left for other grounds.

The roller-rig operation is a long story in itself. As you well know, because of the entry of roller-netting and spotter planes into the spanish and king mackerel fisheries in Florida, the numbers have slowed to just a trickle. The west coast of the state and most of the north side have been cleaned out, and the Keys and now the northern East Coast are bearing the brunt of it and are headed in the same direction....and we are told to expect many new purse seiners this coming winter. The catch figures speak for themselves. As far as the Chesapeake is concerned, it took a lot of guts to decide against the rollers in the face of the tremendous political clout of commercial interests, something we have yet to see in Florida where commercial netting interests seem to own the legislature. It is interesting to note how few of the roller rigs are actually owned by the people who fish them...and the crews. So many are tax write-offs and are owned and managed by people who are far from the scene of the catch, in an office not remotely connected with the fishing industry. Some are even a sham or a front for the ever-growing, illegal transport of drugs, as we have heard over and over again.

As far as the story about the Merritt's family operation is concerned, that is still another phase of the same thing. Two summers ago the research biologists who have worked on swordfish since the Cubans first introduced long-lining to our shores came to the conclusion that the fishery had peaked in 1980/81 and was on its way down... And still larger boats were being built and longer trips planned. Today they are almost the only survivors in a wonderfully successful fishery that supported hundreds of over night, small-boat fishermen up and down the East Coast. Today it is a question of how long even the larger vessels, who now stray as far as East of the Bahamas, can operate in black ink. This summer as they did last, many of the boats went long-lining tilefish...and even deepwater groupers and snappers, a fishery that many of the inshore line fisherman and speareers had decimate years before. I am sure you are aware of long it takes to grow a mature swordfish or tilefish. How long do you think these fisheries will be with us, at this rate? Just look at how long it took tilefish to return after the die-off in the early twentieth century. Not too many weeks ago a new and very modern trawler built for a foreign country made a test run in the Cape Canaveral area using Japanese size long-line. It was a huge success... over 15,000 pounds of tilefish in one set.... How many such sets can this fishery stand? Now Merritt is going after dolphin, wahoo and other pelagic species....What next and for how long?

Your editorial was a nice try but hardly hit the mark. Next time try on a broader basis, and try to have your reporter in the Florida area, Mr. Olesco do some objective reporting, for a change, and not from the point of view

of one segment of your readers.....Take it from one who was cured of stuttering by fishing at an early age, was a pioneer in early big-game tuna fishing in the thirties, who mated through high-school and chartered through college, who commercially fished all during this period, who was one of the early graduate marine biologists, who was a pioneer in the manufacture of Vitamin A from fish livers and the processing of Fish Protein Concentrate and fishmeal, who fished the jetties of Long Island and Jersey as a kid.....and who remembers Alan Merritt Sr., and his son Buddyas two of great pioneer charter fishermen from Woodcleft Canal in Freeport and the Caliban dock in Ft. Lauderdale when that was the only was in town you could get a Golstream charter.

There is one single element that controls and corrects all the situations and stories above...and that isGREED.....and until everyone in fishing is ready to forego some of the attributes and dividends of greed, will there be anything left for our children and yours.

Most sincerely,

J. S. A. Blum
2314 Oak Drive
Ft. Pierce, FL. 33450

National Fisherman

MAIN OFFICE

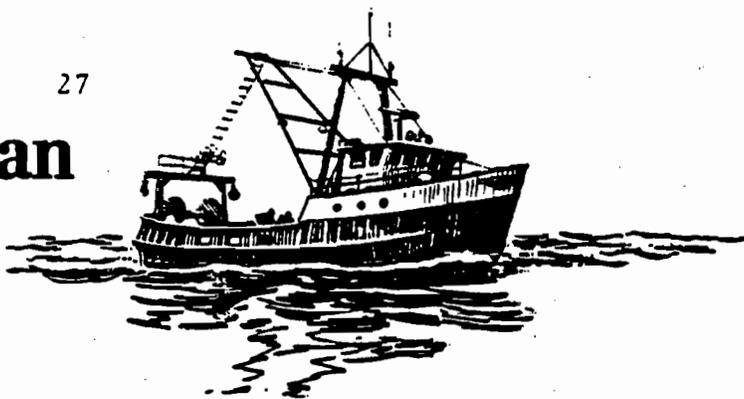
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*GRANT
DONALDSON*

November 19, 1982

Mr. J.S.A. Blum
2314 Oak Drive
Ft. Pierce, FL 33450

Dear Mr. Blum:

Thanks for taking the time to write us. I'm afraid I disagree with most of the points you make, especially concerning the political power of commercial fishermen in Florida. The recent round of regional fishery council appointments in which both Bob Jones and Jerry Sanson lost their seats should tell you something. But then disagreement is what horse races are all about.

Your letter is far too long to run on the Mail Buoy page. If you'd care to pare it down it would stand a lot better chance of being published. We have far more letters than space, so they compete with each other monthly for room.

In your letter you give some personal history, but you don't say whether your involvement in fishing now is totally in the recreational field. Establishing that connection would help our readers in their evaluation of your letter. Can you provide this information?

Again, thanks for your interest in "National Fisherman."

Best regards,

James W. Fullilove
Editor

JWF/vs

RIVERDALE PRODUCTS COMPANY

~~499 W. FRONTAGE RD. BOX 1000 NORTHFIELD, ILL. 60063 AREA 312 446-6223~~

natural resource, there will be nothing left for those we leave behind.

The problems in commercial and sport fishing are not unique. The entire world is plagued by the efforts of the "me" generation and its material demands...and a lack of real feeling for the other guy and the ability to live with one's fellow men.

Most sincerely.....don't bother to print any of my letters. Just recognize that there is another side to this issue that any responsible publication must present to profess fairness and integrity.

Kindest regards,

J. S. A. Blum
2314 Oak Drive
St. Pierre, Fla. 32450



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March 22, 1983

David H.G. Gould, Executive Director
 South Atlantic Fishery Management Council
 Southpark Building, Suite 306
 1 Southpark Circle
 Charleston, South Carolina 29407

RECEIVED
 MAR 24 1983

SOUTH ATLANTIC FISHERY
 MANAGEMENT COUNCIL
 CHARLESTON, SOUTH CAROLINA

Dear Mr. Gould:

I felt it would be rather a futile effort to go to the local meeting held in Pompano Beach on March 16th and discuss the intellectual problems contained in the report as it would be overwhelmingly dominated by fisherman and most likely, which turned out to be true, fisherman who had a good dose of alcohol before attending the meeting. From reports, I learned that the meeting became a little wild with the violence of emotion and language. I feel a problem of this nature should be attacked or perhaps analyzed on a more rational basis.

To give you a part of my background, I was a world fisherman. Also, I am associated with Triple M Seafood and Equipment Distributors, Inc., a large company doing business with the boats and we also own a fleet of boats that predominantly fish for swordfish.

This report very possibly would not be in a precise, consecutive order, as with over 70 pages I have not had time to make a comprehensive analysis, but I have made notes on the margins of the sheets as I went along.

Several glaring things seem to come to the surface rather immediately. Your indication that approximately eight million pounds of swordfish are landed yearly and then you say the foreign catch is incidental, however, with approximately a million pounds of fish caught, that becomes 12½% of what the American boats caught. That, to me, is not incidental and if you are looking for a 5% reduction, or a 10% reduction, in the fishing, or mortality, then I believe the first place to start would be with the foreign boats and not tell an American that he has to be deprived of his earnings because the foreign boats are taking the fish.

Furthermore, you continue to say that there is no way you can control the catch ratio between male and female, and at an $F = .17$ on the male, that is a maximum tolerable, however, you do say in the report that you are making an analysis in the southern waters and find that 1 female versus 1.7 males are caught. You also make reference to the fact that the harpooning is a selective fishery in which they are taking the larger fish, the ratio of which is 3 to 1 female, and consequently you are ignoring the simple fact that there is a way of controlling the death rate on the female by your own report. If you take an analysis of the pounds caught, you will find that the same bound age of females are caught in the Boston region than are caught throughout the rest of the entire United States (the other four counsels). The same analysis is valid if they are 1981 assumptions as well. Consequently, it seems to me there would be a way to control the females that

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David H.G. Gould
 March 22, 1983
 Page 2

are killed when you consider the age of the female killed in the Boston area is about 4.7 years and that would be the largest reproducer of its species, and the fact that you know the harpooning is selective. There appears to be a very simple way of being able to control some of the overkill. You further make reference that you believe that the harpooner should be favored and not restricted from his season. I do not quite understand how you can select the harpooner and put him in an elevated, non-touchable class when he is the one that is killing off, with impunity and knowledge, the larger female fish.

You try to make reference that the larger fish are the most preferable and they command a bigger price. You do not take into consideration that those fish are caught in the summer time and that although they appear to command the larger price, they also inundate the market and in essence suppress the price because the winter time price is higher.

You make reference in the report that for five years, from '66 to '71, the Japanese caught approximately four million pounds per year and yet today you estimate they are catching under a million pounds. What has changed other than perhaps the restriction on tuna fishing? If that is true, then it is very interesting that the Japanese are allowed to catch about 85% or so of the bluefin tuna allowed to be caught in coastal waters around United States, while United States fishermen are only allowed about 15%. At the same time, the Japanese are catching about 12% of the swordfish and, sinfully so, they are a by-product and from my understanding not even brought aboard, so they are slaughtered rather than caught. The American fisherman in his own water is restricted while the foreign fishermen in our waters (and you will say they are outside the 200 mile zone) are not disturbed. I will then have to ask the very simple question - if our fishermen were to fish outside U.S. territorial waters, would they be allowed to catch whatever they want, even when the season might be closed?

Throughout the report you make reference between whole fish, dressed fish, headless, tailless, and gutless, and it is very confusing, specifically on page 8. You show a whole weight and the relationship between that and the dressed weight is roughly 75%. In other places you show other figures. The fact of the matter is that there is between 20% and 25% waste between a headless, tailless, and gutted fish and what I would determine to be a dressed fish or cut into filets, all boned out. Somewhere along the way the relevant ratios do not correlate.

The graph on page 13 seems to indicate that $F_{.17}$ for males is indicative of $F_{.19}$ for females and the F_{max} at .88 for males actually shows a decrease in females to .18. From everything that I can comprehend, and I may be repetitive, the pressure on females can be greatly reduced by the reduction in harpooning and longlining in the Boston area, where it is emphasized that the fish are selective and large, yet you indicate one of your thoughts being to isolate out the harpooners and allow them to do as they please, which is only a handful of boats, and tell all the rest of the boats they have to be suppressed in their fishing. I do not comprehend this logic other than politics. Unlike humans, it appears that fish have more eggs as they mature. I do not know at what point of a bell curve, or whatever shape curve it might be, that the downward decline starts. From my experience in fishing, the larger the fish, the larger the roe section of the fish. On a black marlin some of the roe weigh in excess of 100 pounds when the fish is over 1,000 pounds. The small fish show little roe weight. Again, pointing to the fact that the mature female will give a far greater reproduction, exposure, and ratio than a series of

David H.G. Gould
 March 22, 1983
 Page 3

small females, we get back to the point that the large female kill is controllable, while the longline kill in the South Atlantic and the Gulf is not controllable. Even the longline and gill net kill in the northeast zone shows predominance of large fish, so the fact that harpooning brings large fish is true but it is not the only answer. The fisheries in the northeast are the producer of the large fish ratio over small fish. Inasmuch as those boats are large boats and very mobile for any kind of sea, they would be least hurt and it would be most productive to the fishery to stay off that kill. Late September/October the boats come in with 80,000 to 90,000 pounds of fish and totally suppress the market to the point they are sold at ridiculously low prices to the frozen packers. From an economic standpoint, and dollar yield to the fishery, this does not make good sense. You knowingly admit (and I continue to be repetitive for emphasis) that the large female is caught in the northeast, however, you are greatly misguided by the value of that fish. Obviously somebody is telling you something that does not add up.

Putting the two factors together, it appears to be intuitively obvious that value of the fish is greatly reduced by overproduction at one time with huge boat loads coming in and that the females are being overkilled, particularly those females capable of far superior reproduction than the small female, and yet you consider putting that fishery in a protected class. It appears to me that the reduction of fishing in that area alone will give you the balance necessary on females, would in essence keep the price at an economic level for all fishermen in general, and still give those boats the opportunity to fish down in southern waters over the winter. Perhaps it is so intuitively obvious that I am missing something, or it is just too simple, or the politics behind it are too complex for me to understand that just a handful of boats are able to steal this entire fishery.

On page 23 you make an assumption that is totally ridiculous, other than being fed, perhaps by the I.G.F.A., a bunch of garbage. You indicate that as the stock became exploited by commercial longlines, catch rates dropped in recreational fishery. Both statements are true, but they are not connected to each other. As I said earlier, I was a top notch rod and reel fisherman. There is nothing more boring than sitting out in the middle of the ocean at night waiting for a strike, jump in the chair and reel like a brainless mule. There is no fun in it. You don't see the fish jumping, you don't get the excitement of it running across the water, and it is an absolutely nothing sport. I will be glad to defend that position with anyone on the I.G.F.A. I know from where I come. I tried it just for the sake of saying that I caught a swordfish. You have no concept of whether you have a shark, a swordfish, or a marlin and you get no excitement, no joy, or no fun out of it, other than to say you caught a swordfish. I did it and stopped fishing for them. Inasmuch as you can't see the line, or occasionally if you have a full moon you might be able to see the silhouette of the fish, but by looking at the angle of the line you can't determine whether you have a shark or a swordfish because both fish are capable of dogging it and staying down, both fish are capable of coming towards the surface, and the maco is a jumper the same as a swordfish would be a jumper.

On page 25 you talk about recreational gear. I must say to you that nobody is going to properly set a 12 or 14.0 hook with 50 pound of test line. That is one of the silliest things I have ever heard in my life. I have done a lot of tuna fishing and we used a 9 or a 10.0 hook for the huge tuna. I have done marlin fishing in the 1,000 pound class and out in Australia we used 80 to 130 pound line and most of the time the 11, the 12, and occasionally the 14. There are captains who like to use the 16, 18, and the 20, but that too is rather silly. Whoever is feeding you with information that they are using 12.0 to

David H.G. Gould
 March 22, 1983
 Page 4

14.0 with 50 to 80 pound line doesn't know very much about recreational fishing.

On page 27 you indicate harpoon fish command a larger price than longline and that harpoon fish are larger. If we are talking relative to the same time of the year, the harpoon fish is worth about 10¢ to 20¢ more than the longline fish, except where you have a longliner that knows how to handle his fish and he can get about the same price for his fish as a harpoon, however, you are missing the fact that if you look at the catches coming in Boston, you are not investigating the fact that these boats are also longlining instead of harpooning. Some of them are longlining and harpooning, some of them are longlining, gilling, and harpooning, according to the weather. If you look at the catch you will find that it is basically a large fish, however, again the comparison that the harpoon fish is more valuable than the longline fish, you are talking that at a given point in time, July, August, September, October, all fish are cheap compared to the price in the winter months you will find that the harpoon fish don't come near the value of the winter fish. That in itself should tell you a story that it isn't necessary economically, and it certainly isn't reasonable for the mortality rate of the female to stress the harpoon fishing as an exclusion to the general fishing of swordfish.

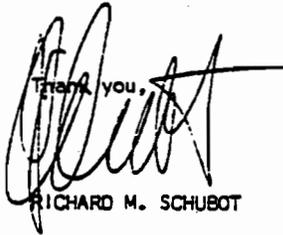
On page 29 you show a chart and the value of fish. There is no relevance between your chart and what the value of fish are today, either by size or by absolute value.

On page 34 you indicate there is not sufficient information to close fishing areas based on size and sex. That is so contradictory to the rest of your report. I do not understand how you can make that statement. Then you say that if it were possible, only small gains and landings by weight would be at the expense of eliminating fishing opportunities. The gains would be tremendous, not small. It becomes more apparent that this report is tainted by a lobbying effect from the northeast. I was under the assumption this was a pure investigation.

As I read this report it becomes more apparent that there appears to be a need to slow up the fishing, but no desire to do it in a manner which your data leads you to. It appears somewhere along the way you have not done simple research to find out the size of the loads coming into Boston, the flooding of the market, the reduction of the value, and you are paying no attention to what you report, that the female is predominantly caught and that the female is a very heavy fish that is caught in the northeast, and that the female is necessary to continue the propagation of the species. You continue to say there is no way to monitor or control the catch and yet you tell us you know the catch ratio in Boston, you know the catch ratio in the rest of the United States, and the female catch rate is 5 times greater in the northeast than it is in the rest of the fishing waters of the United States. You go along with complex, complicated calculus formulas, ratics and everything else to substantiate your position of wanting to close down the fisheries around the United States. You indicate that the northern boats are mobile and come to the south and then you turn around and say we will save harmless the harpoon fishermen. Two and two is adding tilt.

I can continue on but I think this is sufficient for openers. I would appreciate hearing from everyone and anyone that wishes to give me an answer.

David H.G. Gould
March 22, 1983
Page 5


Thank you,
RICHARD M. SCHUBOT

RMS/cml

cc Joyce M.T. Wood
Chief, Ecology and Conservation Division
United States Department of Commerce
Washington, D.C.

Jack Brawner
Director, Southeast Region
9450 Koger Building
St. Petersburg, Florida 33702

Frank Lawlor

2628 S.E. 21st St.
Ft. Lauderdale, Fl 33316
March 25, 1983

David H. G. Gould
Southpark Bldg., Suite 306
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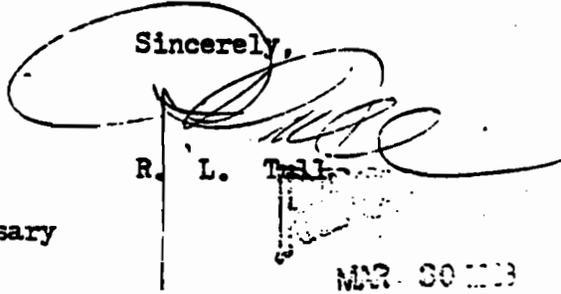
for not on table.

Dear Mr. Gould:

How about some input on swordfishing from an individual buyer? I know that the price is rising, and I understand that. At one store in Pompano Beach right at the dock, I observe more and more swordfishing boats (commercial). I know that the traffic is increasing up and down the coast.

It seems to me that containing the "traffic", i.e., restricting entry, is a more effective and "humane" approach to preventing overfishing. Have the fishery councils considered licensing and actually limiting the number of vessels at sea?

Sincerely,



R. L. Taylor

No reply necessary

MAR 30 1983

SOUTH
MAR
CHARLESTON



37 Continental Shelf Associates, Inc.

P. O. BOX 3809

TEQUESTA, FLORIDA 33458

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"Applied Marine Science and Technology"

25 March 1983

RECEIVED

MAR 29 1983

Attn: David H. G. Gould
South Atlantic Fishery Management Council
1 Southpark Circle, Suite 306
Charleston, S.C. 29407

SOUTH ATLANTIC
FISHERY MANAGEMENT
COUNCIL

Dear Mr. Gould:

After reviewing the Draft Fishery Management Plan, Regulatory Impact Review, and Draft EIS for swordfish, I am convinced that the Council has once again prepared a very useful, high quality document. This letter serves to express my opinion concerning Regional Management Measure #3: Exemption of Recreational Rod and Reel Fishery from the Variable Season Closure. I believe that the second alternative, to exclude the recreational rod and reel fishery from the variable season closure, is the proper plan to implement. As stated in the document, the catch by recreational fishermen using rod and reel is very small when compared to the catch landed by other commercial gear. My personal experience and knowledge of the fisheries occurring along the U.S. Atlantic coast leads me to agree with this statement.

The document also concludes that "including or excluding rod and reel from the variable season closure, if it does not reduce the enforceability of the closure on other gear, will not seriously alter the ability of the variable season closure to achieve OY (optimum yield)." Due to the very small number of swordfish landed by recreational fishermen using rod and reel, I believe that this conclusion is also true.

Mr. David Gould

-2-

25 March 1983

To facilitate dockside enforcement of the closure without limiting the activities of recreational rod and reel fishermen, I suggest that rod and reel landings be excluded from the closure, however, any vessels landing swordfish during a closed period must use only rod and reel equipment and not be allowed to carry any other types of fishing gear onboard. This measure would simplify enforcement without the need to include recreational rod and reel landings in the variable season closure.

Thank you for providing me with the opportunity to respond to your plan and I hope that my suggestion will be given serious consideration.

Sincerely,

Richard A. Shaul, Jr.

Richard A. Shaul, Jr.
Fisheries Biologist

cc: Joyce M. T. Wood

RAS/mjw

COMMENTS OF THE
JAPAN TUNA ASSOCIATION
ON THE PROPOSED
SWORDFISH FMP

Presented
March 29, 1983
at the
Ocean City, Md.
Public Hearing

I am Alan Macnow of Tele-Press Associates in New York, representing the Japan Tuna Association. I am here to present comments on the proposed Swordfish Management Plan for the Atlantic, Gulf and Caribbean.

Japan's tuna industry has had a long and amicable relationship with the Atlantic and Gulf of Mexico Fishery Management Councils. They have been highly responsive to every concern of the Councils and American fishermen. Voluntarily, the Japanese tuna industry reduced and then stopped their catch of bluefin tuna in the Gulf, reduced their incidental catches of billfish in both the Gulf and Atlantic through high density avoidance measures, and instituted a host of other measures to

COMMENTSPage -2-

improve communications with U.S. fishermen and avoid gear conflicts.

It is very distressing to find that, despite this long record of voluntary cooperation and compliance, attempts are being made in this proposed swordfish management plan to force Japanese tuna longliners out of the 200-mile zone through regulations which will greatly impair their ability to catch tuna.

We appreciate the efforts made by the Regional Councils to develop a fishery management plan for swordfish. At the time the Councils decided to develop this plan, there appeared to have been a reduction in U.S. swordfish landings and some drop in the mean size of swordfish landed in some regions. It appeared as if there would be major problems in the future as more and more people entered the fishery.

As a spokesman for a foreign fishing industry, it is hardly my place to criticize the measures chosen by the Regional Councils to alleviate the problems of U.S. swordfishermen in regard to possible overfishing, although the Councils say the stock is not being overfished. Nor is it my concern how the Councils wish to address the problem of increasing entry, with accompanying increases in fishing effort. My concern is with how the FMP proposes to deal with the foreign tuna longliners' incidental - and accidental - hooking of swordfish.

In 1980, the base year for most of the management measures in the FMP, U.S. swordfishermen caught at least 125,000 swordfish in Atlantic and Gulf waters. This was the estimate of

swordfishermen and swordfish dealers at the Advisory Committee meetings in preparation for the development of this FMP. The NMFS estimates used in most of the FMP were derived from sampling selected fish houses and are admittedly very low. Using the Advisory Committee estimate and ICCAT data, it is apparent that United States and Canadian fishermen are responsible for most of the mortality of swordfish in the Western Atlantic. They take 82% of the swordfish. The U.S. share of the swordfish take is 64% and the Canadian share is 18%. Total western Atlantic swordfish catch numbered around 195,000.

These figures show that if there is any overfishing of swordfish, either growth overfishing or recruitment overfishing, only reductions in U.S. and Canadian catches can remedy it. The swordfish mortality caused by the incidental catch of Japanese tuna longliners in the Atlantic and Gulf FCZ in 1980 was only 2,761 fish, a mere 1.4% of total western Atlantic swordfish mortality. This 1.4% can have no significant impact either way on the conservation of swordfish. If eliminated it will not help reduce growth overfishing nor recruit overfishing, as it is even much smaller than the statistical margin of error in yield per recruit or population estimates.

As proposed in the swordfish management plan, if the level of swordfish fishing mortality (F) increases 5% over the estimated level of 1980, a 5% reduction in fishing will be triggered throughout the Gulf and Atlantic. Even if all mortality of swordfish resulting from the incidental catch of Japanese tuna longliners were prohibited in the FCZ, it would fail to reduce

swordfish mortality by 53 and would not prevent imposition of catch reductions on U.S. swordfishermen.

It is obvious that the measures proposed in the management plan to phase out or reduce foreign tuna longliner incidental catch of swordfish are unnecessary and unjustified because they have no significant effect on conservation of swordfish, or on the incomes of U.S. swordfishermen.

I don't know if I also have to point out that the measures proposed to reduce or phase out the foreign tuna longline catch of swordfish is illegal in terms of the Magnuson Fishery Conservation and Management Act. The Act requires that foreign fishermen be given a reasonable opportunity to catch tuna in the FCZ. President Reagan, in his recent Exclusive Economic Zone Proclamation, also emphasized that the United States would not impair foreign access to tuna in the U.S. 200-mile zone.

Last year, the NMFS amended the Preliminary Management Plan for Billfish and Sharks by instituting a 100-mile closure. That closure, in itself, not only denied Japanese tuna longliners a reasonable opportunity to fish for tuna in the 200-mile zone but greatly impaired their ability to catch tuna. As can be seen from the fact that Japanese tuna longlining in the Atlantic 200-mile zone has just about ceased, there are no fishing strategies and no technology which would enable them to catch tuna in the face of severe area restrictions or a reduction or phase-out in the incidental catch of swordfish.

COMMENTSPage -5-

There are those of you at this hearing who are pleased that Japanese longliners have been forced out of the fishery, but I ask you to consider this:

About 25% of all U.S. consumption of finfish consists of canned tuna. Next to shrimp, tuna provides the most income for U.S. fishermen and 90% of the American tuna catch comes from the 200-mile zones of other nations.

As a result of U.S. tuna catches in the waters of other nations, tuna canning and distribution have become big business, employing about 40,000 people in canneries in Puerto Rico, California, Hawaii and Samoa. The sale and distribution of canned tuna provide incomes for truckers, carrier vessels, railroads, wholesalers, warehousemen, grocery store operators and restaurant workers. If U.S. fishermen could not catch tuna off the shores of other countries, tuna would have to be imported, adding an additional half a billion dollars to the U.S. balance of payments deficit.

The fact that so much of U.S. employment, income, the trade balance and fish consumption depends upon maintaining access to tuna found in the 200-mile zones of other countries is one of the primary reasons for the tuna exemption in the Magnuson Act. The other is the fact that tunas are highly migratory and can only be conserved through the mutual efforts of all the nations through whose waters these fish pass.

If the United States should restrict access to tuna in its 200-mile zone by restricting the incidental catch, or by imposing closures which effectively cut off access to the tuna

COMMENTSPage -6-

migratory areas, or by levying fees which make tuna fishing uneconomic, other nations will follow suit. The result will soon be the denial to U.S. fishermen of access to tuna in the waters of other nations and the loss to the U.S. of jobs, income and domestically-caught food supplies. Is this the price you want your fellow citizens to pay in order to prevent the mortality of 2,761 swordfish?

If you do, you also will be hurting yourselves. In two ways. First, a number of you want to catch bluefin tunas. But your ability to catch bluefins is limited by uncertainties over the conditions of the stocks. Bluefin catches in the Atlantic have been severely reduced and the stocks are being monitored to determine their actual condition. Accurate monitoring of stocks depends upon comparisons of catches from the same area for a period of time. If Japanese tuna longline monitoring catches of bluefins in the FCZ are impaired, the accuracy of the monitoring program agreed to by the U.S. will be impaired. Not only will the stock monitoring be impaired, but the U.S. will thereby fail to carry out its conservation commitment by ensuring accurate monitoring of stocks.

