



BLUE WATER FISHERMEN'S ASSOCIATION

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Mr. Tom Warren
Highly Migratory Species Management Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

RIN 0648-BC09

Dear Mr. Warren,

On behalf of the membership of Blue Water Fishermen's Association (BWFA), I hereby submit these scoping comments on the Notice of Intent entitled "Atlantic Highly Migratory Species; Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan", which was published in the April 23, 2012 edition of the *Federal Register*. We appreciate the opportunity to comment on domestic highly migratory species (HMS) management options.

BWFA represents persons and businesses with an interest in the U.S. commercial HMS fishery, including U.S. small-scale Atlantic pelagic longline (PLL) vessel owners, federally permitted seafood dealers, fish docks, and supply and support businesses. These small businesses, often family owned and operated, provide jobs and support to thousands of hard-working Americans who are **proud to carry on the tradition of providing quality, nutritious meals for other Americans who cannot or do not want to catch their own.**

Since we organized in 1989, BWFA and our members have consistently advocated for fair, practical, and common-sense solutions to HMS fishery management challenges. Recognizing the problems inherent in managing HMS fisheries through the regional fishery management Councils, we were instrumental in advancing Congressional mandates that led to the creation of the HMS Management Division of the National Marine Fisheries Service (NMFS).

Faced with an overfished and declining stock of North Atlantic swordfish, BWFA and our members worked closely with NMFS to seek international quota reductions and a rebuilding plan implemented at the International Commission for the Conservation of Atlantic Tunas (ICCAT) that led to the successful recovery of this important fish. Concerned about impacts on sea turtles, we worked with NMFS to pioneer the use of circle hooks to significantly reduce encounters and fine-tuned innovative tools and techniques that proved to be extremely effective at mitigating harm. We have collected hundreds of samples, tagged thousands of fish, and submitted reams of scientific data, even before it was required. **In short, our track record demonstrates that our fishery cares not only about its own future,**

but in the responsible stewardship of the species and in the ecosystems in which we fish.

BWFA believes that the management of Atlantic bluefin tuna (BFT) is long overdue for substantial changes. We have provided comments on the need for these reforms for more than two decades. We recognize the need to be agile and adapt to advances in fishery management techniques and technologies. We believe that mistakes – often with the best of intentions – have been made for a long time in the management of this species. We recognize that these mistakes were made by past fishery managers and not the current leadership. However, those past mistakes have resulted in **an ineffective management regime.**

Accordingly, we applaud the current leadership at NMFS for taking the bold action to consider making the level of change that is required to balance all interests – the stock, the fishery, and the Nation – in the proper management of BFT. We know that transitioning from the present system to a future management regime, based on fair, practical, and common sense accountability measures and applicable National Standards and fisheries law, involves a number of changes and will be an uncomfortable adjustment for all participants. **True solutions to the challenges of managing this seriously limited quota require nothing less than that – and frankly, we owe it to future generations of fishermen and the American public to foster a sustainable recovery.**

The BFT fishery is in need of comprehensive reforms

In order to have an informed perspective on the need for reforms in the BFT fishery, it is necessary to consider the history and evolution of U.S. BFT management. Thirty years ago, no one could have imagined the U.S. total allowable catch (TAC) of western BFT would be virtually the same now as it was then. Everyone expected that the stock would be rebuilt to pre-1970 levels and that there would be sufficient quota to cover all domestic fishing needs. BWFA believes that this theory provided incentive for short term adjustments to BFT management measures over the years. Unfortunately, the BFT stock has not recovered sufficiently to allow adequate quota for all U.S. fishermen.

The wasteful regulatory discard management strategy began with BFT in 1981, even though ICCAT did not recommend prohibiting PLL gear from targeting BFT (except in the known spawning area of the Gulf of Mexico). NMFS chose to prohibit U.S. PLL fishermen from directed fishing for BFT. These U.S. commercial fishermen, using traditional hook-and-line, small-scale longline gear, were forced by law to discard and waste edible BFT that could not be released alive. Clearly, this has proven to be a regrettable decision. There is no benefit to the stock, the fishery, or the Nation by mandating that dead fish be thrown overboard by any fisherman. While ICCAT requires prohibiting directed BFT fishing with any gear in known, discrete spawning areas, the PLL method of fishing is very effective at catching tunas and, accordingly, is used by virtually all other BFT harvesting nations, albeit on a larger, industrial scale.

