

**Summary of the Comments Received on the Predraft of the Consolidated Highly Migratory Species Fishery Management Plan, including those by the Highly Migratory Species and Billfish Advisory Panels**

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Office of Sustainable Fisheries  
National Marine Fisheries Service  
National Oceanic and Atmospheric Administration  
Department of Commerce  
Silver Spring, Maryland

May 31, 2005

This document summarizes the major discussions held at the joint Highly Migratory Species (HMS) and Billfish Advisory Panels (AP) meeting in March 2005. In addition, this document summarizes written comments HMS Management Division received concerning the Predraft of the Consolidated HMS Fishery Management Plan (FMP) and comments received during Fishery Council and Commission meetings on this document. This document also includes any public comments received on the Predraft in March and early April. This document does not endorse any viewpoint nor does it attempt to identify any consensus among AP members or any agency preference. Rather, it serves to summarize some of the specific suggestions and comments that the staff of the HMS Management Division heard from AP members, consulting parties and other interested parties.

Copies of the Predraft of the Consolidated HMS FMP and this summary are available online at: <http://www.nmfs.noaa.gov/sfa/hms>.

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# **Joint Meeting of the Billfish and Highly Migratory Species (HMS) Advisory Panels Agenda**

**March 21-23, 2005**

**Holiday Inn  
Silver Spring, Maryland**

The following is the meeting agenda as presented at the beginning of the AP meeting.

## **Monday, March 21, 2005**

- 1:00 pm            Introduction**  
Welcome  
Objective of the meeting  
Adoption of agenda
- 1:30 pm            Summary Information**  
2005 Stock Assessment and Fishery Evaluation (SAFE) Report  
Management actions completed in 2004  
Annual meeting of International Commission for the Conservation of Atlantic Tunas (ICCAT)  
Consolidation of HMS and Billfish FMPs
- 2:30 pm            Break**
- 2:45 pm            Expected Management Actions in 2005**  
Proposed Rule for Shark 2<sup>nd</sup>/3<sup>rd</sup> Trimester Seasons (Public Hearing and Public Comment)  
Proposed Rule for ICCAT Trade Lifting Recommendations (Public Hearing and Public Comment)  
2005 BFT Specifications (Informal Public Meeting)
- 5:00 pm            Adjourn**

## **Tuesday, March 22, 2005**

- 8:00 am            Begin Discussion of Predraft for Consolidated HMS FMP**
- 8:15 am            Bycatch Reduction**  
Workshops
- 9:15 am            Break**
- 9:30 am            Bycatch Reduction, Continued**  
Time/Area Closures
- 10:30am           Essential Fish Habitat**  
Five year review and update
- 11:00am           Public Comment**
- 11:30am           Rebuilding and Preventing Overfishing**  
Northern Albacore Tuna
- 12:00 pm           Lunch**

**1:00 pm        Rebuilding and Preventing Overfishing, Continued**  
 Finetooth Sharks  
 Billfish

**2:00 pm        Break**

**2:15 pm        Rebuilding and Preventing Overfishing, Continued**  
 Billfish

**5:00 pm        Break**

**5:15 pm        Bluefin Tuna Recreational Management and Monitoring**

**6:45 pm        Adjourn**

**Wednesday, March 23, 2005**

**8:00 am        Continue Discussion of Predraft for Consolidated HMS**

**8:15 am        Management Program Structure**  
 Bluefin Tuna Quota Management

**9:30 am        Break**

**9:45am        Management Program Structure, Continued**  
 Bluefin Tuna Quota Management  
 Fishing Years

**12:00 pm      Lunch**

**1:00 pm        Management Program Structure, Continued**  
 Authorized Gears  
 Regulatory Housekeeping

**2:15 pm        Break**

**2:30 pm        NC Petition for Rulemaking - Sharks**

**3:00pm        HMS Enforcement Issues**

**4:00 pm        Public comment**

**4:30 pm        Wrap-up**  
 Summary of major discussions during meeting  
 Possible timing of next AP meeting and discussion topics

**5:00 pm        Adjourn**

## **Consolidated FMP Predraft Consultation with the Regional Fishery Councils and Interstate Marine Fisheries Commissions Schedule**

March 3, 2005 – South Atlantic Fishery Management Council

March 8, 2005 – Gulf of Mexico Fishery Management Council

March 16, 2005 – Mid-Atlantic Fishery Management Council

March 16, 2005 – Gulf States Marine Fisheries Commission

March 31, 2005 – New England Fishery Management Council

\*May 4, 2005 – Caribbean Fishery Management Council

\*May 9, 2005 – Atlantic States Marine Fisheries Commission

\*comments made during these meetings have not been incorporated into this document.

## **Joint AP discussion of issues beyond the scope of the Predraft**

### **Introduction**

The following issues are those raised at the 2005 AP meeting that were not part of the Predraft document.

### **Summary Information**

The AP heard an update on the 2005 Stock Assessment and Fishery Evaluation (SAFE) report, which can be found in Chapter 3 of the Predraft of the Consolidated FMP. In addition, the joint AP was given an update of the management actions in 2004. A list of all management actions can be found on pages 106-110 of the 2005 SAFE report. This was followed by a brief overview of the 2004 International Commission for the Conservation of Atlantic Tunas (ICCAT) meeting by Dr. John Graves, the ICCAT Advisory Committee chair.

### **Summary of Expected Management Actions in 2005**

The National Marine Fisheries Service (NMFS) presented two proposed rules, the Proposed Rule for the Shark Second and Third Trimester and the Proposed Rule for ICCAT Trade Lifting Recommendations. The AP meeting served as a public hearing and NMFS received public comment for both rules. The Federal Register notices for both rules can be found on <http://www.nmfs.noaa.gov/sfa/hms/>. In addition, NMFS presented the 2005 Bluefin Tuna (BFT) Specifications, and the AP meeting served as an informal public meeting for this issue. The Federal Register and Draft Environmental Assessments for the BFT Specifications can be found at <http://www.nmfs.noaa.gov/sfa/hms/>. Comments received on all of these proposed rules will be summarized in the final rules.

### **BFT Recreational Management and Monitoring**

NMFS held a special session for AP members to discuss current issues with BFT recreational management and monitoring. The rebuilding plan for BFT specifies that BFT less than 115 centimeters (cm) may account for no more than eight percent by weight of the total BFT quota on a national basis. This recommendation provides additional flexibility to manage the eight-percent limit over each four-consecutive-year quota balancing period. The United States also has a no-sale provision of recreationally caught fish. The current four-year period began in 2003, and the United States has slightly exceeded the eight-percent tolerance in 2003 and 2004 (approximately 9.3 percent and 12.5 percent, respectively). Thus, the United States needs to limit landings of BFT under 115 cm to stay within the tolerance for our four-consecutive-year quota. In addition, AP members raised concerns about two potential sources of error regarding recreational estimates. The first is associated with BFT measurements taken during dockside intercepts (i.e., straight lengths vs. curved lengths), and the second relates to the conversion equations of mean lengths to weights. Mean lengths of recreationally landed bluefin tuna, sampled by the Large Pelagics Survey (LPS), are converted into mean weights for the purpose of estimating the total weights of recreational BFT landings by size category. NMFS is currently looking into these issues. Potential options for school size class subquotas for 2005 and 2006 are making the available school size class quota

distributed equally among the 2005 and 2006 seasons; front-loading the quota into 2005, with a risk of having only a catch-and-release fishery in 2006; or only allowing catch-and-release for the 2005 season, thus providing for a more liberal school fishery in 2006. Comments from the AP, consulting parties, and public are summarized below.

- There are major concerns about length measurement and how it may have resulted in a 17 percent increase in the estimated weight in 2002 and 2003. North Carolina is still paying back overages that may not have existed. The problem is solved now. We do not want to be discussing it next year.
- Can the agency apply a retroactive correction to the overestimation, resulting in quota overages payback?
- Interviewers should carry calipers to improve accuracy of measurements.
- The answer is not calipers; need to census people and should ask how their measurements were taken and bring this information to ICCAT to make appropriate changes.
- The length/weight key is not accurate. Small fish lose weight over time while larger fish gain weight. Need to account for an influx of smaller fish over the season.
- The European Community (EC) is frustrating to work with at ICCAT. The United States should not penalize the U.S. fishery because of mis-measurement. There is not a juvenile stock problem in the W. Atlantic. The BFT industry has made endless sacrifices and is conserving to balance E. Atlantic overages.
- Timing of these corrections is of utmost importance and should be given to the AP by the July meeting. This is comparable to “Trawlgate” and needs to be addressed as quickly as the trawl problems were.
- Businesses, like Charter/Headboats (CHBs), need the correction numbers as soon as possible so that they can book trips and plan a fishing season.
- CHBs want the total 144.6 metric tons (mt) (2005 & 2006) quota in 2005.
- Each category should determine its own destiny.
- Off of Virginia, there are mostly schools in June/July. This is most important in terms of eight-percent tolerance. Until there is better reporting and monitoring, we should be conservative and allow a one fish limit. We cannot afford any more overages, but the prohibition of school fish is unreasonable.
- We need a set-aside for Block Island Sound. Fishery dates keep excluding NY. We need multi-catch and there should be an equitable split between North and South.
- The port of Montauk has agreed to a tagging program to get better data. Retention limits should be tied to census programs in states.
- NMFS should look at the notes from the 2005 ICCAT Advisory Committee BFT species workgroup.
- If the Science Center cannot review the data in a timely fashion, then let the industry review it.
- North Carolina is willing to raise the minimum size for recreational fish to 84 inches. North Carolina would consider a tagging program.
- 2004 landings off of Massachusetts are not correct.

- Will the plan for how to deal with BFT measurements for recreational tuna be out by June 1<sup>st</sup>?