The second way you will be hurting yourselves will be through the increased mortality of swordfish. While fishing for tuna in the FCZ, Japanese fishermen are required to cut any incidental catch loose at the waterline with a minimum of injury. The mortality of swordfish as a result is minimized, for almost 49% of all of the swordfish hooked by Japanese tuna longliners in the Atlantic FCZ from 1979 through 1982 were released alive

COMMENTSPage -7-

(5,004 released alive out of 10,287 hooked from 1979 through 1982). If the Japanese longliners were forced to fish for all their tuna outside of the 200-mile zone, they could keep every swordfish hooked and none would be released alive. Such a situation would defeat any conservation measure aimed at minimizing the incidental mortality of swordfish by excluding foreign tuna longliners from the 200-mile zone.

To sum up, we believe that any measures in the FMP which will impair the ability of foreign longliners to catch tuna are not only illegal under the MFCMA, but will have no significant effect upon the yield per recruit, the condition of the stocks or U.S. swordfishermen's income. Instead, such measures will be damaging to the U.S. fisheries economy, to the U.S. balance of trade, to the swordfish conservation effort, and to U.S. swordfishermen. It will not help to maintain the integrity of the fishery. Also, to have the foreign longline fishery bear the entire burden of growth overfishing by U.S. fishermen is patently unfair and unjustified. Therefore we oppose all of the foreign fishing restrictions proposed in the draft FMP.

We also believe that not all of the alternatives have been presented in the proposed FMP, as required by law.

One unlisted alternative that has worked very well since the inception of the Preliminary Management Plan has been the adoption by Japan's tuna industry of voluntary measures to reduce the incidental mortality of billfish and swordfish and prevent gear conflicts. These voluntary measures, which were accepted in 1981 by all of the Regional Councils and the U.S. government,

COMMENTSPage -8-

included the following:

- 1). redirection of longlining away from areas of known billfish concentrations;
- 2). no longlining in the vicinity of major billfish tournaments;
- 3). avoidance of gear conflicts through the use of phonic codes for communicating the times, locations, extent and directions of gear sets and retrievals;
- 4). arbitration and promptly settlement of gear damage claims;
- 5). communication of the positions of U.S. fixed and floating fishing gear directly from the U.S. boat owners to the Japanese longliners via the JTA;
- 6). actions to prevent Japanese tuna longliners from concentrating fishing effort in areas fished by U.S. fishermen; and
- 7). the implementation of space and time closures in the Atlantic FCZ as requested by U.S. fishermen, the Regional Fishery Management Councils and the U.S. Departments of State and Commerce.

COMMENTSPage -9-

Another alternative that has not been presented in the proposed FMP is imposition of a percentage reduction in incidental catch of swordfish equal to the percentage reduction imposed upon U.S. swordfishermen, when such reduction is deemed necessary. Although we are opposed to any measure to reduce foreign tuna longline incidental catch, on the grounds that such a reduction would not have any significant effect upon the fishing mortality (F), yield per recruit, or U.S. fishermen's income, a percentage reduction equivalent to the percentage reduction imposed upon U.S. fishermen would at least be equitable and non-discriminatory.

We believe, though, that through discussion and cooperation voluntary measures can be worked out to solve any problems which may arise in the fishery attributable to the presence of Japanese tuna longliners. This has worked in the past. We hope to be able to continue working out our differences amicably in the future.

Thank you for your consideration.

F#JTA6607

RECEIVED 3/3/93

M.R. BARTLETT SWORDFISH AP

①

page 1 paragraph 5.3

"Time periods closed to U.S. fishermen will be for the FCZ and outside the FCZ."

I don't see authority in the MCA to permit the action described above.

②

page 1 paragraph 5.1

"Coloration: Variable. The back may be dark brown, bronze, dark metallic purple, grayish silver, or black. The sides may be dark like the back or dusky, and may be colored all the way or only half way down. The belly and the lower sides of the head are dirty white (or silver, MRS) or light brown. All the fins are dark. (World Record Game Fishes 1981, International Game Fish Association)

If you start your plan with an accurate description of the fish, the public will be more inclined to accept the regulations and catch limits that follow.

③

page 5 paragraph 9.3.4.2 migrations

Swordfish occur year round in the tropical western North Atlantic. They are also found year round north of 35° N. While several long range tag returns from the Gulf of Mexico to Georgia Bank have been recorded, the portion of the population that participates in these movements is unknown.

④

page 23 9.4.1.2 Commercial line 12

With the introduction of longlining the range of the fishery was extended to Cape Hatteras and pursued year round. A fishery flourished in the Gulf of Mexico for a ten-month period prior to December 1973, when, as a result of USFDA guidelines that prohibited the sale of swordfish with more than 0.5 ppm tissue mercury content, the swordfish fishery collapsed.

⑤

page 65

10.7.5 Released Smaller fish

It is questionable whether the thirty percent that are alive when landed would survive when released. (?)

⑥

page 65

10.7.7 Limited Entry

"The increase of fishing power by using longer lines and more hooks is as good an argument against limited season as it is against limited entry. We in the fishery don't believe in licensing, lotteries and buy-backs either. One need only cap the addition to the fleet by registration and documentation number and wait until natural attrition reduces fleet size 'til the catch recovers. Complicated?"

⑦

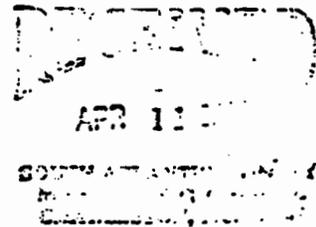
Nowhere in this document is the position of the American longline addressed. Is the combination of just fishing time in the closed season for swordfish allowed the same incidental swordfish catch allowed the Japanese?

TIFFANY VANCE INC.
 COMMERCIAL FISHING
 260 WEST FOURTH STREET
 OXNARD, CALIFORNIA 93030-5986

RAYMOND E. SWIFT, PRES
 JESSE DEBUSSCHERE, SEC/TREAS
 W. E. HARTMAN, V. PRES
 ALEX BUENO, V. PRES/CPTN

AREA CODE 805
 TELEPHONE 483-0571

March 30, 1983



Mr. Greg Waugh
 South Atlantic Fishery Management Council
 Southpark Building, Suite 306
 1 Southpark Circle
 Charleston, South Carolina 29407-4699

Dear Mr. Waugh:

We have been reviewing the guidelines which have been set forth in the "Draft Fishery Management Plan, Regulatory Impact Review and Draft Environmental Impact Statement". We have several arguments, disacreements and recommendations in regards to this matter. We have outlined them below:

1. Gear Conflicts:

Personally I have never had any gear conflicts with draggers, longliners, harpooners, or lobster fishermen. I can speak for the Rush and the Tiffany Vance (two of the three boats currently using the gilnet), but abandoned it after a seasons use.

To my knowledge there has not been a single incident of gear conflict with the gilnet during these three (3) years.

Whereas with the longline there have been many conflicts especially with lobster and crab fishermen, also Canadian Tub Trawlers and U. S. Draggers.

2. Increased Effort:

The misconception that all draggers or any boat with a drum, can easily gear up for gilnetting is simply not a true statement. Common sense and a short study of the gear and its cost would make any dragger owner consider the investment well before converting.

The fact that two New England boats have tried the net (Andrea Gail, Sea Hunter and most recent the Stephanie Vaugh) makes me doubt that all the draggers would wish to gear up for gilnetting. There are several other factors to be considered here, the difficulties and hazards of using the gilnet and the fact that it can easily be lost,

Mr. Greg Waugh
 South Atlantic Fishery Management Council
 March 30, 1983
 Page 2

the amount of fish it produces, although virtually cost effective (no bait) after the initial investment.

3. Gilnets:

The gilnet is an efficient piece of gear which is basically still in the experimental stages. This piece of gear could open new doors in the Albacore, Skipjack, and Shark fisheries. It is an excellent way to supplement the Harpoon fishery.

This piece of gear warrants observation and study before any judgment can be or should be made.

4. Arguments re proposed management plan:

Standard 1 - Optimum Yield - Page 7409 states "The most important limitation on the specification of OY is that the choice of OY - and the conservation and management measures proposed to achieve it must prevent overfishing" - the Swordfish Management Plan definition of OY "the harvest producing the maximum yield-per-recruit for female sword fish (occurred in 1980). This OY and the choice of measures to achieve it (closed seasons and the banning of gilnets in the Mid-Atlantic and New England area) will not prevent overfishing.

National Standard 4 - Allocations - Page 7411 states "Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocations shall be: (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation or other entity acquires an excessive share of such privileges".

The prohibition on gilnets as proposed are not fair and equitable to all fishermen and don't necessarily promote conservation (can compare longline catches to gilnet catches).

5. Billfish Management Plan - Use of Net Before a Management Plan Can Be Initiated

All countries that fish stock will have to agree on the harvest. There is not enough evidence to the migratory pattern of these fish. There should be an extensive tagging process to determine the exact pattern and number of possible stocks. The other countries, Japan, Canada, Spain, Korea and Cuba are fishing the same stocks that we are, outside our 200 mile limit with no quotas or restrictions. These Billfish could be migrating to North America, Europe, South America and possibly other continents. We have no evidence of these fish staying inside our 200 mile limit.

Mr. Greg Waugh
South Atlantic Fishery Management⁵² Council
March 30, 1983
Page 3

Billfish Management Plan (page 1 paragraph (5.4)): A statement is made that 76% of Swordfish are taken inside the 200 mile limit and only 10% outside. This shows no evidence that the Swordfish stay inside this zone.

- a. The U. S. Swordfish Boats are not large enough to fish outside the 200 mile limit.
- b. On a basis of U. S. Swordfish boats to figure as above statements there are only a few percentage of boats capable of fishing outside the 200 mile limit.
 - b(1) Boats too small - weather conditions, not enough fuel, no Coast Guard help in case of emergency, operating expense too high.
 - b(2) No freezer boats capable of handling the product.

These are only some of the reasons why only 10% of the catch is outside the 200 mile zone, if our boats were capable of fishing outside the 200 mile zone and could follow the Gulf Stream the figures would change drastically.

We do not have evidence that these fish range only from the Gulf of Mexico to Georgia's Banks inside the 200 mile limit. We could probably only be fishing a very small percent of the fish stock.

6. The Gilnet

The average size of fish caught in the net is between 100 and 125 lbs. much larger than the longline. The smaller fish are able to pass through unharmed, therefore targeting on the larger fish all the time, unlike the longline.

Much talked about is the high bycatch of whales and porpoise. This is simply not true. There was an incident of a small whale getting tangled and practically destroying the net at which time the net was cut and the whale set free. I've seen and have photos of a whale tangled in lobster gear and this one was not set free. I've caught porpoises, turtles, in small numbers with the long line, but still a greater number than the net.

If the object of the Management Plan and the Councils is to preserve, protect and maintain the highest probable yield in the fishery, then clearly banning the gilnet is a definite contradiction.

Mr. Greg Waugh
South Atlantic Fishery Management Council
March 30, 1983
Page 4

We welcome observers and will cooperate fully to help clear all misconceptions and gather the information that I feel will only prove that the gilnet is not detrimental to the fishery.

Very truly yours,

TIFFANY VANCE, INC.



Alex Bueno,
Vice President
and Captain

AB/tlr

cc: New England Fishery Management Council
Mid-Atlantic Fishery Management Council
Gulf of Mexico Fishery Management Council
Caribbean Fishery Management Council
National Marine Fisheries Service - Southeast Regional Office
National Marine Fisheries Service - Northeast Regional Office
National Marine Fisheries Service - Northeast Fisheries Center
National Marine Fisheries Service - Washington, D.C.

BETTER FISHING FOR YOU!

Florida league of anglers, inc.



March 31, 1983

R. A. FRANZEN
215 COCONUT PALM RD.
BOCA RATON, FLORIDA 33432

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South Atlantic Fishery Management Council
1 Southpark Circle, Suite 306
Charleston, S. C. 29407-4699

Re: Swordfish Plan

Gentlemen:

We are submitting herein FLA's comments re the above plan and a suggestion for improvement.

The recreational swordfish fishery has collapsed, giving way to the proliferation of longlines, so there is little to be gained by a closure.

Both the Atlantic and Gulf must be closed to all gill and other nets in this fishery. To consider the introduction of nets would be irresponsible and would inflict irreparable harm upon the marlin fishery. The swordfishery is already stressed and cannot tolerate the introduction of new and more efficient gear.

The \$274.00 fine is grossly inadequate. The fine should be as high as can be sustained in the courts so that it acts as a deterrent, not just compensation.

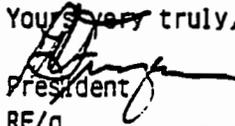
Mandatory data collection, to include by-catch should be required.

Some form of limited entry is required if the fishery is to survive.

With the above considerations in mind, the Florida League of Anglers proposes the following:

Require all long lines to be out of the water between the hours of sunrise and sunset; require registered numbers appear on top of boat, visible to aircraft for identification purposes; and provide for suspension of all such fishing privileges for one year in the event of violation. Such requirements reduce the by-catch of marlin and other species, have a limiting effect of the number of hooks that could be fished, and would possibly defer the necessity of limited entry.

Yours very truly,


President

RF/d

P.O. Box 1109, Sanibel, FL 33957

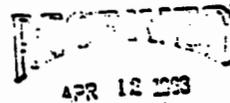


Shinnecock Marlin & Tuna Club, Inc.

P. O. BOX 9
HAMPTON BAYS, NEW YORK 11946

April 8, 1983

Mr. David H. G. Gould
Executive Director
South Atlantic Fishery Management Council
Southpark Bldg., Suite 306
1 Southpark Circle
Charleston, S.C. 29407



SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C.

RE: Shinnecock Marlin & Tuna Club's
written comments on the proposed
Swordfish FMP.

Dear Mr. Gould:

We would like to comment on the following sections of the Draft Fishery Management Plan, Regulatory Impact Review, and Draft Environmental Impact Statement for Swordfish, February 1983.

SECTION 10.3 REGIONAL MANAGEMENT MEASURE # 1

We are opposed to recreational swordfishing boats having to obtain a letter of authorization to fish for the following reasons:

1. The statement in the impact and rationale are seldom an incidental catch so that only big game fishermen targeting swordfish would probably apply is wrong. We agree with the comments of Mr. John Mason at the Mid-Atlantic Fishery Management Council meeting on April 22, 1982 during their discussion of the swordfish plan that, "if the problem is going to be anybody that has an opportunity to catch swordfish, you are going to get into the bluefin tuna situation where everybody and his brother is going to have to have a permit just in case they catch a swordfish."
2. In this time of Reagan-nomics we can see that with the cost of thousands of permits, a fee under Title III Section 303 (b) (1) and Section 304 (d) of MPCMA could be charged. This is a recreational salt water fishing license which we are vehemently against.
3. During the swordfish discussions of the Mid-Atlantic Fishery Management Council meeting on April 22, 1982 an alternative method of data collection was discussed that being surveys being done by the State. We feel that due to the small number of swordfish being caught by rod and reel that inclusion of swordfish in these surveys will collect the amount of data that the Mid-Atlantic Council wants.



Shinnecock Marlin & Tuna Club, Inc.

P. O. BOX 9
HAMPTON BAYS, NEW YORK 11946

Con't from page #1.

SECTION 10.5 REGIONAL MANAGEMENT MEASURE # 3

We support alternative # 2 for the following reasons:

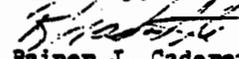
1. The rod and reel fishery catches less than 1% of the total catch.
2. In Section 8.7.2 of the plan it is estimated that there is 17,373 to 21,980 boats in the billfish fishery and we feel there is a great deal more. With this large number of boats in the fishery and then catching less than 1% of the catch the closure would be difficult to enforce.

Since we do not feel we should be included in the closure. We will not comment on alternatives in Sections 10.1.3, 10.1.5, 10.1.6 or 10.1.7.

SECTION II FOREIGN FISHING

We would like to see foreign fishing with swordfish as a by catch to stop tomorrow but we know this will not happen so we would like to see the alternatives #3, #6 and #7 in the plan. Plus one other measure that being if there is a variable season closure on U. S fishermen all foreign fishing methods that swordfish are a by catch to cease.

Sincerely,


Rainer J. Cadorette
President
Shinnecock Marlin & Tuna Club

CC John C. Bryson
Mid-Atlantic Fishery
Management Council

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Texas 78336

MIRKOVICH, INC.

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758-2113
758-5292
422 Bigelow St.

*Gulf of Mexico
Lionel Lester
Suite 881
5401 St. Kennedy Blvd
Tampa Fla 33609*



Gentlemen:

*Unable to attend recent hearings on
closure for swordfish - hope to catch
future ones.*

*Would like to bring it to your
attention that I personally fish when
I can on my own boat and feel
like there has not been enough
research done on these animals
since we are still having to
try methods to catch them.
Also feel BAN the harpooners -
they're killing off major breeders.
The closing will hurt many
of us financially and this fast*

year has been a rough year.

Please keep me posted on
future meetings as there
is more I'd like to
say but at the moment
am in a terrific hurry
to leave back out while
weather is holding

Regards to Logy.

Sincerely,

Jim McKeown



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

TESTIMONY BY

JOSEPH E. PELCZARSKI, PRINCIPAL PLANNER, MASSACHUSETTS COASTAL ZONE MANAGEMENT PROGRAM ON THE DRAFT FISHERY MANAGEMENT PLAN, REGULATORY IMPACT REVIEW, AND DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR SWORDFISH

GOOD EVENING, COUNCILLORS AND COUNCIL STAFF. MY NAME IS JOSEPH E. PELCZARSKI AND I AM A PRINCIPAL PLANNER FOR THE MASSACHUSETTS OFFICE OF COASTAL ZONE MANAGEMENT.

IN THE SUMMER OF 1982, AT THE REQUEST OF THE MASSACHUSETTS DIVISION OF MARINE FISHERIES I ACTED AS AN OBSERVER ON BOARD THE SWORDFISH VESSEL "TIFFANY VANCE." THIS VESSEL IS A COMBINATION BOAT UTILIZING HARPOON GEAR, LONLINE GEAR AND GILLNETS. I SPENT TWENTY-ONE DAYS ON BOARD THE VESSEL FISHING FOR SWORDFISH ON GEORGES BANK, ON THE TAIL OF THE GRAND BANKS AND OUT OVER THE NEWFOUNDLAND SEAMOUNTS. I AM SUBMITTING WITH MY TESTIMONY A COPY OF THE REPORT I WROTE FOR THE MASSACHUSETTS MARINE FISHERIES ADVISORY COMMISSION.

- 1) MY FIRST COMMENT ON THE DRAFT FISHERY MANAGEMENT PLAN IS THAT MORE ACTUAL BASIC DATA CONCERNING SWORDFISH SIZE RANGES TAKEN BY ALL GEAR IN ALL AREAS IS NECESSARY FOR AN ACCURATE YEILD PER RECRUIT ANALYSIS.

THE IMPLICATIONS OF TAKING IMMATURE SWORDFISH BY BOTH THE U.S. FLEET AND FOREIGN FLEETS AND THE IMPACTS ON THE SWORDFISH STOCK MUST BE ASSESSED. A STUDY MUST ALSO BE CONDUCTED TO DEVELOP METHODS BY WHICH THE CAPTURE OF IMMATURE SWORDFISH CAN BE LESSENEED.

- 2) MY SECOND COMMENT ON THE DRAFT PLAN RELATES TO IT'S ANALYSIS OF THE DESIREABILITY TO PROHIBIT GILL NETTING. THE PLAN PROVIDES NO ANALYSIS TO PROVE WHETHER OR NOT SUCH A PROHIBITION WILL ACTUALLY DECREASE FISHING PRESSURE. THE PROHIBITION OF GILLNETS WILL ONLY INSURE THAT VESSELS WILL LONGLINE AND THUS THERE WOULD BE NO REDUCTION OF FISHING PRESSURE. THE ANALYSIS OF THE IMPACTS OF EACH GEAR TYPE USED BY BOTH FOREIGN AND U.S. VESSELS ON THE SWORDFISH POPULATION, BOTH ON THE FEEDING GROUNDS OF THE NORTH AND THE SPAWNING GROUNDS OF THE SOUTH NEEDS TO BE COMPLETED. ELIMINATION OF THE MORTALITY DUE TO FOREIGN FISHING PRESSURE SHOULD BE MANDATED PRIOR TO THE PROHIBITION OF ANY U.S. GEAR TYPE.
- 3) THE PLAN MUST MINIMIZE FISHING EFFORT ON THE PRE- SPAWNING AND SPAWNING FISH BY CLOSING THE SPAWNING GROUNDS PRIOR TO AND DURING SPAWNING TO ALL U.S. SWORDFISH VESSELS AND FOREIGN TUNA VESSELS.
- 4) THE NATIONAL MARINE FISHERIES SERVICE SHOULD UNDERTAKE MORE COMPREHENSIVE STUDIES OF THE SWORDFISH BEHAVIOR, SPAWNING AND MIGRATION ACTIVITIES TO ENHANCE OUR MANAGEMENT CAPABILITIES.
- 5) MORE ACCURATE AND COMPLETE DATA CONCERNING THE FOREIGN BY-CATCH BY BOTH THE JAPANESE AND SPANISH IS NECESSARY.
- 6) THE MARINE MAMMAL AND REPTILE INTERACTIONS WITH BOTH THE U.S. AND FOREIGN FLEETS NEEDS TO BE STUDIED FURTHER.

- 7) MORE DIRECT COMMUNICATION IS NECESSARY BETWEEN PARTICIPANTS IN THE FISHERY TO MINIMIZE GEAR CONFLICTS AMONG U.S. VESSELS AND BETWEEN U.S. AND FOREIGN VESSELS. REASONABLE PROCEDURES SHOULD BE DEVELOPED BY REPRESENTATIVES OF THE U.S. FLEET AND GOVERNMENT AND COMMUNICATED TO ALL USERS THROUGH THE PERMIT PROCESS.
- 8) SMUGGLING OF SWORDFISH IS A PROBLEM BECAUSE IT DISTORTS LANDING STATISTICS AND LOWERS THE PRICE FOR SWORDFISH CAUGHT BY LAW-ABIDING FISHERMEN.
- 9) THE PLAN IS INCORRECT WHEN IT STATES MASSACHUSETTS HAS A LAW WHICH RESTRICTS THE CATCH OF SWORDFISH BY NON-COMMERCIAL FISHERMEN TO ONE FISH PER ANGLER PER DAY. MASSACHUSETTS LAW LIMITS NON-COMMERCIAL FISHERMEN TO THE SALE OF ONE HUNDRED POUNDS OF FISH PLUS ONE FISH. THE SPECIES OF FISH IS IMMATERIAL.



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02202

TO: MARINE FISHERIES ADVISORY COMMISSION
FROM: JOSEPH E. PELCZARSKI, PRINCIPAL PLANNER, COASTAL ZONE
MANAGEMENT PROGRAM
SUBJ: SWORDFISH
DATE: JANUARY 7, 1983

Joseph E. Pelczarski

On April 30, 1982, in response to a petition, the Marine Fisheries Advisory Commission/Division of Marine Fisheries held a hearing to discuss the possible prohibition of landing swordfish caught by gillnets in Massachusetts. At its May 6, 1982 meeting, the Marine Fisheries Advisory Commission, after reviewing all public comments received at and subsequent to the hearing and after considering Division of Marine Fisheries recommendations, decided not to immediately prohibit Massachusetts landings of gillnet caught swordfish during the 1982 season. The Commission requested that the Division monitor the fishery to acquire a better understanding of the nature of swordfish gillnetting and its catches. In partial fulfillment of this request I acted as an observer on the commercial swordfish vessel Tiffany Vance from Ventura, CA. The following is a report of my observations during a fishing trip by the Tiffany Vance to Georges Bank, the Grand Banks and the Newfoundland Seamounts from August 18 to September 5, 1982.

The Tiffany Vance is a combination swordfish vessel capable of gillnetting, longlining, and harpooning. The vessel is of a whaleback design, equipped with a refrigerated brine system and water maker which enables the vessel to make extended offshore trips. The vessel is also equipped with satellite and Loran navigation systems, a plotter, VHF and sideband radios, colorscope depth finders, radars, sea surface temperature gauges, and satellite weatherfax, sea surface temperature, and iceburg^e reception.

Originally I was to observe several days of harpooning and nights of gillnetting on Georges Bank then to return New Bedford; however, fishing reports from the spotter planes and vessels on Georges Bank were negative. Since satellite reports of the sea surface temperature indicated a massive warm water eddy at the Tail of the Bank, plans were made for a few days of fishing on Georges and then a refueling in Shelbourne, N.S. with me flying home from Nova Scotia. The Tiffany Vance left on August 18, 1982 from New Bedford Harbor.

The key to swordfishing is finding the right body of water. The water is usually warm, oceanic water (blue water) which usually sweeps over the Bank in the summer in the form of a warm water eddy or a meandering gulf stream. The proper body of water that a swordfisherman is seeking is usually limited in size, and competition is keen for a spot to set. We arrived on Winky's Canyon (the second canyon west of Corsair, Georges is the first canyon west of Corsair) at 4:30 pm on August 19, 1982 and began surveying the water for a proper place to set gear. In conjunction with this survey, contact is being made with all swordfish vessels in the area to see who has claimed grounds (berth) for the evenings fishing. Finally at 11:00 pm we found good water and were able to fish between a longliner to our north and another gillnetter, the sister-ship of the Tiffany Vance, the Rush, to our south.

Setting the gillnet took approximately an hour and a half. The net is a mile long and 100 feet from headrope to leadline. It has an 18 inch mesh and is 69 meshes deep. The net is set while the vessel is heading into the wind, marked with

a radar reflector on its free end and held at a set depth with polyballs and droplines. Cylume light sticks are used in conjunction with the net as attract-ments. The other end of the net is bridled to the vessel and the vessel main-tains a heading into the wind with constant observance of the position of the radar reflector to prevent the net from becoming entangled.

We began haulback at 5:00 am on August 20. Haulback is relatively easy when the net is free of fish or debris. The catch consisted of one swordfish, 56 inches long from the lower jaw to the fork in the tail. Using Beardsley, et al. (1978) length-weight relationship, this fish weighed approximately 75 lbs. The fish came on board dead, wrapped in the gill net. It looked as if the fish went through the net, tried to turn away and couldn't because of the sword; and it became more entangled as it tried to escape. The fish didn't gill itself. Nothing else was caught in the net, and the last 100 yards of the net had doubled up on itself during the night. The total haulback time was an hour and a half. The Rush also reported a catch of one fish with no by-catch.

This catch was disappointing. The vessel would like to see at least 4 swordfish per haulback of the gillnet. After receiving similar, poor catch reports from other vessels on Georges, seeing water conditions still being opti-mal on the Grand Banks and not expecting to change here, the Captain decided to head for Shelbourne, N.S. with the Rush for fuel and then to the Grand Banks for the remainder of the trip. I decided to continue the trip to gather more infor-mation because one night of fishing and only one fish really tells you little about the conduct of the fishery or the fish.