At that time, NMFS did not provide sufficient quota allocation to cover the incidental catches of BFT encountered while targeting swordfish, bigeye, albacore, yellowfin, and skipjack (BAYS) tunas, and other species. In addition, a hugely inequitable target catch criteria for the incidental category was implemented at this time. In the Southern area, PLL vessels could land two BFT per trip, while in the North landings of BFT were limited to 2% of total catch weight. As a result, Southern fishermen made many very short duration trips, landing two BFT each time, and causing their quota to be overharvested, which was then taken out of the North. At the same time, Northern fishermen were restricted by a 2% rule, meaning that they would have to harvest 22,050 lbs. of other fish to land a single 450 lb. giant BFT. This was nearly impossible for most North participants during the short time that the quota was open each year. **Adjustments to the Southern criteria did not occur until 1992, after BWFA began advocating for this change. Further progress toward a solution on this problem was made in 1999, when the 2% rule was replaced.**

In 1999, NMFS codified the category landing percentages based solely on landings from the period from 1983 to 1991, during which time our fishery was greatly disadvantaged and restricted. Unfortunately, those category percentages remain in place today, despite many changes in the fishery and much evidence that they are no longer appropriate.

Beginning in 1999, NMFS began implementing time/area closures restricting PLL fishing in order to help foster swordfish recovery. However, these closures - while helpful for swordfish recovery - caused our fleet to shift fishing effort into areas with higher BFT encounters. **Unfortunately, additional incidental BFT quota to account for this shifted fishing effort was not provided in conjunction with the implementation of these closures. Moreover, now that swordfish have fully recovered, the time has come to resume some PLL fishing in these more productive swordfish areas.**

Sometimes even the best of intentions have side effects. BWFA and our members successfully worked with NMFS to significantly reduce encounters of sea turtles through the use of circle hooks, which became mandatory fishery-wide in 2004. However, the research also demonstrated that these hooks, often referred to as "tuna circle hooks", can catch more tunas. **Unfortunately, additional incidental BFT quota was not allocated in conjunction with the circle hook implementation to cover the expected increase in BFT catches.**

Last year, NMFS implemented the required use of a "weak-hook" year-round in the Gulf of Mexico, not just during BFT spawning season. Presumably, this is because enforcement personnel are unable or unwilling to apply different hook standard during different months of the year. **As a consequence, boats are forced to fish more gear or days on a year-round basis due to the loss of larger yellowfin and swordfish through the use of these hooks.**

From 2007 to 2010, NMFS accounted for estimated regulatory discards from the previous year's underharvest before allocating any landings quotas for the current year. **This is sound fishery management practice.** In 2011, NMFS proposed using this same method when setting the annual subquotas for the BFT fishery.

Unfortunately, this sound approach was abandoned in the final Rule. The final action reduced the landings quota for the incidental PLL category, which in turn has the potential to increase regulatory discards even more.

U.S. BFT management changes needed to restore fairness and accountability

Proper management of any fishery requires fair, common sense accountability measures on its participants. This is especially true in fisheries with very small quotas. However, in the case of BFT management, these measures have not been applied equitably across all categories. In particular, most participants in the commercial directed categories have been able to evade the level of regulation required of most well-managed, modern fisheries.

For instance, the commercial General Category is perceived to have been afforded preferential treatment. This treatment, whether actual or perceived, is despite sound fishery management principles, applicable National Standards, and fisheries law, which require equity and fairness. These permit holders have the benefit of being able to sell their catch without the responsibility and accountability that is expected and required of other commercial fisheries, such as mandatory logbook reporting to improve our understanding of BFT stocks and at-sea observers, both to confirm that logbooks are accurately being completed and also to collect other vital scientific data and samples. Given that the vast majority of directed BFT harvests are made by a very small percentage of directed BFT permit holders, NMFS has a golden opportunity to gather much needed scientific data by efficiently focusing measures on the top 1-3% of directed BFT producers.

Other BFT permit holders view some recent regulatory actions (i.e. inseason adjustments providing additional landings quota and relaxing retention limits) and their timing as confirming their belief that preferential treatment is occurring. The select segment of Northeast participants, who are seen to be the beneficiaries of this treatment are mostly part-time, seasonal fishermen who do not rely on commercial fishing for their livelihoods. Other participants, who do depend on BFT fishing for their livelihoods, believe this is inequitable and that this treatment disadvantages directed BFT participants in the South.

