



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Dr. Michelle Duval, Chair | Charlie Phillips, Vice Chair
Gregg T. Waugh, Executive Director

March 29, 2017

Margo Schulze-Haugen, Chief
Atlantic HMS Management Division
1315 East-West Highway
Silver Spring, MD 20910

RE: Comments on the Exempted Fishing Permit to Conduct Research and Evaluate Pelagic Longline (PLL) Catch Rates in a Portion of the East Florida Coast PLL Closed Area.

Dear Ms. Shulze-Haugen:

The South Atlantic Fishery Management Council (South Atlantic Council) welcomes the opportunity to comment on the Exempted Fishing Permit (EFP) to Conduct Research and Evaluate Pelagic Longline (PLL) Catch Rates in a Portion of the East Florida Coast PLL Closed Area. We appreciate you and Rick Pearson presenting an overview of the request during the Council meeting. A vote regarding this EFP was taken by the South Atlantic Council at the Council's March 2017 meeting that resulted in an evenly split opinion as to whether or not to recommend that the EFP be permitted. During the discussion that preceded this vote there were comments in favor of the research goals of the EFP, however several concerns were expressed over the EFP proposal as it is currently written. The following items are subjects that the South Atlantic Council would like for the Atlantic Highly Migratory Species (HMS) Management Division to consider when reviewing the aforementioned proposal:

Potential interaction with South Atlantic Council managed habitat and user conflict with fisheries:

- The portion of the East Florida Coast PLL Closed Area that could be opened to the use of PLL gear overlaps with sections of Coral Habitat Areas of Particular Concern (CHAPCs) that are aimed at protecting deep-water coral habitat. Attached to this letter is a map showing an overlay of the areas proposed in Alternative 2 and Preferred Alternative 3 with the Oculina Bank and the Stetson Miami Terrace CHAPCs (Figure 1, Map A). Both alternatives would co-occur within the Stetson Miami Terrace CHAPC and Preferred Alternative 3 would also overlap with the Oculina Bank CHAPC. Should PLL gear fished in these areas unintentionally come in contact with the bottom, the gear may damage this fragile coral habitat. The Oculina Bank and Stetson Miami Terrace are considered EFH-HAPC. Additionally, it should be noted that the North Florida Marine Protected Area falls within Preferred Alternative 3 (Figure 1, Map B).

The areas described in Alternative 2 and Preferred Alternative 3 would also allow PLL gear to be deployed in regions that would overlap those currently used in commercial and recreational fishing activity for several South Atlantic Council managed species. Of particular concern regarding commercial fisheries is the overlap of the areas utilized in the royal red shrimp, rock shrimp, golden crab, and golden tilefish fisheries. These fisheries employ trawl, trap, and bottom longline gear respectively that are not compatible with the presence of pelagic longlines. Map B in Figure 1 shows the overlap of the areas proposed in the EFP with Shrimp and Golden Crab Access Areas that are designed to minimize interactions between the gears used in the two fisheries with each other as well as with deep-water coral habitat. Additionally, PLL gear fished in the same area where recreational and commercial hook-and-line fishing activity is occurring for species such as dolphin or wahoo has the potential to create notable user conflicts, both through potential interaction with the PLL gear as well as a real or perceived localized depletion of these and other pelagic species.

Increased dolphin landings may trigger a commercial in-season harvest closure:

- While HMS does not project a large change in dolphin landings, the specified fishing activity in the EFP using PLL gear does have the potential to increase commercial dolphin harvest. In recent years, the commercial sector has approached or exceeded its sector ACL. The commercial dolphin fishery along the Atlantic Coast was closed on June 30, 2015 and remained closed for the rest of the calendar year as a result of a commercial accountability measure that was triggered when the sector ACL was projected to be met. The additional PLL fishing activity and resulting potential increase in commercial dolphin landings may contribute to the likelihood of again causing an in-season closure of the commercial dolphin fishery that would negatively affect other commercial participants from Florida through Maine. To mitigate and address this concern, the South Atlantic Council suggests implementing a cap of 25,000 pounds whole weight on the total amount of dolphin that can be landed with PLL gear from the closed areas specified in the EFP. This cap would address concerns from Florida fishermen regarding the availability of dolphin over the past year. If the EFP participants exceed the cap in the area, research in the area should cease. All dolphin landings should count towards the commercial dolphin ACL, and fishing under the EFP should comply with the 4,000-pound whole weight commercial trip limit when 75% of the commercial ACL is met or projected to be met.

Increased interactions with protected species and discards of recreationally and commercially important fish species:

- The fishing activity specified in the EFP could potentially increase interactions with species protected under the Endangered Species Act or Marine Mammal Protection Act. The fishing activity could also potentially increase discards of recreationally or commercially important finfish such as billfish and sharks as a result of allowing PLL gear to be used in the specified areas that are currently closed to such gear. These concerns were particularly noted in relation to billfish species such as sailfish, white marlin, and blue marlin as well as the recently proposed threatened listing of the Oceanic Whitetip shark.

Concern that only one company is allowed to fish in the areas currently closed to PLL gear:

- Some South Atlantic Council members expressed concern that the EFP would only allow vessels from one company to fish within the currently closed areas specified in Alternative 2 and Preferred Alternative 3 with PLL gear. There was the suggestion to consider allowing other vessels or companies to apply and compete for the privilege to participate in the fishing activity specified in the EFP.