### **North Carolina Petition for Rulemaking – Sharks**

On March 7, 2005, NMFS received a petition for rulemaking from the State of North Carolina to amend the extent of the current time/area closure for Atlantic sharks off the Mid-Atlantic region for the Atlantic shark fishery. The proposal requests a reduction in the current closed area by changing the boundary from 60 fathoms to only include waters out to 15 fathoms coastwide for North Carolina. Dr. Louis Daniel, representing the State, described the merits of the petition to the AP. Dr. Daniel argued that the available data suggest that juvenile sharks occur predominately near shore. Thus, Dr. Daniel proposed that closing waters out to 15 fathoms year-round instead of 60 fathoms could still attain the management goal of protecting juvenile sandbar and prohibited dusky sharks. Dr. Daniel also argued that this would allow also North Carolina fishermen access to the larger sharks in deeper waters from 15 to 60 fathoms and minimize discards of juvenile and protected sharks to a reasonable extent. Dr. Daniel stated that North Carolina has done a lot to work with NMFS, and there needs to be a way to fairly and equitably distribute this across all the states. A Federal Register notice asking for comments on the merit of the petition will likely publish in May 2005. Comments from the AP, consulting parties, and public are summarized below.

- North Carolina is stepping forward to cooperate with closing pupping grounds. NMFS should embrace the idea and expand on it.
- If the amendment to the time/area closure can be included in the Predraft, then it should be.
- The economic hardship crosses over to the Pelagic Longline (PLL) industry because they cannot get to fishing grounds.
- Has the dusky stock assessment been done yet?
- There is a range for fishing mortality rate (F), but we need a number for fishing pressure so that we can determine our target reduction in fishing pressure.
- Sandbars are closer to being rebuilt than we think. We need more current and frequent stock assessments. We share the sandbar sharks with Mexico.
- With all the closed areas, we have to have made strides in increasing dusky sharks.
- There are other estimates of age of maturity for dusky and bull sharks that indicate a much younger age than U.S. scientists have found. The science needs to be improved.
- Virginia has lots of pounds of unclassified sharks. Why protect sharks in North Carolina so that they can swim to Virginia? NMFS needs to look at what is being caught in Virginian waters. NMFS knows that there is active LCS fishing in Virginia waters. Why is Virginia not part of the rebuilding program?
- NMFS should close waters out to 15 fathoms for North Carolina and through the HAPC in Virginia as of January 1, 2006.
- NMFS imposed the closed area to punish North Carolina for past lawsuits. NMFS made the numbers look like sandbar sharks have overfishing occurring.

Any honest judge would think this rule is unfair. NMFS has a responsibility to the state of North Carolina.

- I do not want to see doubt thrown into the stock assessments. They were peer-reviewed and determined that the stocks are overfished or overfishing is occurring. Most importantly, any changes to management scheme must not increase mortality of large juveniles of sandbar sharks or other large coastal sharks (LCS). Large juveniles are some of the most important fish to the stock, and increased mortality of these individuals will have the largest effect on depleting the stock.
- Any actions must not increase interactions with dusky sharks of any size because they are in need of greater protection.
- If the closure is deemed unfair and changes are made, it is essential to collect data before and after the closure to see what happens. Need 100 percent observer coverage. The petition is drawing on 10-year-old data, and the composition of the stocks has changed.
- While sandbar sharks are no longer listed as “overfished,” they are far from being rebuilt.
- If there is a need to revise time/area closures, it might involve a tradeoff with state waters. NMFS needs to work with the Atlantic States Marine Fisheries Commission (ASMFC) to get states to cooperate. If we reduce mortality in all states coast-wide, it could potentially increase quotas. NMFS is facing this mess because action was not taken earlier.

### **HMS Enforcement Issues**

Beverly Lambert made a presentation on vessel monitoring systems (VMS). Paul Raymond introduced Sarah Block and Jeff Radonski, enforcement agents from the Northeast and Southeast regions, who will be the liaisons for comments on the HMS FMP. Comments from the AP, consulting parties, and public are summarized below.

#### *General*

- HMS has a working group that involves enforcement, General Counsel, and HMS representatives. There should be an enforcement representative on the AP.
- The number of regulations are growing but the number of enforcement agents are not growing as fast. Please think about the regulations being suggested and whether or not they are enforceable.
- Species identification is difficult, especially for sharks, so anything that can be done to ease identification is much appreciated.

#### *VMS*

- If you are renewing a permit, but not actually fishing, do you need VMS?
- If you have a gillnet onboard and an Incidental shark permit, why do you not need VMS?
- Are cameras on shark gillnet boats going to occur?
- What is being done about machines being turned off on PLL vessels? I would hate to see stricter measures on compliant folks because of a few that do not comply. Non-compliant folks need to have consequences.

- How did get your number of PLL vessels? We account for fewer PLL vessels (around 105).
- VMS should only be about the gear type fishing not the species you are fishing for (i.e., does not support VMS for all vessels fishing for sharks).
- Which longliners were in violation in the past?
- As we start to exploit the swordfish quota, we need to know who is out there and who is fishing or it will create a derby kind of scenario.
- We have been told to think about enforceability, but a lot of this stuff is not enforceable in terms of manpower. We hope that people will go on good faith.

#### *Filleting of Tuna at Sea*

- Will filleting at sea be considered in the future? We were hoping to see that this would be allowed. It is too hard and time consuming to fillet fish at the dock. It would have a positive socio-economic benefit with crew spending less time at docks.
- The fish are of better quality when you fillet the fish at sea and put them on ice.
- People have asked for Exempted Fishing Permits (EFPs) to do pilot studies to see if they can fillet at sea and avoid enforcement problems. Such a study would show the facts. It is unfair how other groups get a chance to do such pilot studies.
- ICCAT has eliminated the minimum size for some Atlantic tunas. The tails requirement is unnecessary and a costly burden that should be removed.
- In the past, 23 Coast Guard inspected vessels have been allowed to fillet at sea, provided that they retain rack of filleted tunas. We do not see any problems if racks are retained until patrons depart.
- CHBs are asking that filleting at sea be put in the draft FMP so that it can go to public comment. Disagreement with enforcement. Other species of fish can be filleted at sea, and it is still easy to identify those species.
- Enforcement's stance is that filleting at sea causes too many enforcement loopholes.

### **Comments on the Predraft of the HMS FMP**

#### **General comments on Predraft**

##### *Sharks*

- We are disappointed in the Predraft and its lack of protection of depleted porbeagle, oceanic whitetips, two species of hammerheads, and silky sharks. We would like to see these species added to the prohibited list. We see no alternatives for these species in the Predraft.
- We want to see management of deepwater sharks. They are especially vulnerable due to their life history. We are disappointed that NMFS has moved deepwater sharks from a management unit into a "research only" category, and would like to see them put on the prohibited list.
- We ask that a Council or NMFS manage smooth dogfish.

- Smooth dogfish (smoothhounds) need to be removed from the deepwater complex and managed separate from the coastal species. Sandbar sharks may be sold as unidentified or smooth dogfish. The Mid-Atlantic Fishery Management Council (MAFMC) has requested sole authority to manage smooth dogfish. If this request is approved, NMFS needs to remove smooth dogfish from the FMP.
- NMFS needs to look into the landing of 23,000 dusky sharks in 2003.
- NMFS needs to address “overfishing” of LCS and the fact that LCS are “overfished.” It is required by law, and the next LCS stock assessment needs to be scheduled.
- NMFS needs to act on information on blue and shortfin mako status from the June 2004 ICCAT assessment. These species need to be addressed through international catch limits at this year’s ICCAT meeting.
- Porbeagle sharks are being considered for listing in Canada. PLL has been against directed fishery developing for porbeagles. We would like to see the existing porbeagle shark directed quota with an adequate “incidental” only catch quota and see that the United States pursue no directed porbeagle shark fisheries at ICCAT.
- NMFS bycatch reduction strategy should focus on the severely depleted shark species that are taken as bycatch in fisheries for more plentiful species.
- Considerable bycatch of sharks is taken in the Gulf of Mexico shrimp and menhaden fisheries. This has been discussed by NMFS every year, but it has not been addressed.
- NMFS needs to work with the ASMFC and Gulf States Marine Fisheries Commission (GSMFC) to ensure that all Atlantic and Gulf of Mexico states implement federally compatible shark fishing regulations.
- LCS trip limits of 4000 lb dressed weight (dw) need to be developed with a 10 percent tolerance for overages.
- NMFS needs to monitor the landings of the incidental shark limited access permits. Fishing offshore of Louisiana with an incidental permit results in over a fifth of a million lb dw of blacktip shark and is depriving directed vessels from making profit margins.
- If NMFS wants to reduce the shark fishing fleet to better match up with the annual shark quota, we suggest a control date of July 1, 2005, and a minimum annual landings threshold criteria, such as 5,000 lbs dw of LCS or small coastal sharks (SCS) in any year since 2000.
- We would like to see more stock assessments of “prohibited” species.
- Waiting longer than three years for the shark evaluation workshop for LCS and SCS is inexcusable.
- Individuals of LCS and SCS need to be individually assessed to help resolve uncertainty of different species being overfished and/or overfishing occurring.
- NMFS needs to have their scientist take a cursory look at all 22 LCS species. They particularly need to look at any species that is not prohibited at this time and any species that has been prohibited since 1999. If NMFS fails to do this, then they should tell Congress that the species that are not individually assessed should be put in an unknown category.

- We would like to see the opening of the Florida Whale area to nighttime shark fishing. NMFS could have a buffer of five miles (since whales travel shoreline of FL within three miles) from beach to sink gillnets with anchors, strobe light, breakaway links and require boat to stay with gear and VMS. This is similar to the NE Region area for shallow nets not more than eight feet high with breakaway links.
- NMFS needs to limit the entry of gillnetting sharks to boats with landing history with both sink gillnets and drift nets.
- NMFS needs to distinguish between driftnets, strike nets and small mesh sink nets.