Given the small size of the U.S. TAC, BWFA believes that priority must be given to allocating sufficient BFT quota to account for incidental, accidental encounters of BFT while PLL fishing for swordfish, BAYS tunas, and other species. While we wish there were enough BFT quota to go around, there is not. NMFS, in meeting its objectives to provide the best benefit for the Nation, must consider the consequences of interruptions to valid, valuable, and productive year-round PLL fisheries, which provide thousands of jobs, benefit thousands more, and provides in excess of 32 million seafood meals for Americans each year. **Unfortunately, this requires rightsizing the directed categories to the current realities of our diminutive quota, especially in light of the unlikelihood of the BFT TAC being increased significantly in the foreseeable future.**

NMFS now has an opportunity to make smart management decisions by taking a step back and looking at the entire BFT management situation objectively.

- What are the most practical options?
- Which options follow the letter, intent, and spirit of the National Standards of the Magnuson Stevens Act?
- Which approaches provide the best benefit to the Nation for this very small TAC?
- Which provide the best solutions to the objectives for BFT management?
- What measures should be implemented to collect all scientifically necessary data from directed categories?
- How can BFT be allocated to maximize harvests of all legally sold HMS throughout its range and provide year-round fisheries that benefit coastal communities and our national economy?

Changes to the BFT fishery and its categories to maximize the benefit to the Nation

We appreciate that NMFS is willing to take a hard look at making fundamental changes to the way it manages the BFT categories, recognizing that the U.S.'s very small BFT allocation does not allow for the status quo. We all know that any proposed reductions in landings quotas will be met with strident opposition by the affected participants. We encourage you seize this opportunity to reform U.S. BFT management. New measures must be clear, direct, science-based, ecologically efficient, practical, safe, socioeconomically efficient, and enforceable.

Estimate BFT dead regulatory discards in all categories

At this time, NMFS only estimates dead regulatory discards in the incidental PLL category. This is despite much information that discarding occurs in all categories. Accurately estimating dead regulatory discards in all categories is critical for proper modeling of BFT stock dynamics. Considering that PLL fishermen only interact with BFT accidentally, the amount of discarding occurring in the commercial directed categories could be significant. Though there is currently no documentation, NMFS is well aware of the anecdotal reports of extensive discarding and high-grading in the commercial directed categories. In addition, ICCAT Recommendations now require more detail on all discards. BWFA believes that NMFS's ongoing failure to collect sufficient data to estimate discarding by all categories in the BFT fishery is inconsistent with Section 303(a)(11) of the Magnuson-Stevens Act, which requires that a FMP establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery.

To increase understanding of BFT stocks and to be compliant with ICCAT Recommendations and applicable law, NMFS must implement a system for the collection of self-reported logbook data as well as at-sea observer data from all BFT categories, especially commercial categories.

NMFS must use this data to estimate the amount of dead regulatory discards occurring in each BFT category. It must utilize the method that is used to estimate catches from the U.S. swordfish fishery, as that method has stood up to scientific scrutiny through ICCAT and does not require years of data. In fact, this method generally only needs the previous year's effort data along with observer data by strata (area + month). Given that the vast majority of BFT effort is in one statistical area at a time, it should make the use of this estimation methodology relatively easy. Of course, over time additional data will further refine the accuracy of the estimates. Because NMFS has not required data collection from some BFT categories, initially NMFS must apply the estimation methodology with what information it has.

If NMFS develops a different methodology to estimate BFT dead regulatory discards, BWFA insists that it be used to estimate incidental PLL dead regulatory discards as well. BWFA believes that application of differing estimation methodologies to commercial BFT categories may be inconsistent with applicable fisheries law.

If NMFS considers a closure of one category of the HMS fisheries on the basis of incidental interactions in advance of even estimating discards in the other categories, this is not equitable treatment pursuant to applicable law.

Set aside sufficient quota to account for incidental catches and estimated dead regulatory discards of BFT before allocating any landings quota

BFT are unintentionally encountered by U.S. PLL fishermen while fishing for swordfish, BAYS tunas, and other target species for the U.S. market. Because of regulatory measures and perhaps increasing numbers at sea, BFT seem to be encountered with more frequency than in the past. Therefore, it is necessary for NMFS to set aside sufficient quota to ensure that all incidental catches - not just landings - are accounted for.