The F/V Tiffany Vance and the F/V Rush arrived in Shelburne, N.S. at first light (5:00 am) on August 21, 1982. We left that afternoon at 5:30 pm with fuel and supplies and were escorted out of the harbor by dolphins riding in the bow wake.

Steaming east to the Tail of the Bank, longline gear was readied, as well as constructed to specification determined by the captain. Two Spanish fishing vessels (a crewman on the Tiffany Vance was from Spain) were sighted heading west. Numerous container vessels were also seen heading towards Canada.

We arrived at the Tail of the Bank on August 25, 1982. The water temperature was constantly monitored for "edges" where cold and warm water meet. When edges were found, down temperatures were taken to determine how deep the warm surface water extended over the colder, bottom waters. On August 26, the Captain found good water as well as an open area (berth) among the other swordfish longliners and we were to set that evening.

The bait was frozen mackerel and squid. The mackerel was either from California or Canada, and the squid was from Brazil. The first evening we started to set-out at 5:30 pm. The usual sequence was a polyball, a yankee hook, a monofilament hook, a trap, and then another polyball; but, this varied from all monofilament hooks to all traps. The yankee hooks and traps were 14 aught hooks while the monofilament hooks were 10 aught. All replacement hooks, despite the gear type, were 10 aught. There were ten polyballs to a section, and each section ended with a highflyer. Four radio beacons were used as high flyers in each set of the longline. Cylume light sticks (blue or green) were usually placed on two of the three hooks per section. The set out took an hour and a half and 500 hooks were used.

During watch the crew maintained the vessel's position alongside the gear. The gear's position was monitored on clear nights visually by a strobe attached to the end highflyer, and on nights of bad weather by directional finders monitoring the position of the radio beacons.

haulback began at 5:10 am with the pulling on board of the first highflyer and radio beacon. Yankee hooks and traps were coiled and boxed as they came on

board and monofilament hooks were wound on reels. The Captain steering and throttling the boat remotely fishes the longline feeling for "weight". The first fish was a swordfish. With its bill breaking the water surface and then rolling on its back, dead, it was hauled to the vessel on the longline. Gaffed, it is pulled aboard, its sword is sawed off; and the fish is cleaned. The crew checks stomach contents and feels internal body temperature for clues as to what type of water the fish has been in. Most of the swordfish were feeding on squid but stomachs also contained needlefish and redfish. On this first set we caught 15 swordfish. Two fish were lost when the hooks didn't set and were pulled out, and one fish was cut up by the prop when it drifted under the vessel. The measurable fish ranged in size from 30 in. to 84 in. (measured from the lower jaw to the fork in the tail). One blue shark and two skates were also caught. A shark was believed responsible for parting the longline; but, with the use of the radio beacons, radar, and lookouts, the search for the remaining section only took half an hour. Haulback was completed at noon.

The cleaned fish are put into plastic bags and placed in the hold which is chilled by a refrigerated brine system. The Captain talks by radio with other captains, listening and telling tales about catches and conditions. In addition, he is analyzing satellite temperature and weather reports to decide on the night's fishing. The crew repairs gear and untangles snarls in the longline to make ready for a smooth setout that evening.

The next two days of fishing took place in the same general area south of the Tail of the Bank. The hooks were set out usually around 8:00 pm and completed by 11:00 pm. Haulbacks began at 5:00 am and lasted until 11:00 am or noon. On the second day, we caught eleven swordfish, ranging in size from 40 in. to 77 in., four blue sharks, one mako shark, one sea turtle (released alive) and one skate. We kept the mako in addition to the swordfish.

The third day during set out we had a gear conflict. Despite efforts by captains to establish berths and to contact all area boats on gear positions, we crossed a longline. Our vessel's stabilizers which hang from the outriggers to about 18 feet below the surface caught on a longline. The port stabilizer held fast but the starboard stabilizer, which is composed of lead and steel, left the water and slammed into the bait box just inches from a crewman. After assessing damages and freeing the port stabilizer, we continued setting out.

Haulback on August 29 began at 4:30 am. We found our line had been cut and tied by another vessel; we believe it was the Japanese. We sighted them after set out working the area and the Rush was having gear conflicts with them a few miles away. In the area where our stabilizer hit the other longline, we were in conflict with the Tiki 10, a swordfish longline vessel from Florida. Tangles were separated and gear exchanged. The one swordfish which was caught in the conflict area was taken on a hook which was crimped, such as those on the Tiffany Vance, while the knotted hooks had no swordfish. Despite the conflict, we caught nine swordfish, ranging in size from 51 in. to 88 in., one blue shark, one mako shark (which was kept) and one leather back turtle which was released alive.

To escape gear conflicts and the increased traffic (we compared temperature readings with longline vessels from Texas while two other vessels were working the horizon), we moved northeast over the Newfoundland seamounts.

The next fishing day, August 30-31, was fairly routine. The Captain set out a lesser number of hooks (300) because the water wasn't quite right (flat water). Despite this, we caught nine swordfish. Two were lost because the hooks pulled out. The swordfish brought on deck ranged from 50 in. to 69 in. The by-catch consisted of one mako (kept), two blue sharks and one skate. During haulback we lost the gear for an hour due to the mainline parting.

After haulback the Captain, in order to find better waters, steamed all night and into the next day northeast approximately 170 miles, towards the Flemish Cap. On the evening of September 1, we set out at eight and were done at 10:30 pm. Haulback began at 5:15 am and the catch was seven swordfish, ranging in size from 57 in. to 73 in., and three sharks, two blue and one mako. Whales were seen in the distance during haulback and a sea turtle, other than a leatherback, was floating next to a polyball. Haulback was completed at 8:30 am.

Haulback began at 5:30 am, and the catch was twenty swordfish which ranged in size from 39 in. to 74 in. One fish had an exceptionally large shark bite which had healed over. By-catch consisted of four blue sharks, two skates, one lancetfish and two mako sharks.

On September 3, we set out 400 hooks starting at 10:00 pm and ending at 1:30 am. Haulback on September 4 began at 5:30 am; the catch thirteen swordfish, ranging in size from 32 in. to 69 in., with a by catch of one blue and one mako. One swordfish was lost when the hook pulled free. Haulback was completed at 8:45 am.

On September 4, we set out 400 hooks early at 5:40 pm and ended at 8:30 pm. Haulback began at 5:40 am, and the catch consisted of twelve swordfish, ranging in size from 38 in. to 74 in., one mako shark, three lancetfish, three skates, one blue shark and a leatherback turtle, which was released alive. An interesting observation during our interaction with the leatherback turtle was the school of rudderfish which swam constantly under the reptile. It is likely that a commensal relationship exists between the two species. The main line parted but was found immediately.

On the night of September 5, the Captain rendezvoused with the swordfish vessel Andrea Gail, Marblehead, MA so I could get home. The vessels tied stern to stern and transferred my gear on a second line. Then the vessels untied and

the Andrea Gail aligned its starboard side to the stern of the Tiffany Vance, and I swam the 30 yards to the Andrea Gail. They pulled me on board; and two days later after being boarded by the Canadian Patrol Vessel Terra Nova, we landed at the Port of Burin, Newfoundland. The owner of the Andrea Gail, Robert Brown, who flew to Newfoundland to replace malfunctioning generators flew us home to Beverly Airport on September 9, 1982. The Tiffany Vance arrived in New Bedford on October 18 - sixty-three days at sea with 25,000 lbs. of swordfish.

Conclusions

Although the original intent of the trip was to observe swordfish gillnetting, an insight into all aspects of swordfishing was gained. During my presence, the Tiffany Vance, caught ninety-two swordfish ranging in size from 30 inches (9.7 lbs) to 88 inches (337.1 lbs) with the average being 61 inches (100 lbs) (measurements are lower jaw - caudal fork lengths). The age at first spawning as reported by Yabe et al. (1959) is 5 to 6 years; or, as calculated by Berkely (SAFMC 1982) a length of 86 to 97 inches. If the studies are correct (the men on board said they have seen developed gonads in smaller fish), all the fish we caught except for one were pre-spawners which is definitely a bad sign for future years.

Gillnet mesh size (18 in. stretched) may allow for some selectivity away from these small fish whereas hooks do not. Once the fish are hooked the majority die and some small ones are released alive; but, this event is rare.

There is no doubt that harpooning is the most selective and discriminate swordfish fishing method. Gillnetting and longlining both are indiscriminate in terms of by-catch (tuna, sharks, marine mammals and reptiles, etc.) but the gillnet as discussed may be more selective in the size of the fish caught because of the large mesh size involved. The major problem may be one of apprehension of the user groups involved to a new method which may be more efficient

and selective while less indiscriminate than the traditional longline fishery.

The major problems, possible solutions, and areas of study concerning the swordfish fishery as I see them are:

1) The petition as proposed would not allow the landing of gillnet caught swordfish in Massachusetts. This would be very difficult, if not impossible, to enforce because gillnet-caught swordfish after onboard processing are impossible to separate from longline caught swordfish or harpooned swordfish (harpoon dart wounds can be made anytime). Logically, the next step would be to ban swordfish gillnets in Massachusetts. This, too, would be difficult because the regulation would have to be drafted in such a way as to only eliminate these nets and not other types of gillnets. Also, the regulation would only eliminate their use from Massachusetts and Massachusetts' waters whereas swordfish fishermen are as pelagic as the swordfish and gillnets in ECZ waters as well as international waters. Massachusetts, because of its position geographically as well as being the center of the swordfish market, is a port of convenience. The Commonwealth should encourage landings here because of the enhancement to the economy rather than enact a regulation with a very limited conservation effect.

2) Limited Knowledge: Little is known about swordfish behavior, migration patterns and general biology due to their pelagic and oceanic nature. Studies, if initiated, will take time and money.

3) The fishery: On Georges Bank and the Grand Banks, the fishing grounds were crowded and competition for the optimal berth was keen. Among themselves, the fishermen, make an exceptional effort to avoid gear conflicts; but, like any fishery there are those who don't care and set anywhere, in any pattern and don't communicate with others. A national program of limited entry may be a partial solution, but better monitoring of the fishery is needed by the state and maybe NMFS also.

4) Smuggling: It hurts the price received by the honest fishermen as well as distorts and undermines catch statistics.

5) International Cooperation: Swordfish are pelagic and cross international boundaries to the north and south. The fishermen, as well as the fish will be better off by international political cooperation, management and enforcement.

6) Gillnets: The proposed ban of gillnets in the Northwest Atlantic FCZ in the Swordfish FMP as proposed by the Atlantic Councils will necessitate at-sea enforcement (all of the gillnetters are combination boats and could put the net in the water after dark) and will not lessen effort as rationalized because the vessels will fish longlines as an alternate which could theoretically mean more fishing pressure rather than less.

7) Closed Seasons: This also will require at-sea monitoring of the fishery because the fishery is so widespread. Fishing vessels most likely will be crossing closed areas to get to open grounds, and a finning swordfish worth a thousand dollars may be hard to pass.

8) Technology: Vessel and gear technology is improving and developing making vessels more efficient in catching more fish in less time. The key question is, "Are the swordfish keeping pace?" Again, limited entry may be a possible solution.

9) Environmental Relationships: The technology that the fishermen use shows a strong relationship between catches and eddies, the flow of currents and temperature changes. More detailed studies of the behavior of large pelagics in relation to changes in the environment should be undertaken.

10) Parasites: The swordfish has a variety of parasites both internal and external. Studies of the parasites could lead to interesting insights of swordfish biology; but, the studies would be costly and take time.

11) Mako Shark: Mako shark is an excellent eating fish and should be promoted as such by governmental, marketing agencies.

12) Swordfish: Swordfish is a by-catch in the foreign squid midwater and bottom trawl fisheries. If the swordfish are released alive from these trawls, a tagging opportunity may be available. Also, a new type of large mesh swordfish trawl could be developed.

13) Swordfish Fishermen: Swordfish fishermen, in particular the Grand Banks fishermen, are at sea for extended periods of time without communication to the mainland. An opportunity to study short-term culture and social shock is available among these fishermen and should be undertaken.

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3. Yabe, H., S. Ueyanagi, S. Kikawa and H. Watanabe, 1959. Study on the life history of the swordfish, Xiphias gladius Linnaeus. Nankai-Ku Suisan Kendyugho Hokoku 10:106-151. Transl. by Multilingual Serv. Div., Dept. of Sec. of State of Canada. Fish. Mar. Sci. Transl. Ser. No. 3356:103p.

August 19 - August 20, 1982

74

Latitude 41°21'

Longitude 66°00'

Loran C 12838
43597

set out 11:10 pm end 12:35 am
haulback 5:00 am to 6:30 am

catch 1 swordfish

length 56 in./142 cm. 1/2 girth 16 in./41 cm.

by-catch: nothing

August 26 - August 27, 1982

Latitude 42°24'

Longitude 49°00'

set out 5:30 pm end 8:00 pm
haulback 5:10 am to 12:00 pm

catch 12 swordfish bycatch: 1 blue shark
2 skates

| length (in/cm) | 1/2 girth (in/cm) |
|----------------|-------------------|
| 84/213 | 27/69 |
| 68/173 | 20/51 |
| 30/76 | 6.5/16 |
| 68/173 | 20/51 |
| 64/163 | 19/48 |
| 58/147 | 17/43 |
| 61/155 | 18/46 |
| 65/165 | 18/46 |
| 70/178 | 22/56 |
| 71/180 | 22/56 |
| 54/137 | 15/38 |
| 67/170 | 20/51 |

1 fish cut by prop
2 fish lost by hook pullout.

by-catch: 1 blue shark, 2 skates

Comments: shark parted longline. One half hour search time for remaining section.

August 27 - August 28, 1982

75

Latitude 42°28'

Longitude 49°14'

set out 7:45 pm end 11:00 pm 500 hooks
haulback 5:00 am to 11:00 am

catch 11 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 73/185 | 23/58 |
| 64/163 | 18/46 |
| 64/163 | 18/46 |
| 55/140 | 16/41 |
| 40/102 | 11/28 |
| 77/196 | 21/53 |
| 65/165 | 19/48 |
| 56/142 | 17/43 |
| 71/180 | 18/46 |
| 67/170 | 20/51 |
| 55/140 | 14/36 |

by-catch: 4 blue sharks, 1 mako shark, 1 seaturtle - other than leatherback,
1 skate.

August 28 - August 29, 1982

Latitude 42°24'

Longitude 49°25'

set out 7:00 pm end 10:45 pm 500 hooks
haulback 4:30 am to 12:00 pm

catch 9 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 64/163 | 19/48 |
| 57/145 | 17/43 |
| 88/224 | 28/71 |
| 51/130 | 14/36 |
| 62/157 | 19/48 |
| 72/183 | 22/56 |
| 55/140 | 16/41 |
| 75/190 | 22/56 |
| 74/188 | 25/64 |

by-catch: 1 blue shark, 1 mako shark, 1 leatherback turtle.

Comments: gear conflict in set-out.

August 30 - August 31, 1982

76

Latitude 43°29'

Longitude 46°58'

setout 5:00 pm end 8:00 pm 300 hooks
haulback 5:20 am to 12:00 pm

catch 7 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 56/142 | 17/43 |
| 61/155 | 17/43 |
| 69/175 | 20/51 |
| 63/160 | 17/43 |
| 54/137 | 16/41 |
| 68/173 | 19/48 |
| 50/127 | 16/41 |

2 swordfish lost, hook pulled out.

by-catch: 1 mako shark, 2 blue sharks, 1 skate.

Comments: 8:00 am to 9:00 am searching for parted gear.

September 1 - September 2, 1982

Latitude 45°46'

Longitude 44°49'

setout 8:00 pm end 10:30 pm 350 hooks
haulback 5:15 am to 8:30 am

catch 7 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 66/168 | 18/46 |
| 73/185 | 21/53 |
| 68/173 | 20/51 |
| 65/165 | 17/43 |
| 63/160 | 18/46 |
| 57/145 | 15/38 |
| 68/173 | 19/48 |

by-catch: 1 mako shark, 2 blue sharks, 1 turtle - other than leatherback
sited near polyball.

September 2 - September 3, 1982

Latitude 44°24'

Longitude 44°56'

set out 9:15 pm
haulback 5:30 amend 12:15 am
to 12:15 pm

500 hooks

catch 20 swordfish

length (in/cm)

1/2 girth (in/cm)

| | |
|--------|--------|
| 65/165 | 20/51 |
| 63/160 | 18/46 |
| 68/173 | 21/53 |
| 68/173 | 19*/48 |
| 64/163 | 19/48 |
| 64/163 | 20/51 |
| 52/132 | 16/41 |
| 64/163 | 20/51 |
| 65/165 | 18/46 |
| 45/114 | 12/30 |
| 53/135 | 16/41 |
| 58/147 | 17/43 |
| 71/180 | 19/48 |
| 72/183 | 21/53 |
| 56/142 | 17/43 |
| 60/152 | 17/43 |
| 39/99 | 10/25 |
| 74/188 | 22/56 |
| 50/127 | 15/38 |
| 47/119 | 14/36 |

*healed over shark bite.

by-catch: 4 blue sharks, 2 skates, 2 mako sharks, 1 lancetfish.

September 3 - September 4, 1982

78

Latitude 44°25'

Longitude 44°54'

setout 10:00 pm end 1:30 am 400 hooks
haulback 5:30 am to 8:45 am

catch 13 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 67/170 | 17/43 |
| 45/114 | 13/33 |
| 54/137 | 16/41 |
| 63/160 | 17/43 |
| 35/89 | 9/23 |
| 32/81 | 8/20 |
| 64/163 | 16/41 |
| 50/127 | 15/38 |
| 51/130 | 14/36 |
| 61/155 | 18/46 |
| 66/168 | 17/43 |
| 69/175 | 19/48 |
| 68/173 | 20/51 |

1 swordfish lost - hook pull out.

by-catch: 1 mako shark, 1 blue shark.

September 4 - September 5, 1982

Latitude 44°50'

Longitude 44°54'

setout 5:40 pm end 8:30 pm 400 hooks
haulback 5:40 am to 1:10 pm*

catch 12 swordfish

length (in/cm) 1/2 girth (in/cm)

| | |
|--------|-------|
| 74/168 | 19/48 |
| 45/114 | 12/30 |
| 63/160 | 17/43 |
| 68/173 | 20/51 |
| 54/137 | 16/41 |
| 55/140 | 17/43 |
| 38/97 | 10/25 |
| 59/150 | 16/41 |
| 59/150 | 16/41 |
| 61/155 | 17/43 |

*mainline parted searching 11:45 am - 12:00 pm.

by-catch: 1 mako, 1 leatherback turtle, 3 lancetfish, 3 skates, 1 blue shark.

Comments: Mainline parted, searching 11:45 am - 12:00 pm.

Japan Fisheries Association
2505 Wisconsin Ave., N.W. Rm. 506
Washington, D.C. 20007

April 11, 1983

Mr. David H.G. Gould
Executive Director
South Atlantic Fishery
Management Council 1
Southpark Circle, Suite 306
Charleston, South Carolina 29407

RECEIVED
APR 18 1983

Dear Mr. Gould:

Enclosed please find a copy of the comments on Swordfish sent by the Fisheries Agency of the Government of Japan via telefax today. The original of this document is being sent to you directly from Japan, and I believe you will be receiving it in a few days.

Thank you for your attention in this matter.

Sincerely,


Hiroyuki Takagi
Designated Representative

Encl:

**FISHERIES AGENCY
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
GOVERNMENT OF JAPAN**

2 1, 1 chome, Kasumigaseki, Chiyoda-ku, Tokyo, Japan

CABLE : "SUISANCHO" TOKYO
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EXT :

April 9, 1983

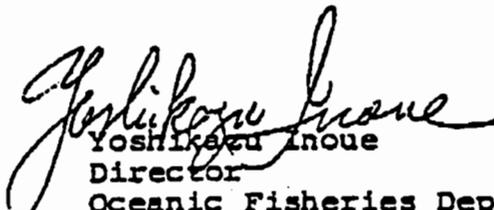
Mr. David H. G. Gould
Executive Director
South Atlantic Fishery
Management Council 1
Southpark Circle, Suite 306
Charleston, South Carolina 29407
U. S. A.

Dear Mr. Gould,

Upon instructions from my government, I wish to submit the comments enclosed herein of the Fisheries Agency of the Government of Japan (GOJ) concerning the Draft Fishery Management Plan, Regulatory Impact Review, and Draft Environmental Impact Statement for Swordfish, as published in the Federal Register of March 2, 1983 (FR. Vol. 48, No. 42, 8826-8827).

The GOJ strongly requests that NMFS take full account of these comments as well as those to be submitted by the Japan Tuna Federation and the Japan Fisheries Association.

Yours sincerely,


Yoshikazu Inoue
Director
Oceanic Fisheries Dept.
Fisheries Agency

COMMENTS OF THE FISHERIES AGENCY
OF THE GOVERNMENT OF JAPAN
ON DRAFT FISHERY MANAGEMENT PLAN (FMP)
FOR SWORDFISH

We consider that the FMP (Draft Plan) for swordfish proposed in February 1983 is unnecessary for reasons as stated below, and that it will unreasonably phase out foreign fisheries operations. We, therefore, strongly request the U.S. government to withdraw these measures.

1. On Fishery Resources

- (1) The catch of swordfish by U.S. fishing boats increased more than double from 350,000 lbs. in 1974 to 840,000 lbs. in 1980.

In addition, the CPUE of swordfish by Japanese tuna vessels in table 1 shows the same level for the past 10 years. These facts indicate that the state of the swordfish resource in the North Atlantic Ocean is far from the situation in which urgent regulatory measure of the resources is necessary.

The swordfish catch by Japanese vessels is incidental, and their fishery operations are not directed to swordfish which are usually caught in night.

However, assuming that the catch of swordfish by Japanese vessels is incidental, and considering that

the CPUE does not reflect the reality of the swordfish resources it can be said that the catch of swordfish by Japanese vessels does not cause the swordfish resources in the North Atlantic to diminish, and that, therefore, the measure to prohibit the incidental catch by Japanese vessels is not necessary.

- (2) There has never been any papers submitted to ICCAT by any country reporting the deterioration of the swordfish resources, or seeking the strengthening of fishery management.

The stock size assessment on the FMP draft is based on YPR analysis. The estimates on natural mortality (M) and fishing mortality (F), which are the main parameters, are based on many assumptions. Therefore, the estimation of the stock size made on such uncertain factors can not be a reasonable basis for fishery management.

2. Unreasonableness of Regulatory Measures for Foreign Fishing Operations

Under FCMA, the U.S. keeps out of its jurisdiction on tunas as highly migrating species. In the Presidential Proclamation in connection with the establishment of the Exclusive Economic Zone, tunas are also clearly distinguished out of jurisdiction. Consequently, the U.S. has no legal basis to control tuna fishery operations, and should give reasonable possibility for the foreign fishing operation to

catch tuna within the U.S. Economic Zone. However, considering that the incidental catch of swordfish is inevitable in the longline tuna fisheries, the measures to prohibit the incidental catch of swordfish by foreign fishing vessels as proposed in the FMP draft will, in effect, completely exclude tuna fishery operations by foreign fishing vessels, and such measures, therefore, are considered unreasonable. In addition, the proposed the FMP, which will lead to the closure of tuna fisheries, are contradictory to the spirit of the Sea Law, which aims to promote the optimum utilization of living resources within the Exclusive Economic Zone. The proposed FMP also cannot be desirable to the U.S. tuna fisheries, 90% of which are dependent on fishery operations within foreign waters.

If the proposed measures should phase the foreign tuna fisheries out of the U.S. Economic Zone, leading to the abandonment of the thought of optimum utilization of fisheries resources by the U.S. itself, there would emerge a strong possibility that other countries will adopt similar measures against the U.S. tuna vessels. It can, thus, be said that such proposed measures would be dangerous to the U.S.

3. Unnecessity of Regulatory Measure on Japanese Fishing Vessels

- (1) Up to 1981, Japanese tuna vessels had operated 2,000 ~ 5,000 vessel days annually within the U.S. 200-mile zone. But, in 1982 they imposed voluntary regulatory measure for their operations in the Gulf of Mexico as an area

for egg-laying of blue fin tuna. And in 1983 closing measures to the Gulf of Mexico were taken on the basis of the ICCAT recommendation. Further more foreign tuna operation within the 100-mile from the shoreline on Atlantic Coast between June 1 and November 30 the main fishing season for blue fin tuna, were prohibited by U.S. in 1983. After that, the value of the U.S. 200-mile zone as a fishing ground to Japanese vessels sharply declined. In 1983, the number of Japanese vessels that applied for permits to operate in the U.S. waters seems to be only 5 vessels, or a total of 400 vessel days in number of operating vessel days.

The largest incidental catch in recent years by Japanese fishing vessels was 3,970 swordfish recorded in 1981. But the total number of incidental catch in the Atlantic water excluding the Gulf of Mexico where Japanese tuna vessels currently can not access area amount to only 2,416 fish. In the 1983 fishing season, on the basis of similar incidental catch rate as in 1981, the estimated incidental catch of swordfish will be as $2,416 \times 400/5,055 = 191$ fish. This figure represents only 0.15% of 124,800 swordfish caught by U.S. fisheries (Advisory Committee estimate and ICCAT data). This falls within the range of a statistical error.

Should the regulatory measure be effected on the Japanese fishing vessels, the actual Japanese operations would have no practical effect on the swordfish stock. Such measure would therefore be meaningless.

- (2) However, because of the regulatory measures which would be meaningless as above said, the 5 Japanese fishing vessels which applied the permits, will be deprived of their fishing rights because the incidental catch of swordfish is unavoidable in the tuna long line operations. Thus, they will suffer serious economic damages.

For passed few years, Japanese fishing vessels have had voluntary regulatory measures on their own operations with respect to fishing areas and fishing season in an effort to reduce the incidental catch of billfish and the conflict of fishing gears, tried to operate in close coordination with U.S. fishing vessel and achieved many accomplishments.

This voluntary regulation has been carried out based on the agreement between the U.S. and Japanese governments and industries. The proposed FMP draft, however, will force the agreement unmeaningful, which is most regrettable to the Japanese fishing industries that have been sincerely working to implement the voluntary regulation. In the past, truly rational solutions were reached only in a friendly manner through discussions between the two countries. This FMP measure will only lead to a useless, economic confusion, and cannot be desirable to the mutual U.S. - Japanese interests. We, therefore, strongly request the U.S. government to delete from the FMP draft the regulatory measure on

foreign fishing vessels operations which will be unnecessary for the purpose of fishery management.