### *Swordfish*

- We need a harpoon fishery for swordfish. You can avoid smaller fish with harpoon gear. NMFS should encourage this fishery because it has so little bycatch and large fish can be targeted. This fishery should also be allowed as an incidental fishery for lobsters and/or other fisheries with bow pulpits.
- NMFS should eliminate the domestic limited access swordfish directed permit upgrading requirements and revise the limited access swordfish directed permit retention limit for PLL to reflect incidental swordfish catch to increase swordfish landings to keep US swordfish quota.
- The incidental swordfish category retention limit using PLL should be revised from two swordfish per trip to 18-24 in this current rulemaking.
- We would like to see increased retention limits in the recreational swordfish fishery. The recreational specifications should be based on a three-year average.
- We want to see an increase in the recreational bag limit for CHB, but the increase in retention limits should not be arbitrary. Current bag limits may be necessary for conservation in Florida, but catches along the East Coast are a rare event (such as the Mid-Atlantic and New England waters).
- Is there any accounting or recording of where imports of swordfish and tuna come from?
- I support re-opening some segments of the limited access system to allow for the issuance of additional permits for commercial handgear swordfish fishery. One option is to allow General category tuna permit holders the ability to land and sell swordfish caught north of Cape Hatteras.
- I support the elimination of the rod and reel bag limit. In place of a bag limit, I would like to see a higher minimum size for recreational fishery.
- There is a growing swordfish fishery in the Florida Straits with a lot of juveniles being caught. Need to tighten restrictions on minimum size and need to increase minimum size.

### *Administrative Issues*

- Overall, the MAFMC feel their comments during the scoping process have been ignored.
- Will there be substantive changes between the Predraft and the draft FMP?

- Some of the South Atlantic would like to see the Predraft completed by December. They would like to see formal rulemaking for BFT completed with the FMP.
- What is HMS' budget for addressing the management plan? The South Atlantic Fishery Management Council (SAFMC) has repeatedly inquired about the budget and has not gotten an answer.

*Regulatory/Management Issues*

- We feel the Predraft is light on management actions. Instead it is focused on collecting information.
- Will the Division engage in the backlog of rulemaking once the FMP is done? NMFS should review the old minutes for the South Atlantic Fishery Management Council (SAFMC) HMS Committee to see what SAFMC wants NMFS to undertake in rulemaking.
- HMS should review old minutes of the SAFMC HMS Committee to see what the SAFMC wants the Division to undertake in rulemaking.
- MAFMC supports individual transfer quotas (ITQs), but would like to see property rights assigned to any fishery where the resource cannot sustain directed fisheries due to biological or ecological needs.
- NMFS management has caused an increase in discards in the PLL fishery. We want to see immediate elimination of unnecessary wasteful measures.
- NMFS has ignored requests for better reporting, permitting, monitoring and enforcement. Consequently, the recreational sector debates their catch numbers; NMFS' failure has not helped Atlantic HMS conservation and management.
- NMFS needs to focus on permitting, monitoring and enforcement for all U.S. HMS fisheries.
- NMFS should prohibit the use of live bait in all HMS J-style hook fisheries.
- There should be mandatory compliance of all ICCAT conservation methods across all HMS fisheries.
- NMFS' "high-road-to-conservation" at ICCAT regarding yellowfin tuna (YFT) and bluefin tuna (BFT) has been severely compromised by NMFS' inability to conserve YFT.
- NMFS should enforce the prohibition of the sale of recreationally-caught HMS.
- Turnover of HMS personnel is obvious each time a new document attempts to portray the history and description of HMS fisheries. In the latest introduction, NMFS claims the high catch rates of BFT by the U.S. PLL fishery is responsible for the decline of the stock. We feel this is false and would like to see the data. The PLL fishery does not seek a directed fishery on currently overfished stock of BFT.
- Severe measures such as time/area closures hundreds of miles away from spawning grounds and overly restrictive incidental catch category regulations are unjustified. The logical allocation scheme would reserve sufficient amount of quota to cover incidental catches and then allocated quotas for directed fisheries.

- In the “Management History” of the Predraft, NMFS needs to add the ATCA provision of management “shall not disadvantage U.S. fishermen relative to their foreign counterparts.”
- NMFS needs to acknowledge positive experimental results of the Northeast Distant Statistical Area (NED) more in the Predraft.
- The U.S. PLL fishery is undercapitalized. NMFS needs to encourage latent pelagic longline effort to become active.
- NMFS should not condone a reallocation that is contrary to the intent of the Magnuson Act.
- We do not want to see mandatory observer program in the recreational and CHB sector.
- We would like to see midwater trawls be permitted for incidental takes.
- Driftnets should be prohibited gear in all HMS fisheries. Drift gillnets should be illegal in federal waters at least off of Georgia in order to have complementary regulation in federal waters (drift gillnets are banned in Georgia state waters).
- NMFS needs to work with the ASMFC to address coastal shark issues and get them away from dogfish. Coastal sharks are the real issue that needs to be addressed.

#### *Editorial Recommendations*

- NMFS should use the word ‘Atlantic-wide’ instead of ‘management unit’.
- ICCAT’s illegal, unregulated and unreported (IUU) white and black list import prohibitions is missing in the “Other Post 1999 FMP Regulations for Atlantic Tunas, Swordfish and Sharks” section.
- Table 3.23 is hard to understand and incomplete. NMFS should either clarify or delete.
- Table 3.25 contains an error that has been used in many documents. The Technical Memorandum, SEFSC-515, cited as Garrison 2003 contains an error concerning the total number of observed sets for 2001. The correct total is 584 and non-NED is 398, which would change the respective percentages to 5.4 percent and 3.7 percent. 2002 non-NED percentage should be 3.9 percent.
- Proper standard of measurement for observer coverage levels should be based on the number of observed hooks out of the number of hooks reported to have been fished rather than number of observed sets.
- NMFS should add a glossary of terms used to help readers understand issues.

#### **Comments on Combining the Billfish FMP and the Tunas, Swordfish and Sharks FMP**

##### *Combined FMP Objectives*

- NMFS should proceed with consolidation with all the suggested changes made during the AP meeting as long as NMFS realizes that it is not possible to continually reduce bycatch and mortality.
- There is not a problem with combining the two plans as long as Objectives numbers 13 and 14 from the Atlantic Billfish FMP and Objective 18 from the

Tunas, Swordfish and Shark FMP are kept in the consolidated plan. The wording in Objectives 2, 3, 4, 5 and 7 of the Proposed Consolidated FMP do not adequately cover the thought, effect or spirit of Objectives 13 and 14. These objectives also help keep the billfish as a recreational resource.

- The Consolidated FMP can have different objectives for different species. We can help you work on the specific language.
- The Billfish FMP has implemented objectives 13 and 14, but NMFS has not done enough to achieve these objectives.

#### *Combined AP*

- Will the AP stay the same or will individuals get cut to save money?
- If the current AP panel is balanced, then it should stay the same once it is combined. That will result in a larger but balanced panel. People of their respective constituent membership should replace retiring seats.
- With the consolidation, the billfish AP will be disbanded and put in with the rest of the AP panel that is more interested in tunas, sharks and swordfish than billfish. We want the Billfish AP kept separate.

#### *Management Concerns*

- We support the consolidation. If they are separated, it will only delay rulemaking, and each plan still maintains its own content in the consolidated FMP.
- We commend the Agency for including finetooth sharks, albacore tuna, and smalltooth sawfish in the Predraft, but would like to see more specific management measures alternatives to increase biomass or decrease the fishing mortality proposed on these species.
- Some members strongly object to the consolidation of the two FMPs. We feel that different species will get lost in the shuffle. The Councils deal with multiple FMPs, and we suggest working in species groups, similar to what is done at ICCAT.
- We agree that there needs to be an amendment. But there is too much combining of HMS species right now. There should be separate FMPs for BFT, other tunas, sharks, billfish and swordfish. It is unfathomable that the consolidation of all HMS species in one FMP can lead to more efficient and effective management.
- We feel that few issues from the scoping meeting have not been addressed, such as the lack of a discussion of overfishing. Of the 82 stocks the Secretary is managing, 23 to 28 percent are overfished compared to the seven percent (60 out of 909 stocks) that are managed by the eight different Councils and listed as “overfishing is occurring”.
- The Billfish FMP tries to keep as many fish in the water as possible. It is the opposite in the Tunas, Sharks and Swordfish FMP.
- The definition of optimum yield (OY) in the Billfish FMP is not carried forward in the joint plan. The OY for billfish will become the same as for other commercial fisheries. This OY will discourage development of the full potential of the recreational industry. Conservation will suffer since OY geared to Biomass expected to yield maximum sustainable yield ( $B_{MSY}$ ) will mean fewer fish in the water than with OY geared to a higher population level ( $1.3 B_{MSY}$ ).

- How will enforcement be dealt with on such a broad range of issues in the consolidated FMP?
- Swordfish is coming back, but it is not what it used to be, and fish are not returning to where they used to be. I am afraid that NMFS ability to predict the swordfish fishery will be lost in the consolidation.
- Shark issues from Amendment 1 are still not resolved and are currently not being dealt with in the Consolidated FMP.
- Many of the scoping meetings that were held for the Consolidated FMP conflicted with other important meetings (i.e., captain's meetings).
- With the consolidation of the FMPs, there are more restrictions falling on the recreational sector. What is the overall goal of the consolidated plan? To create a commercial-only fishery?
- Conversely, the consolidated plan is putting a lot of restrictions on the commercial sector (e.g., time/area shark closure off of North Carolina), and the commercial sector is being blamed for marlin mortalities while a lot of mortalities are occurring because of tournaments.
- How is permitting going to work with the consolidated plan?

## **Bycatch Reduction**

### Workshops

The Predraft described several different types of workshops under consideration, including workshops for participants in the Atlantic shark and PLL fishery that address conservation of protected resources. Comments from the AP, consulting parties, and public are summarized below.