The most efficient, logical, and science-based way to maximize benefits to the Nation and minimize discards pursuant to National Standards is to require that quota to account for incidental catches be taken off the top - before setting landings quotas - to prevent unnecessary disruptions to important directed fisheries for swordfish, BAYS tunas, and other target species. This is being done in an increasing number of U.S. FMPs. Single species management is being phased out in favor of ecosystem-based management plans. Fortunately, the Agency now has an opportunity to do that with HMS which is clearly a multispecies fishery.

As shown in the table below, currently U.S. PLL fishermen account for, on average, 19.31% of the U.S. BFT TAC. This percentage has been increasing over time. In some years we have encountered as much as 291 mt of BFT, which represented 28.12% of that year's U.S. BFT TAC. Therefore, it would be prudent for NMFS to allocate 28.12%, but no less than 291 mt, of the U.S. BFT TAC to the incidental category, in order to account for the accidental, incidental encounters of BFT. We are only seeking quota to cover our fishing needs and to prevent fishery

interruptions and wasteful discarding. **We are not seeking a directed BFT fishery – only what we need to allow our swordfish, BAYS tunas, and other target species fisheries to continue.**

Percentage of U.S. BFT TAC that is caught by the PLL fishery (2006-2010)						
	2006	2007	2008	2009	2010	Average
PLL BFT landed (mt)	58.00	60.50	75.00	87.00	89.20	
PLL BFT discarded (mt) (including live releases)	147.00	100.00	158.00	204.00	122.00	
PLL BFT TOTAL (mt)	205.00	160.50	233.00	291.00	211.20	
U.S. BFT TAC (mt) (including NED)	1489.60	1190.12	1190.12	1034.92	977.44	
PLL % of U.S. BFT TAC	13.76%	13.49%	19.58%	28.12%	22.83%	19.31%

Source: ICCAT, U.S. National Reports and SCRS Reports (2006-2010)

NMFS should encourage ICCAT to allow multi-year quota allocations to provide more flexibility for fishery managers.

Implement limited access permits in all of the commercial directed BFT categories

Because of the failure of the BFT stock to adequately recover over the past thirty years, it is counterintuitive to continue to operate the commercial General Category and commercial Harpoon Category as open access fisheries. By comparison, the U.S. directed swordfish fishery was made limited access when there were far fewer permit holders and the quota for that stock was much higher. Until such time as the BFT stock has successfully recovered, NMFS must close these categories to new entrants. When determining permit eligibility, NMFS must compute the percentage of a prospective permit holder's income that is derived from commercial fishing and set a reasonable threshold designed to determine bona fide need.

Encourage the purse seine category to target BAYS tunas and retain incidental catches of BFT

Currently, there has been an informal agreement for purse seine vessels to forego fishing for BAYS tunas. By lowering the incidental minimum size, purse seine vessels should be encouraged to resume fishing for BAYS tunas and should be able to retain BFT that are incidentally caught while targeting other tunas.

Implement the PLL incidental category as two semiannual quotas

In order to maximize fishing opportunities for swordfish, BAYS tunas, and other target species, NMFS must divide the incidental PLL category quota into two semiannual quotas, January 1 to June 30, and July 1 to December 31. This is necessary to ensure that BFT-induced fishery interruptions – if they occur – take effect during times of lesser productivity to these important fisheries.

Provide for individual accountability among PLL category participants by establishing individual catch caps

NMFS must implement an individual catch cap (ICC) for incidental PLL category participants to ensure that other fishery participants do not infringe on one's ability to fish. ICCs cannot be effective alone, but coupled with a reallocation of BFT quota to reflect today's fishing realities, they can help to mitigate the economic effects of fishery interruptions caused by reaching quota limits.

NMFS should apportion ICCs in a fair way that reflects participation in the target fisheries and does not specifically reward fishery participants who have been less successful in their avoidance of BFT. At the same time, it is equally important to not punish good fishermen who have had occasional atypically large encounters with BFT. NMFS should consider allocation based on effort (i.e. the number of fishing sets per year targeting swordfish, BAYS tunas, and other target species). NMFS should allow these ICCs to be transferred and leased flexibly and apportionment should be reviewed at least once every three years to reflect changes in effort patterns.