Minimize the number of sets and time allowed to only what is necessary to be scientifically valid:

- The South Atlantic Council requests that if the EFP is approved, that the number of sets and time that fishing activity is authorized to take place in the closed areas for PLL gear be limited to what is minimally necessary to provide a scientifically and statistically valid conclusion. We certainly acknowledge the need and utility of scientific data in effectively managing fisheries, but given the potential issues as outlined that may arise from the fishing activity specified in the EFP, minimizing the overall PLL effort in the areas that are currently closed for this gear would help address and mitigate the stated concerns.

As always, we appreciate the effort on the part of your staff to keep the South Atlantic Council informed of HMS related actions that may impact the South Atlantic region and many thanks for the opportunity to comment. We look forward to continuing to work with NOAA HMS in the future.

Best regards,



Michelle Duval
Chair

cc: SAFMC Members & Staff
Sam Rauch, NMFS Office of the Assistant Administrator
Alan Risenhoover, NMFS Office of Sustainable Fisheries
Monica Smit-Brunello, NOAA GC
John McGovern, Rick DeVictor, & Randy Blankenship, SERO
Theo Brainerd, Trika Gerard, & Peter Thompson SEFSC Miami

Attachment 1: Spatial overlay of EFP Alternative 2 and Preferred Alternative 3 with South Atlantic Council Managed Habitat and Fisheries.

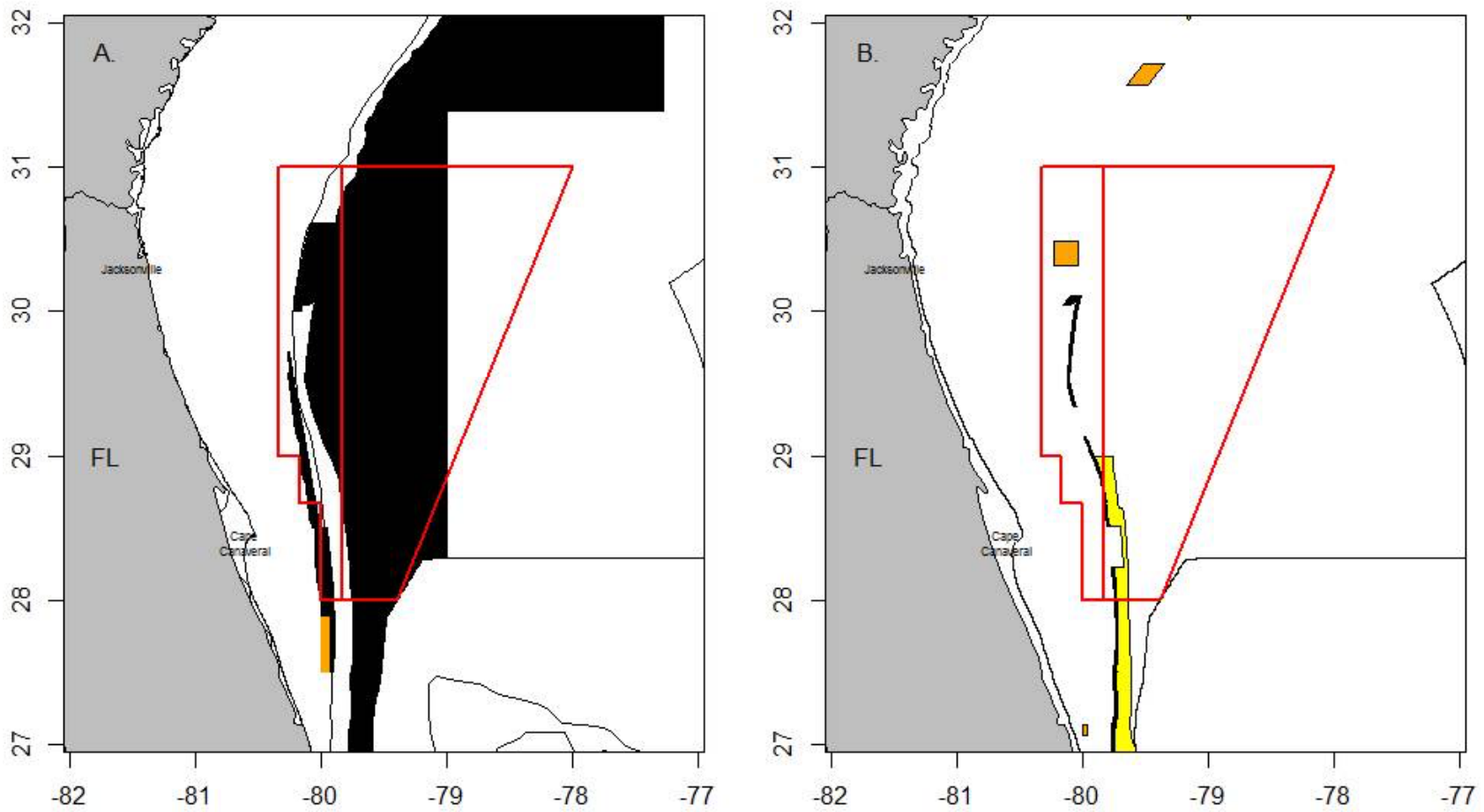


Figure 1. Spatial overlay of areas outlined in Alternative 2 and Proposed Alternative 3 with Coral Habitat Areas of Particular Concern (CHAPCs), the Shrimp Access Area, the Golden Crab Access Area, and the North Florida Marine Protected Area (MPA). Map A shows the Oculina Bank HAPC (solid black on the far left) and Stetson Miami Terrace CHAPC (solid black far right) with an