Table 1 Three Consecutive Years Average
of Cpue (Fish/100 Effective Hooks)
of Swordfish

| Year | North Atlantic | South Atlantic | Atlantic Wide |
|------|-------------------|-------------------|------------------|
| 1958 | 0.013 | 0.041 | 0.028 |
| 1959 | 0.014 | 0.039 | 0.026 |
| 1960 | 0.011 | 0.033 | 0.021 |
| 1961 | 0.018 | 0.040 | 0.029 |
| 1962 | 0.025 | 0.050 | 0.038 |
| 1963 | 0.036 | 0.064 | 0.051 |
| 1964 | 0.038 | 0.068 | 0.054 |
| 1965 | 0.045 | 0.069 | 0.057 |
| 1966 | 0.045 | 0.067 | 0.056 |
| 1967 | 0.048 | 0.069 | 0.059 |
| 1968 | 0.046 | 0.076 | 0.062 |
| 1969 | 0.047 | 0.089 | 0.071 |
| 1970 | 0.047 | 0.103 | 0.077 |
| 1971 | 0.049 | 0.096 | 0.075 |
| 1972 | 0.051 | 0.083 | 0.068 |
| 1973 | 0.053 | 0.072 | 0.063 |
| 1974 | 0.055 | 0.077 | 0.066 |
| 1975 | 0.052 | 0.084 | 0.066 |
| 1976 | 0.047 | 0.080 | 0.060 |
| 1977 | 0.046 | 0.087 | 0.062 |
| 1978 | 0.056 | 0.074 | 0.066 |
| 1979 | 0.058 | 0.075 | 0.069 |
| 1980 | 0.058 | 0.083 | 0.071 |

ICCAT DATA
SCRS/82/46
KIKAWA, S.
and M. HONMA

Table 2 Total Fishing Vessel Days of Japanese Tuna Vessels within the U.S. 200-mile Zone in Atlantic Coast, and its Incidental Catch of Swordfish

| | 1978 | | 1979 | | 1980 | | 1981 | | 1982 | | 1983 | |
|-------------------------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|
| | Atlantic | Gulf of Mexico |
| Total fishing vessel days | 1,182 | 917 | 1,196 | 1,502 | 1,615 | 969 | 3,102 | 1,953 | 961 | - | (400) | - |
| | 2,099 | | 2,698 | | 2,584 | | 5,055 | | 961 | | (400) | |
| Incidental catch of swordfish | 2,373 | 502 | 873 | 1,611 | 1,502 | 1,259 | 2,416 | 1,554 | 492 | - | | |
| | 2,875 | | 2,484 | | 2,761 | | 3,970 | | 492 | | | |

(Source: Fishing data by Japan's Tuna Fishing Industries.)

(Note)

1. Incidental catch means the number of fish caught dead.
2. Figures in () are estimates.

∞ ∞
| ∞ |
∞ ∞
| ∞ |

FIRST OCEAN EXPLORER, INC.

3815 N.E. 170th STREET
 BEACH, FLORIDA 33160
 (305) 948-2365
 APR 12 1983

SOUTH ATLANTIC FISHERY
 MANAGEMENT BOARD
 CHARLESTON, S.C. 29407

April 11, 1983

Mr Gould:

I have been swordfishing for three years on the east coast of Florida only. I have invested every penny I had, and then some, in a forty foot boat, which is considered one of the smaller boats in the fleet. Therefore, I am restricted to where and when I can fish. When the weather is nasty from October to April, we do not fish very often. I say "we", because I am not alone. There is a very large number of boats in this category. If any favoritism or special consideration should be shown, think about the small boat owner, who may only fish one hundred nights of the year.

In reading the summary, I was shocked to see "Exception of Harpooning from Variable Season Closure". This does not make much sense since, harpooning is a "Selective Fishery", where large fish are mainly taken (meaning mostly females). Also, from what I understand, there are more large fish caught off New England than anywhere, meaning more females "again". I would say that this is a very important factor, which should be researched thoroughly, before any decisions are to be made.

These are just a few problems that plague this "Variable Closure Phase". I would hope to say, the first major step to be taken should be to limit the "Fishery" to the number of boats that have fished in the past year, 1982. They have done it in other fisheries why not this one? In doing this, you will stop the increasing fishing pressure, which is at its maximum now.

Thank you very much for your attention and sincere consideration in this matter.

Copy: Joyce H T Court
 Chief, Ecology and Conservation Division
 Room 6663
 US Dept of Commerce
 Washington, DC 20230

Sincerely,

Michael J. Chubbucke
 1st Ocean Explorer, Inc.

G.R. MacLean
 Box 7
 Big Pine Key, FL 33043

David H.G. Gould, Executive Director
 South Atlantic Fishing Management
 South Park Bldg., Suite 306
 1 South Park Circle
 Charleston, South Carolina, 29407

APR 19 1983

SEARCHED
 SERIALIZED
 INDEXED
 FILED

Sir:

Regards the "Swordfish Management Plan", I was in attendance during the Key West meeting; and must add I was quite shocked to find the "purposed plan" dealing in less than adequate fact finding, scientifically, past 1980 and very questionable data prior to the 1980 concept. Further, the concept of "Closure" appeared to be the basic theme of the Brief; really, we all know that closure is in no way a means of conservation! It may, be your easiest solution and quote's may be your alternative. However, Limited Entry is the only sincere conservation approach this does limit Catch per unit effort. Closure only creates more boats during the open times and increases on the overall the Catch per unit effort!! Think about it! LIMITED ENTRY = CONSERVATION!

Harpooners exemption if due to short reason; then don't forget the small boats in the straits of Florida - they too should recieve exemptions, ie, no closures at all due limited fishing days, weath wise!

If quotes are a consideration then lets have individual quotes per boat rather than an over-all seasons quota. Little boats (under 44 ft.) have less chance for fair share due again to weather.

Gill nets - no - too severe on fishery.

Foreign Vessels - no - immediate withdrawal - Swordfish are worth much more than \$274.00 a piece- No foreign vessels all zones!

Scientifies data and fisherman involvement: I requested from the "Management Chairman" Key West meeting a list of Fisherman (Swordfisherman) actively involved in (a) data collection, (b) representation on boards or panels. I was advised there were many. I further was promised a list of Fisherman Involved names. This is 11 April, 1983. I have not yet received what had been promised, is this another governmental white wash job??

If a plan is necessary than let us develop one with a common purpose and joint responsibility with at least one fisherman on the advisory panel. If we are to be advised, let us determine to some extent our future. It seems to me that (a) Much more scientific work is required. (b) To create regulations which allow for futuristic learning and data gathering is a definite hardship for

People in the industry. A point being this "The panel was asked a very simple question during the Pompano Beach meeting" That was how many boats fishe Swordfish?? The panel had no answer. Check the record! (c) Limited Entry is the only sensible solution allowing those now involved to prosper and develop this resource to its maximum without imposing closures due to an increase in boats and year.

Please review this letter and if further communication is possible please let use open lines between law makers and those for whom the laws are supposed to protect and hopefully assist.

To my knowledge there has been little or no two way communication

Sincerely,



GEORGE R. MacLEAN
Owner/Operator of the
Fishing Vessel "Thunder" *cc.*

cc: Joyce M.T. Wood
Chief, Erology & Conservation
Division
Room 6800
U.S. Department of Commerce
Washington, D.C. 20230

cc: The Whitehouse
1600 Pennsylvania
Washington, D.C. 20500



**FEDERATION OF JAPAN TUNA FISHERIES
CO-OPERATIVE ASSOCIATIONS**

-TELEPHONE-

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22-3, 2-CHOME KUDANKITA, CHIYODA-KU
TOKYO, JAPAN

-CABLE ADDRESS-

JAPANTUNA TOKYO
TELEX NO. J 24453
AAB:JATUFA

April 12, 1983

Mr. David H. G. Gould
Executive Director
South Atlantic Fishery
Management Council 1
Southpark Circle, Suite 306
Charleston, South Carolina 29407
U. S. A.

Dear Mr. Gould:

On behalf of Japanese tuna longline fishermen, I wish to submit the comments enclosed herein of the Federation of Japan Tuna Fisheries Co-operative Associations concerning the Draft Fishery Management Plan, Regulatory Impact Review, and Draft Environmental Impact Statement for Swordfish, as published in the Federal Register of March 2, 1983 (FR. Vol. 48, No. 42, 8826-8827). We request your most favorable consideration.

Yours sincerely,

Shojiro Shimura
Shojiro Shimura
Executive Director
International Affairs
Federation of Japan Tuna Fisheries
Co-operative Associations

" COMMENTS ON THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT/ FISHERY MANAGEMENT
PLAN FOR ATLANTIC SWORDFISH. "

by Federation of Japan Tuna Fisheries
Co-operative Associations

On behalf of Japanese tuna longline fishermen, we wish to submit the following comments on the captioned draft FMP.

Gist of Comment:

We oppose the adoption of the draft FMP because of the following reasons:

The foreign fishing management measures proposed in the draft FMP are contrary to the provisions of the Magnuson Fishery Conservation and Management Act (MFCMA). Furthermore, the mortality of swordfish as a result of Japanese tuna longliner fishing in the U.S. FCZ is such a negligible amount that the impact on the swordfish stock is very small. Therefore, the Japanese longliners can have no statistically valid or discernible effect on the U.S. swordfish fishery stocks, and there is no necessity nor appropriate reason to adopt any restrictive measures on there fishing operations in the U.S. FCZ.

- Comments -

1. The draft FMP is illegal in the light of the provisions of MFCMA due to the following reasons;

(i) The draft FMP specifies the intent to phase out foreign longline fishing operations from the U.S. FCZ, and as a way to realize this phase-out, restrictive measures are provided for, such as a declining quota on the number of swordfish that can be hooked by foreign fishing, based on 1980 Japanese data, an accelerated phase-out of foreign hooked swordfish, etc. When it is duly considered that (a) swordfish share the same habitat with

tuna and naturally the incidental catch can not be prevented, and that (b) to prevent such incidental catch, tuna fishing itself would have to cease. These measures, which will actually function to rob foreign tuna longlines of reasonable opportunities to catch tuna within the U.S. FCZ, are contrary to the provisions of the MFCMA which exclude tuna, highly migratory species, from U.S. jurisdiction.

(ii) The draft FMP is in violation of provisions of the MFCMA (Sec 301-(a)(7)), which requires that conservation and management measures shall, where practicable, minimize cost and avoid unnecessary duplication. The area closure for foreign longline fishing within 100 miles waters in the U.S. East Coast was implemented in September 1982 based on Amendments to the PMP for billfish and sharks. Inasmuch as the closure has made much of the tuna in the Atlantic FCZ inaccessible to Japanese longliners, it has had an equivalent effect on the Japanese longliners' incidental hooking of swordfish. Therefore, there is no necessity nor appropriate reason to introduce any further measures to restrict foreign longlining in the U.S. FCZ.

2. The impact by Japanese tuna longliners on the swordfish stock within the U.S. FCZ is so small that it is statistically insignificant for stock management purposes. Any reduction in swordfish mortality resulting from a reduction in the incidental catch of Japanese longliners can have no statistically valid effect on the fishing mortality (F) measure used to determine OY (YPR). Therefore, the proposed management measures directed at tuna longliners have no validity as a means of achieving maximum YPR and are both unnecessary and unjustified in terms of the cost/benefit ratio.

(i) In 1980, the base year for most of the management measures in the FMP, U.S. swordfish fishermen caught at least 125,000 swordfish in the Atlantic and Gulf waters (estimate by the U.S. swordfish fishermen and swordfish dealers at the Advisory Committee meetings in preparation for development of the FMP).

On the other hand, the number of swordfish which were killed in 1980 within the FCZ of the Atlantic Coast and the Gulf of Mexico as a result of the by-catch of Japanese longliners is only 2,761, which accounts for only 2% of all the swordfish mortality in the said area in that year.

(ii) In 1982, the number of swordfish killed within the U.S. Atlantic FCZ as a result of by-catch of Japanese tuna longliners was only 492 (fishing operations in the Gulf of Mexico FCZ were voluntarily stopped in consideration of the ICCAT bluefin tuna stock assessment.) If you replace this figure 492 for the 1980 figure (i.e. 2,761) in the above calculation (without considering a rapid increase in the fishing efforts by the U.S. fishermen), the figure obtained is a negligible 0.3%. This figure duly justifies our view that Japanese tuna longliners have no impact on the swordfish stock in U.S. FCZ.

In this connection, it should be stated that full observer boarding coverage for Japanese vessels has been in effect since 1982, so there should be no legitimate reasons to double the above figure 492 as such unilateral idea applied in the draft FMP.

(iii) In addition, the number of swordfish killed by Japanese tuna longlining within the U.S. Atlantic FCZ in the year of 1983 is expected to be substantially reduced from 492 (for the year of 1982) to about 200 because the number of Japanese vessels expected to fish in the said waters will be drastically lessened (estimated at 5 vessels as against 18 in 1982, with little possibility that this number will be increased in the foreseeable future) due to the loss of good tuna fishing grounds as a result of implementation of the 100 mile area closure in the Atlantic Billfish and Sharks PMP, despite of our opposition to its implementation because it is contrary to the provisions of MFCMA by denying the reasonable opportunities of foreign tuna longliners to catch tuna within the U.S. FCZ. Active fishing operations in the U.S. FCZ in the Gulf of Mexico by Japanese tuna

longliners will not be resumed in the future unless bluefin tuna restrictions by ICCAT are alleviated.

Howard W. Lee /2331 n. e 34 court / ⁹⁷lighthouse point florida 33064 / (305) 943-5808

12 April, 1983

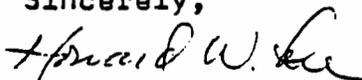
Dear Mr. Gould,

As a follow up to the swordfish management meeting in Pompano Beach, I as a boat owner, would like to make the following comments.

1. There should be a total ban of Japanese tuna fishing in U.S. waters. Gear conflict and swordfish kill is unavoidable. No gear can be designed to eliminate swordfish kill.
2. Japanese kill statistics for swordfish cannot be relied upon. How naive can we be? They are a very aggressive and practical people little concerned with conservation. Especially in our waters!
3. U.S. observers cannot be relied upon. They must sleep, and their comfort on board is determined by the Japanese. Naive.
4. Let us not make further senseless laws like those that recognize unavoidable killing of blue fin tuna but make it a crime to market more than two and sometimes none per trip. Millions of dollars that could go to strengthen our fishermen and economy are turned into shark and crab food.
5. Along with eliminating the Japanese presence, there should be limited entry to the swordfishery to keep the stock from being overfished and to prevent the boom-bust cycles as have happened in the scallop, shrimp, salmon, king crab etc. fisheries.
6. On the small U.S. boats an observer-scientist could be a great liability to the fisherman.
7. Some attention should now be paid to protecting the egg bearing female and particularly the juvenile of the species. In the Gulf of Mexico many boat's entire catch will be of 25 and 50 pound fish.

Thanking you for your attention,

Sincerely,


Howard W. Lee

FISHERIES AGENCY
MINISTRY OF AGRICULTURE, FORESTRY AND FISHERIES
GOVERNMENT OF JAPAN

2-1, 1-chome, Kasumigaseki, Chiyoda-ku, Tokyo, Japan

CABLE : "SUISANCHO" TOKYO
PHONE : 502-8111
EXT :

April 9, 1983

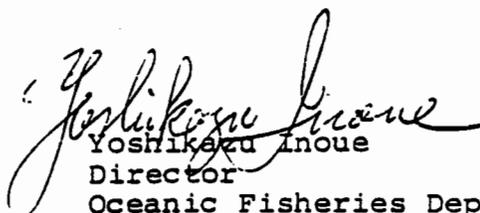
Mr. David H. G. Gould
Executive Director
South Atlantic Fishery
Management Council 1
Southpark Circle, Suite 306
Charleston, South Carolina 29407
U. S. A.

Dear Mr. Gould,

Upon instructions from my government, I wish to submit the comments enclosed herein of the Fisheries Agency of the Government of Japan (GOJ) concerning the Draft Fishery Management Plan, Regulatory Impact Review, and Draft Environmental Impact Statement for Swordfish, as published in the Federal Register of March 2, 1983 (FR. Vol. 48, No. 42, 8826-8827).

The GOJ strongly requests that NMFS take full account of these comments as well as those to be submitted by the Japan Tuna Federation and the Japan Fisheries Association.

Yours sincerely,


Yoshikazu Inoue
Director
Oceanic Fisheries Dept.
Fisheries Agency

COMMENTS OF THE FISHERIES AGENCY
OF THE GOVERNMENT OF JAPAN
ON DRAFT FISHERY MANAGEMENT PLAN (FMP)
FOR SWORDFISH

We consider that the FMP (Draft Plan) for swordfish proposed in February 1983 is unnecessary for reasons as stated below, and that it will unreasonably phase out foreign fisheries operations. We, therefore, strongly request the U.S. government to withdraw these measures.

1. On Fishery Resources

- (1) The catch of swordfish by U.S. fishing boats increased more than double from 350,000 lbs. in 1974 to 840,000 lbs. in 1980.

In addition, the CPUE of swordfish by Japanese tuna vessels in table 1 shows the same level for the past 10 years. These facts indicate that the state of the swordfish resource in the North Atlantic Ocean is far from the situation in which urgent regulatory measure of the resources is necessary.

The swordfish catch by Japanese vessels is incidental, and their fishery operations are not directed to swordfish which are usually caught in night.

However, assuming that the catch of swordfish by Japanese vessels is incidental, and considering that

the CPUE does not reflect the reality of the swordfish resources it can be said that the catch of swordfish by Japanese vessels does not cause the swordfish resources in the North Atlantic to diminish, and that, therefore, the measure to prohibit the incidental catch by Japanese vessels is not necessary.

- (2) There has never been any papers submitted to ICCAT by any country reporting the deterioration of the swordfish resources, or seeking the strengthening of fishery management.

The stock size assessment on the FMP draft is based on YPR analysis. The estimates on natural mortality (M) and fishing mortality (F), which are the main parameters, are based on many assumptions. Therefore, the estimation of the stock size made on such uncertain factors can not be a reasonable basis for fishery management.

2. Unreasonableness of Regulatory Measures for Foreign Fishing Operations

Under FCMA, the U.S. keeps out of its jurisdiction on tunas as highly migrating species. In the Presidential Proclamation in connection with the establishment of the Exclusive Economic Zone, tunas are also clearly distinguished out of jurisdiction. Consequently, the U.S. has no legal basis to control tuna fishery operations, and should give reasonable possibility for the foreign fishing operation to

catch tuna within the U.S. Economic Zone. However, considering that the incidental catch of swordfish is inevitable in the longline tuna fisheries, the measures to prohibit the incidental catch of swordfish by foreign fishing vessels as proposed in the FMP draft will, in effect, completely exclude tuna fishery operations by foreign fishing vessels, and such measures, therefore, are considered unreasonable. In addition, the proposed the FMP, which will lead to the closure of tuna fisheries, are contradictory to the spirit of the Sea Law, which aims to promote the optimum utilization of living resources within the Exclusive Economic Zone. The proposed FMP also cannot be desirable to the U.S. tuna fisheries, 90% of which are dependent on fishery operations within foreign waters.

If the proposed measures should phase the foreign tuna fisheries out of the U.S. Economic Zone, leading to the abandonment of the thought of optimum utilization of fisheries resources by the U.S. itself, there would emerge a strong possibility that other countries will adopt similar measures against the U.S. tuna vessels. It can, thus, be said that such proposed measures would be dangerous to the U.S.

3. Unnecessity of Regulatory Measure on Japanese Fishing Vessels

- (1) Up to 1981, Japanese tuna vessels had operated 2,000 ~ 5,000 vessel days annually within the U.S. 200-mile zone. But, in 1982 they imposed voluntary regulatory measure for their operations in the Gulf of Mexico as an area

for egg-laying of blue fin tuna. And in 1983 closing measures to the Gulf of Mexico were taken on the basis of the ICCAT recommendation. Further more foreign tuna operation within the 100-mile from the shoreline on Atlantic Coast between June 1 and November 30 the main fishing season for blue fin tuna, were prohibited by U.S. in 1983. After that, the value of the U.S. 200-mile zone as a fishing ground to Japanese vessels sharply declined. In 1983, the number of Japanese vessels that applied for permits to operate in the U.S. waters seems to be only 5 vessels, or a total of 400 vessel days in number of operating vessel days.

The largest incidental catch in recent years by Japanese fishing vessels was 3,970 swordfish recorded in 1981. But the total number of incidental catch in the Atlantic water excluding the Gulf of Mexico where Japanese tuna vessels currently can not access area amount to only 2,416 fish. In the 1983 fishing season, on the basis of similar incidental catch rate as in 1981, the estimated incidental catch of swordfish will be as $2,416 \times 400/5,055 = 191$ fish. This figure represents only 0.15% of 124,800 swordfish caught by U.S. fisheries (Advisory Committee estimate and ICCAT data). This falls within the range of a statistical error.

Should the regulatory measure be effected on the Japanese fishing vessels, the actual Japanese operations would have no practical effect on the swordfish stock. Such measure would therefore be meaningless.

- (2) However, because of the regulatory measures which would be meaningless as above said, the 5 Japanese fishing vessels which applied the permits, will be deprived of their fishing rights because the incidental catch of swordfish is unavoidable in the tuna long line operations. Thus, they will suffer serious economic damages.

For passed few years, Japanese fishing vessels have had voluntary regulatory measures on their own operations with respect to fishing areas and fishing season in an effort to reduce the incidental catch of billfish and the conflict of fishing gears, tried to operate in close coordination with U.S. fishing vessel and achieved many accomplishments.

This voluntary regulation has been carried out based on the agreement between the U.S. and Japanese governments and industries. The proposed FMP draft, however, will force the agreement unmeaningful, which is most regretable to the Japanese fishing industries that have been sincerely working to implement the voluntary regulation. In the past, truly rational solutions were reached only in a friendly manner through discussions between the two countries. This FMP measure will only lead to a useless, economic confusion, and cannot be desirable to the mutual U.S. - Japanese interests. We, therefore, strongly request the U.S. government to delete from the FMP draft the regulatory measure on

foreign fishing vessels operations which will be unnecessary
for the purpose of fishery management.

Table 1 Three Consecutive Years Average
of Cpue (Fish/100 Effective Hooks)
of Swordfish

| Year | North Atlantic | South Atlantic | Atlantic Wide |
|------|-------------------|-------------------|------------------|
| 1958 | 0.013 | 0.041 | 0.028 |
| 1959 | 0.014 | 0.039 | 0.026 |
| 1960 | 0.011 | 0.033 | 0.021 |
| 1961 | 0.018 | 0.040 | 0.029 |
| 1962 | 0.025 | 0.050 | 0.038 |
| 1963 | 0.036 | 0.064 | 0.051 |
| 1964 | 0.038 | 0.068 | 0.054 |
| 1965 | 0.045 | 0.069 | 0.057 |
| 1966 | 0.045 | 0.067 | 0.056 |
| 1967 | 0.048 | 0.069 | 0.059 |
| 1968 | 0.046 | 0.076 | 0.062 |
| 1969 | 0.047 | 0.089 | 0.071 |
| 1970 | 0.047 | 0.103 | 0.077 |
| 1971 | 0.049 | 0.096 | 0.075 |
| 1972 | 0.051 | 0.083 | 0.068 |
| 1973 | 0.053 | 0.072 | 0.063 |
| 1974 | 0.055 | 0.077 | 0.066 |
| 1975 | 0.052 | 0.084 | 0.066 |
| 1976 | 0.047 | 0.080 | 0.060 |
| 1977 | 0.046 | 0.087 | 0.062 |
| 1978 | 0.056 | 0.074 | 0.066 |
| 1979 | 0.058 | 0.075 | 0.069 |
| 1980 | 0.058 | 0.083 | 0.071 |

ICCAT DATA
SCRS/82/46
KIKAWA, S.
and M. HONMA

Table 2 Total Fishing Vessel Days of Japanese Tuna Vessels within the U.S. 200-mile Zone in Atlantic Coast, and its Incidental Catch of Swordfish

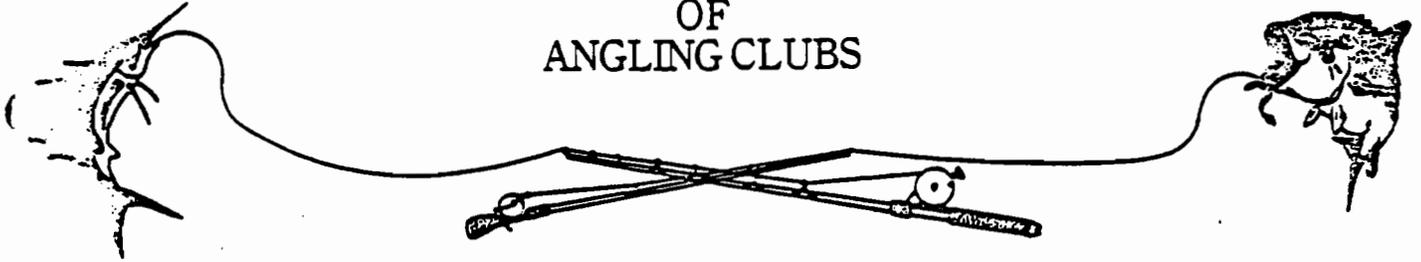
| | 1978 | | 1979 | | 1980 | | 1981 | | 1982 | | 1983 | |
|-------------------------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|----------|----------------|
| | Atlantic | Gulf of Mexico |
| Total fishing vessel days | 1,182 | 917 | 1,196 | 1,502 | 1,615 | 969 | 3,102 | 1,953 | 961 | - | (400) | |
| | 2,099 | | 2,698 | | 2,584 | | 5,055 | | 961 | | (400) | |
| Incidental catch of swordfish | 2,373 | 502 | 873 | 1,611 | 1,502 | 1,259 | 2,416 | 1,554 | 492 | - | | |
| | 2,875 | | 2,484 | | 2,761 | | 3,970 | | 492 | | | |

(Source: Fishing data by Japan's Tuna Fishing Industries.)

(Note)

1. Incidental catch means the number of fish caught dead.
2. Figures in () are estimates.

107
CONSERVATION COUNCIL
OF
ANGLING CLUBS



P.O. BOX 606 NORFOLK, VIRGINIA 23501-0606

CAPE HENRY
HILLFISH CLUB

CONFEDERATE
BASS MASTERS

EASTERN SHORE
ANGLERS CLUB

NORFOLK COUNTY
ANGLERS CLUB

PENINSULA SALT-
WATER SPORT
FISHING ASSN.

PORTSMOUTH
ANGLERS CLUB

TIDEWATER
ANGLERS CLUB

VIRGINIA
ANGLERS CLUB

VIRGINIA BEACH
ANGLERS CLUB

VIRGINIA BEACH
SANDWICHES

EAST COAST
SPORTSMAN CLUB

VA. BLUEWATER
GAMEFISH ASSN.

TIDEWATER CHARTER
BOAT ASSN.

South Atlantic Fisheries Management Council
1 Southpark Circle Suite 306
Charleston, South Carolina 29407

MAY 10 1973
COMMUNICATIONS SECTION
U.S. DEPARTMENT OF COMMERCE
WASHINGTON, D.C.

The Conservation Council is an affiliation of the marine recreational fishing clubs of Virginia. One of its purposes is to express the thoughts of more than 4,000 recreational fishermen, in matters affecting their interests.

The enclosed comments on the proposed Management Plan for Swordfish are the result of a thorough review of the FMP, and intensive discussions by representatives of our member organizations.

Very truly,

L. Carl Herring Jr. -President

James F. McHugh -Vice President

James R. Martin -Sec. & Treasurer

The Conservation Council of Angling Clubs of Virginia has several serious reservations concerning the proposed Fishery Management Plan for Swordfish. In general, these are based on the fact that the total of our study of available scientific information, when added to our experiences, observations, and information obtained from reliable sources; in other areas, indicate that this species is being subjected to dangerous fishing pressures. We are concerned that the results of these pressures will have a permanent, negative effect on the stocks.