Restrict, not prohibit, PLL fishing once it is estimated to have reached its quota and allow PLL vessels to obtain and use a commercial General Category permit

When NMFS estimates that the PLL fishery has reached its BFT quota or a permit holder has reached its BFT ICC, PLL fishing should be "restricted", not prohibited. NMFS data reveals times and areas where BFT catch rates are insignificant or even nonexistent and PLL fishing should be allowed to continue in these areas. In addition, PLL vessels should be allowed to disable their gear and participate in the commercial General Category fishery if they so choose. In the past, many of these vessels had both permits. This should be allowed again, especially if any closure for PLL gear is implemented.

Minimize the wasteful policy of regulatory discarding

BWFA has long opposed the imposition of regulations that require fishermen to throw away a perfectly useful, marketable, and edible fish of any kind. We are pleased that NMFS now also recognizes the problem, not just in the PLL incidental category but in all categories, and will be taking actions to hold all fishermen accountable to reduce this practice.

The PLL fishery has been boxed into single species management even though it is and always has been a multispecies fishery. Over the past three decades, an increasing number of regulations that prohibit possession of various species have served to place this conservative, small-scale hook and line fishery in a bad light. NMFS's regulations are the problem - not the law-abiding fishermen.

Allow incidental categories to retain all ICCAT-legal BFT that cannot be returned to the sea alive

Incidental categories catch BFT accidentally while fishing for other species. When BFT are caught, incidental participants (i.e. purse seine and PLL) should first strive to release healthy, live fish, preferably with a tag. However, for those BFT that are retrieved dead, there is zero benefit to the stock, the fishermen, or the Nation to throwing them back into the sea. Rather, allowing their retention and sale would provide economic benefit to the Nation, mitigate the need to fish harder to make ends meet, and provide increased science to enhance our understanding of this species.

Eliminate target catch requirements for incidental PLL category

In conjunction with the increased incidental quota allocation, the reduced incidental minimum size, and individual catch caps, the target catch requirement will be unnecessary, finally ending an outdated and inefficient fisheries management measure.

Allow PLL category participants to resume some fishing in areas with less BFT encounters

NMFS must reopen some parts of the existing closed areas. This can be done with minimal impacts to other HMS fisheries, and will reduce fishing effort in areas with more BFT. **BWFA is opposed to any new closed areas to reduce BFT encounters without concurrently opening portions of the existing closed areas to allow effort to be redirected into areas with fewer BFT encounters.** NMFS must provide fishermen with fishing grounds where catches of swordfish, BAYS tunas, and other target species are higher and encounters of BFT are lower. While we understand that some of these areas may have rare encounters with billfish, on balance, we believe that encountering a lot less BFT in exchange for an occasional billfish is a sound fishery management decision.

BWFA requests that the existing Charleston Bump and Florida East Coast areas be modified to allow year-round PLL fishing on the offshore edges (i.e. off the Continental shelf/100 fathoms) north of 28 degrees 17 minutes North latitude.

Any new closures must be surgical in all respects

As previously stated, BWFA is opposed to any new closed areas to reduce BFT encounters without concurrently opening portions of the existing closed areas to allow effort to be redirected into areas with fewer BFT encounters.

BWFA is firmly against any new closed areas other than a last resort. Any new closed areas must be surgical and discrete in time and location. It would be disastrous to define areas that are too large or too long in duration. Instead, NMFS must work with local fishermen to incorporate flexibility into these measures, including, concise triggered closures.

Implement a system for real-time dynamic “hot spot” notifications

While BFT migration in a broad sense is similar from year to year, some seasonal variability does occur. This variability is identified by the directed categories when targeting BFT. In addition, incidental participants also encounter BFT in different places from year to year.

Data must be gathered from as many sources as possible, including both directed and incidental categories, as well as any other viable data sources, concerning the times and locations of BFT encounters. This information should then be assembled into “hot spot” maps and disseminated widely. What better way to leverage the 24-hour reporting window required of commercial directed BFT participants than requiring additional data to pinpoint the locations and times of encounters and making that information available to the incidental participants to help protect against accidental, incidental catches of BFT. NMFS must implement this cost effective and efficient fishery management measure to increase understanding and foster recovery.

Conduct ongoing research in closed areas

Due to the highly migratory nature of BFT, variability in their migration paths occurs over time. This fact underscores the need for closed areas to be continually recalibrated. Therefore, it is crucial that NMFS undertake regular research surveys of closed areas to determine if they remain necessary or appropriate. The side effect of closed areas can be a disproportionate amount of effort in adjacent areas which needs to be evaluated regularly. Simply closing an area without a mechanism for it to be reopened is poor fishery management practice.