### *General*

- We recommend that all the workshops (both recreational and commercial) become a top priority and be immediately implemented for all HMS hook and line fisheries in order to gain the maximum benefit from these successful mitigation technologies and fishing practices.
- We would like to see a steering committee set up to determine how workshops will be conducted. The steering committee can include both the recreational and commercial sectors and be similar to the NED experiment where the agency, commercial sector, and scientists lent their expertise and had some breakthroughs.
- NMFS needs to initiate a steering committee and the initial workshops should be headed by Dr. Bill Hogarth, Rebecca Lent, and Chris Rogers in Silver Spring with various stakeholders to sort out ideas and concepts in the form of break-out sessions. At the end of the steering committee meeting, everyone could sign, ratify, and adopt resolution on the highest workshop priorities. Sea Grant and non-governmental organizations (NGOs) could offset the cost of steering committee.
- There is interest in a web based tutorial and written exam that can be either given in person or mailed in.
- NMFS should prioritize the workshops. The protected resources and bycatch interactions in commercial HMS Fisheries and compliance with, and understanding of, HMS Regulations can both be web-based. The sea turtle

- handling and release and species identification workshops need to be done in person.
- International Game and Fish Association (IGFA) may have a program that HMS could emulate, like the “IGFA Captain Program.”
  - There should be mandatory, interactive web-based tutorial for commercial captains and voluntary tutorials for private, recreational fishermen.
  - There could be a barcode on the back of the permit to see the number of permits an individual holds and the level of training or number of workshops attended.
  - Mote Marine Laboratory could help with workshops by providing a place to hold workshops, providing experts like Jose Castro to help with species identification, and even with creating VHS and DVD’s for distribution.
  - The Agency should contract out workshops and gather expertise. These are too difficult for the agency to do by itself.
  - What is the rationale for making commercial fishermen attend mandatory workshops and recreational attend voluntary workshops?
  - Voluntary workshops are better for the recreational sector. Mandatory workshops will not work. Let the leaders of industry work with their constituents to work on a pilot study and see if they can get voluntary compliance.
  - NMFS should have a “Saltwater Sunday” for recreational sector so that they can put together a forum to introduce handling techniques.
  - We need to educate youth anglers. They will be the future in the recreational industry.
  - NMFS should implement a comparable “sea turtle safe” conservation certification program on all HMS products for all United States imports.
  - Circle hook training in the recreational fisheries could be very important (e.g., Inter-American Tropical Tuna Commission trade of J-hooks for circle hooks).

*Sea Turtle Release and Disentanglement Workshops for Pelagic Longline Fishermen*

- We support mandatory workshops and certification for all PLL vessel captains, with additional information disseminated through the activities NMFS PLL pelagic observer program (POP). There should be three different mandatory training processes: initial training, certification level training and instructor level training.
- Communication and cooperation was key to the successful training and motivation of the NED experiment. This will have to continue for NMFS to be successful with these workshops.
- There will be an *industry* certification for PLL and handling and releasing sea turtles in Orlando, Florida of this summer. The people who have taken and passed this workshop should be afforded some recognition in terms of NMFS mandatory workshop.
- All commercial and recreational fisheries should be required to have careful handling/release tools, and to attend mandatory workshops for training.
- Sea turtle handling and release should be mandatory for captains and/or owners, but not crewmembers, and there should be flexibility in the timing of workshops to accommodate fishing days.

- Economic impacts of having to attend mandatory meetings will result in missed or delayed trips. Owners will have to leave vessels at docks with a fishing crew.
- CHBs and recreational sector have very few encounters with protected resources and endangered species. They should not have to go to workshops.
- It is not a wise use of resources to require the recreational fishery to attend workshops. Use the money to deal with recreational data collection.
- The United States needs to lead the way in management in the handling and releasing of turtles in order to get the international community to also comply, especially if only about five percent of sea turtle mortalities are coming from U.S. waters and the other 95 percent are international.

#### *HMS and Protected Resources Identification*

- NMFS has financially marginalized many of the commercial sharks businesses over the past eight years. NMFS reduced the LCS quota by about a million dollars, saying that most of the limited access fleet cannot correctly identify target and secondary shark species. Mandatory identification workshops should be held very soon for boat captains and should include CHB captains.
- We support alternative 2, to conduct voluntary workshops at a scientific facility for all commercial and recreational HMS fishermen and permitted dealers on a first come, first served basis, in combination with alternatives 3, to conduct one or several voluntary workshops at one or several locations per region for all commercial and recreational HMS fishermen and permitted dealers on a first come, first served basis, and 4, to develop an interactive, voluntary web-based tutorial for all commercial and recreational HMS fishermen and permitted dealers.
- Commercial fishermen should not have to attend species identification workshops. Identification problems are due to dock surveyors and dealer and recreational fishers' identification problems.
- NMFS should require the HMS Identification Guide on board HMS permitted vessels and in the office of HMS permitted fish dealers.
- NMFS needs to look at logbook data in a timelier manner. NMFS relies on dealer reports, and dealers are not accurately identifying shark species.
- Landings reported by fishermen to the State of Virginia have a large number of unclassified sharks.

#### *Protected Resources and Bycatch Interactions in Commercial HMS Fisheries*

- There is support for alternative 4, to hold voluntary workshops for all commercial longline and shark gillnet fishermen but also include an extra voluntary session for CHB captains, discussing the merits of alternative gear types in recreational fishing, and their effects on post release mortality and fishing efficiency. Workshop participants would be accommodated on a first come, first served basis. But NMFS needs to specify exactly what this workshop is and how it differs from the sea turtle handling workshop.
- Smalltooth sawfish should be included in the workshops in terms of identification and interactions with protected resources. Bottom longline (BLL) and recreational fishers should attend these.

- The steps that would be outlined in a sea turtle handling workshop are already being taken in PLL fishery. PLL fishermen also have few interactions with marine mammals or incidentally caught bycatch. PLL fishermen already use safe handling methods and circle hooks.

#### *Compliance and Understanding of HMS Regulations*

- This would be a four-year college course and then it would change once you finished.
- This workshop could be done with the distribution of hardcopy materials.
- There is support for combining alternative 2 with alternative 4. With alternative 2 NMFS would hold several voluntary “town hall” workshops for recreational, commercial, and NGO stakeholders hosted by NMFS staff. Participants would be accommodated on a first come, first served basis at several venues and/or dates per region. With alternative 4 NMFS would develop an interactive, voluntary web-based tutorial on HMS regulations that would include the reasoning involved behind controversial or commonly “misunderstood” HMS regulations, providing legislative background and context. Those that complete the tutorial would receive a certificate/confirmation that would be necessary for permit renewal or purchase. This would allow those who have computers to do the interactive, web-based program, and those that do not to go to the workshop on a voluntary basis.

#### Time/Area Closures

Time/area closures were implemented to reduce bycatch of protected species and target and non-target HMS species. NMFS will assess their effectiveness, whether or not time/area closures are achieving management objectives, if continuation or modification of current closures is warranted, and if additional closures are necessary or warranted. NMFS is considering whether to implement additional or modify existing closures to deal with new or existing bycatch related issues. Comments from the AP, consulting parties, and public are summarized below.

#### *General*

- Closed areas resulted in a 15 percent reduction in longlining fishing effort. Before modifying closed areas, NMFS needs to analyze if a similar increase in fishing effort due to opening or modifying closed area would erase any conservation benefit currently gained from the closed areas. I would like to see Charleston Bump, Florida East Coast, and DeSoto Canyon remain closed to PLL.
- I am encouraging HMS Management Division to have complimentary measures for the Madison-Swanson and Steamboat Lumps Marine Reserves. This will help with enforcement.
- NMFS should go the extra mile for rebuilding smalltooth sawfish population. This may be helped with time/area closures.
- Any time/area closures formulated in the Gulf should not be formulated in a manner that encourages concentration of longline operations in any area of the Gulf exclusive economic zone (EEZ).

- The recreational sector would like to see the data on VMS monitoring and effectiveness. NMFS states that an evaluation has been done, but no results have been provided.
- NMFS should distinguish between “bycatch” and “regulatory discard.”
- I would like to see “reopening” closed areas as an alternative.
- It is unfair to close an area to one group of citizens due to gear-type and then allow others with virtually the same gear-type to fish in closed area. Closures should include all gear types.
- For alternative 3, which relates to a time/area closure for smalltooth sawfish (gear specific and/or all gear to be considered), we would like to see PLL and recreational rod and reel be removed from the gear list that would be prohibited from such a time/area closure.
- All fishing methods in all areas should be subject to the same level of observer coverage. Closed areas have done good things for reducing bycatch, but NMFS needs to better evaluate how new alternatives, such as reduction of bycatch due to circle hooks, may allow NMFS to modify current time/area closures. Since there are already so many closed areas, it does not seem practicable to create any new closed areas. NMFS needs to consider modifying closed areas to allow reasonable fishing opportunities while still reducing bycatch, and to better assess how certain bycatch (like blue shark) increases with use of circle hooks.
- I suggest reopening:
  - 1) 27°30’N/79°28’W west to axis of Gulf Stream on NOAA chart #411, then follow this axis to 31°00’N/79°20’W.
  - 2) 24°10’N/81°47’W to 29°10’N/81°00’W
  - 3) 26°00’N/84°00’W to 29°00’N/87°00’W to 29°00’N/88°00’W
  - 4) 31°00’N/79°20’W to 34°00’N/75°50’W
- NMFS should consider what fishermen are doing in lieu of fishing in the closed areas. Many fishermen have switched to other fisheries that have significant interactions with protected resources.
- Why do the commercial fishermen have to make all the changes like changing to circle hooks, logbooks, and observers? The recreational sector should have to share the burden.
- Need to consider closing time/area closures to other gear types besides just PLL. NMFS should also considering closing time/area closures to the hook and line pelagic fishing if necessary.
- We need more specific data to make better management decisions. We should allow an exempted fishing permit (EFP) to PLL in some of these closed areas so that they can test different bycatch ideas.
- NMFS needs to use the correct data to document reductions in bycatch. Some data are collected with observers and some data collected without observers, but only logbook data without observers are reported in Predraft. It would be nice to see how the change in the distribution of catch has affected catch and bycatch in different areas (can do this by combining tables 3.1.1.6, 3.1.1.5 and 3.1.1.4).