While we fully appreciate the problems involved in proposing a reasonable management scheme, we do not feel that adequate management measures have been proposed to provide against the very real contingency of irreversible stock declines. Although the Variable Season Closure Calendar is, theoretically, an acceptable concept, we feel that the proposed Management Plan does not contain adequate measures to make it practically effective.

Historically, the commercial Swordfish fishery is a harpoon effort. In this method of harvest, the species is subjected to fishing effort during a relatively short season, and the capture is largely confined to mature fish. With the discovery, in the mid 1960's that Swordfish were vulnerable to longline fishing, effort expanded to a year long season, and since longlining is an indiscriminant method of effort, smaller and immature swordfish are being harvested in substantial numbers. From an initial participation of only a few boats in Swordfish longlining, entry into this fishery has continually increased to a present unconfirmed estimate of 500 full or part time participating boats. Between 1960 and 1980 landings have increased from 1 million to 7.5 million pounds (NMFS data).

Added to this brief historical background, and additionally contributing to the reason for our concerns, is the current

scientific and statistical data available in the Source Document for the Swordfish Fishery Management Plan, (SAFMC. May, 1982). This document states, (page 8-1) that, "Age at first spawning was reported to be five to six years." and further on, "Estimates of (size at) sexual maturity off the southeast coast of the U.S. are 163.1 lbs. for females". Relying on the factor used by the source document, this estimate converts to 122 lbs. dressed weight.

On page 8-7, the Source Document states, "Berkeley and Houde (1981) observed fish in age classes 0 to 11 in South Florida longline catches; however, more than 50% of the catch was composed of ages 1 through 4." The referenced figure, for this comment, (Fig. 8-2), indicates that the statement was made on the basis of 22,800 fish observed, of which 75% in 1979, and 60% in 1980, were immature. 55% in 1979, and 60% in 1980 were under 100 pounds round weight. The investigators do not provide an estimate of the fish observed as a percentage of the total harvest. Other data states that the South Florida harvest was 1.7 million pounds in 1979 and 2.6 million pounds in 1980, both round weight.

With this information for a substantive background, we fail to see how the proposed Fishery Management Plan provides for even a stabilization in the harvesting of immature fish. While, theoretically, the scientific community may argue that the variable closure scheme, and YPR method of estimating stocks will accomplish this desirable result, the FMP contains no proposal for controlling effort in a timely manner: its method of implementing catch reductions lags the triggering condition by a full fishing year; and the proposed size of the sample on which the closure decisions will be made seems so small as to be extremely vulnerable to serious challenge, should a closure become necessary.

Since landing prices for Swordfish are in the \$2 through \$4 range, continued referral to the Source Document cannot help but lead to the conclusion that socio-economic considerations were a most significant factor in the finalization of this FMP. While recognizing the necessity for these considerations, the fact that

this species is a premium priced commodity in the marketplace necessitates an in depth appraisal of the potential impact on stocks resulting from continued effort at the presently increasing levels.

"If revenues are rising at a rate greater than costs, the fishermen will continue to fish despite declining abundance. Furthermore, most currently used management regulations will not effectively reverse this situation. This can be a serious problem because there is no economic disincentive to harvest fish as abundance is reduced" (Norton & Strand, University of Maryland, 1980).

In this situation another economic problem is a distinct possibility. Increasing prices tend to attract additional entries into the fishery. Such a condition is a documentable trend in the Swordfish fishery, at the present time. Increased effort in the face of declining abundance must result in a reduction in CPUE. Over-capitalization is the direct result.

A review of the socio-economic data included in the Source Document does not seem to indicate that these factors have been taken into adequate consideration in considering the potential problems in this fishery.

It is the firm belief of our organization that the Swordfish FMP should include measures which will reduce juvenile mortality. In our opinion this may be done by either reducing the number of participants in the fishery, or strictly regulating the time and method of effort.

Perhaps the clearest and simplest statement of the current condition of this fishery can be found in no better place than in Sec. 2(a)(2) of the Magnuson Act, which says, "As a consequence of increased fishing pressure and because of the inadequacy of fishery conservation and management practices and controls (a) certain stocks of such fish have been overfished to the point where their survival is threatened, and (b) other stocks have been so substantially reduced in number that they could become similarly threatened."

The draft FMP clearly states that, "Growth overfishing is expected in 1981 and will likely become more intense". This is 1983, and there are no prospects that this plan will be implemented before 1984. Currently there are no restraints on U.S. fishing effort, nor any adequate data collection regime in place. If there is an validity in the statements contained in Sec. 2(b)(1)(3) and (4) of the Magnuson Act this Swordfish FMP should be drafted to provide for adequate conservation and proper management. In its present form it does neither.

Directly addressing the content of the FMP, the Virginia Council of Angling Clubs has the following comments:

1. The variable closure scheme does not provide for a shift in effort from area to area. Since a prohibition against such activity may be difficult to enforce, it would seem that a viable alternative would be to close the longline and gill net fishery, and prohibit the traffic in either fresh or frozen swordfish, from November 1 until May 1.

Closure of the longline fishery for these six months is a desirable alternative, based on the following knowledge:

- a. Since the longline fishery is indiscriminant, the directed longline fishery for Swordfish results in a substantial by catch of Bluefin tuna and marlins.
- b. The major spawning areas, and the annual migratory tracks of all these species are well established, with the bulk of the spawning taking place in the Gulf of Mexico, December through April, and a major portion of the northly annual migration occurring through the Straits of Florida, and between southeastern Florida and Bahama, from March through May. Since these locales constitute "choke points", with maximum distances between land masses being less than 100 miles, these species are particularly vulnerable to an infinite number of longline sets up to 60 miles in length. Southeast Region Observer

records indicate that the Japanese longline fishery deployed their vessels in these areas. NMFS catch records, by areas, attest to the fact that the greatest increases in the total annual U.S. harvest of Swordfish have taken place on Florida east coast and Gulf of Mexico. (Source Document, SAFMC, Table 8-14 and 8-15). Since, as has been previously demonstrated, the greatest percentage of the southern Florida harvest is immature fish, a total closure of this area, during the spawning and migratory seasons would be not only proper, but reasonable management of the stocks. As a matter of fact, not to do so would seem to be a violation of National Standard 1, 2, and 3. The concept is compatible with Standard 4 since we would, undoubtedly, witness the reverse of the present practice in which northern longline vessels go south, and work north with the migration. Given a closure, the southern based vessels would come north and work from that location where they find fish on May 1, and again south in the Fall until November 1. Until further data is accumulated, evaluating the continued impact of the longline fishery on immature fish, the question of efficiency contained in Standard 5 need not be raised. The concept of the closure seems to be in accord with Standards 6 and 7.

2. We assume that the letters of intent and authorization described in Sec. 10.2(D)(1) of the FMP is the equivalent to a permit. We believe that all vessels participating in the longline fishery should be permitted. We further believe that mandatory participation of a percentage of the participants, selected by lottery, or scientific formula is desirable, if it is workable, and if it results in producing data adequate to proper management of the fishery.

We do believe however, that the sampling scheme, as it is described in this section is weak with regard to the intent to implement it, e.g. "every effort will be made to assure that

no vessels will be observed more than once a season" and "If at any time on-board technicians are not necessary for stock assessment they will be eliminated". We do not consider this language either proper, or necessary, if an assessment plan is to be implemented objectively. Certainly the actions they describe may be taken at the management level, when in the opinion of the authorities, they are justifiable. To state, is to provide loopholes for escapement from participation.

A matter of additional concern, in this section, is the proposed size of the sample. Given prevailing conditions, in which numbers, rather than average weight, are significant it would seem that observation of the greatest possible number of individual fish would provide the most stable indicator of the percentage of immature fish being harvested. Witness the fact that Berkeley and Houde observed close to 8,000 fish in 1979, and close to 15,000 in 1980. The 20% sample proposed by the Mid Atlantic FMC seems much more like a realistic minimum.

In any event, and from purely a standpoint of statistical methodology, it does not seem that a sample size of equal numbers in each of the three active fishing areas will produce an accurate, meaningful result. Such a proposal seems to provide too great an opportunity to play with numbers. If, for example, 75% of the fish observed in the New England area are observed in the harpoon fishery, then these average weights will substantially skew the average weight of all the fish observed. If, on the other hand, the vessel selection is made in proportion to the number of boats participating in the longling or the harpoon fishery, a greater absolute number of longliners will be observed. While this may well provide an acceptable abstract number for scientific theorizing, we do not believe it will accurately reflect the true condition of the fishery, and the direction in which it is headed.

It must be remembered that, while the southern Florida longline fishery is exerting severe pressures on immature fish, thereby culling the stocks from the bottom, the New England harpoon fishery has, in recent years, introduced the spotter airplane, thereby greatly increasing their efficiency while culling the stocks from the top. Best available data (Canadian - Source Document: SAFMC, Table 8-3) indicates that prior to the introduction of a longline fishery, and presumably prior to intense airplane spotter support, the Canadian harpoon fishery annually harvested 3 million to 6 million pounds, dressed weight, of Swordfish. With the advent of longlining, the harpoon catch dropped steadily from 606 m/t to 83 m/t in an 8 year period (Source Document SAFMC, Table 8-3).

In summary we believe that a much more detailed statistical plan should be spelled out in the FMP. It is common knowledge that the Swordfish fishery has perceived reasons for desiring secrecy concerning their effort and harvest. Beyond the constraints imposed by the NMFS guidelines for confidentiality, we do not believe that the monitoring of the Swordfish fishery should be tailored to condone this secrecy. This is particularly true since the purpose of the monitoring plan is to obtain the best scientific knowledge available in order to properly conserve and manage the resource. We are not convinced that the present proposals will do so.

3. With regard to the proposed Foreign Fishing Management Measures, we believe that Alternative No. 3, a straight line, 20% annual, reduction, is not only the desirable alternative, but that it is totally consistent with the intentions of the American Fisheries Protection Act. We further believe that the foreign fishery should be closed before it becomes necessary to close the U.S. fishery, without any introduction of accelerated quota rates.
4. A final comment has to do with the Management Measures considered, and rejected. Comments contained in the reasons for rejection,

particularly in Sec. 10.7.2 and Sec. 10.7.9 seem to document our concerns for the methodology of the monitoring system being proposed in this FMP. They also, most certainly, dignify our concern that the approach to this FMP has been guided by some socio-economic considerations rather than necessary management of the resource. If the writers admit that mandatory reporting will provide more valuable, and more accurate data than they can expect to obtain by the proposed monitoring scheme, where we ask, is there any consistency with the legislative mandate to provide "the best scientific data available"?

In closing we wish to make it very emphatic that we have not raised the issue of tuna and other billfish, as an issue for consideration, in other than one passing comment. This has been done, after considerable debate, and finally, with some reluctance. We have failed to comment on these concerns, out of an apprehension that our comments would be regarded as coming from the "recreational fishery", and therefore, lacking in understanding, and motivated by selfish or biased concerns. We have done our best to avoid this type of evaluation of what we have said.

The facts of life, however, cannot be ignored. Longline fishing is longline fishing, whether it is conducted by foreign fishing vessels, or U.S. owners. The data concerning the by-catch mortality on tuna and billfish has been widely circulated, and commonly accepted. We have no reason, nor have we heard of one being advanced, that will give us any confidence that U.S. longlining will have any less of a by-catch, or will be conducted in such a manner as will substantially reduce mortality in there other species. We are not so unrealistic as to believe that a market does not exist, and will continue to develop, for these by-catch species, and that the result can only be a severe, and adverse impact on the U.S. recreational fishing industry.

III. 1984 COMMENTS

SECTION A AGENCY COMMENTS

SECTION B PUBLIC COMMENTS

SECTION A AGENCY COMMENTS



118
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

LAW ENFORCEMENT BRANCH
P. O. BOX 425, DTS
PORTLAND, MAINE 04112

29 March 1984

To whom it may concern

From: *Robert F. Gowell*
Robert F. Gowell, Senior Resident Agent

Subject: MORTALITY OF SWORDFISH HOOKED AND RELEASED IN THE JAPANESE
LONGLINE FISHERY

On 29 March 1984, Mr. William Jerome of the National Marine Fisheries Service in Gloucester, Massachusetts informed me of the following information:

During the Japanese longline fishery from 30 June 1982 thru 18 January 1983, the mortality of the swordfish hooked and released were as follows;

1,028 Hooked
541 Released Alive
463 Released Dead
24 Unknown

During the Japanese longline fishery from 8 January 1983 thru September 1983, the mortality of the swordfish hooked and released were as follows;

122 Hooked
37 Released Alive
84 Released Dead
1 Unknown





119
U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Southeast Regional Office
9450 Roger Boulevard
St. Petersburg, FL 33702

November 20, 1984 F/SER21:MEJ/clw

TO: Bruce Austin
South Atlantic Council

FROM: F/SER21 - Michael E. Justen *Michael E. Justen*

SUBJECT: Draft Fishery Management Plan, Regulatory Impact Review
Initial Regulatory Flexibility Analysis, and Draft Environmental
Impact Statement for Swordfish

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
NOV 29 1984

As provided, I reviewed the above documents to provide comments which, if followed, would strengthen the FMP and supporting documents and minimize potential problems during the secretarial review. The following comments follow:

1. The documents, as they are presented, do not technically comply with the Regulatory Flexibility Analysis (PL96-354) due to the absence of a regulatory flexibility analysis. As such, the regulations would lapse 180 days after implementation. Technical compliance can be shown in the following manner:

- o Change the title of the documents to be "Fishery Management Plan, Regulatory Impact Review, Initial Regulatory Flexibility Analysis, Environmental Impact Statement for Swordfish."
- o Insert the Phrase "1.0 Executive Order 12291" after the section 10 main title.
- o Insert the following statement after the first paragraph in section 10 to more fully describe the various laws which the documents need to comply with:

"In compliance with Executive Order 12291, the Department of Commerce (DOC) and the National Oceanic and Atmospheric Administration (NOAA) require the preparation of a Regulatory Impact Review (RIR) for all regulatory actions which either implement a new fishery management plan or significantly amend an existing plan, or may be significant in that they reflect important DOC/NOAA policy concerns and are the object of public interest.

The RIR is part of the process of developing and reviewing management plans and is prepared by the Regional Fishery Management Councils with the assistance of the National Marine Fisheries Service (NMFS), as necessary. The RIR provides a



comprehensive review of the level and incidence of impact associated with the proposed or final regulatory actions. The analysis also provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve problems. The purpose of the analysis is to ensure that the regulatory agency or Council systematically and comprehensively considers all available alternatives so that the public welfare can be enhanced in the most efficient and cost effective way.

The RIR also will serve as the basis for determining whether or not the proposed regulations will have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (P.L. 96-354)."

"2.Regulatory Flexibility Act

The purpose of the Regulatory Flexibility Act (RFA) is to relieve small businesses, small organizations, and small governmental entities from burdensome regulations and recordkeeping requirements."

"3.Paperwork Reduction Act

The purpose of the Paperwork Reduction Act (PRA) is to control paperwork requirements imposed on the public by the Federal government. The authority to manage information collection and recordkeeping requirements is vested with the Director of Office of Management and Budget. This authority encompasses establishment of guidelines and policies, approval of information collection requests and reductions of paperwork burdens and duplications."

- o A definition of small businesses needs to be stated in section 10. Acceptable definitions based on size standards developed by the Small Business Administration for the commercial and for hire of charter vessels are:

—"The Small Business Administration (SBA) defines a small business in the commercial fishing activity, classified and found in the Standard Industrial Classification Code, Major Group, Hunting, Fishing and Trapping (SIC 09), as a firm with receipts up to \$2.0 million annually.

--"SBA defines a small business in the charter boat activity to be in the SIC 7999 code, Amusement and Recreational Services, not elsewhere classified as a firm with receipts up to \$3.5 million per year."

o Additional rationale for the harpoon and rod and reel exclusions are to minimize the impact on small businesses. I believe that virtually all of the vessels in the swordfish fishery qualify as small businesses under the SBA criteria. Therefore, exclusion of these sections would enhance the overall FMP's acceptability to SBA since two user groups would be excluded from the variable seasonal closure.

2. The foreign fishing measures in the FMP do not reflect those in the FMP for Atlantic Billfishes and Sharks. Attached are the actual regulations with the implemented measures. The main differences are: The Atlantic Area II Closure extends as far south as Cape Lookout, North Carolina and the proposed Tortugas Closure is a five sided closure, not the rectangular shaped closure.

3. The fixed costs associated with developing the FMP needs to be updated to show council, contract and other costs incurred to date. In addition, variable costs associated with the working panel, data collection, enforcement and other activities need to be stated.

4. The FMP and associated documents all appear to be in good shape. You and your team members have done an excellent job on a complicated fishery.

Attachment

SECTION B PUBLIC COMMENTS

7-Subsidiary



2931 N.E. 16th Street, Pompano Beach, Florida 33062

(305) 941-6174 • (305) 941-6175

March 9, 1984

South Atlantic Fishery Management Council
 1 Southpark Circle
 Suite 306
 Charleston, South Carolina 29407-4699

ATTN: Mr. Melvin R. Daniels, Jr. Chairman

Dear Mr. Daniels,

In reference to the management plan now proposed for the swordfisheries, there are several areas that should be addressed before such plan is implemented. We are all totally aware of the present problem and our need to prevent growth over fishing and recruitment over fishing and to reduce the mortality rate. Without holding up the present proposed plan to implement a closure time in the industry we want to impress the importance of developing an emergency amendment immediately.

One of the first items that should be considered as top priority item is Limited Entry. Mr. Pete Jensen of the U.S. Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service was kind enough to supply us with accurate information concerning it's application and benefits to other fisheries and also the constitutionality of the act itself. According to the Knight Report which was prepared October 1975 by Mr. H. Gary Knight and Mr. James P. Lambert and dealt with the legal aspects, Limited Entry is considered as a management tool which maintains the economic objectives of this plan along with the variable season closure will prove very effective. Limited Entry has worked effectively in other areas, it should be then considered as an option in the management of the swordfisheries.

As we have already mentioned, we understand the necessity of a management program, however, to institute a workable plan it is



necessary to have proper data from which to draw up such a plan. At this point, we feel, that the majority of the information the National Marine Fisheries has has been taken from improperly reported landings from specific areas. The present proposed May closure, using the 30% as a guideline, will place catastrophic impact on the economy level of the Florida East Coast regional fisherman. We agree, again, that the closure times are necessary, however, not at the expense of putting the small fisherman out of business. We need, at this point, to challenge the records by which the May closure is being considered. While challenging these records, we feel strongly that the records should be kept and counted in terms of head count and not in terms of pounds which would permit us a closure time that would be more affective with less economic stress on the fisherman.

The Florida East coast, because of the large concentration of smaller boats, the closeness of fishing grounds and weather conditions would bear the brunt of the May closure. At this time of year the North Atlantic and Mid Atlantic areas have minimal fishing and their activity, at this time, is limited to gearing out for the summer fishing months. By imposing a May closure it would unevenly apply an economic hardship to the point that it would obviously be a discriminatory economic hardship in the Florida East Coast area and may well be in violation of the national standard. The proposed closure times should affect each area equally. The ideal time for closure, to protect the stock, should be decided from data supplied by landing records at peak production times.

Weather conditions during the winter and fall months permit the smaller boats very limited access to fishing. Because of this and other circumstance, May could represent 20 to 30% of their income. Add June and part of July, as is being considered in the 30% closure and you totally put them out of business. This country was founded by the small independant business man.

At this point, we recommend a more reasonable approach to protect the stock. Stop the effort, that is to cap the effort and make it more effective by using both the Limited Entry approach, using closure times and other managment techniques that would cause equal burden throughout the industry. We would recommend that the ideal closure time, to place equal economic burden, allow fishermen the possibility of supplementing his income and to arrive at the needed reduction in the mortality rate, would be early fall. This is definitely the time for closure everywhere. This information was supplied by Steve Berkly and Ed Erby and other knowledgeable people and supported by our own catch records which include catches in all 4 of the council areas.

On the other hand, if the proposed plan is to impose a total gear restriction, which we strongly oppose, we would then have to recommend a July 1st closure. July presents the following advantages. The first being that it would be the shortest closure time in which

to arrive at the 30% reduction. This time would include only one or two moons, best time for catching swordfish, where other closure times could include as high as 8 moons. Secondly, since this is to be a total gear ban and not wanting to expand the tuna fisheries, this closure time would be better than the proposed May closure because Tuna has very little market value until late August.

We would also like to recommend that economically it would be easier for all concerned if the closure time and if the 30% be adopted that it be implemented on a gradual basis over a 2 or 3 year period. This would allow the fishermen the gradual adjustment to the loss of income.

Our final recommendation would be to have a total ban on imports of all swordfish products into the country during closure time to eliminate the possibility of flooding the market with foreign product, thus making the market value lower when the closure times are finished. Another area to be considered is that this also would minimize the pressure on stock outside the conservation zone in the North-east region.

We appreciate your effort in our behalf.

Sincerely Yours,


Roy Merritt
Vice President

- Jerry Grandineth 1350 Pocahontes St., Mt. Pleasant, S.C.
1. Jeffrey James Dealer's Choice Pompano Bch.
P.O. Box 173 / Ocean City, Md.
2. ^{"Capt"} William J. Garrett XIPHIAS, Pompano Beach
390 NW 39th St
Pompano Bch. Fla
4. ^{Capt.} Benjamin W. Ogden II "Triple Slammer"
4130 NE. 2nd Road
Pompano Bch. Fla.
Triple Slammer
5. ~~Brian Johnny~~ Ottavia Italian
2931 NE 16th Street
Pompano Beach, Fla.
- 6- Joe Mott "Carol Ann"
2500 N. Riverside Dr.
Pompano Bch FLA 33062
- 7 William J. Thornton "PROVIDER"
7806 N.W. 70th AVE.
TAMARAC, FLA. 33319
- 8 Jay Permentore Lisa Ann
1673 NE 30th Ct
Pompano Beach, FL
- 9 William Moore { Fishing Lady
Ocean City, Md.
Doug Patin
Keith Reed
Holland Lewis }

9. Capt *Miguel* } "TRIPLE MARKER"
 31 NE 30th Ave
 Pompano Beach, Fla
10. Thomas P. Co } "TRIPLE MARKER"
 10912 Majors Dr
 Jax Fla 32216
11. Tony Beismann } "Big Deal"
 1343 Fairmont Ave
 Mt Pleasant SC 29464
12. Mark P. *Fitzpatrick* } "Miss Deal"
 500 N.W. 34th #223
 Pompano Beach, Fl
13. Bruce Humphrey } Full House
 1423 Holly Hunt Dr
 Ft. Lauderdale Fla 33304
14. Leland M. McClellan Jr. } "Big Deal"
 1175 Mathis Hwy - Rd., A-2
 Mt. Pleasant, S.C 29464
15. Mrs Mercer } Kristin Fee - boat owner
 2691 N.E. 22 Ct.
 Pompano Beach, Fla. 33062

16. Chip Coffin
2604 N Riverside Drive
Pompano Beach Desperado
17. John Stranz
3000 N.W. 5th St.
Pompano Fla. Miss Deal
18. Jimmy FLAGEL
3248 NE 16 ST
POMPANO FLA
30662
19. Bernard E Black
1525 N.E. 30th St.
Vero Beach, FLA No Problem
20. Rik Krantz
608 S. Riverside
New Smyrna Bch.
Fla. Full House
21. J. Hamiton
116 NW 22nd St
Wilton Manors, Fla. 33111 Go Getter
22. David Cantor
1199 NE 176 ST
Miami FL 33179 Miss Deal
23. Rick Kane Sandra Lee
259 S cypress Rd.
Pompano Bch. FL. 33060

- 24) Eddie B. Kirkland Go Getter
 340 SE 7th St
 Pompano Beach 33060
- 25) Bruce Underwood Go Getter
 1410, Ada St
 Lansing Mich. 48910
- 26) J.B. Smith Outlaw
 3203 Robbins Rd
 Pompano Beach, Fla.
- 27) RICHARD BARTLETT
 NE 16TH ST POMPANO BEACH
- 28) Angela Matthews Hays D.
 2758 NE. 34 ST L.H.P.
- 29) 2931 NE 16TH ST Pomp. Fla
 Lynde Hagen - Sandra Lee

| NAME | ADDRESS | BOAT |
|--|---|---------------------|
| ESLIE (HANK) HAWIGER Capt for Se Mattie | 2402 N.E. 20th Ave. #6 Pompano Beach, Fla. 33062 | TRIPLE HEADER |
| John Ewald | 4100 N.E. 15th Terr. Pompano Beach Fl. | ARBITRATOR |
| Charles La Miller | 2624 U. Riverside Dr. Pomp. Bch. #6 | Sir Fish A Lot |
| Kenneth C. Brock | 802 S.E. 16 St Dunford Bch. Fla. 33441 | Sir Fish-a-Lot |
| | 1209 N.E. 55th Pomp. Bch | TRIPLE THREAT |
| Serge J. Criscione | 8301 NW 46th Ct Laud Fla. | Triple-A-Boat |
| Richard Penn | 2002-A S. 10 St Pompano Beach Fla | Misty Dawn |
| Paul A. Davis | 1021 N.E. 27th Ave. Pompano Beach Fla. 33062 | MERCHANT'S BOAT |
| Lester H. Kleinberg | 408 Hibiscus Pompano Beach Fla. | Misty Dawn |
| Capt. James E. Hill | 1228 NE 6 Ave FT. LAUD. FL. 33304 | TRIPLE HOOKER |
| Capt Tom Huber | 250 W. Sample Rd. Apt 2102 Pompano Beach Fla. | HAPPY NIGHT TONIGHT |
| Capt Allen Esterson | 234 N.E. 11th Delray Beach, Fla. 33444 | Triple Trouble |
| James Welchley | 700 N. Ocean Blvd. Pompano Beach Fla. | Happy Night Tonight |

- THOMAS F. WARES 70-01 SW 19th CT
 Pompano Fla
 33068 happy night tonight
- Rich Fides 2797 NE 57th ST
 Ft Lauderdale Fla Merchant Boat
- Patrick Davis 2204 N.W. 3rd AVE
 Wilton Manors Fla. Merchant Boat.
- Woody Davis 4491 NE. 15th WAY
 OAKLAND PK. FLA WILD CARD
- Steve Brubaker 390 NW 39 ST
 Pompano Bch Fla Triple M.
- Jerry McArthur 4289568
 5248 NE 15 AVE
 Pompano Beach Fla Triple M.
- Bill Mumford 2840 SW 22nd Ave
 Delray Beach, Fla "Frolie"
- James P. McCallum 67 SW 10th TERR
 BOCA RATON, FLA Triple Threat
- Dennis J. Mahoney 1423 Holly Heights DR. Wild CARD
 Ft. Lauderdale. FLA.
- Bob Bradley 2823 NW. N AVE
 Ft LAUD. FLA. Wild Card
 = THINK
- Dan Kennedy 2903 N.W. 11 Ave.
 Ft. Laud. Fla. Wild Card
- Stephen Soto 3137 NW 6th CT
 Ft. Laud. FLA. Triple Threat
 70.11.11
- Matt Otto 640 NE 24th ST

Nichole E. Mueggrosso 3305 S.E. 5th St
Pompano

PAT BRENNAN 801 S. FEDERAL HWY Pomp

Randy DiAmico 3011 NE 45th St L.H.P. Misty
Dawn

Don Lundy 812 SW 80th St #3 Triple
Rim

Edward T. MEANEY 5809 N.W. 20th Ct
Margate, FLA.
33063

~~Hank Hallise 3222 Main St Triple
Pomp Beach Fla. HEADER~~

Judy Bagley 1331 SW 7th Ave. Triple M
Deerfield Beach, Fla.

