



# SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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November 9, 2007

Ms. Margo Schulze-Haugen, Director  
Highly Migratory Species Management Division  
Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Margo,

The South Atlantic Fishery Management Council is requesting an extension of the comment period on the Environmental Assessment (EA) for "Atlantic Highly Migratory Species Pelagic Longline Research" (FRN/Vol. 72, Number 213/Monday, November 5, 2007). We are requesting that the comment period be extended until December 10, 2007, which is the Tuesday after our next Council meeting.

The rationale for our request is as follows:

1. The NMFS request for comments on the EA was published in the Federal Register on November 5, 2007, with an end date of November 20, 2007. The NMFS announcement asking for comments on the EA was issued on the same date. The NMFS announcement indicates the intent is to issue an Exempted Fishing Permit (EFP) during the fall or winter of 2007. Our next Council meeting is December 2-7, 2007. Consequently, our Council will not have an opportunity to discuss and provide comments on the EA unless our request is approved.
2. **50 CFR § 600.745 Scientific research activity, exempted fishing, and exempted educational activity (3) Issuance** states the following (underlining for emphasis):
  - (i) ...The Regional Administrator or Director also will forward copies of the application to the Council(s), the USCG, and the appropriate fishery management agencies of affected states, accompanied by the following information: (A) The effect of the proposed EFP on the target and incidental species, including the effect on any TAC. (B) A citation of the regulation or regulations that, without the EFP, would prohibit the proposed activity. (C) Biological information relevant to the proposal, including appropriate statements of environmental impacts, including impacts on marine mammals and threatened or endangered species.
  - (ii) If the application is complete and warrants additional consultation, the Regional Administrator or Director may consult with the appropriate Council(s)

concerning the permit application during the period in which comments have been requested. The Council(s) or the Administrator or Regional Administrator shall notify the applicant in advance of any meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application.

(iii) As soon as practicable after receiving responses from the agencies identified in paragraph (b)(3)(i) of this section, and/or after the consultation, if any, described in paragraph (b)(3)(ii) of this section, the Regional Administrator or Director shall notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial.

3. The requirements set out in 50 CFR § 600.745 have not been met. The Council will not have the opportunity to comment (respond) on the EA for the proposed EFP. The language in 50 CFR § 600.745 (3)(iii) implies the Council will be given the opportunity to comment before a decision is made relative to granting or denying an EFP.
4. The previously requested EFP (from Blue Water Fishermen's Association) that would have allowed pelagic longline vessels to fish in the East Florida Coast and Charleston Bump closed areas was very controversial.
5. Our next Council meeting is December 2-7, 2007, which will be the Council's first opportunity to develop comments on the EA for the EFP and "respond" to the NMFS HMS Director.

As you are aware, our Council has exhibited a strong desire to formally comment on pelagic longline EFPs related to the East Florida Coast and Charleston Bump closed areas. The Council also registered its opposition to the earlier Blue Water Fishermen's Association EFP request to allow pelagic longline vessels to fish in the East Florida Coast and Charleston Bump closed areas (see attached letter dated June 19, 2007).

On November 1, 2007, I received a letter from Alan Risenhoover stating "NMFS considers all the Fishery Management Councils to be valuable partners in the HMS management plan development process". Further, "NMFS appreciates the Council's continued participation in the HMS consultation process".

In the spirit of the NMFS/Council partnership, I hope you will honor our request. Please contact me if you have any questions. Thank you.

Sincerely,

George

George Geiger  
Chairman

cc: SAFMC Members and Staff  
Bill Hogarth and Alan Risenhoover  
Monica Smit-Brunello