### *Marlin*

- NMFS needs to consider closures for juvenile white marlin, blue marlin, spearfish, sailfish, undersized swordfish, and adult BFT. I suggest seasonal longline closures in the mid-Atlantic, northern Caribbean Sea and western Gulf of Mexico, where white marlin are known to concentrate.
- I have suggested additional PLL closures to protect marlin in the western Gulf of Mexico up through waters off the central north Gulf, but NMFS has not responded.
- Alternative 2, that would establish a time/area closure (gear specific and/or all gears to be considered) for white marlin in important habitat areas, should be PLL specific.
- From a strategic standpoint, the United States needs to maintain a strong and effective time/area closures for billfish in order to get ICCAT to enact closures on the high seas as part of Phase Two of the international Marlin Rebuilding Plan.
- The United States contributes so little to white marlin mortality that it does not warrant a closure just for white marlin.
- There should be more time/area closures in the PLL fishery to curb bycatch, like blue and white marlin.
- Time/area closures should not be applied to the billfish fishery; bycatch does not occur in the recreational catch and release HMS fisheries.

### *Swordfish*

- Closed areas are good. We have learned a lot from them, but they have significantly cut down our ability to catch the U.S. quota for swordfish. The United States is harvesting 2,400 mt of its 3,907 mt quota. If we do not use the quota, we will lose it at ICCAT to other contracting parties. We may need to consider rolling time/area closures.
- The North Atlantic swordfish stock is fully rebuilt. We need to rebuild the U.S. swordfish fishery.
- To avoid losing part of our swordfish quota, we may be able to argue at ICCAT that due to management actions, we have not had access to the entire U.S. quota.
- In order to have a conservation voice with swordfish (i.e., U.S. fishermen talking with other contracting parties at ICCAT), the United States needs to maintain a swordfish quota share.
- While swordfish are coming back, in part, due to closed areas, swordfish stocks are far from being rebuilt. Most of the swordfish being caught are juveniles, with a very small percentage of fish at reproductive size.
- NMFS needs to consider the socio-economic value of the recreational swordfish and international handgear fishery when calculating the economic hardships on other fisheries by the current closures.
- The United States will have to act quickly to keep a change from occurring at ICCAT with U.S. quota for swordfish. The United States can state at ICCAT that changes to time/area closures will be occurring (or are occurring) as a result of this final FMP; however, due to the timing of the release of the FMP in early 2006, any changes in the United States' ability to catch its swordfish quota may not be available to report at ICCAT. In addition, any changes to the swordfish

stock as a result to new management may not be reflected in the next swordfish stock assessment, which will occur soon after the release of the final FMP.

### **Essential Fish Habitat (EFH)**

NMFS is conducting the 5-year review of all new information related to EFH. The goal is to determine whether, based on the new information, any modifications to existing EFH boundaries are warranted. If a determination is made to modify boundaries, then that would be addressed in a subsequent rulemaking. Thus, while the Predraft contains alternatives for updating EFH and Habitat Areas of Particular Concern (HAPCs), NMFS has decided not to update EFH and HAPCs in this amendment. Instead, NMFS will review all new data, including fishing and non-fishing impacts in the upcoming draft FMP and modify EFH and HAPCs in a future document, as necessary. Comments from the AP, consulting parties, and public are summarized below.

#### *General*

- Is EFH used in the management process?
- We are concerned that EFH is only defined within the EEZ. This inflates the importance of EFH within the EEZ, especially if areas designated within the EEZ are not primary spawning or nursery grounds. NMFS needs to work on international efforts to protect EFH.
- Sargassum is recognized as important habitat for HMS in the FMP, but the greatest concentration is in the Sargasso Sea, which is beyond our EEZ. This area should be designated as EFH. We suggest mirroring existing SAFMC regulations for Sargassum.
- The Magnuson-Stevens Act may be amended and EFH may be dramatically altered. How will NMFS deal with this?
- NMFS should follow all the same areas defined by the GFMC's EFH and HAPC designations and regulations.

#### *Swordfish*

- We have concerns about the Liquid Natural Gas (LNG) terminals in the Gulf of Mexico and how they will affect swordfish spawning grounds.
- Why is only swordfish EFH documented in the Predraft?
- We have concerns that EFH is being designated based on presence/absence data. This gives distributional data, but does not define EFH. In addition, important spawning grounds for swordfish are missing from swordfish EFH. NMFS may be able to reduce the scope of EFH designations by using alternative criteria to define spawning grounds besides presence/absence data.

#### *Tuna*

- Herring is an important component of EFH in the New England BFT fishery. It is critical forage for BFT and should be included as EFH. Why is not there a more of an ecosystem approach taken to specify EFH?

### *Sharks*

- Why does the HAPC off North Carolina warrant a closure when other HAPCs are not closed to shark bottom longlining? Does NMFS rank HAPCs?
- Shark pupping grounds are currently unprotected. Conserving shark habitat is closely linked with the state cooperation strategy.
- NMFS needs to publish and distribute the 2002 American Fishery Society (AFS) Symposium manuscript on shark habitat. We hope this will lead to new designations of HAPCs for sharks

## **Rebuilding and Preventing Overfishing**

### Northern Albacore Tuna

Northern albacore tuna has been identified as being overfished. However the U.S. quota is only 607 mt of the Total Allowable Catch (TAC) of 34,500 mt. Therefore, the United States' ability to rebuild this overfished fish stock is limited to few alternatives. Comments from the AP, consulting parties, and public are summarized below.

### *Albacore tuna*

- Albacore tuna is becoming a more important fishery in New England with the demise of the yellowfin tuna fishery. How is the 607 mt decided upon?
- The Gulf of Mexico does not have a viable population of northern albacore. We do not want regulations imposed on us unnecessarily.
- The albacore fishery in the United States is an incidental fishery. We should not have harvest restrictions on such a diminished fishery.
- Albacore congregate differently than other species. We do not have a handle on the science with the stock assessment for this species.
- As albacore becomes more important commercially, we do not want to see our quota given to another country, especially another country that will not manage it as well as the United States. Is the quota based on recreational or commercial landings?
- We support an international rebuilding plan. The United States needs to put significant pressure on countries with high fishing pressures like China, Spain, France, Ireland, Portugal and Japan. We believe it would be inappropriate to increase U.S. landings of this overfished species, and we believe it is equally inappropriate to place conservative restrictions on U.S. fisheries because restrictions beyond current measures would have no biological impact.

### *Recreational Data Collection*

- Commenters raised concerns over how recreational data are collected, especially through the Marine Recreational Fishing Statistics Survey (MRFSS) program. Commenters suggested ways on monitoring recreational landings including logbook data that is tied to renewing permits, catch cards, and Vessel Trip Reports (VTRs). Commenters want to see a move from recreational survey to a census of recreational landings.
- The recreational sector should be held to the same fines and penalties that commercial sector is for non-reporting.

## Finetooth Sharks

The 2002 stock assessment indicated that overfishing of finetooth sharks is occurring. This issue looks at alternatives that may be considered to reduce fishing mortality for finetooth sharks. Comments from the AP, consulting parties, and public are summarized below.

- NMFS needs and is required to do more than “reduce” fishing mortality of finetooth. They need to stop overfishing.
- The Predraft is heavy on information collection and light on management actions. HMS should work more with Councils, and inform Councils when a species is overfished or overfishing is occurring. When a species is designated as overfished, and the vast majority of fishing mortality occurs as bycatch in other fisheries, the Councils with jurisdiction over those fisheries should be notified of the designation and directed to take appropriate action within the timeframe provided under the Magnuson-Stevens Act.
- The State of Texas is willing to help with the illegal fishing activities related to the gillnet fishing in the Gulf of Mexico. It is illegal to use gillnets in Mexican waters.
- Is the majority of the bycatch in Mexican gillnets finetooth sharks?
- We would like to see gillnets prohibited for all HMS fisheries.
- Finetooth mortality must be addressed by a given fishery in relation to their landings. We cannot just eliminate gillnet fisheries just because we do not like them.
- We support reducing finetooth mortality in commercial and recreational fisheries. We want to see mortality reduced in directed fisheries and measures taken to reduce bycatch.
- There is concern being expressed over the stock assessment findings (listed on page 173 of Predraft). It is listed that overfishing is occurring for finetooth sharks; however, there are limitations to the stock assessment because bycatch data from the shrimp fishery was not included.
- There needs to be some measure by which we can determine the necessary reduction in fishing mortality. There is significant overlap in  $F_{msy}$  and the actual  $F$ . We need to know the amount by which we need to reduce  $F$ . We need to know what are the relative sources of mortality and what is contributing the most to the finetooth  $F$ .
- The bycatch data on finetooth are lacking, and state landings are higher than federal landings. We need to convert state numbers of fish landed to lbs dw so that state and federal landings can be compared. If finetooth are in 20 feet of water, then they are found in state waters, not in federal waters.
- If the majority of mortality is occurring in non-HMS directed fisheries, why should HMS fishermen experience more restrictions? NMFS should work with experienced fishery participants to develop effective bycatch reduction methods for non-HMS fisheries.
- There should be more observer coverage on the 18 directed gillnet boats and some information collection from the shrimp boats.
- The five directed gillnet boats are open to buy-out options.

- Perhaps gear type endorsements are in order for the future and a pupping season closure of April through June as opposed to further quota cuts.
- There is no confidence in the MRFSS data. There are lots of mis-identifications of finetooth sharks, so species identification may be an issue. However, Georgia already identifies shark bycatch in the shrimp trawl fishery to species.
- Finetooth sharks are patchy in their distribution, so they may be vulnerable to overfishing in areas of high concentrations. So, seasonal closures may help. We suggest a breakdown of commercial and recreational finetooth landings by month so that we might see if there is a seasonality aspect to the fishery.

### Billfish

Atlantic blue and white marlin have been identified as overfished with overfishing occurring. Domestically, directed billfish fishing has been reserved for the recreational fishing sector since 1988, when possession by pelagic longline and sales of Atlantic billfish species were prohibited. The number of anglers and charter boats leaving from many different ports makes data collection and development of reliable catch and effort estimates difficult. Currently, the most accurate data comes from Atlantic coast and Gulf of Mexico fishing tournaments. The issue with rebuilding and preventing overfishing of billfish is split among addressing mortality issues in the directed fishery and monitoring and reporting issues. Comments from the AP, consulting parties, and public are summarized below.