Lidia E Beals 1620 NE 34th Ct.
POMP BEACH FLA 33064 Triple M

Andrea Polvere 2301 NE 6th Ave
Pompano Beach. Slammer
Fla. 33064



TRIPLE M SEAFOOD

EQUIPMENT DISTRIBUTORS, INC.

785-4200

March 20, 1984

Gentlemen, my name is _____ and I am here representing the fishermen who operate through TRIPLE M SEAFOOD. The information I am reading into the record is drawn from records provided by TRIPLE M. This information is paralleled by MERRITT's SEAFOOD Inc., with virtually identical results. The combined total catches of TRIPLE M and MERRITT's represent 75% of the Florida East Coast (F.E.C.) fishery and as such must be considered as a valid sampling.

Our records show that the average carcass weight for F.E.C. landings was 89 lbs. This figure was arrived at by dividing the total 1983 F.E.C. poundage of 750,513 lbs. by the head count of 8,472. The size frequency of the combined TRIPLE M and MERRITT's catch with the carcass weight greater than 50 lbs. is 60% of the catch. These figures are from the most current and best available F.E.C. data and as such are cause for a re-evaluation of the percent of the proposed reduction.

Total production for TRIPLE M and MERRITT's for 1983 was 1,500,000 lbs. This figure represents 75% of the F.E.C. fishery and not 50% as indicated by Council records. The difference in the production figures as opposed to the Council figures is due to the fact that the weight receipts at TRIPLE M were counted as F.E.C. fish, when in fact some of these fish were landed outside the F.E.C. and trucked to Triple M. This has caused some fish to be counted two times and has distorted the F.E.C. landings to a level above the actual figures. This distortion has caused the total landings to also be overestimated in the area where fish were counted twice. These facts must be considered and the errors re-dressed.



134
TRIPLE M SEAFOOD
EQUIPMENT DISTRIBUTORS, INC.

785-4200

PAGE 2

In regards to the closure starting date of May 1, we object to May 1 and propose July 1, as an alternate. May 1 would place a severe economic burden upon the F.E.C. fishermen only, due to the high price of swordfish in May and the lack of production in other areas. July, on the other hand, has the benefit of giving the total fishery the shortest possible closure at a time when the vessel price is lower than in May. This gives us the shortest and most equal economic burden as prices are uniform up and down the east coast.

Our opinion on the question of limited entry would be that all vessels currently fishing as of June 1, 1984 should be admitted and licensed, the license being the possession of the owner or boat. New vessels entering the fishery could only do so upon transfer and retirement of a licensed vessel.

In closing, we feel that the information provided in this letter adds new and significant data which must be considered.

Thank you for your time.



University of Miami
Miami, Florida 33149

DIVISION OF BIOLOGY AND LIVING RESOURCES

Dorothy H. and Lewis Rosenstiel
School of Marine and Atmospheric Science
4600 Rickenbacker Causeway (305) 361-4151

Ref: 673-027-SAB:mg 27 March 1984

Dr. C. Bruce Austin
South Atlantic Fishery
Management Council
One South Park Circle
Suite 306
Charleston, SC 29407

RECEIVED
MAR 30 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, SC 29407

Dear Bruce:

After having been to the Swordfish Management Plan public hearings in Davie, I believe a number of issues need to be considered by the Council. First, it was pointed out that South Carolina data was being used as the major reason for triggering a 30% closure. I have several comments on this:

- (1) South Carolina produced much less fish than Florida or New England. If South Carolina data is to be used in conjunction with data from elsewhere, all data should be weighted to reflect each area's contribution to total landings. For example, we know that the western Gulf of Mexico is dominated by small fish and always has been. An unweighted mean size based largely on fish from Texas would certainly underestimate the true population mean.
- (2) If the data now being made available from Merritts and Triple M is legitimate, then the mean size of fish in the Florida Straits has remained relatively constant. Our assumption when we performed the original yield analysis (Berkeley and Houde 1981) was that data from the Straits of Florida was representative of the entire population since fish of all sizes and sexes were caught here. We felt that juveniles used the area as a nursery and that adults passed through the area to spawn. Thus if the fishery was pursued year-round then the size (age) distribution of the catch would be representative of the size distribution of the stock. Due to changes in fishing strategy I'm not sure this assumption is still valid. However, you can look for changes in size frequency distributions between 1979-1980 and 1983 on a month by month basis by comparing data recently given you with data I collected previously (if Triple M agrees to this).

Dr. C. Bruce Austin
Page 2

- (3) The South Carolina size frequency distributions can be interpreted in just the opposite way as they are now being interpreted. The large percentage of small (20-30 lbs.) fish showing up suddenly may very well represent a big year class rather than a shift in size at entry. I have some trouble understanding why the size at entry (recruitment) would change unless gear or fishing strategy changed. In the absence of such changes, size at entry should be constant regardless of fishing effort. I suggest that total mortality (Z) be calculated for South Carolina fish using the previous size at age estimates broken down by sex (using data that I would guess Wilson and Dean have) but eliminating the 20-30 lb. size class. If you assume natural mortality is the same as it was in 1979-1980, then the difference in total mortality will be due to fishing. Eliminating this size class will eliminate the potential bias caused by a big year class now recruiting into the fishery. The same should be done for Straits of Florida fish for comparison with 1979-1980 mortality estimates.

Most fishermen now admit that the fishery is in some trouble and most responsible people feel that management is necessary. However, while I originally felt that this plan (using variable season closures) was the best available management technique I now have serious doubts. My original suggestion for a management technique (see Berkeley and Houde, 1981) was to have season and area closures based on known sex ratios and size distributions. This would make it possible to increase the size at entry and thus increase yields by closing areas having concentrations of small fish. Fishing mortality on small females could be manipulated by such an approach. The original objections to this approach may no longer be valid (i.e., the entire burden being placed on one region such as the Gulf of Mexico). While I realize the frustration of having to re-write a management plan 3 years in the making, I strongly urge the council to reconsider the above approach. If such an approach were adopted, there would be long term rewards for the fishery and the fishermen in terms of increased total yields and mean size. The stock would certainly benefit by reducing the possibility of recruitment overfishing.

Considering the potential long term benefits that such an approach would have I feel that serious discussion of this alternative should be considered.

Please let me know your thoughts on these matters.

Sincerely,



Steven A. Berkeley
Senior Research Associate
Division of Biology
and Living Resources

RECEIVED

APR 4 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407

March 27, 1984

Dear Sirs:

My name is Jeff Hurley and I am the owner and operator of a 46 foot fiberglass long-line boat. Prior to owning my boat, I worked for four years as a deck hand on other fishing vessels. Recently, I attended a meeting in Florida concerning the proposals for the regulation of Swordfishing with long-line gear.

I have owned my boat for two years and have a great deal of money invested in my long-line equipment. I have a wife, a baby due in April and many other responsibilities. As it stands now, I am just able to keep my head above water. If many of the proposed regulations were to go into effect, it would be a great economic burden to me to say the least. After investing over \$200,000.00 into the boat and equipment to Swordfish, it would be disastrous for myself and for other people in my position if there were to be a major shutdown of long-line fishing.

I normally fish the Mid-Atlantic states from June through December and the Florida Straits from March through May. I would very much be interested in finding out who the members of the Mid-Atlantic Fishery Management Council are, since they are in favor of a 75% closure of Swordfishing.

Enclosed, are some points that were brought up at the meeting in Florida. I would like you to know how I feel about them. I hope you will take the time to read them and take my opinions into consideration when making the laws that will drastically affect my life.

Sincerely,

Jeff Hurley

Jeffery D. Hurley
Route 1, Box 289
Ocean City, Maryland
21842

- 1) I am opposed to the importation of Canadian fish into the United States.
- 2) I am opposed to the May closure of Swordfishing. If a closure is necessary, it should be in January, February, or August.
- 3) I approve of the limited entry to Swordfishing and Tuna fishing. There are already too many people long-lining and I feel this should be regulated as soon as possible.
- 4) I am opposed to the gill netting of Swordfish, since so many other species are killed in such nets.
- 5) Foreign fishing should be excluded from the waters of the United States completely.
- 6) If there is a closure, I feel that the harpoon fishermen should also be included in the closure.
- 7) If there is a closure on Swordfish, I feel that I should be able to use my long-line gear to catch Shark, Tuna, and other species.
- 8) Last of all, I would like to know if there is a shutdown of the Swordfishing season, are we, the fishermen, going to be compensated by the government in any way or are we going to be allowed to lose our businesses and possibly our homes in the deal?

To whom it may concern:

Most fish stocks that are now in jeopardy have reached such a state largely due to the efforts of foreign fishing interests. In many of these cases the foreign boats have been fishing inside of United States and Canadian conservation zones. Now that these stocks are in trouble and many of the foreign boats are gone, the American fisherman is told that we must take measures to conserve the fish that remain. Most of us realize that this is true if we are to continue our way of life, and are willing to take reasonable measures. However, when these measures almost insure that a substantial percentage of us will not survive. I for one have to ask why should we be the victims of foolhardy and shortsighted government policy that has virtually given away our natural resources.

Respectfully submitted,

Captain James E. Vogel

March 28, 1984

Mr. John Bryson
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New St.
Dover, DE. 19901



Blue Water

Blue Water
Fishing Tackle Co.
10 North Preston Street
Philadelphia, PA 19104
(215) 222-8220

Dear Mr. Bryson,

I am very concerned about the proposed swordfish management plan, as I stated in our recent phone conversation.

The majority of our business involves the sale of gear to commercial longliners, most of whom fish for swordfish. The proposed management plan, in its present form, would cause a severe and unfair disruption of our business and our customers' businesses.

Since I became aware of this new proposal, I have held many hours of discussion with dozens of swordfish longliners from Maine to Texas to evaluate the plan. We find serious fault with the proposed plan on several major points.

- I. The conclusions concerning the average size of swordfish landed are inaccurate, because they are based on incomplete data. None of our customers, nor any fishermen they know, have been surveyed to consider their catch data in evaluating the state of swordfish stocks. Most of the longliners we have contact with indicate that the average size of their swordfish has been stable, or even increased somewhat during the past year. As a result, we must challenge the basis for the extreme measures suggested in the proposed management plan. I hope that in light of the new catch information now being provided by fishermen and fish buyers, no such drastic action will be taken at this time. Instead, an intensive research effort should be undertaken to collect complete data on ALL swordfish catches along the entire Atlantic and Gulf Coasts. A sensible management plan must be based on accurate and complete research data.
- II. When a management plan is eventually implemented, it must be fair and even-handed.
 - A.) Any effort to protect swordfish must begin with the foreign fishing fleets. It would be outrageous to require American fishermen to stop fishing while foreign vessels are permitted to work within our Fisheries Conservation Zone and kill swordfish. As I am sure you are aware, large numbers of swordfish are being destroyed by Japanese longline boats and by large squid druggers of various nationalities. It is only reasonable to eliminate foreign fishing in our waters before requiring drastic and potentially devastating sacrifices by American fishermen. This is especially true in the case of swordfish in the Atlantic and Gulf, where the foreigners'

March 28, 1984
 Mr. John Bryson
 Page 2



Blue Water

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 Fishing Tackle Co.
 10 North Preston Street
 Philadelphia, PA 19104
 (215) 222-6220

by-catch composes a substantial portion of the total number of swordfish caught.

B.) The plan in its present form would prohibit longlining for all species of fish during any swordfish closure. There is no justifiable reason to prevent fishermen from fishing for and catching tuna, tilefish, and other species during a closure of the swordfish fishery.

If all longlining were prohibited during a closure the plan would effectively close fishing for many species of fish. Presumably this should not be the objective or the result of a swordfish management plan.

Additionally, the economic and personal impact of a closure must be considered. If longliners were prevented from swordfishing for an extended period of time, as proposed, the results would be harsh. But if these fishermen were prevented from longlining for any species, they would have to remain at the dock during any closure. They would face a protracted period when mortgages must be paid, families must be cared for, and fishermen would be prevented from earning the money they need to cover these expenses. The results would be ruinous.

C.) The plan in its present form would allow harpooning during any fishery closure. It is blatantly unfair to require an immense sacrifice by some fishermen, while asking nothing of others. In addition, if harpooning were permitted while other fishing methods are prohibited, hundreds of additional boats would be encouraged to go harpooning. The result would be to render the closure less effective and to mandate a massive assault on the larger breeding-age fish, which are the primary targets of the harpoon fishery.

I hope you will give serious consideration to these points and share my ideas and the Longliners' ideas with the members of the other Management Councils.

It is imperative that a swordfish management plan be developed on the basis of complete and accurate data, and that the plan, in its final form, be equitable and effective. No fishing method or group of fishermen should be unduly favored or restricted by the management plan. American fishermen must be given priority over foreign fishing operations.

March 28, 1984
Mr. John Bryson
Page 3



Blue Water

Blue Water
Fishing Tackle Co
10 North Preston Street
Philadelphia, PA 19104
215) 222-3220

I urge you not to act hastily on the basis of incomplete research, to implement a plan which would be both unjust and economically disastrous. The livelihoods of boat owners, captains, crews, and on-shore support industry personnel--- thousands of individuals and families--- are at stake.

If there is anything further that I can do to aid you in developing a sound and equitable swordfish management plan, please let me know. I am anxious to participate.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Alan D. Weiss".

Alan D. Weiss, President

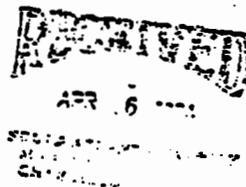


SOUTHEASTERN FISHERIES ASSOCIATION, INC.

ALABAMA • FLORIDA • GEORGIA • LOUISIANA • MISSISSIPPI • NORTH CAROLINA • SOUTH CAROLINA • TEXAS

EXECUTIVE OFFICES: 312 EAST GEORGIA STREET • (904) 224-0812 • TALLAHASSEE, FLORIDA 32301-1791
 ROBERT P. JONES - RES. PHONE 365-7628 GEORGE T. PATRINO, JR. - RES. PHONE 366-8882

April 4, 1984



Mr. Jack Brawner, Regional Director
 National Marine Fisheries Service
 9450 Koger Boulevard
 St. Petersburg, Florida 33702

Dear Jack:

Southeastern Fisheries Association would like to express its opposition to a proposal in the Swordfish FMP which calls for a 30% reduction in harvest level.

Our members who are swordfishermen would be forced into bankruptcy if they had to take a 30% cut. I'm sure most people would be in the same circumstance if almost a third of their income were denied them.

If the swordfish fishery is in a decline, and we are not sure that it is, then let's think more toward a 10% reduction across the board including limiting the importation of swordfish during the time that domestic harvesters are idle. In other words, why stop our fishermen from working yet allow foreign fishermen to continue to harvest the resource and send them to the U.S. market?

Before the Council makes its final decision, we respectfully request that an economic analysis of the 30% reduction be undertaken and we request the same consideration that the Texas charterboat firm received when it was able to get an exemption from the 12" snapper management measure.

I have advised all the swordfishermen here in Florida to band together and hire counsel for the long process ahead.

Thank you for your consideration in this matter.

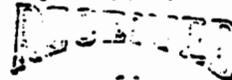
Sincerely yours,

Bob Jones
 Executive Director
 eds

cc: SFA Officers and Directors
 Mr. Wayne Swingle
 Mr. David Gould

new york sport fishing federation

April 9, 1984



APR 12 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407

Mr. David H. G. Gould
Executive Director
South Atlantic Fishery Management Council
1 South Park Circle, Suite 306
Charleston, S. Carolina 29407-4699

Dear Mr. Gould:

The New York Sportfishing Federation (an organization made up of Forty Five fishing clubs representing Thirty Five Thousand marine recreational fishermen in the metropolitan New York-Long Island area) would like to comment on several areas of the proposed Swordfish FMP.

The first area we would like to comment on is gillnets. For the following reasons we want gillnets banned in the Mid-Atlantic Council area. There will be a large bycatch of billfish, sharks and tuna when these net are used in the "Canyons" of the Mid-Atlantic region. As the source Document for the Swordfish FMP says in section 8.1.5.3, "Additional evidence of the efficiency of gillnet gear is provided by its extensive use in the Western Pacific to catch swordfish, striped marlin and several species of tuna. Since 1972 drift gill net gear has been rapidly replacing harpoon gear in the Japanese billfish fisheries". At the time these nets would be used in the "Canyons" of the Mid-Atlantic region there is a great number of other commercial and recreational boats in the area. With the limited fishing space the addition of these nets will add greatly to the gear conflicts of all people in the area.

Due to the few swordfish taken on rod and reel we support exempting rod and reel from the variable season closure and from needing "letters of intent".

With regard to Mid-Atlantic Councils intent to have rod and reel fishermen get "letters of intent". Where the March 1984 plan summary says "letters of intent" may be required, anyone who has dealt with the Mid-Atlantic Council knows that before long the "letter of intent" will be required.

The "letter of intent" for rod and reel fishermen is useless. As Mr. John Mason said on April 22, 1982 at the Mid-Atlantic Council meeting, "If the problem is going to be anybody that has an opportunity to catch swordfish, you are going to get into the bluefin tuna situation where everybody and his brother is going to have to have a permit just in case they catch a swordfish." According to NMFS as of December 31, 1983 there were 12,467 general permits in the bluefin tuna fishery. You can multiply this number by 2.5 to 3 times to get the number of boats that would apply for "letters of intent"

P.O. BOX 240 OAKDALE N.Y. 11769

new york sport fishing federation

April 9, 1984

Con't

Let me explain why we say there will be such a large number of boats that would apply. There is a large recreational shark fishery in the Mid-Atlantic region. According to NMFS's Marine Recreational Fishery Statistics Survey, Atlantic and Gulf Coasts, 1980, in the Mid-Atlantic region 1,296,000 sharks were caught during 1980. The same methods used to catch sharks also catch swordfish. Granted very few swordfish are caught in the Mid-Atlantic region but as Mr Mason said people will get "letters of intent" just in case they catch a swordfish.

As for the questionnaires Mid-Atlantic Council wants to send out to rod and reel fishermen with "letters of intent", 99.7% of the questionnaires will come back with useless data. Due to the large number of (just in case) "letters of intent". It is proposals such as these by the Mid-Atlantic Council that is breeding contempt in the recreational community for the whole fishery management system.

We feel that your data needs can be met by surveys done by states such as New York and New Jersey and organizations like Market Facts Inc. doing surveys for NMFS. Another alternative would be a publication along the lines of pages 6, 9, and 10 of NMFS's Southeast Fisheries Center "Cooperative Game Fish Tagging Program Newsletter 1982".

Getting to the last area the Federation would like to comment on - foreign fishing. We support the adoption of measures pertaining to swordfish in the Preliminary Fishery Management Plan for Billfish and Sharks into this plan. We do not support the cap on foreign bycatch allotment but support the declining bycatch quota in the 1983 plan version.

It is totally wrong to have American fishermen sitting at the dock because of a closure and foreign fishermen still taking swordfish as a bycatch. Therefore we demand

**IF THERE IS A VARIABLE SEASON CLOSURE FOR ANY U.S. FISHERMAN,
THAT ALL FOREIGN FISHING METHODS WITH SWORDFISH AS A BYCATCH CEASE!**

Very truly yours,

Floyd Carrington
Floyd Carrington
Billfish Committee Chairman

CC. Mr. John C. Bryson
Executive Director
Mid-Atlantic Fishery Management Council
Room 2115 Federal Building
300 South New Street
Dover, Delaware 19901-6790

P.O. BOX 240 OAKDALE N.Y. 11769

2C. Regional Councils
 - NMFS - Gloucester
 - Secretary of Commerce

Comments on Swordfish Management Plans.

Quenn McClain
 387 Church St.
 Marshfield, MA 02050

617-834-7584

These comments are presented as written, without grammatical or sentence correction. The basic ideas will show through and be of some use, I hope.

Reasons for objecting to Spring closure, May-July.
 New England & Florida area.

- ① Page 10, Appendix B - One source, note how mean weight of fish decreases as the season progresses, - Trips #25-32, #43-49, #76-84. From my own experience I know that this pattern is consistent, check other sources, as the waters warm up you get an abundance of smaller fish along shelf areas where longline boats have access to fishing areas. It may be true all the way to Flemish Cap that this pattern exists. It has been noted that the quantity of fish (increasing) that the Canadians catch in late summer are also on the average small enough to pass FDA restriction on imports.

- ② To close the season early and then open it during late summer will have a two or three fold negative effect.

- ① Concentrates effort at a time more small fish are vulnerable, increasing pressure on recruitment fish.
 ② Catches fish of less monetary value. (Documented fact)
 ③ Parameters no restriction on the Canadian fishing which is focusing on the same stock & whose imports contribute to decreasing prices. (Documented fact)

- ④ Catches of smaller fish in late summer will alter statistics and lower average mean weights making it appear that stocks are continuing a decline because the plan focuses effort on small fish.

① Conversely, a plan which focuses effort on larger fish & limits catches of small fish will raise the average mean weight of landed fish.

- ② More heavy effort during longline closures will mean less big fish caught on longlines & also may have an effect on size averages.

- ③ Because many boats are experienced with fishing warm water for small fish (Florida experience or Gulf Stream exp), this

APR 9 1984
 SOUTH ATLANTIC REGIONAL
 FISHERY MANAGEMENT BOARD

trend has been for fish longliners to seek warm waters for swordfish, this has promoted the fishery focus on catching quantities of the smaller swordfish.

(4) Lobster & crab gear has proliferated along the shelf in recent years and has pushed longliners out of some of the most productive fishing grounds on the shelf areas, this problem coupled with numbers of boats fishing has meant that access to good fishing areas is limited and is one of the major problems causing economic hardship to longliners. It has also obviously provided a conservation zone of sorts for swordfish, and I don't feel that the courts have considered this factor enough in their consideration of conservation measures. In no other fishery is access so limited on such a large scale for boats that cannot fish in the areas of prime fish concentration with a very high risk of total gear failure. Fixed gear locations are documented, out to 250 Fathoms in some locations.

(5) Other limiting factors on swordfishermen

(a) You cannot conduct a fishery where there is a quantity of sharks present as well as swordfish.

(b) You cannot fish where there are draggers working.

(c) You cannot fish where there are hydrographic vessels working.

(d) You cannot (legally) fish in Canada where a major portion of the fish are (at times)

(e) Other areas of swordfish abundance available are 1000 miles east on the Grand Banks, as well as to say access there is limited as well.

(f) You cannot fish in any kind of weather, longliners need fair weather to make fishing economically feasible.

(g) You cannot fish longline boats close together, concentrated in a small area, as practically in other fishery tends to do when fish are located.

I could go on about its limitations but the point is made, if you look at a chart and document all these areas as being effectively closed to large scale longlining, you can see that

the longline fisherman, particularly from the Mid-Atlantic to the Northeast region, has more conservation areas, presence of windows of no fishing, whatever you want to call a place that is off limits to fishing than I question the need for further limits of an arbitrary nature, particularly in these areas. The above facts are creating enough economic hardship as it is.

Even management planning and scenarios such as those I outlined earlier in these pages are enough to put many people out of business.

P.S. I read with interest that development is pushed for further efforts on squid, swordfish & hake, and various food fishes of swordfish, is it any wonder that swordfish more or less squid trawls are hard to compete with when it comes to feeding time for the sword, and how about the noticeable swordfishing on the shelf back when the Russians were catching all the food.

A note on fall closure, there is a possible alternative in tuna fishing, late summer & fall, longliners can concentrate effort on daytime fishing, using small tuna hooks & fishing different areas to maximize bycatch of swordfish, release live fish etc. to provide an alternate fishery during a time of possible closure.

Fall closure also has the double edge sword (Repeat) of limited Canadian fishing by closing access to the U.S. of Atlantic imports, if withdrawal into consideration would possibly mean less closure time for U.S. boats if it is determined that cutbacks are to be implemented.

Date Collection suggestions

- ① Go over mean weight dates for areas to determine when highest incidence of small fish are being taken, (also see heading on if data is barely). It achieves management objectives to close areas during times of small fish catches.
- ② You may achieve goal of conserving numbers of fish, etc.

monthly data on percentage of weight caught for the year does not ~~consider~~ (to my knowledge) consider # of fish being caught in the areas at those times. Again, more fish will be conserved by closure at the proper times than by just a blanket closure based on weight. If, in fact, females spawn at an earlier age, there is important information to be gathered, (or collated) if you have it already, on whether it is more important to be saving greater numbers of smaller fish, than just weight percentages based on yearly catch.

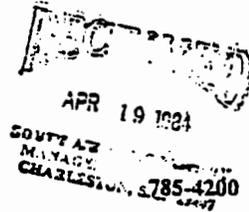
Another question, what is the weight of importance of large spawners vs. small spawners in # of eggs successful spawning and is this knowledge of good management tool

An aside - It is possible that frozen fish imports (which will keep prices depressed enough to bankrupt more swordfish boats) - further decrease effort.

An aside - Contrary to the opinion of some, swordfish is not a big numbers fishery, considering its widespread nature, and as shown by the fishing effort documented 1974-78 in your 6 Appendix, there were not many days of big hauls for fishermen, we all want to turn the clock back to better fishing days, and when there were less boats fishing for swordfish times were no doubt better, but ~~this is not~~ it is not the aim of the Management plan to critically wound the industry. I feel that management effort should focus on protecting nursery areas, as a first measure of conservation, where they are documented. This is the most effective management tool in the fishery conservation arena, Stay away from blanket closure



TRIPLE M SEAFOOD
EQUIPMENT DISTRIBUTORS, INC.



APRIL 13, 1984

Dear Sir,

I was a speaker at the Broward County meeting in March. I will try not to bore you with this letter of protest on the closure of the swordfish for a % of time.

To refresh your memory, I mentioned during my speech that I recently retired from fishing, and now work for Triple M Seafood at the Triple M Commercial (Long Line Equipment).

I'm not sure if I told you that I left school at age 16, to continue on a full time basis with Commercial Fishing. I consider the fact that I have more than 34 yrs. of fishing experience, and have never filled in with a steady job, or a job of any kind for that matter, that I am truly a Commercial Fisherman.

I have seen many Fisheries fail and in all cases this was avoidable, but unfortunately nothing was ever done to prevent it.

The Shrimping that I did from the beginning, had a limited amount of boats, so the ocean floor would not have been destroyed to the point of depleting the fishery!

Striped Bass, which were Haul Seined and even though I am a Commercial Fisherman at heart, I blame them, because Bass are a Beach Fish (so to speak) and once a net of this type goes around a school , there is no hope for the fish.

Now for the Sword's, I feel this way, first of all, you have compiled a few years of Data which is of some value, but cannot give a true picture. I contend that these deep water fish are not only abundant along the 100 to 1000 fathom curve, but that they can be found almost everywhere!