Both all existing, and any future, closed areas must allow for ongoing research to evaluate the cost/benefit of continuing the closure. This research should be conducted by PLL participants pursuant to a research fishery. As you know, the geographical range of the PLL fishery provides an ideal research platform for all HMS stocks. This research should be conducted at least once every five years, but more often if substantial changes to the fishery have occurred, such as gear changes.

Establish a research set-aside fund to allow for the donation of unsaleable BFT to enhance science and understanding

When a permit holder has exceeded their ICC, or when they have retrieved a BFT above the ICCAT minimum size but below the U.S. minimum size for sale, they should be encouraged to donate the fish to science. A system can be established to allow dealers to sell these fish on the government's behalf and the proceeds will be pooled into a research set-aside fund, which shall be used to further the understanding of BFT and other HMS, and to identify ways to reduce interactions of BFT and other bycatch species. Grants should be made available annually. This practice is being utilized by other U.S. fishery management bodies. This is another way that the PLL fishery can help government and academic researchers in these times of budgetary austerity.

Encourage ICCAT to adopt Recommendations to end regulatory discarding

Currently, ICCAT requires that BFT below its minimum size in excess of tolerance limits be discarded. The U.S. should support changes at ICCAT allowing such fish to be donated for scientific purposes as outlined above.

Require that all BFT categories contribute to BFT science by enhancing standards of monitoring, observation, and data collection

We support NMFS finally taking action to quantify and reduce regulatory dead discards in the BFT fishery. The very fact that the Scoping Document for this Amendment contains Section 4.6, reduce commercial minimum sizes, and Section 4.7, modify tolerance rules for purse seine and harpoon categories, confirms that NMFS is well aware of discarding of BFT below the saleable minimum size in the commercial directed categories. Why else would you discuss reducing the minimum size and modifying tolerance rules? NMFS must collect robust data from all BFT categories, especially commercial categories. The data that our PLL fishermen collect in an effort to increase understanding of our HMS fisheries should be used as a model to conform all commercial categories to the level of information required for sound fishery management decisions.

Impose comparable accountability measures on all BFT categories, especially commercial categories

Accountability must be applied across all fishing sectors - not selectively applied to a few. For far too long, the level of accountability measures imposed on the categories which have been allocated the most BFT has been far below contemporary standards of comprehensive fishery management. NMFS must end this practice and hold all BFT categories, particularly commercial categories, to the levels of observation, monitoring, data collection, reporting, and accountability that it has held the incidental category to.

Because the number of permit holders in some commercial directed BFT categories is large, NMFS must focus accountability measures on the small percentage (1-3%) of permit holders that land a hugely disproportionate share of the small U.S. BFT TAC. With 24-hour reporting of landed BFT already required, it should be very easy to determine which 1-3% of permit holders have the highest success rate annually. These permit holders, who have reaped enormous economic benefits from this fishery without being required to shoulder their portion of responsibility for the health and understanding of the BFT stock, should be designated eligible for the additional accountability measures detailed below.

Implement mandatory comparable logbook reporting on all BFT categories

Data on many of the BFT categories, both commercial and recreational, is scarce and nebulous. While BWFA recognizes the problems inherent in collecting data

from recreational participants, we do believe that some data can and should be collected. However, these problems do not extend to commercial participants. There is no valid reason to not implement, using PLL logbook reporting as a model, comparable mandatory logbook reporting on the commercial directed BFT categories.

Implement some level of direct observation on the top commercial directed BFT producers

A statistically valid level of direct observation is required for estimates of discards to be accurate. It is not necessary to place observers on all boats; however, a representative subset of the top commercial BFT producers should allow for logbook data to be rationalized. The old argument that there is no room aboard for an observer does not stand up anymore, as apparently many of these boats can accommodate television camera persons. In addition, electronic observation solutions are now commercially available. BWFA supports the expansion of the fund used to reimburse the cost of E-MTU VMS units in many other fisheries, including the PLL fishery, to be allowed for reimbursement of electronic observation systems for these top producers.

Implement Vessel Monitoring Systems on the top commercial directed BFT producers

Much more scientific information on BFT is necessary to increase our understanding and foster recovery. An enormous volume of information, including real-time location of concentrations of BFT, must be gathered from top commercial directed BFT producers. Vessel Monitoring Systems (VMS) can help gather objective location data. This data should be leveraged to implement the incidental catch avoidance system detailed above.