#### *250 billfish limit*

- There seems to be evidence of incomplete science. Stock assessments show billfish continue to decline while recreational tournament catch-per-unit-effort (CPUE) are up, and ICCAT's BFT research cruise in central America found abundant white marlin.
- We would like to see the 250 fish limit expire at ICCAT.
- The 250 fish limit is not codified?
- What is the current take of blue and white marlin? Our understanding is that we are over the 250 limit.
- The commercial fishery takes double the amount that the recreational fishery takes.
- Very few billfish are encountered by longline.
- Given the 250 billfish limit, the billfish fishery should not have to suffer any more restrictions.
- I would like to see fish counted according to how the 250 limit was originally agreed upon.
- Poor data collection led to the current 250 fish limit. NMFS continues to make no real effort to quantify numbers of vessels, effort, catches, landings, bycatch and/or trends of landings for the recreational or charter fishing sectors as required by the Magnuson-Stevens Act.
- Is the United States taking the lead in conservation methods or are we behind the rest of the world? What percentage is the 250 fish of the world take?
- If the United States takes are so small, are any of the proposed management measures really going to do any good if we have such a small impact? Such

severe regulations are proposed that will impact other fisheries. What will the benefit to the stock be if we have less than one percent of the world take?

- Overall, compliance of the contracting parties at ICCAT on this issue show that reduction of billfish mortality has been made, but the target reductions have not been made. There is a time delay to determine the impact of the recommendation however. We look forward to the next stock assessment.
- The 250 fish limit was a bargaining chip at ICCAT. Trading fish quota with other countries is another way to bargain. So we better have an idea to put on the table (like maybe mandatory circle hooks) if we want to take the 250 fish limit off the table in 2006. If the 250 cap is not extended, we need to make sure that the companion foreign longline restraints are extended (otherwise, this would increase marlin mortalities).
- NMFS needs to be specific in what it counts towards the 250 cap.
- For billfish tournaments, if a fish is landed on a U.S. vessel, it is a U.S. fish. Is this a legal decision?
- There are a lot of tournaments in the Bahamas, Turks and Caicos, and Mexico. What happens when a U.S. vessel lands a fish in an international tournament?
- If a recreational vessel fishes for billfish in a country that does not have an ICCAT quota, what quota would it be counted against?
- There are only a few recreational boats making landings of billfish compared to commercial landings. Is there any exemption the recreational sector can get?
- In the Caribbean, the British Virgin Islands (BVI) are trying to get the records reversed. They want fish hooked in U.S. boats to be counted as BVI fish for advertising purposes.
- If a boat enters into a leasing arrangement with another country, they can fish against that country's quota. So if someone buys a Bahamian license, why cannot it be counted against Bahamian quota?
- If you are a U.S. vessel fishing in another country's EEZ without a permit, you may be registered as an IUU vessel.
- Is there a rebuilding program in place for these species?

#### *Tournament registration*

- NMFS needs to clearly define what a "tournament" is. There are lots of "club events" which may or may not qualify as a tournament. These events have not been registering. We do not want to see a large part of recreational sector not complying.
- Besides efforts to provide outreach, NMFS gets very little compliance with tournaments registering with HMS Management Division. Registering is key to better data collections for these species.
- NMFS should require every HMS tournament to register, report their landings, and have some level of observer coverage.
- Registration should be for tournament directors, not individual participants.
- We would like U.S. companies and/or corporations that operate outside the United States to abide by the tournament registration rules as if they resided in the United States. Otherwise, they have an unfair advantage.

- We support alternative 2, to have registration with the HMS Management Division with receipt of confirmation.
- Registering tournaments is not necessary and it should not be mandatory. NMFS should only require the operator to be in a receipt of confirmation number after registering with the HMS Management Division.

*Reducing billfish mortality/circle hooks*

- We would like to see more restrictive state HMS regulations prevail over federal HMS regulations in state waters. In the draft FMP, we would specifically like to see that Georgia's more restrictive Atlantic billfish conservation methods are applied in Georgia state waters.
- We strongly object to alternatives 7, 8 and 9; prohibition of non-tournament landings of Atlantic white marlin, prohibition of landings of Atlantic white marlin in tournaments, and prohibition of the possession, retention, and landings of Atlantic blue and white marlin.
- We support alternatives 2, 3 and 4, which limits using natural baits or artificial lures/natural bait combinations. Alternative 2 limits Atlantic HMS Angling and CHB Permitted vessels at all times, and General Category vessels during HMS tournaments, to using only circle hooks with an offset not to exceed 10 degrees when using natural baits or artificial lures/natural bait combinations. Alternative 3 limits all Atlantic billfish tournament participants to using only circle hooks with an offset not to exceed 10 degrees when using natural baits or artificial lures/natural bait combinations. And alternative 4 would increase the minimum legal size limit for white and/or blue marlin.
- For the Atlantic billfish mortality reduction section, have you identified the proposed alternatives as the primary sources of mortality?
- Do you know how many tag returns of white marlin there are? I bet there are not nearly as many as there should be because of mortality resulting from catch and release. Circle hooks may help post-release survival.
- Tournaments should be catch and release only.
- If there is a prohibition of white marlin landings, then there should be a sunset clause.
- All HMS commercial and recreational fisheries should be required to use circle-style hooks. Areas known to have billfish interactions should be allowed to use live bait with circle hooks.
- All hook and line fishing post-release mortality should be addressed.
- Instead of increasing the minimum size limit, we would like to see a maximum size limit for landing marlins. We may not want to take the largest and most prolific spawners out of the population.
- Need to define and publish the specifications for what a circle hook is, give tackle shops time to reduce current inventory of J hooks, and give fishermen time to learn how to use circle hooks.
- The recreational sector should have to go to circle hooks like the commercial sector, which did not have time to phase out J hooks.
- Overall, the recreational sector agrees with circle hooks, but would like to see them phased in through tournaments to help tackle shops and fishermen and to

help enforcement. ?Or we would like to see live bait allowed with only circle hooks (and give an incentive to move to circle hooks). There may be problems with enforcement and circle hooks because you do not always know what species you are going to target, so you may have J hooks and circle hooks on board. NMFS should also specify that dehooking devices need to be on board all recreational HMS permitted vessels.

- NMFS needs to continue in the international realm and achieve a bona fide rebuilding plan. Circle hooks can help reduce post-release mortality, but we also need to better educate public how to best handle billfish.
- Circle hooks may not work for trolling.
- We need to focus on reducing mortality of billfish, not landings.
- Want to see a size limit with billfish, not a bag limit. We would like to see a minimum limit increase.
- The GFMFC disagrees with the overall consensus of this AP that the prohibition of white marlin and even one billfish per trip would be okay.
- NMFS should use caution in extrapolating results from one study that showed 35 percent reduction in mortality with use of circle hooks. The study was based on a small sample size. While circle hooks may reduce mortality, mortality associated with them is not zero.
- I would hate to see mandatory circle hooks. This would cause a lot of people to break the law. Would circle hooks be required of all HMS permitted vessels at all times, because vessels may not always participate in HMS fisheries?
- Circle hooks should be limited to fishing in the Gulf of Mexico that is directed on HMS species.
- The weight of rebuilding billfish falls on the recreational sector. Why are there no commercial recommendations?

## **Management Program Structure**

### **BFT Quota Management**

The Atlantic BFT domestic management measures contained in the 1999 FMP were based on the best available information regarding the fishery and trends at that time. Since then, the BFT fishery has evolved due to variability inherent in the fishery. NMFS is therefore taking this opportunity to look at the BFT management strategies to see how they can be amended and simplified to address current fishery dynamics. The agency wants to provide management flexibility to adapt to long-term variability associated with geographic, temporal, and age class distribution of BFT, while meeting the BFT management objectives of the Predraft. Comments from the AP, consulting parties, and public are summarized below.

### *General*

- BFT management is treated strictly as an allocation issue, even though the western Atlantic stock remains severely overfished. I would like to see a stronger strategy to pursue at ICCAT to promote international conservation for western Atlantic bluefin.
- The decision to stay at status quo on a rebuilding path projected to reach  $B_{MSY}$  by 2018 is risk prone.

- NMFS needs more real-time data decisions. It is important for tackle shops, crews and businesses to be able to anticipate the season.

#### *North/South Allocation*

- It makes no sense to have a northern and southern allocation when the catch reports are six months old.
- CHBs need to get together and discuss the North/South management line.
- A 90 percent Northeast and 10 percent Southeast allocation is not fair. The Southeast deserves more than 10 percent. North Carolina petitioned for 150 mt, which is about 21 percent of the baseline quota. They should be able to rollover underharvests from one period to the next, and the North/South line does not make any difference.
- The North/South line is a tool for managing commercial and recreational BFT fisheries. However, oceanographic conditions impact tuna movements rendering the North/South line ineffective, resulting in unused quota.
- We need to keep the North/South line. Need a third line between Long Island and New England.

#### *BFT Time-Period Subquotas in the General and Angling Category*

- Keep it as it is-no action.
- I am against ITQs for the General category.
- HMS should take four percent off of June-August (NMFS has been rolling this quota over to October) and add it to October (12.95 percent).
- We are against framework actions to modify regulations. Allocations should be codified.
- NMFS should re-allocate quota for the CHB Category from North Carolina to the mouth of the Chesapeake Bay. This is a commercial fishery dominated by recreational fishermen.
- We are concerned about the fairness in allocation of the General category quota. In particular, we have concerns about when quota is transferred from a category that still has a reasonable opportunity to be harvested. We support transfer of quota from the Purse Seine category and possibly from the Harpoon category, but not from the General category.
- NMFS should maintain open access to the General category.
- The General category works well; it just needs to be tweaked a little. North Carolina wants certainty for their December-January fishery. NMFS should give them a 72 mt quota. There should be a 10.5 percent Dec.-Jan. sub-allocation, which would come from a proportional reduction of the other seasonal quotas (50 percent in June-August; 26.55 percent in September; 12.95 percent in October).
- North Carolina petitioned for 150 mt (versus 72 mt) of General category quota. We hope to see at least the 72 mt in place before the start of the fishing season. If the season starts Jan. 1, then we need to have 50 mt set aside for the Angling Category. The sub-quota divisions, based on 150 mt set-aside, should be as follows: 38.25 percent June-August; 26.55 percent September; 12.95 percent October and 21.75 percent December – January.