I have talked to Longline Tuna Fisherman, who tell me that 600 miles off shore while fishing for Tuna, they caught 1 or 2 Swords daily. This in itself tells you something, doesn't it!

I'm sure you have studied how warm bodies of water break off from the Gulf Stream and travel off shore, soaking up some scattered swords, and upon returning to the Gulf Stream deposit them along the 1000 Fathom curve .

You talk of a 10 to 30 % closure and this does not make sense at all, if you stop and think about it, lets say for example there are 200 boats fishing for Swords, and that for 1yr. period they catch 20,000,000 lbs.

2600 N.E. 5th AVENUE, POMPANO BEACH, FLORIDA 33064



TRIPLE **M** SEAFOOD
EQUIPMENT DISTRIBUTORS, INC.

785-4200

and you say this is okay, or not okay - first of all if a certain poundage can be determined to be okay, who is to say it's not greater or less than the 20,000,000. Now we assume 20,000,000 is okay, but one year later there are now 222 boats, so now we have increased the size of the fleet 1/8. Unless you stop this fleet right now from growing anymore, in 5 yrs. you'll be asking for closure of 30 to 50% as 300 boats or more will fish them.

There are many Shrimpers, Draggers and sports that have geared up Part Time to do this fishing. It's not fair to ask Sword Fisherman to give up time while these other people will not be affected, and will simply return to their own fishing job or what ever they were doing before.

I'm trying to say, if you monitor this fishing for a few years, limit the fleet to the boats that are in it now, and only the boats that can show it's their full time occupation (IRS RETURNS ETC.) This way you can decide if 10% 30% or what ever should be closed. Perhaps 20,30, or 100 more boats will be given the opportunity to enter the fishery, because each year the average fish or amount of lbs. will be okay.

Who can say really how many fish are off shore and venture in and out, or up and down.

Some careful consideration will really be appreciated, not only by me, but every serious Commercial Sword Fisherman.

I must remind you that I am receiving about 3 calls per wk. at Triple M Commercial inquiring about setting up someone with longline gears. We better stop soon.

I am free for consultation's anytime. Please feel free to use my life time of fishing knowledge for the betterment of any other Fishery.

P.S. Mr. Anthony Taromaina who has now retired from N.Y.C. Conservation & Environmental control, now replaced with Mr. Chet Zawacki (man in charge) has asked me for help several times, to set guide lines with laws, etc. in N.Y.area Both men can verify this. I am available to give my expertise and opinions to you if so desired, please feel free to ask anytime.

Sincerely,


Floyd Wihstutz

2600 N.E. 5th AVENUE, POMPANO BEACH, FLORIDA 33064

Swordfish

The swordfish boom continues in the 1983-84 season as harvests topped 2 million pounds, compared to the 1982-83 harvest of 1.7 million pounds. Biologists see no reason to limit the fishery in the near future, and increased effort by those lucky enough to have licenses is likely to yield bigger harvests for some time.

The swordfish market is strong, but volatile. As 1983 ex-vessel price swings of \$1.65-\$1.40 per pound proved, prices are likely to drop if volume increases.

1984 YEARBOOK • PAGE 152

Gillnetters have substantially increased their share of total swordfish harvests in the last three seasons: from 50 percent in 1981 to 97 percent in 1983. That percentage will drop again as El Niño fades, but will probably stay well above 1981 levels now that gillnetters are allowed to target on swordfish. El Niño cut harpoon harvests by forcing swordfish deeper as they searched for the thermocline.

Of the 14,192 swordfish landed from the 1983 May opening through the end of December, only 415 were harpooned. In 1982, 10,635 fish were harvested, 1,016 of them harpooned. In 1981, 4,700 fish were harvested — almost half (2,314) harpooned.

Like every California fishery swordfish had its El Niño puzzle. 1983 was the year swordfish came to Monterey. It's uncertain whether this unexpected development was a one-time reaction to the war in currents or the beginning of a new trend.

The pattern of landings shows that swordfish migrated north toward Morro and Monterey Bay in the summer and south as ocean temperatures cooled. Most Monterey landings were made between May and September. By October, when landings peaked and prices dropped, the fish had

begun to move south and further offshore.

Increased northern gillnet effort also contributed to 1983 Monterey landings, which made up about 20 percent of the total 1983 catch. If gillnetters continue to drop nets for swordfish, they may continue catching them, even in years with normal ocean temperatures. It's possible, say biologists, that swordfish could have been found off Monterey in other summers, but no one looked in the right places to find them.

"The boats are getting a little bit bigger each year and going out a little farther," said one swordfish manager. As the swordfish began to move offshore in October, the fishermen followed. By year-end, many fishermen were working the Tanner and Curtes banks off the Channel Islands.

This trend should continue in 1984, as a few California fishermen motor outside the 200-mile zone to fish. A law



Swordfish accounted for 60 percent in 1983 state swordfish landings. The harpoon and harpoon fishing methods are the primary methods used to harvest swordfish. Prices were volatile, but showed a high for the 1983-84 season. Swordfish landings during the 1983-84 season.

situations in ex-vessel prices, ranging from a low of \$2.10 in Santa Barbara to a high of \$5.95 in San Francisco.

The wholesale price of imported frozen loins was steady at \$4 per pound most of the year, although some Japanese and Mexican imports sold for as little as \$2.50 per pound. Inexpensive imports may have contributed to the October drop in domestic ex-vessel prices, but didn't cut overall demand for domestic product.

Halibut

California halibut landings dropped in 1983 as part of a historical population cycle, although El Niño probably contributed to the decline as well. Landings are predicted to drop further in 1984.

When final figures are in, biologists expect the 1983 California halibut catch to be about 990,000 pounds statewide, compared to 1.2 million pounds in 1982 and 1.25 million pounds in 1981. However, 1983 landings were well above the 30-year historical average of 811,000 pounds. The CDF&G says halibut peak in abundance about every 7-9 years, so harvests are expected to decline for the next two or

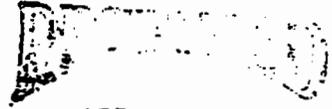
three years.

El Niño evidently accentuated a recent trend toward increased northern landings. Prior to 1983, 85 percent of California's halibut was caught south of Point Conception. By 1983, Southern California's share of the catch had dropped to 65 percent, while halibut harvests increased in the north, especially in Monterey and San Francisco. El Niño contributed to larger northern landings in 1983 by sending some halibut north in search of cooler water. But the increase is also attributable to the growth of the northern gillnet fishery.

El Niño may have reduced 1983 landings by contributing to the disappearance of the halibut's favorite food — squid. Supplies of other food fish, such as anchovy and mackerel, were also down. However, the halibut harvested didn't appear to be undernourished, as many of the state's salmon were.

1983 ex-vessel prices held steady at \$1.75-\$1.80 per pound during 1983, up almost a quarter from average 1982 prices of \$1.55 per pound. Ex-vessel prices of \$1.50 per pound were reported in Eureka during 1983. Wholesale prices ranged from \$2.25-\$2.50 per pound for halibut in the round in San Diego, with filets selling at \$1.50 per pound in San Francisco.

153 April 16, 1984



APR 19 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407

South Atlantic Fishery Management Council:

I am writing you concerning the Swordfish plan. This is for the record.

I have recently begun to work as a mate on a commercial fishing vessel and have known some of these fishermen for several years. I am from the Florida East Coast, (FEC). I don't own a boat. However, I do have some common sense and I am concerned with the effects this law will have on the fish and the fisherman.

First thing that comes to mind is at the Public Hearing on March 30, 1984 in Key West, Florida we found out that this federal commission has had since 1981 to gather information and they have to pass laws on the facts they have available. This means they can sit on their butts, find out very little, and pass laws without really doing what they are being paid to do. Gather facts. At the Key West meeting fishermen got up and said they asked for information to be sent to them at last years hearing and a year later got nothing. This is typical federal government commissions. Seems to be uncaring and is definitely short on the facts it should have to pass a fair and equitable plan. But it will anyway.

When fishermen are told or asked they should put input into this plan and try to, but get nothing in return or appreciation. You wonder why they should follow the plan. Its simple, you will take their boats. You know if you take the time, which you have not done in the FEC region to talk to the fishermen about fishing and their fishery, you will find they are not ignorant people and are fairly reasonable. They don't want to catch too many small fish. They understand whats up here. But your're doing things in reverse in the FEC. First of all, this commission is proposing closing the fishery here in May through July which is when the big fish are here. Why did this commission propose a May closure and July opening date? They are telling fishermen down here to save the big fish and catch the small ones. The whole point of the plan is to save the small fish. This commission doesn't know when they catch their big fish and when they catch the small ones. All that takes is a phone call to a sea food market (Merritts or Triple M down here) in the area. When do you catch the big fish? When do you catch the small fish? That takes less than 10 minutes on a phone and this commission hasn't even done that. But based on the information they have they pass laws into effect.

Another thing that concerns me is the amount of people you are going to put out of business down here. You're cutting these fishermen's annual income from 30 to 50% in one year. Come on, how many people or industries can assume a 40% cut in an annual income and still pay their bills. This can be implemented over 2 or 3 years. When is the last time you took a 40% cut in pay?

Another thing that scares me is the people who will not honor this plan and our government, this commission is saying that's OK. I'm talking about Canadian Swordfish and importing it while we are told "You can't fish." Here you will be letting us save the Swordfish while you are patting Canadians on the back for not helping to save them. I think most of us fishermen will take our lumps and stop fishing when the small ones are here. Most of us can survive and we're helping the fishery. Like I said fishermen aren't ignorant when it comes to fishing. But you let imported Swordfish in when these guys can't fish, asking, telling them to take their lumps you're kicking them in between the legs at the same time and saying "Hey, we don't really care about you guys, your bills, your families, or the fish." Canada is more important. This is a US commission isn't it? People getting fed up with government commissions, being more concerned with others first.

At the Key West meeting a lobbyist for the Japanese fishing industry stated it was discriminatory to restrict foreign squid crawlers from an incidental catch of swordfish and not domestic vessels. But for this commission to tie our boats up to the dock, lock up our gear and say we can't fish while the foreign vessels fish for tuna and catch swordfish was fine. That is discriminatory. I guess a lobbyist can only see one side. I'm not that blind. Another so called fact out of that Key West meeting was three Japanese tuna boats fished for three months in the Atlantic and caught 27 swordfish. That 270 sets, 1 swordfish every 10 days. That's bull, and I believe somebody is living on a very large basis. Apparently this commission will swallow anything.

Finally at the Key West meeting a guy brought up what I thought to be the best idea of all for counting carcuses and weights, but it is probably got to much common sense. Boston and New York are the two main markets on the East Coast of the US. Why not have an inspector there so he can count the number of fish and amount of weight in each container? At Merritts it goes off the boat to the scale and at times directly into a refrigerated container strapped Merritts Seafood to the airport to Boston. You will need someone who can count, if reading is too much trouble, you can have Merritts paint their containers orange, somebody elses blue, green, etc. But you will have to get someone who isn't colorblind. Seems that would save alot of time, trouble, and expense and seems to be the most logical way to count carcuses and weight. You may need a few more

155

inspectors at other seafood markets but Boston and New York in marked containers seems real efficient.

I have written this for the record and will appreciate a reply letting me know this was received and is part of the record. There are also a couple of questions I would like an answer to. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Steve Jakala". The signature is written in dark ink and is positioned above the typed name and address.

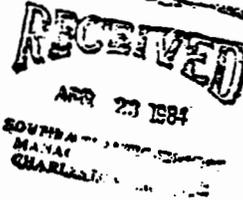
Steve Jakala
391 NE 29th Street
Pompano Beach, FL. 33064

(808) 484-6104

J. J. V., INC.
 Commercial Fishing
 28 LIGHTHOUSE WAY
 LOVELADIES, N. J. 08006



April 16, 1984



We feel it is very important that you be made aware of our thoughts on the proposed swordfish management plan. As commercial fishermen and people in related businesses, we will be the ones who must bear the economic impact of the plan. For this reason, we request that an invitation be extended to a person or persons delegated by us to attend the next intercouncil meeting on the plan to address the councils and observe the proceedings. We also request that we have a person or persons representing us added to the advisory panel to assist in the formulation of the final plan.

While none of us would argue the need for a swordfish management plan, we feel strongly that the magnitude of protective measures should not be decided until all available information has been gathered and analyzed. The duration of any closure of the fishery, and the starting date of such a closure, should be left open until a complete and accurate assessment of the fishery and the swordfish stocks has been made.

At the public hearing in Philadelphia on March 28, 1984, a committee member of the Mid Atlantic Fisheries Management Council made a number of statements which were in direct conflict with most of the other information presented. We found his ideas and attitude alarming. We are deeply concerned that he might not be giving due consideration to the socio-economic impact of the management plan and to the facts upon which the plan should be based.

There are a few points in the proposed plan upon which we would like to make suggestions. First of all, limited entry is an idea that should be considered seriously. The positive effects of a closure would be diminished significantly if the fishery were open to any number of new boats. We feel that if permits were issued to commercial fishing operations that rely on pelagic longlining as their primary source of income, the swordfish stocks and the fishery itself would be better protected.

In the past two years there has been a major effort to establish a viable domestic tuna fishery. If a total closure of pelagic longlining were enacted the growth of this fishery would be crippled. If a swordfish closure is necessary, we request that we be permitted to continue a directed tuna fishery. By changing our hooks to a size thirty-six Japanese-type tuna hook, which is significantly smaller than the hooks we presently use, we could affect a substantial reduction in the number of swordfish hooked. If this were done in conjunction

(808) 484-5104

J. J. V., INC.
 Commercial Fishing
 28 LIGHTHOUSE WAY
 LOVELADIES, N. J. 08008



April 16, 1984

Page 2

with the granting of a swordfish by-catch, as is allowed for the Japanese, we would be able to continue fishing. This would go a long way toward easing the adverse economic impact of a swordfish closure. In addition, we feel that it would be unfair to force American fishermen to stop fishing while foreign vessels are permitted to continue longlining operations in our waters.

We also believe that if there is to be a closure on swordfishing, it must include all methods of capture other than rod and reel fishing for recreation. There would be a major increase in the number of boats harpooning swordfish if this method were not included in the closure. This would certainly reduce the beneficial results that a closure might achieve.

With regard to gillnetting operations, there is very little solid data on its effects at this time. Until such data is available it would be foolhardy to allow an expansion of this fishery. We feel that the three vessels currently involved in gillnetting swordfish should be granted permits, on a temporary basis, until solid data is available on the impact of this fishery. At that time a Final decision could be made regarding the acceptability of gillnets.

We would like to thank you for taking the time to study this letter and ask that you give serious consideration to the proposals we have put forth.

Respectfully submitted,

Capt. James C. Vogel F.V. Barbara Lee
 Capt. Curt Bluminger F.V. Voyager
 Capt. Dan Means F.V. Atlantic Queen
 Capt. Dan Means F/V FRANCES Anne
 Capt. Chris Conner F.V. Monica
 Capt. Louis Parker F.V. Honor Francis
 Richard A. Moch F/V Olympia Javelin
 David J. Shepley F/V Theodora
 Nelson R. Beishman F/V SEEKER II
 George Sully F/V PROFIT

(908) 494-5104

J. J. V., INC.
Commercial Fishing
28 LIGHTHOUSE WAY
LOVELADES, N. J. 08008



Robert E. Warden
Robert Luedtke
Martin T. Cassidy Sr.
Robert M. Knight
John Allen Knight

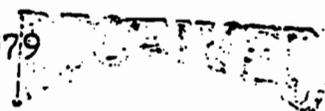
EDAWN
FRAYLLER
Dock MASTER - VIKING VILLAGE
RESTAURANT
BARNEGAT CT, NJ
Boat Owner "Carol Ann"
Boat Owner John P. Watt II



159

RFD# 1 Box 321
S. Harpswell, ME
April 17, 1984

04079



APR 20 1984

SOUTH OCEANIC DEVELOPMENT
M. J. ...
CHARLESTON, S.C. 29407

Acting Director, NEFMC
NMFS
Federal Bldg.
14 Elm St.
Gloucester, MA 01930

Dear Sir:

My name is Charles Johnson, captain/owner of the fishing vessel Powhatan, a 93 foot vessel rigged for dragging and longlining. I would like to make some comments on the swordfish management plan and have them included in the record.

At the public hearing in Portland, ME on March 29th, I was asked to send in the trip weights for comparison of average weights per trip per year. I have sent them to John Hoey at the SAFMC.

I'd like you to consider the likelihood that there is a separate stock of swordfish at the Grand Banks - different from those along the East Coast of North America. I have been tagging swordfish since 1980 and Phil Ruhle has been tagging since 1974, but there have been no returns of any tags. The fish also look different, although that could be due to different conditions of the area. When I've fished on the East side of the Grand Banks, the swordfish have a tendency to move east with the Gulf Stream current, or even faster than the current at times.

I don't know whether any of the staff biologists have ever talked with Roy Scheffer of the Tiki XII, but he has passed on some observations to me. Roy has been swordfishing longer than I have and fishes all along the East Coast, according to the season. In his experience, once he goes south of 32° N, 80% of all the fish he catches are small, that is under 100 lbs, known as "the mark". Also, while he catches females with roe south of Cape Hattaras, he has never caught one with roe to the north of Cape Hattaras. Roy

claims that fully one-half of the female swordfish caught south of 32° N are roe fish. He also fishes on the Grand Banks during the mid to late summer through late fall and has never caught a roe female there. In 1983, he had three fish that weighed between 600 and 700 lbs, 34 fish weighing between 500 and 600 lbs, with "not many" between 200 and 400 lbs.

I have also talked with Phil Ruhle, Sr. of the F/V Audrey Lyn, perhaps the best-known and most respected swordfisherman on the East Coast. The following is what he told me of his observations of fishing along the East Coast of North America.

He notes that in the 1960's, there were a lot of boats fishing off Cape Hattaras and there were yearly fluctuations in the catch, just as there are in any fishery. In 1976, Phil noted that roe fish can be caught all year round in the Florida area. Since then he has seen "a steady, rapid decline" in the number of fish, indicating to him that females are being caught before releasing their spawn. Phil wanted to refer you to studies made by a Canadian named Beckett in the 1960's covering the swordfish effort from Florida to Cape Hattaras, and check his findings at that time against the information you have now and are receiving.

Phil is concerned with the nature of the Florida fishery, in that it is so easy to catch swordfish there. He has knowledge of couples who live on their boats who can decide to go out fishing with absolutely minimal preparation (and expense) and catch swordfish; there are even retired people who go swordfishing "as a lark".

In talking about the harpoon fishery and the proposal to exempt it from any closure, Phil said that he had noted that "90% of all harpoon fish are females", and is very interested in having a technician verify his observations.

Phil is so worried about the future of the swordfishery that he has decided not to go this year at all.

As for myself, I will continue to tag small fish. Since using the longer monofilament gangions, a good percentage of the fish are hauled in alive, contrary to what I've heard from various sources that most fish are caught dead.

I have been told also that it's impossible to direct an effort toward large fish. It's not by accident that I've never had a trip with the average weight below 95 lbs, and only two trips since 1974 have been below 100 lbs average. However, in a crowded area, since the effort has increased so drastically, among those who fish all in a bunch, some are unavoidably pushed into the warm water where the small fish seem to be. But, I have seen boats actually direct their effort toward a larger concentration of small fish, just to get the numbers.

I have fished all the way from northern Virginia (although only once that far south) all the way to the seamounts east of Flemish Cap and I have never caught a roe fish north of 40° N latitude. Usually when a fishery is in trouble, the spawning area is the first place to be protected, and as far as I know, the only spawning area is off Florida. However, it could be hard on the stocks if all the larger southern boats were then to steam up and fish on the Grand Banks.

I do not think that exempting the harpoon fishery from the closure is a good idea. It takes only a little investment to turn a longliner into a harpoon boat and I think that the effort in harpooning will expand significantly if it is exempted.

I'm concerned about the effects of the closure, or more specifically the re-opening of the season on the market. After a "dry spell" and high (hard-to-resist) prices, there will suddenly be a large amount of fish in a very short time showing up on the market. It's been my experience that just two trips of 25,000 lbs (more or less) each coming on the same or even consecutive days is enough to drop the price

drastically. This closure will not only reduce the number of fish caught, but will also lower the price until all the boats have had one or two trips, enough to begin staggering the landing dates.

My largest concern in the Florida fishery. I'm very worried about an area where people - anyone with even the smallest boat - can catch swordfish with such little investment that they need not concern themselves in any way for the future of the fishery. With little to lose, they have everything to gain by catching every fish they can, no matter how small, no matter whether spawn or not. They may prefer to catch larger ones, but for what they have in their effort, why bother to pay any mind at all to conservation?

I was asked to be an advisor to the Swordfish Committee, and have agreed to do anything I can to help keep the swordfishery viable.

Sincerely yours,

Charles W. Johnson, III

Charles W. Johnson, III

cc: John Hoey
NEFMC
Dr. Bruce Austin

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APR 19 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407

**COMMENTS OF THE
JAPAN TUNA ASSOCIATION
ON THE PROPOSED CHANGES
IN THE ATLANTIC SWORDFISH FMP
AS BROUGHT TO PUBLIC HEARINGS
MARCH 22 - APRIL 5, 1984**

April 18, 1984

.....

The following comments on the proposed changes in the Atlantic Swordfish Fisheries Management Plan (FMP), as brought to public hearing from March 22 to April 5, are hereby respectfully submitted to the Atlantic and Gulf of Mexico Fisheries Management Councils by the Japan Tuna Association (JTA):

**1. Foreign Tuna Longliner Bycatch Negligible,
Has No Effect on Swordfish Stock.**

U.S. fishermen have by far the greatest impact on the size and condition of the northwest Atlantic swordfish stocks. According to ICCAT data, U.S. fishermen take about 64% of all the swordfish caught by all nations in the northwest Atlantic, while Canadians take about 18%. If there is any "growth overfishing" of these stocks, responsibility must reside with U.S. domestic and Canadian fishermen. Conversely, any conservation program to reduce "growth overfishing" must be applied against the primary cause of the problem, those responsible for such "growth overfishing."

The bycatch of swordfish incidental to the catch of tuna by Japanese longliners in the Fishery Conservation Zone (FCZ) is a statistically insignificant percentage of the total swordfish catch in the northwestern Atlantic, amounting to less than one percent. As swordfish are released at the waterline by the Japanese longliners, swordfish mortality resulting from such bycatch is at least 40% lower than the recorded catches, thus reducing the significance of the Japanese fishing activities even more.

In 1980, the base year for most of the management measures in the FMP, U.S. swordfishermen caught at least 125,000

swordfish in Atlantic and Gulf waters. This was the estimate of swordfishermen and swordfish dealers at the Advisory Committee meetings in preparation for the development of this FMP. The NMFS estimates used in most of the FMP were derived from sampling selected fish houses and are admittedly very low.

The swordfish mortality caused by the incidental catch of Japanese tuna longliners in the Atlantic and Gulf FCZ in 1980 was only 2,761 fish, a mere 1.4% of total western Atlantic swordfish mortality. This 1.4% could have had no significant impact either way on the conservation of swordfish. In 1982, swordfish mortality attributed to Japanese tuna longlining was only around 490 fish, a mere 0.2% of total western Atlantic swordfish mortality. Even if the under-stated U.S. catch figures are used, swordfish mortality in the FCZ attributable to Japanese longlining in 1982 only amounted to only 0.5% of the U.S. catch. If eliminated it would not help reduce growth overfishing nor recruit overfishing, as the percentage is even much smaller than the statistical margin of error in yield per recruit or population estimates.

In proposing to cap the incidental swordfish catch of foreign tuna longliners at 1,136 fish, the councils are really proposing to limit their bycatch mortality to around 680 fish, 0.8% of the published 1982 U.S. catch. A more reasonable cap, and one which still would have no effect whatsoever on the size and condition of the stock, would be 5% to 10% of the U.S. catch.

Almost all conservation programs, after all, allow at least a 10% bycatch of the species under conservation management.

The proposal to reduce the foreign bycatch of swordfish by the same amount as the U.S. domestic direct catch reduction has no logical justification because the allowable foreign bycatch level in itself is a severe limitation on catch that would be in effect even if there were no limitations on the U.S. domestic catch. A reduction from that limitation would be a double restriction, compounding the already severe cap restriction. In addition, such a reduction from a bycatch cap has no scientific justification because the cap level itself is too small to have any measurable conservation effect on the stocks.

In sum, there is no scientific, logical, nor legal justification for either restricting the foreign tuna longline bycatch to a maximum catch level of 1,136, nor for reducing this number by a percentage equal to whatever reduction percentage may be applied against the U.S. domestic fishery.

2. Area Restrictions Unnecessary;

Gear Conflicts Almost Non-Existent

In 1983, according to the NMFS, there were no recorded gear conflicts between Japanese tuna longline vessels and U.S. domestic fishermen (See MAFMC Review of Atlantic Billfishes and Sharks PMP, 3/13/84). This was achieved even though there were a

greater number of U.S. vessels engaging in longlining for swordfish and tuna.

In any longline fishery there are bound to be gear conflicts, as wind and currents sweep lines together. On any given fishing day, there are dozens of entanglements among the lines of U.S. domestic swordfish and tuna fishermen. The entanglements generally are resolved fairly quickly and in a manner that minimizes loss of fish or fishing time.

Japan's tuna industry has worked out procedures with its vessels and U.S. fishermen to minimize problems arising out of gear conflicts. All Japanese tuna vessel captains are instructed to broadcast to U.S. fishing vessels the location and direction of their sets and to avoid setting in areas that would conflict with U.S. fishing gear. We provide weekly broadcasts to our vessels of certain fixed gear locations and all captains monitor the Coast Guard broadcasts for changes in fixed gear location.

We also maintain a representative in the U.S. to render assistance in cases where gear conflicts inadvertently occur. In addition, the presence of U.S. government observers on all our vessels fishing in the Atlantic FCZ helps to prevent or resolve gear conflicts.

In view of all these efforts, it is unnecessary, overly restrictive, and injurious to restrict Japanese tuna longlining

further by extending the time or location of current fishing area closures, as proposed in the hearing document.

3. Time or Area Extension of Current PMP Closures, or Enforcement of Unimplemented PMP Closure Regulations Would Deprive Japan's Longliners of Reasonable Opportunity to Catch Tuna, as Required By Magnuson Act

According to the formal legal opinion of the NOAA General Counsel, the United States must ensure foreign longline vessels a reasonable opportunity to catch tuna.

The opinion, Formal Legal Opinion 82, Billfish Management Under The FCMA, NOAA Legal Counsel, 3 Oct. 1979, stated that "In light of its express exception for tuna management, the FCMA has left intact the freedom of foreign vessels in the FCZ to fish for tuna."

As one conclusion of its legal analysis NOAA General Counsel stated: " It would appear from the FCMA policy against impeding or interfering with such legitimate uses, as well as the international 'reasonable regard' principle, that in managing billfish resources the United States must ensure foreign longline vessels a reasonable opportunity to catch tuna." (Emphasis added.)

President Reagan, in his Exclusive Economic Zone Proclamation, also emphasized that the United States would not impair foreign access to tuna in the U.S. 200-mile zone.