Allow maximum flexibility to fishery managers when conducting inseason adjustments

Currently, fishery managers only transfer quota from the Reserve to the directed categories. This limits the flexibility for fishery managers to be able to adapt to real-time circumstances among the categories. NMFS must give itself the flexibility to be able to transfer from and to all categories as needs require. In the past, NMFS has transferred from the incidental category to the commercial General Category, and also into the Reserve. NMFS needs the ability to transfer Reserve quota to the incidental category if conditions warrant, in order to prevent the interruption of our important fisheries for swordfish, BAYS tunas, and other target species.

Hold all commercial fishermen to the same standards and requirements

Even part-time commercial fishermen should be required to comply with commercial fishing vessel requirements, including but not limited to, U.S. Coast Guard safety regulations, Hazard Analysis Critical Control Point (HACCP) food safety requirements, and the reporting of a wide variety of comprehensive scientific and economic data. All HMS fishermen who sell their catch should be not

be allowed to circumvent important national priorities and standards designed to protect the American public.

Require specific and detailed catch data for each BFT caught

As much scientific data as possible should be gathered from every BFT caught, especially those that are commercially harvested. The U.S. TAC is so small that we should not waste any of our BFT without collection of scientific data and/or specimens. Otherwise, the U.S. will be relying on other nations for this information, which is a dangerous situation. NMFS should mandate this information from all commercial categories, and encourage the collection from all recreational categories by establishing a reward system of T-shirts or hats as has been done in the past with other recreational data collection projects.

The value of the PLL fishery

The U.S. PLL fishery is very productive, providing more than 32 million meals to Americans each year. The fishery supports hundreds of people directly, thousands more indirectly, and is an important component in our coastal communities. Despite the series of regulations implemented that restrict our efficiency, the PLL fishery catches the lion's share of the U.S. swordfish and BAYS tuna. While others may have you believe differently, the fact is that we are already extremely effective at avoiding BFT.

The PLL directed swordfish, BAYS tunas, and other target species fisheries are very important to the Nation

NMFS must consider the significant value of PLL target species landings of HMS. In 2009, our hard working PLL fishermen accounted for:

- **Greater than 93%** of the U.S. North Atlantic swordfish landings;
- **Greater than 83%** of the U.S. Atlantic bigeye tuna landings;
- **Greater than 60%** of the U.S. Western yellowfin tuna landings; and
- **Greater than 84%** of the U.S. North Atlantic albacore landings.

This represents a tremendous economic and scientific benefit to the Nation. In addition, these catches provide Americans with fresh nutritious seafood, a public resource to which they are entitled access through commercial fishing.

In recent years, the value of PLL landings is between 3-7 times the value of the entire BFT fishery, including our own contribution to that fishery, in ex-vessel value alone.

Relative catches of the PLL fleet: Target species to BFT ratios

U.S. PLL fishermen are already very successful in avoiding BFT. As shown in the table below, during the period from 2002 to 2010, on average we landed over a

hundred fish of target species for each BFT encountered, including those BFT that were released alive.

Number of target species landed for each BFT encountered (2002-2010)

(includes BFT released alive, retained, and dead regulatory discards)

TARGET SPECIES	LANDED FOR EACH BFT ENCOUNTERED
Swordfish	30.6
BAYS tunas	44.9
Dolphinfish	27.5
TOTAL:	103.0

Source: NMFS, Stock Assessment and Fishery Evaluation report for Atlantic Highly Migratory Species (2003-2011)

PLL fishermen catch about 64,000 pounds of swordfish and BAYS tunas for every ton of BFT encountered. Keep in mind that one metric ton of BFT in the sizes caught incidentally by our fishermen equates to between 4-5 individual fish.

Weight of target species caught per mt of BFT encountered (2006-2010)

(includes BFT released alive, retained, and dead regulatory discards)

TARGET SPECIES	MT CAUGHT PER MT OF BFT ENCOUNTERED
Swordfish	18.87 mt
BAYS tunas	10.16 mt
TOTAL:	29.03 mt
TOTAL (pounds):	63,999.86 lbs

Source: NMFS, Stock Assessment and Fishery Evaluation report for Atlantic Highly Migratory Species (2011)

Job retention

Each of our prolific fishing vessels employs between 3-5 crew members on a year-round basis. In addition, seafood dealers, fish docks, trucking, support, supply, and maintenance businesses rely on our fishery for a significant portion of their income.