- The accusations from other AP members that were made regarding catching undersized juvenile tunas were false. More juveniles were caught in New England and the Mid-Atlantic.

#### *Inseason BFT Quota Transferability*

- Need to keep things as simple as possible.
- No need to change things. The current transfers work.
- There should be increased notices about regulations. Need more timely actions.
- NMFS needs to make the criteria and the analysis for inseason BFT quota transferability more available to the public (i.e., not just published in the Federal Register). NMFS needs to maintain conservation neutral decisions.
- NMFS needs to allow for flexibility so that there is no quota leftover. Do not do it by annual adjustments. Flexibility is critical to preventing “stockpiling.” When performing quota transfers from large to small BFT, need a conservation equivalency factor.
- Since there is unsuccessful fishing by 5,000 to 6,000 fishermen, NMFS may want to consider a tag-raffling system. Something similar to what is done in Canada among seven regional fisheries. This would allow for the purse seine quota to be sold/transferred outside the category, but not to non-participants. There could be seine tag transfers “freezes” on the seine quota equal to the average weight of individual fish landed in regional fishery in the past. The season-tag transfers should be effective with three days notice to NMFS with the identification of the specifics of transfer.
- ITQs for the Purse Seine category make sense because the category has minimal bycatch, a single species target, a well-defined quota, it is easy to monitor, and it has a small number of participants. The transfer system should consider a restriction on the maximum number of tags/quota allowed to be transferred to any single individual or entity. Purse seine vessels should be responsible for the costs of the tags, administration of the quota monitoring, and annual accounting with the NMFS regional office. This is consistent with initiative to move towards market-based management according to the Ocean Commission report.
- We would like to see NMFS permanently revise the minimum size purse seine tolerance of fish between 73 inch and 81 inch to 25 percent of each vessel’s annual allocation (up from 15 percent and not on the basis of actual but unpredictable total annual catch). NMFS has provided EPPs to allow the 25 percent tolerance, and this has not shifted the fishery away from giants.
- NMFS should look at ITQs for harpooners. There are a limited number of participants, and clear catch performance histories are available. This could address spotter planes.

#### *Annual BFT Quota Adjustments*

- Support no action; status quo.
- NMFS should not let stockpiling of quota occur. There should be no more than 100 percent rollover from one year to the next. NMFS should have a rollover cap of two times the quota or even less. We need to make sure that this will not

- punish us at ICCAT. However, we cannot promote purse seine market-based management if its quota is transferred to other or from other categories.
- There is support for flexibility but not a cap. NMFS should make a distinction between ICCAT and domestic quota caps and do what needs to be done to harvest the quota.
  - The quota may need to be redistributed once the correction for the recreational curved fish lengths is made.
  - We need the opportunity to fully utilize the Incidental quota.
  - We want to maintain underharvests in the same category. The objective is to get optimum yield for the United States. People do not want their quota taken from them when they can still fish.

#### *BFT Closure/Reopening Criteria*

- There is no need for new criteria. We favor no action.
- NMFS needs to set aside quota for 28-29 inch fish for NY area. We do not see BFT until July/August during their southern migration when the quota is already gone.
- NMFS needs to revise the authority to open/close the fishery.

#### *General and Angling Category BFT Retention Limit Adjustments*

- NMFS should maintain the status quo, as long as protective measures are put into place for South Atlantic. The problem with catching more than one fish is that it can cause another category to close before another area gets a chance to catch its fish.
- Alternative 2 is not feasible. We need flexibility, so NMFS should not set a limit annually.
- Allowing more than one fish to be caught is too risky until the Predraft is finalized. The time period sub quotas are safety nets for allowing more than one fish to be caught; setting a limit of three fish is arbitrary.
- CHBs need ability to catch multiple fish. We suggest starting with allowing more than one fish to be caught at the start of the year, and then rollback to fewer fish if needed, but real time data is essential.
- No need to catch three fish. We support a two fish maximum. Three fish can cause a derby situation and impact the price of tuna. We need to strive for optimum yield.
- NMFS needs to change daily retention limit to real time (i.e., within three days) with minimal public comment.

#### Timeframe for Annual Management of HMS Fisheries

Currently, sharks are managed on a calendar year (January 1-December 31) while ICCAT managed species (tunas, billfish, and swordfish) are managed on a fishing year, which spans from June 1 – May 31. The fishing year (FY) management approach was implemented to provide more time (e.g., about six months) between the annual meeting of ICCAT, which usually takes place in November, and the initiation of the following fishing year. Implementation of the FY concept has increased complexity both administratively and operationally for NMFS and U.S. fishermen and is confusing for

ICCAT members when reading U.S. reports. The alternatives considered on this issue will include the status quo, changing all HMS fisheries to a fishing year, or changing all HMS fisheries to a calendar year basis. Comments from the AP, consulting parties, and public are summarized below.

- All HMS fisheries should be on a June 1-May 31 fishing year.
- How will the shark trimesters work if the fishing year starts in June?
- Changing to calendar year can have a major impact on billfish tournaments. There are approximately eight tournaments that occur between January and May. Including billfish in a calendar year situation could have a big impact on the 250 fish limit set at ICCAT.
- There was nothing mentioned about the problems that led NMFS to adopt a FY with swordfish. Unless the situation has changed, we will not be able to avoid these problems in the future, and there is no reason to change tuna, swordfish, and billfish back to a calendar year.
- Recreational businesses need to know the swordfish quota as far in advance as possible in order to plan; if a new rule comes out of ICCAT, half the year would be gone before the rule was implemented. Unless NMFS can guarantee the rules will be in place before the start of the fishing year, then NMFS should not make a change.
- What do other countries do? Are they able to get their regulations in place rapidly after ICCAT and before the fishing year starts?
- What are the constraints with putting out the quotas? Should we be addressing the administrative burden on you to get regulations out in a more expedient manner?
- If it can help NMFS administratively to switch to a calendar year (and it looks like you already have a preferred alternative), then it is probably the way to go.
- There is support for the calendar year for BFT.
- In the Northern Gulf of Mexico, anglers are penalized because by the end of the fishing year, there is no quota left. The closure from May 15 to Memorial Day Weekend coincides with the arrival of tuna. If the HMS Division does not adopt the calendar year, then the fishing year should start a month earlier to help the Northern Gulf gain access to fishery.

#### Authorized Fishing Gears

Innovative fishing gears and techniques are essential to increasing efficiency and reducing bycatch in fisheries for Atlantic HMS. As current or traditional gears are modified and new gears are developed, NMFS needs to be cognizant of these advances to gauge their potential impacts on target catch rates, bycatch rates, and protected species interactions, all of which can have important management implications. New gears and techniques need to be evaluated by NMFS for qualification as authorized gear types. Comments from the AP, consulting parties, and public are summarized below.

#### *Hand-Held Cockpit Gear*

- Is there a list of already authorized cock-pit gears somewhere?

- Why is it necessary to authorize gaffs? No other FMP under the Magnuson-Stevens Act does that? If we do, will we have to authorize kites? Why are we authorizing harpoons?
- We should designate the primary gear as rod and reel and secondary gears can be defined as gear to get fish on the boat, but they should not have to be authorized.
- Certain cockpit gears like harpoons can raise enforcement issues. For example, were the fish caught with the harpoon or were they used to bring the fish on the boat?
- NMFS should authorize harpoons for recreational fishing and CHB vessels.
- Are cockpit gears being considered for commercial fishermen?
- We support authorizing hand-held cockpit gear, but it needs to be clear in regulations that PLL are allowed to have hand-held cockpit gear like harpoons.
- Are you distinguishing between harpoons and darts? There is a difference.
- NMFS should not nit-pick over hand-held cockpit gear. It can become a nightmare authorizing secondary gear.
- Firearms should not be an authorized cockpit gear.
- Can there be a gear storage provision considered where General category permitted boats can store gear instead of disabling and removing it from their boats before fishing for tuna?
- It is puzzling why so much time and energy is dedicated to something like this instead of the billfish certification of eligibility (COE).

#### *Green-stick Gear*

- Green-stick gear is not an authorized gear?
- Which fishery is the green-stick used for?
- I would like to see illustrations of green-stick gear in Predraft.
- Green-sticks should be authorized gear for directed yellowfin tuna fishing by commercial PLL.
- Commenters expressed concerns over increased catch with billfish using green-stick. NMFS needs more research on bycatch before it is an authorized gear. NMFS should keep the option in the draft so that it can be commented on.
- Green-sticks have bait on top of the water, not in it. At the speed you are moving when using green-sticks, you will not be catching many billfish or you can avoid them if you see them coming after the bait.
- Green-stick gear should be allowed for commercial fishermen. NMFS should encourage innovative techniques that increase directed catches and decrease bycatch.
- Sometimes green-sticks are effective and sometimes they are not.
- Should fishermen using green-stick gear be allowed to direct on BFT in closed areas?
- How does NMFS anticipate preventing PLL from trying to find loopholes to gain access to closed areas?
- If green-sticks are authorized for the Atlantic tuna fishery, it should be prohibited in areas closed to pelagic and bottom longlines.
- Green-stick gear should be allowed but limited to six hooks.