Imposition of fishing area closures would deprive foreign tuna fishing vessels of their ability to catch tuna in the FCZ and therefore contravene the mandated injunction against extending U.S. fishery management authority to this species of fish.

The 100-mile wide closure of the area from the Baltimore Canyon north to the U.S.-Canadian border already has deprived our longliners, who have traditionally fished in the area, of a reasonable opportunity to catch tuna. As a result of this cut-off of prime tuna fishing grounds, only several of our vessels plan to fish in the Atlantic FCZ this year.

Any additional closures, either by extension of closure time or area, will make it impossible to catch tuna, and would therefore be in violation of the Magnuson Act.

Japan's tuna industry has had a long and amicable relationship with the Atlantic and Gulf of Mexico Fishery Management Councils. Our tuna industry has been highly responsive to every concern of the Councils and American fishermen. Voluntarily, our tuna industry reduced and then stopped their catch of bluefin tuna in the Gulf, reduced their incidental

catches of billfish in both the Gulf and Atlantic through high density avoidance measures, and instituted a host of other measures to improve communications with U.S. fishermen and avoid gear conflicts.

In view of all the effort we have made to maintain an amicable and mutually rewarding fisheries relationship with the U.S., its fishermen, and the Councils, we respectfully request that the Councils refrain from imposing any more constraints upon our fishing in the FCZ. Instead, we urge you to rely upon the good will and sincere desire to work out a satisfactory solution to problems which have been the keystone of our relationship since 1978.

Thank you for your understanding.

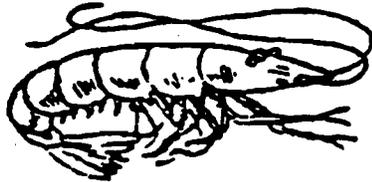
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171
Georgetown Shrimp Company

"Retail & Wholesale Seafoods of All Types"

Post Office Box 809
Georgetown, South Carolina
29440

Telephone (803) 546-0511



April 19, 1984

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APR 23 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407

South Atlantic Fishery Management Council
Southpark Building, Suite 306
1 Southpark Circle
Charleston, SC 29407

Gentlemen:

I am the General Manager of The Peregrine Corporation,
doing business as "Georgetown Shrimp Company."

The Peregrine Corporation is a vertically integrated fishing
company involved in:

Harvesting raw fish material

Semi-processing for value added

Marketing fresh fish in the U. S. A.

Marketing through joint ventures and contracting
for the export of frozen fish

Operation of a packing house for bottom fish,
swordfish and shrimp

My experience in the fishing industry has spanned my entire
adult life, involving all phases of the fish industry including
finance and vessel management.

My company and I, as an individual vessel owner, are opposed
to any closure of the swordfish industry, especially as now pro-
posed in the fishery management plans. Any such closure would
immediately increase pressure on an already suppressed industry.

South Atlantic Fishery Management Council
 Page 2
 April 19, 1984

In Georgetown, S. C. at this time we have seven long line swordfish vessels working with us:

THE PLAYMATE
 THE MISS OLIVE
 THE CAPTAIN JASON
 THE REBEL
 THE BOY SHRIMPER
 THE SMILELEE
 THE BOBBIE GALE

Although seven vessels do not constitute a fleet, many other swordfish vessels from out of state fish for us during the season in our area. The seven regular South Carolina vessels so engaged, represent approximately \$1,500,000.00 in value and there combined production annually is approximately \$1,800,000.00. All of this revenue either stays in, or is returned to Georgetown. Closure of this fishery in the high season will have dramatic and lasting effects economically on the fishermen, our company, banks and the economy of Georgetown.

Closure will also cause vessels to overwork and over produce other species which in turn will flood the market place and lower prices. We do produce during the spring of the year, according to our records, higher averages of bottom fish, thus any increased pressure in order for swordfishermen to economically survive, will impact the market place drastically. This fact coupled with the increase fishing vessel expense yearly, is in my judgement, the beginning of the end for the commerical fisherman in South Carolina.

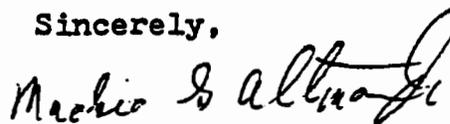
The North Atlantic season starts in June and the Gulf of Mexico season in November, leaving the South Atlantic (us) with the April-May season, which the plan proposes to close. Needless to say, if the proposed plan goes into effect, it is our death knoll. Then there is the fairness doctrine:

- (1) Harpoon fishing continuing during the closure.
- (2) Foreign vessels being able to take fish off our coast during this proposed closure.
- (3) The lack of agreement by the Canadian Government to close their season, thus depriving us of our markets.

South Atlantic Fishery Management Council
Page 3
April 19, 1984

In summary, I do not believe that the current proposal has either been fully thought through as to its critical economic impact or as to its fairness. The evidence presented so far does not persuade us that the fishery needs to be curtailed or closed. Finally I raise a question as to why the majority of the members of the swordfish committee are from the North East Council. Is it possible there is the smell of fish in the air?

Sincerely,

A handwritten signature in cursive script that reads "Mackie G. Altman, Jr." The signature is written in dark ink and is positioned above the typed name.

Mackie G. Altman, Jr.

**Federal Land Bank of Columbia and
Federal Intermediate Credit Bank of Columbia**

P. O. Box 1499
1401 Hampton Street
Columbia, South Carolina 29202
Telephone (803) 799-5000

April 20, 1984



Mr. David H. G. Gould
Executive Director
South-Atlantic Fishery Management
Council
One South Park Circle
Charleston, SC 29407

RECEIVED

APR 24 1984

**SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, S.C. 29407**

Dear Sirs:

We have reviewed the proposed fishery management plan for the swordfish fishery in the Northwest Atlantic. As an institution involved in financing commercial swordfish vessels and related shore-side facilities, we would like to furnish some additional thought for your consideration.

We endorse the council's concern for the long-term viability of all marine fisheries and support the intent of the proposed fishery management plan for swordfish. Sound and fair management will continue to be a key to the long-term livelihoods of the commercial fishing industry which we serve. Along with the fishery management council's responsibility to protect the resource, is the mandate to promote its wise utilization. It seems appropriate for the fishery management councils, at the same time it restricts or regulates, to also encourage ways of mitigating adverse economic impacts of these restrictions. For example, the proposed swordfish management plan includes substantial closures of overall harvesting of the primary species of numerous commercial fishing enterprises on the east coast. As was evident at most of the public hearings on the plan, there is serious apprehension about the ability of these small businesses to absorb any substantial decrease in total catch permitted. Knowing that the councils will use the best available and most current scientific knowledge to evaluate the impacts of these closures, we hope that responsible related agencies also look one step beyond the implementation of controls such as those proposed; and, at the same time, provide assistance in working through the adverse impacts which inevitably would arise from such controls on production. If, in fact, the closures come about, these boats will face months either seeking new, less profitable fisheries or tied to the docks.

This situation represents an opportunity to further fishery and financial management programs managed by the National Marine Fishery Service. As you are no doubt aware, with passage of the American Fisheries' Promotion Act amendments to Title 11 of the Merchant Marine Act of 1936, expanded financial assistance is available through the National Marine Fishery Service.



Letter to David H. G. Gould
April 20, 1984
Page Two

Perhaps an appropriate use of this financing would be in response to the proposed plan. For example, much of the adverse economic impact could be ameliorated if the National Marine Fishery Service would consider the use of the fisheries' obligation guarantees, and related subfunds in federal ship financing, to guarantee income and expenses related to high risk developing fisheries; guarantee operating loans to transfer a vessel to a new or developing fishery during the closure, or, to guarantee lines of credit, etc. for use by processors or fishermen that they might minimize the risk in taking inventory positions on new or under-utilized species which could be targeted during the closure periods. Many swordfish long line fishermen have expressed considerable interest in pursuing a similar fishery for tuna during any closure. If, (in this case), swordfishermen might pursue financing via a fishery's obligation guarantee, it would offset the substantial risks faced in committing their resources to these new developing fisheries.

It appears that the successful implementation of both the Magnuson and American Fishery Promotion Acts will increasingly rely on the integration of both fishery and financial management programs conducted by the government. It is our feeling that the swordfishery represents an excellent opportunity for management to not only regulate, but if restriction results, to assist in redirecting those which will be displaced.

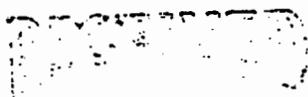
We endorse your attempts to provide a viable resource for the commercial industry and hope that future fishery management efforts insure both the viability of fishery resources, and the livelihoods of those who depend on the sea for a living. We appreciate your consideration in this matter and we look forward to discussing this or any topic which may be of interest in the future.

Sincerely,



Thomas J. Murray
Aquatic Specialist

njh



MAY 1 1954

302 27 April 1954

Dear Dave

 SECRETARY OF THE U.S. DEPARTMENT OF COMMERCE
 NATIONAL MARINE FISHERIES SERVICE
 CHARLESTON, S.C. 29405

My schedule and a snow storm prevented me from commenting on the "Summary of the Swordfish plan for Public Hearings March 1954".

My comments are brief:

① Enforcement of the closure.

Protection of the swordfish need not prohibit the shark and tuna fisheries completely. Since the swordfish is taken on longlines only as required it seems wasteful not to be able to utilize longlines for shark and tuna during daylight hours during the closure.

② Spawning closure.

Our source document and supporting scientific papers by Tainy, Arata, and Martin are quite specific about the area and time of swordfish spawning.

Biologists Beukly and Taly knew the location of spawning grounds when they maintained that fishing there would not diminish the resource.

Longline fishing the straits of Florida know very well the the area and time of swordfish spawning.

How can "onboard technicians" find a "concentration of roe fish" that has already been eliminated?

If these two situations are not addressed, we will have a plan that will eliminate pelagic longlining and not restore the swordfishing.

Yours truly
Marty Benth
Swordfish AP

The answer to this

SOUTH ATLANTIC COUNCIL UPDATE

VOL. 1 NO. 1

MARCH 1984

"WHERE'S THE BEEF!"

"Where are the markers?"

"My average size and catch rates keep falling — yet my gear is much better — If I'd fished like this 7 years ago - I'd be a millionaire - instead I'm loosing -if someone would buy my boat I'd get out tommorrow."

"Fifty-two percent of the commercial swordfish harvest landed in S. C. is less than 40 pounds dressed weight - consisting of prereproductive females and males, some of which may have been reproductively active for the first time."

"I've been in it since 1963 but I can't do it anymore - If something isn't done now - swordfish will be an endangered species in a few years."

"Twenty to thirty pound carcasses are predominant."

"We are all totally aware of the present problem and our need to prevent overfishing and reduce mortality rates."

"Large increase in effort but no catch."

"Something has to be done — the burden of a closure should be shared equally."

"What is happening to the swordfish?"

Comments such as these from fishermen, dealers, scientists and managers highlight the critical status of the swordfish fishery. These changes have been so significant that some fishermen and dealers have now volunteered swordfish data so that a preliminary stock status analysis can be based on larger numbers and on a sample drawn from all areas of the U. S. swordfish fishery. The five Fishery Management Councils involved with the Atlantic swordfish management plan are prepared to conduct public hearings. They will discuss new data that have recently become available, preliminary stock assessment analysis and its implications for an immediate seasonal closure, alternate closure starting dates, a proposed data collection program, the gillnet controversy, and additional management measures which could complement the variable season closure. It is vital that interested fishermen attend these public hearings and comment on these issues. This feedback is absolutely essential so that all parties understand the proposed regulations and so that industry input can be properly assessed in subsequent plan development. The critical status of the fishery demands immediate attention and rapid implementation of the swordfish plan. Now is the time for comment and testimony from interested parties.

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

1 SOUTH PARK CIRCLE, SUITE 306

CHARLESTON, S. C. 29407-4699

TELEPHONE (803) 577-4366

15 this!

February 3, 1984

F/NER72:PDC

TO: Federal Fisheries Permit Holders
for Atlantic Groundfish

FROM: *Richard H Schaefer*
Richard H. Schaefer
Acting Regional Director

SUBJECT: Haddock Spawning Areas Closed to Fishing March, April and May.

Contact Richard H. Schaefer, Acting Regional Director for additional information (617-281-3600).

During the months of March, April and May, two areas off the New England Coast are closed to all fishing activities capable of taking groundfish species. The closure begins on March 1, 1984, and continues through May 31, 1984. These areas are known locations where haddock spawn at this time of the year. They have been closed to fishing annually for many years as a conservation measure designed to minimize disturbance of the spawning fish and to prevent excessive exploitation of the haddock when they are concentrated on these spawning grounds.

As in past years, these regulations prohibit the use of any type of gear in the two spawning areas other than the following:

1. Pot gear designed and used to take lobster.
2. Hooks with a gape of not less than 30 mm (1.18 inches).
3. Dredges designed and used to take scallops.

It should be noted that the taking of any cod, haddock or yellowtail flounder by the gear types permitted for use may be considered a violation of the area closure.

The closed areas are bound by straight lines connecting the following coordinates in the order stated:

CLOSED AREA I

| | |
|------------------------|-----------------------|
| 41 ⁰ 50' N, | 69 ⁰ 40' W |
| 40 ⁰ 53' N, | 68 ⁰ 58' W |
| 41 ⁰ 35' N, | 68 ⁰ 30' W |
| 41 ⁰ 50' N, | 68 ⁰ 45' W |
| 41 ⁰ 50' N, | 69 ⁰ 40' W |

CLOSED AREA II

| | |
|------------------------|-----------------------|
| 42 ⁰ 20' N, | 67 ⁰ 00' W |
| 41 ⁰ 15' N, | 67 ⁰ 00' W |
| 41 ⁰ 15' N, | 65 ⁰ 40' W |
| 42 ⁰ 00' N, | 65 ⁰ 40' W |
| 42 ⁰ 20' N, | 66 ⁰ 00' W |
| 42 ⁰ 20' N, | 67 ⁰ 00' W |



Portland Me.
Thu 11 May 1984

David Gould
John Hoey
SEFMC
Swordfish Advisory Panel (SAP)

RECEIVED

MAY 14 1984

SOUTH ATLANTIC FISH &
MANAGEMENT BOARD
CHARLESTON, S.C. 29405

Dear Friends -

By now I hope you have length and/or weight data for the populations of New England and Gulf of Mexico swordfish as we first sampled them with longlines in the early sixties and late sixties respectively.

When you finish reviewing these data along with early Penobscot and other landings from the Straits of Florida in 1975, I think you will agree that we have caught the medium sized fish and are surviving on the large spawners and juvenile

recruitment from the Antillies spawning area.

I have deep feelings of regret for not "picking up" on what was happening at Tuesday's meeting. What we did was decide to sacrifice the large spawners in our own fishing to preserve the one part of that fishing that still exists while promising to protect the young infiltrating our zone of "conservation" from spawning areas elsewhere.

Gentlemen, we are going on wellfire! Because of our overindulgence we have put ourselves in the position of a man who decides to eat the broody hen, promising to protect

his neighbors chicks when they
stray under his fence.

I dont trust this man. At best
he is hoping to restock his empty
henhouse with my chicks.

At worst well, I'm going to
build one believe fence tomorrow.

In automotive terms, were putting
a new oil filter on a blown engine.

Regretfully yours.

Martin Bartlett

Dear Mrs. Loh,



I am a Swedish
longline Fisherman. At the
time of the meeting in October
30 I will be out fishing.
I understand there is some
talk about closing off fishing
for two years. It may be of
some interest to you that
in the season of 1984 I made

over

.52 sets in 5 trips - 3 of
the trips were to the Grand
Banks of Newfoundland Two
trips Southeast of Georges Bank
The Two Georges trips were in
the month of May & June -
My average for these two trips
was 120 lbs per fish - My
Average for the Three Grand
Bank trips was 130 lbs.

The problem doesn't seem
to be there aren't any

large fish in my opinion
If I had wanted to I could
have caught a boatload of
small fish by sitting in
the middle of the Gulf Stream
To sum it up - the little
fish seem, for the most part
to be in the very warm with
the large ones the cooler
water. I hope this may
be of some interest to
someone.

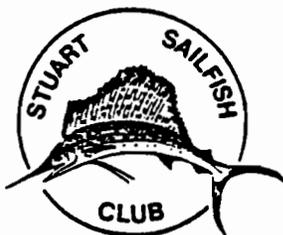
over

I ~~also~~ have a gillnet for
Swordfish. I have caught
one shark and no other
kind of fish except swordfish
in it. Certainly wish I could
be at this meeting.

Sincerely Yours

Robert H. Brown
9 Sycamore St
Marblehead, Mass
FV Hannah Boden

617-631-7099



RECEIVED

NOV 13 1984

SOUTH ATLANTIC FISHERY
MANAGEMENT COUNCIL
CHARLESTON, SC 29407

STUART SAILFISH CLUB

P.O. BOX 2005
STUART, FLORIDA 33495

November 8, 1984

Mr. David H. G. Gould, Executive Director
South Atlantic Fishery Management Council
Suite 306, 1 Southpark Circle
Charleston, S.C. 29407

Dear David:

The Stuart Sailfish Club is in favor of and supports the Swordfish Management Plan as described in the October 1984 brochure for the Atlantic, Gulf and Caribbean. As recreational anglers we were forced out of the newly developed swordfish fishing in three years when stocks off the Southeast Florida Coast collapsed due to overfishing by commercial longliners. We are convinced the proposed management measures are needed and necessary.

The proposed domestic fishing management measures of a variable season closure to reduce the catch of smaller fish is an equitable method to fishermen and will protect swordfish stocks. Basing the closure on the percent of small fish taken in each area with the variable factor makes the proposal scientifically and statistically sound.

We find no part of the proposed plan objectionable and encourage the quick implementation of the management plan.

Sincerely,

Bob Pelosi

Capt. Bob Pelosi
Director-(for the Board of Directors)
STUART SAILFISH CLUB

November 26, 1984

NOV 23 1984

My name is Al Mercier. I own and operate the Kristin ^{SOUTH ATLANTIC FISHERY} ~~Team~~ I've been in the swordfish business for 7 years and before ^{MANAGEMENT} ~~that~~ was in the charterfishing business business. I'm an independent and fish only for myself. I fish from Tampa to Montauk, N.Y. I'd like to say that my catch records differ from the data that has been presented to us.

As for the closure, I don't believe there should be one. I know the scientists don't want one. I believe that we are having a baby boom of small fish. In the last year I have caught some of the largest fish of my 7 years. The only way to get accurate data is to have a 2-3 year study with observers on the boat or at the dock, not sitting in some office. This is our livelihood.

If it was necessary for a closure, I believe a short one (one month) would be best to see how catches differ. Or instead of the closure the possession law with fish under 25 pounds (dress weight) being illegal not 50 pounds. I say 25 pounds because the whole fish weights about 45 pounds and a 50 pound fish weights about 75 pounds before being dressed out. We have recently heard that the closure and the possession law are going to be put into effect together! We feel we are being bombarded with this all at once!!!! Why not try one of these things at a time and see how it works. As it is many fishermen are going to be put out of business.

As for foreign fish, as an american fisherman I believe that foreign fish should not be bought. Our fishermen provide plenty of fish, so we think there should be a total ban on foreign fish. If you have any questions please feel free to contact me.

Al Mercier

2691 N.E. 22 Ct.

Pompano Beach, Fla. 33062

305-781-6595

**COMMENTS OF THE
JAPAN TUNA ASSOCIATION
ON THE PROPOSED CHANGES
IN THE ATLANTIC SWORDFISH FMP
AS BROUGHT TO PUBLIC HEARINGS
OCTOBER - NOVEMBER 1984**

December 17, 1984

.....

The following comments on the proposed changes in the Atlantic Swordfish Fisheries Management Plan (FMP), as brought to public hearing during October and November 1984, are hereby respectfully submitted to the Atlantic and Gulf of Mexico Fisheries Management Councils by the Japan Tuna Association (JTA):

-more-

1. Foreign Tuna Longliner Bycatch Negligible,
Has No Effect on Swordfish Stock.

The draft FMP for Atlantic Swordfish proposes to limit the swordfish bycatch of foreign longliners to the lesser of 1.5% of the U.S. catch or 1,136 fish in the Atlantic and Caribbean and 400 fish in the Gulf of Mexico. Such a restriction has no biological or rational justification and will unlawfully deprive foreign fishermen of a reasonable opportunity to catch tuna in the FCZ, as required under the provisions of the Magnuson Act. Any provision in the FMP to establish the cap at the "lowest recent historical levels" would have the same effect:

U.S. fishermen have by far the greatest impact on the size and condition of the northwest Atlantic swordfish stocks. According to FAO data, U.S. fishermen take about 75% of all the swordfish caught by all nations in the northwest Atlantic, while Canadians take about 20%.

The bycatch of swordfish incidental to the catch of tuna by Japanese longliners in the Fishery Conservation Zone (FCZ) is a statistically insignificant percentage of the total swordfish catch in the northwestern Atlantic, amounting to less than one percent. As swordfish are released at the waterline by the Japanese longliners, swordfish mortality resulting from such bycatch is at least 40% lower than the recorded catches, thus reducing the significance of the Japanese fishing activities even more.

In 1980, the base year for most of the management measures in the FMP, U.S. swordfishermen caught at least 125,000 swordfish in Atlantic and Gulf waters. This was the estimate of swordfishermen and swordfish dealers at the Advisory Committee meetings in preparation for the development of this FMP. The NMFS estimates used in most of the FMP were derived from sampling selected fish houses and are admittedly very low.

The swordfish mortality caused by the incidental catch of Japanese tuna longliners in the Atlantic and Gulf FCZ in 1983 was less than 300 fish, a mere 0.2% of total U.S. Atlantic swordfish mortality. This 0.2% could have had no significant impact either way on the conservation of swordfish. If eliminated it would not help reduce growth overfishing nor recruit overfishing, as the percentage is even much smaller than the statistical margin of error in yield per recruit or population estimates.

In proposing to cap the incidental swordfish catch of foreign tuna longliners at 1,136 fish, the councils are really proposing to limit their bycatch mortality to around 680 fish, 0.7% of the published 1983 U.S. catch. A more reasonable cap, and one which still would have no effect whatsoever on the size and condition of the stock, would be 5% to 10% of the U.S. catch. Almost all conservation programs, after all, allow at least a 10% bycatch of the species under conservation management.

The proposal to apply the same restrictions to foreign fishermen as are applied to U.S. fishermen in such cases as the application of the VSC for longlines is excessive, unwarranted, and unjustified. The allowable foreign bycatch level in itself is a severe limitation on catch that would be in effect even if there were no limitations on the U.S. domestic catch. Application of a restriction on top of that would be a double restriction, compounding the already severe proposed cap restrictions and the existing area restrictions. In addition, such further restrictions have no scientific justification because the cap level itself is too small to have any measurable conservation effect on the stocks.

In sum, there is no scientific, logical, nor legal justification for either restricting the foreign tuna longline bycatch to a maximum catch level of 1,136, nor for reducing this number by applying VSC restrictions.

2. Area Restrictions Unnecessary;

Gear Conflicts Almost Non-Existent

In 1983, according to the NMFS, there were no recorded gear conflicts between Japanese tuna longline vessels and U.S. domestic fishermen (See MAFMC Review of Atlantic Billfishes and Sharks PMP, 3/13/84). This was achieved even though there were a greater number of U.S. vessels engaging in longlining for swordfish and tuna than in any previous year.

In any longline fishery there are bound to be gear conflicts, as wind and currents sweep lines together. On any given fishing day, there are dozens of entanglements among the lines of U.S. domestic swordfish and tuna fishermen. The entanglements generally are resolved fairly quickly and in a manner that minimizes loss of fish or fishing time.

Japan's tuna industry has worked out procedures with its vessels and U.S. fishermen to minimize problems arising out of gear conflicts. All Japanese tuna vessel captains are instructed to broadcast to U.S. fishing vessels the location and direction of their sets and to avoid setting in areas that would conflict with U.S. fishing gear. We provide weekly broadcasts to our vessels of certain fixed gear locations and all captains monitor the Coast Guard broadcasts for changes in fixed gear location.

We also maintain a representative in the U.S. to render assistance in cases where gear conflicts inadvertently occur. In addition, the presence of U.S. government observers on all our vessels fishing in the Atlantic FCZ helps to prevent or resolve gear conflicts.

In view of all these efforts, it is unnecessary, overly restrictive, and injurious to restrict Japanese tuna longlining further by extending the time or location of current fishing area closures, as proposed in the hearing document.

3. Time or Area Extension of Current PMP Closures, or Enforcement of Unimplemented PMP Closure Regulations Would Deprive Japan's Longliners of Reasonable Opportunity to Catch Tuna, as Required By Magnuson Act

According to the formal legal opinion of the NOAA General Counsel, the United States must ensure foreign longline vessels a reasonable opportunity to catch tuna.

The opinion, Formal Legal Opinion 82, Billfish Management Under The FCMA, NOAA Legal Counsel, 3 Oct. 1979, stated that "In light of its express exception for tuna management, the FCMA has left intact the freedom of foreign vessels in the FCZ to fish for tuna."

As one conclusion of its legal analysis, NOAA General Counsel stated: " It would appear from the FCMA policy against impeding or interfering with such legitimate uses, as well as the international 'reasonable regard' principle, that in managing billfish resources the United States must ensure foreign longline vessels a reasonable opportunity to catch tuna." (Emphasis added.)

President Reagan, in his Exclusive Economic Zone Proclamation, also emphasized that the United States would not impair foreign access to tuna in the U.S. 200-mile zone.

Imposition of fishing area closures would deprive foreign tuna fishing vessels of their ability to catch tuna in the FCZ and therefore contravene the mandated injunction against extending U.S. fishery management authority to this species of fish.

The 100-mile wide closure of the area from the Baltimore Canyon north to the U.S.-Canadian border already has deprived our longliners, who have traditionally fished in the area, of a reasonable opportunity to catch tuna. As a result of this cut-off of prime tuna fishing grounds, only a small number of our vessels fished in the Atlantic FCZ this year.

Any additional closures, either by extension of closure time or area, will make it impossible to catch tuna, and would therefore be in violation of the Magnuson Act.

Although Japanese tuna fishing vessels have not in recent years fished for tuna in the Caribbean, and have no plans to do so, closure of the Caribbean to foreign tuna fishing vessels would be clearly in contravention of the Magnuson Act because such a closure would foreclose any opportunity to catch tuna. We therefore oppose any such provision in the PMP in principle.

Japan's tuna industry has had a long and amicable relationship with the Atlantic and Gulf of Mexico Fishery Management Councils. Our tuna industry has been highly responsive to every concern of the Councils and American fishermen.

Voluntarily, our tuna industry reduced and then stopped their catch of bluefin tuna in the Gulf, reduced their incidental catches of billfish in both the Gulf and Atlantic through high density avoidance measures, and instituted a host of other measures to improve communications with U.S. fishermen and avoid gear conflicts.

In view of all the effort we have made to maintain an amicable and mutually rewarding fisheries relationship with the U.S., its fishermen, and the Councils, we respectfully request that the Councils refrain from imposing any more constraints upon our fishing in the FCZ. Instead, we urge you to rely upon the good will and sincere desire to work out a satisfactory solution to problems which have been the keystone of our relationship since 1978.

Thank you for your understanding.

End