Other factors to consider

Since BFT are caught accidentally while fishing for swordfish, BAYS tunas, and other target species, it promotes efficiency to allow those fish to be landed. It requires no extra expenditure of resources and does not increase the carbon footprint of our fishery.

The loss to the Nation if reforms are insufficient

If NMFS fails to adequately ensure the continuation of the U.S. PLL fishery for swordfish, BAYS tunas, and other target species by implementing a comprehensive suite of reforms, the effects will be disastrous and wide-reaching. This year, the incidental longline category Southern area was closed on May 29, 2012 and the incidental longline category Northern area was closed on June 30, 2012. Can you imagine if all these vessels were now tied to the dock and not allowed to go fishing for the balance of the calendar year? That scenario cannot be allowed to happen when this Amendment is enacted.

Impacts on PLL fishermen and their families, fish dealers, support and supply businesses, and the coastal communities in which they live and work

Our small-scale PLL operations will not survive on a part-time basis. Every month, they must make payments of many thousands of dollars for overhead expenses, such as insurance payments, boat payments, dockage fees, maintenance requirements, etc. In addition, PLL vessel owners and crew have house payments, car payments, and families that depend on full-time income from fishing. All of these payments must continue even if fishing is interrupted. Many operations do not have any large surplus and the profit margins on our target catches are very thin, especially in recent years with the high price of fuel and other consumables. Many PLL permit holders do not hold permits in other fisheries. So, a closure would mean being tied to the dock. **Bottom line: many PLL participants will go out of business if we have long or repeated closures.** If this is allowed to occur, the United States will lose yet another industry, and a way of life that has sustained Americans for many decades.

The impacts of NMFS's regulations extend far beyond the deck of a boat. There are many year-round jobs involved in supporting, supplying, and maintaining our fishery. Fish dealers, docks, and supply businesses depend on our fleet for a portion - sometimes a significant portion - of their income. The coastal communities, counties, and state governments depend on the economic benefits and tax revenues from our fishery and its support infrastructure businesses. If fishing is interrupted, these businesses, their employees, and the surrounding economies would suffer losses and may have to cut back.

Impacts in the marketplace

Any significant interruption in the supply of swordfish and BAYS tunas to our domestic markets will have long-term consequences to domestic demand. Currently, the U.S. PLL fishery provides more than 32 million servings of swordfish and BAYS tunas - to say nothing of the supply of dolphinfish and other target species - annually. Restaurants and food markets depend on this constant supply of U.S. caught, high-quality fish, in making decisions on what entrées to serve or what fish to carry, and any interruption could cause them to take swordfish off the menu or out of the store. Or, even worse, they could fill the void with yet more imported seafood. If this occurs, the impact on prices even during the open portion of the year would be significant.

Implications for international management

Loss of important directed fisheries for swordfish, BAYS tunas, and other target species also will have an effect on our international standing at ICCAT and other regional fishery management organizations (RFMOs). Eventually, the U.S. is very likely to lose its allocation to foreign nations that do not follow our “best practices”. This would result in a significant net conservation loss. It is unlikely that current proposals to create a new permit category for swordfish will be able to harvest anywhere near the volume of landings that our small-scale PLL fleet does. It would require several thousand very successful participants to even come close. How much weight will the U.S. position carry if our landings are significantly reduced by the elimination of the U.S. PLL fishery?

NMFS's historic opportunity to solve BFT management

For more than 30 years, NMFS has tried many approaches to solving BFT management by implementing small measures, with limited success. The Agency now has the opportunity to make the kind of historic changes to BFT management that could serve as a model for effective fisheries management for decades.

BWFA is encouraged that NMFS is seriously considering the extensive changes needed to truly solve the problems with BFT management once and for all, and fully supports the Agency in its efforts to do what is right for the American public in regards to this fishery. BWFA has a more than 21 year track record of doing the right thing as responsible stewards of the species we encounter. We know that your fishery management background will lead you to the same conclusions that we have written here. We hope that you carefully consider implementation of all of these ideas. BWFA is asking for fairness and accountability to all sectors, and to maximize the benefit to the Nation in all HMS fisheries.

We encourage the Agency to carefully consider all of the issues and make the best choices for the management objectives of this important fish. Take your time - getting it right is the goal, not getting it done quickly.

Thank you for your consideration of BWFA's comments. If you have any questions, please feel free to contact me.

Sincerely,



Terri Lei Beideman
Executive Director

TLB:bb