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April 1, 2005

Dr. Chris Rogers, Chief
Highly Migratory Species Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Comments on Pre-Draft of the Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP)

Dear Chris:

It was a pleasure to represent the National Marine Manufacturers Association (NMMA) at the recent meeting of the HMS Advisory Panel and see HMS friends and co-workers again. NMMA is providing the following comments on the Pre-Draft of the Atlantic Highly Migratory Species Fishery Management Plan and will be submitting more detailed comments when the draft HMS FMP and Proposed Rule are available.

It was clear at the meeting that consolidation of the FMPs was not without issue (**Section 1.3**). There were a number of folks that did not want to see a combined plan and worry about potential change to the billfish objectives. I believe that there could be some improvement in administrative efficiency with a consolidated plan but it may be difficult to give all the fishery groups the attention they deserve with the combined APs. While there is some overlap and redundancy of objectives in the two plans and the pre-draft does contain some of the unique objectives from the original FMPs, two of the most important objectives from the billfish FMP have been left out. If there is a consolidated plan it must contain objectives 13 and 14 from the Billfish FMP with the language unchanged so there is no question of the intent and value of this fishery. Also, I believe the language in objective 18, which states "To develop eligibility criteria for participation in the commercial shark and swordfish fisheries based on historical participation, including access for traditional swordfish handgear fishermen to participate fully as the stock recovers" should be maintained. The second bullet on page 36, below the table, should make it clear that reducing mortality in the U S directed billfish fishery should be a post release mortality issue.

We believe you should address options for reopening the commercial swordfish handgear fishery in the draft FMP. One option might be to allow General Category Tuna Permit Holders to land and sell swordfish caught north of Cape Hatteras. We recommend that you include elimination of the recreational rod-and-reel bag limit as well. The catch in this fishery is minimal and undersize fish can be released without mortality. In place of a

bag limit, you could consider a higher minimum size for the recreational fishery than the current 47 inches (LJFL).

Another general comment, but one that impacts all of the fisheries, is the need for better data from the recreational sectors (part of **Section 1.4.7**). You heard the call loud and clear – let’s have census data for the charter and headboat sectors. There has been no single sampling program designed to collect harvest data from recreational fisheries for tunas and other highly migratory species conducted off the entirety of the U.S. Atlantic and Gulf of Mexico coasts. An important component of the large pelagic harvest comes from the for-hire sector (charter boats and headboats). The attempts to use the LPS and the new MRFSS For-Hire Survey have not been successful in getting data that the recreational fishing community has any confidence in. We urge you to work with the Atlantic Coastal Cooperative Statistics Program to implement a mandatory vessel trip report (VTR) that provides timely, accurate catch and effort data for the for-hire fleets.

On **Section 2.1.1 Workshops**, I suggest that you use industry folks to help put on the workshops. I have learned from experience that this is more effective than NMFS doing it on its own. Owners and captains of vessels should be involved but not the crew unless requested by the captain. For landed catch and bycatch, it should be mandatory for dealers to attend as well. Need to have NMFS ID guide at dealer locations as well as on vessels. Need sharks identified to species. Most vessel captains can do this – need more emphasis at dealer level. Very few encounters between for hire sector and marine mammals or turtles. For **Section 2.1.1.4**, a combination of Alternatives 2 and 3 may be useful. Use the voluntary “town hall” workshops in conjunction with other meetings.

In **Section 2.1.2 (Time/Area Closures)** we believe the alternatives you have proposed are appropriate for public comment with the following exceptions. In Alternative 2, it should be pelagic longline gear specific. In Alternative 3, we suggest removing pelagic longline and recreational rod and reel from the gear specific list. We note that the existing area closures have been effective in reducing bycatch and believe they should be maintained at this time to give us bargaining power at ICCAT. We need to see more big swordfish enter the population and we need to put pressure on the international community to adopt area closures particularly for marlins. Complement Council management actions where appropriate.

It was apparent from comment on **Section 2.2**, and we agree, that our identification and description of Essential Fish Habitat (EFH) should extend beyond the EEZ. It must include the habitat throughout a species range if we are to determine the areas of most concern. Most of the HMS mortality occurs outside our EEZ and we need international cooperation to manage and rebuild stocks. There appears to have been very little done on a proactive basis to use EFH in fishery management. In one instance where EFH was used to identify a habitat area of particular concern (sandbar sharks in NC, VA MD and NJ) regulations did not address the extent of the problem, but focused only on one state (NC). We heard discussions of the need to protect herring populations in the Gulf of Maine as forage for giant bluefin tuna and support NMFS considering the addition of the availability of critical forage for HMS in time and space as possible EFH under the FMP.

For **Sections 2.3.1 and 2.3.2**, better data are needed before good management decisions can be made. For albacore, we need to implement a mandatory VTR for the U.S. for-hire fleet. We need pressure on the ICCAT countries to provide good catch-at-age data prior to the 2007 SCRS albacore stock assessment. We need species-specific data on sharks. We need observers on shrimp trawl vessels that can ID finetooth and other sharks and on the 18 vessels that may have extensive landings of finetooth sharks while fishing in non-HMS fisheries without the requirement for observers.

Section 2.3.3 is an excellent example of where the lack of good catch data got us into an almost impossible management scenario. We only should be considering the use of circle hooks to reduce post release mortality and not being forced to address an arbitrary figure of 250 allowed landings of marlins. We need to use the circle hook option to bargain with at ICCAT to eliminate the 250 figure or at least be realistic and admit that we do not know our catch of marlins. Start a tail tag census program now to get an accurate count and then attempt to go back in time to show the magnitude of reduction that has occurred in our recreational fishery. Start with circle hooks at tournaments and phase them in. We do not like Alternative 6 for the reasons stated above but recognize that it is in place now. We strongly object to Alternatives 7, 8, and 9 on pages 72, 73, and 74 as they are unnecessary, accomplish nothing for conservation, and would have a significant impact on billfish tournaments in the mid-Atlantic area. We support Alternatives 2, 3, and 4 on page 75. All tournaments should have permits and mandatory reporting.

For **Section 2.4.1.1**, we agree with many of the others at the Meeting that the bluefin domestic management process has worked reasonably well. The real problem has been with lack of quota particularly in the Angling category with the unreasonable 8% allowance for school fish. We believe that the HMS Division needs some flexibility to accommodate the request from North Carolina for a late season General category fishery. It would not take much modification to the status quo to allow that. The status quo seems to be working for in-season transfers (**Section 2.4.1.2**).

We have been using a combination of Alternative 1 and 2 to handle annual quota adjustments under **Section 2.4.1.3**. Support status quo for **Sections 2.4.1.4 and 2.4.1.5**.

Under **Section 2.4.2**, suggest Alternative 3. The use of hand-held cockpit gear has been a standard practice so we support Alternative 5 under **Section 2.4.3**.

We support the proposed regulatory changes that do not need alternatives (**Section 2.4.4.1**). For **Section 2.4.4.2**, we support Alternative 2 for issues 3, 4, 5, 6, 7, 8 and 9 and will provide comments on the other issues at the draft plan stage.

Thank you for the opportunity to comment. We look forward to the draft HMS FMP and proposed rule that you anticipate will be available in the summer of 2005 and will plan for additional, more detailed comments at that time.

Sincerely,
Richard B. Stone