- Green-stick gear can lead to higher quality fish and should be authorized.
- Commercially rigged green-sticks should not be allowed on CHBs or recreational boats. Two types of green-sticks (commercial and recreational) should be defined differently and each used in their respective fisheries.
- NMFS needs to figure out which category green-sticks fit into (General category for tuna?), especially since they catch BFT.
- We recommend that green-stick gear be allowed for the Angling category if they are using it as one line to retrieve a fish. For the commercial fishery, they can use whatever configuration they deem appropriate for longlining or the General category to target BFT. But, we do not support green-sticks by PLL fishermen to target BFT while aboard a permitted PLL vessel. The vessel would need a General category permit for this.
- Green-sticks will not work unless you troll. PLL boats are not going to be trolling. NMFS can differentiate the two gear types by designating one as troll gear and one as longline gear.
- NMFS can clarify the definition of longline by getting rid of the requirement that a “spool” be power-driven. Manual “garden-hose” reels are being used to set “mini-longlines,” and they are used to fish illegally in closed areas.
- Green-stick usually uses J hooks and artificial baits; longliners do not use artificial bait and use circle hooks. NMFS can put a maximum number on the number of baits on green-stick to differentiate between it and longlines or put maximum number of droppers (like 10) to define the green-stick gear.
- Greens-sticks could be defined as “mini-longlines.”
- If you have PLL permit, can you use a green-stick?

### *Spearguns*

- I am concerned that unqualified people will attempt to spear BFT and injure themselves, lose fish that are speared and swim off to die, spear undersized fish, or injure other people in the water.
- I am concerned that spearguns will spread to billfish. Billfish is under a catch and release program that will not work for spearguns.
- I would like to see spearguns used for recreational fishing only with a no-sale provision.
- How would permitting work for people using spearguns? They are not attached to a vessel.
- Regulations will need to specify “free diving only” so that no scuba gear is allowed and the power level of the spearguns is specified.
- We have concerns over speargun divers creating gear conflicts with CHBs or spearfishermen chasing fish caught by CHBs.
- How will NMFS handle having spearguns and other non-recreational gear on board boats at on time?
- I suggest limiting speargun catches to the Trophy category.
- I suggest that they be in the Angling category.
- There are approximately 600 spearfishermen who wish to target tunas worldwide, with only 50 or so on the East Coast.

- Safety is not an issue. There are generally two individuals in the water at a time with 100 foot plus visibility. Two to three people are in the associated vessel watching the spearfishermen. Dive flags are connected to the divers and on the boat.
- Spearfishermen are world-class athletes, and the expense of spearfishing for tunas is high, so novices are not going to take up the sport.
- Spearfishermen do not follow trolling vessels around trying to take their fish. Rather, they raise their own fish with flashers and are very selective.
- Spearfishermen get within 15 feet of a fish before they shoot it, so there is not a size issue. The fishing is not a quantity issue, but an experience issue.
- The no-sale provision is of no consequence to the spearfishermen.

### Regulatory Housekeeping

This addresses several items in HMS regulations that need to be “cleaned up”, including removal or modification of incorrect or obsolete cross-references, corrections, clarifications and minor changes to definitions, and prohibitions that will improve enforcement of HMS regulations. There are 41 minor proposed regulatory changes not requiring alternatives and nine others for which alternatives may be considered. Comments from the AP, consulting parties, and public are summarized below.

#### *1) Modify the Definitions for PLL and BLL gear*

- Commenters suggested either going with no action or defining BLL based on species composition of catch.
- Maybe boats can declare what type of fishing they are going to do before they leave the dock?
- We suggest both BLL and PLL be considered as “longline” gear, and NMFS should base time/area closures on all longlines.
- Commenters strongly disapproved of dataloggers.
- Where does the problem of not being able to identify PLL from BLL come from? Is it an enforcement problem? You should be able to look at the boats and be able to distinguish between the two. PLL vessels have “dobs” or “bullet floats.”
- NMFS should define gear by the use of floats coupled with species composition.
- We support alternative 2, to define gear based on the number of floats and/or weights onboard.

#### *2) Modify Landing Requirements for Sharks*

- We support keeping fins on sharks. It will definitely help with the identification of species, and should not cause an economic hardship.
- Is this an enforcement problem or a dealer ID problem?
- Keeping fins on the shark will not help with identification of sharks or quota management.

- Keeping fins on sharks will cause unnecessary economic burden and will throw a kink in the five-percent fin to carcass ratio. If there is a question, NMFS can have the meat tested.
- This would move the economic incentive away from the vessel and to the dealer.
- It is a pain to fin sharks at the dock. It would be better to do while on the boat.

3) *Prohibit Purchases of HMS in Excess of Commercial Retention Limits*

- We want to have a ten-percent tolerance for shark as a trip limit.
- We support alternative 2, making it illegal for any person to purchase any HMS from an individual vessel in excess of the retention limits.
- We support alternatives 2 and 3, making it illegal for any person to purchase or sell any HMS from an individual vessel in excess of the retention limits.
- NMFS needs to crack down on illegal recreational sales.

4) *Amend Definitions of East Florida Coast Closed Area*

- We suggest going with no action; status quo.
- Open up the area. It is too small to fish in. We support alternative 2, to amend the second coordinate of the East Coast closed area.
- We would prefer other options.

5) *Amend Definition of the “Handline”*

- NMFS should require handlines to be attached to the boat and should have less than three hooks.
- We are opposed to mini-longlines in closed areas where vessels are setting out strings of floats.
- I support a limit on the number handlines.
- Limiting the number of handlines, although unnecessary, would be acceptable.
- I support no action. Only a few new handline permits have been issued due to the difficulty of the operations with very limited catch compared the high cost of this fishery.
- We need to have handlines unattached in order to catch swordfish due to the speed of the boat while fishing, tangling by sea anchors and the swordfish’s soft mouth (tied handlines result in swordfish tearing off the line before being brought into the boat). Rod and reel does not work nearly as well as free-floating or unattached handlines.
- Unattached handlines are used in New England fishery. It is a very selective fishery with little bycatch and few dead discards.
- NMFS may have to make an exception for the Caribbean. One of the main fisheries requires having different hooks free swimming on different floats set at different depths. The Caribbean needs separate quotas that do not conflict with rest of the country.
- NMFS needs to enforce prohibition of non-commercial vessels selling swordfish. This is the problem, not the definition.

6) *Prohibit Vessels with BLL and Gillnet Gear Onboard of Possessing or Taking Atlantic Billfish*

- I support no action. Can NMFS allow BLL fishermen to retain billfish so that you can eat it if you cannot sell it? Not many billfish caught in BLL.
- Due to enforcement issues, this regulation should be consistent with PLL.
- The possession of billfish on BLL is a license to steal. I support alternative 2, to amend regulations to prohibit vessels with either bottom longline or gillnet gear on board from possessing, retaining, or taking blue or white marlin from the management unit or sailfish from the EEZ. And to amend the regulations to clarify that billfish may only be retained if the vessel owner possess either an HMS Angling category permit, an HMS CHB category permit or an Atlantic Tunas General category permit while fishing in a registered HMS tournament.
- Once the overfished stocks have recovered, NMFS needs to consider reasonable retention limits.

7) *Allow Electronic Submittal of Reports*

- We support alternative 2, to amend HMS regulations to provide an option for Atlantic tunas dealers to submit required BFT reports over the Internet.
- Why not use the same system for shark dealers?
- NMFS should do this all fisheries.

8) *Submission of the “No Fishing Reporting Form” for Selected Vessels*

- I support no action.
- Fishermen should not have to submit paperwork if not fishing because it creates extra burden.
- Is this only for shark boats?
- We support alternative 2, to require submission of “No Fishing Reporting Forms” for selected vessels if no fishing trips occurred during the preceding month, postmarked no later than seven days after the end of the month.

9) *Reporting for Non-Tournament Recreational Billfish and Swordfish Landings*

- We support alternative 2, to require vessel owners to report non-tournament recreational landings of billfish and swordfish.
- Permit holders should report landings.
- All HMS vessels should have to have permits and report landings. Compliance should be enforced with rescinding permits and issuing violations.
- We support the requirement of a standard Billfish COE form and the submission of the form to NMFS upon final disposition of the billfish as an effort to improve compliance, facilitate enforcement, and improve information on Pacific billfish shipments.
- We support the requirement of a landing tag for billfish similar to what is used for BFT in North Carolina.

### **Who Submitted Comments?**

Below is a list of interested parties who submitted written comments March and early April on the Predraft. These comments were submitted via e-mail, fax, and/or regular mail.

1. 01/28/2005 Tim Palmers
2. 03/20/2005 Capt. Budd Neviasser
3. 03/27/2005 William Utley
4. 03/27/2005 Rom Whitaker
5. 03/28/2005 Ed Magrogan
6. 03/28/2005 Steve Moore
7. 03/29/2005 Edward J. Schweitzer
8. 03/29/2005 John V. O'Shea
9. 03/29/2005 Ken Hinman
10. 03/29/2005 George and Robert Arnold
11. 03/29/2005 Albert Johnson
12. 03/29/2005 Shawn Dick and Kristin Raabe, ARC
13. 03/30/2005 Maumus F. Claverie, Jr.
14. 03/30/2005 Sonja Fordham and Nelson Beideman
15. 03/30/2005 Kim Newlin, SEFSC
16. 03/30/2005 Russell Hudson on behalf of anonymous shark vessel operator
17. 03/30/2005 Ricks Savage for Daniel Furlong, MAFMC
18. 03/31/2005 Jim Saxton, U.S. House of Representatives
19. 03/31/2005 Nelson Beideman, BWFA/FRI
20. 03/31/2005 Russell Hudson, DSF
21. 03/31/2005 Henry Ansley (for Susan Shipman)
22. 03/31/2005 Sonja Fordham, The Ocean Conservancy
23. 03/31/2005 Rich Ruais
24. 03/31/2005 Marsha Bierman
25. 03/31/2005 Mike Leech
26. 03/31/2005 Louis Daniel/K. R. Kitner
27. 03/31/2005 Jim Donofrio, RFA
28. 03/31/2005 Ellen Peel, Billfish Foundation
29. 03/31/2005 Richard Stone
30. 04/01/2005 Douglas Mercer
31. 04/07/2005 Peter Fithian
32. 04/14/2005 Peter Manuel