



H-3  
Supplemental Public Comment 2

*Conserving Ocean Fish and Their Environment  
Since 1973*

September 3, 2008

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National Marine Fisheries Service  
Southwest Region  
Sustainable Fisheries Division  
501 West Ocean Blvd., Suite 4200  
Long Beach, CA 9080

**Re: RIN: 0648-XI67**

Dear Mr. Helvey,

For over 35 years, the National Coalition for Marine Conservation (NCMC) has been working to identify threats to our nation's fishery resources and provide solutions to managers. When the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) was under development, we urged the Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) to ban longlines off the West Coast - a measure that, because of the significant and unavoidable bycatch resulting from the indiscriminant nature of longline gear, must be at the core of any regulations guiding sustainable use of HMS resources. In 2004, the Council wisely chose to adopt a federal waters longline ban in the new HMS FMP. NMFS further strengthened the plan when it rejected a West Coast-based high seas shallow-set longline (SSL) fishery in order to uphold Endangered Species Act protections for Pacific loggerhead sea turtles.

Now just four years later, as scientists across the globe crusade for an international ban on longlines to prevent the extinction of Pacific leatherbacks,<sup>1</sup> as striped marlin fall to a mere fraction of historic levels,<sup>2</sup> and as Inter-American Tropical Tuna Commission (IATTC) scientists warn of collapse unless fishing effort is reduced on overfished bigeye and

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<sup>1</sup> An International Call by Leading Scientists to Reverse the Pacific Leatherback's Extinction Trajectory. 2005. (Letter submitted to the United Nations containing over 1000 scientists signatures from 97 countries calling for a moratorium on pelagic longlines, gillnets and other fishing techniques that harm Pacific leatherback sea turtles).

<sup>2</sup> A 2007 stock assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean found that striped marlin populations have fallen to 12% of the levels found in the 1960s.

yellowfin tuna,<sup>3</sup> NMFS and the Pacific Council choose to weaken conservation efforts by opening the door for a high seas longline fishery that, according to the most conservative option in the proposal, will introduce over 1 million new hooks into the eastern Pacific annually.

**The NCMC is strongly opposed to the new West Coast-based high seas SLL fishery. We believe the rationale presented in the proposal is unsound, and any of the options other than the status quo will put imperiled species in greater jeopardy.**

- According to the Federal Register announcement, the decision to revisit the SLL fishery is based on bycatch reduction studies using mackerel bait and large circle hooks that were conducted in the Hawaiian and Atlantic swordfish fisheries. However, **an evaluation of circle hook studies designed to reduce sea turtle mortality on longlines concluded that circle hooks may not be equally effective in all geographic areas for either reducing sea turtle bycatch or for retaining target species.**<sup>4</sup> The author explains, “catch rates of target and non-target species are affected by a myriad of factors, including time of day fished, soak time, depth fished, bait\ type and size, the use of attractors (light sticks), temperature, location and season. These factors interact in a complicated and sometimes unpredictable manner. The design of the hook is only one factor that affects catch rates.” He further argues that the size of the turtles taken as bycatch must also be considered when evaluating the effectiveness of circle hooks. **To date, none of the above listed variables, as they relate to reducing longline bycatch, have been thoroughly investigated and tested in the eastern Pacific.**
- **Additional high seas longline effort will increase risk to critically endangered sea turtle populations.** Since the 1980s, Pacific leatherbacks have declined by 95% and Pacific loggerheads have declined by 86%.<sup>5</sup> Even if sea turtle bycatch reduction levels achieved in Atlantic and Hawaiian studies could be duplicated in the eastern Pacific, scientists caution that fishery-related mortality of just over 1% of adult female leatherbacks could lead to extinction.<sup>6</sup> Existing Pacific longline effort already surpasses this limit, killing 3-10% of the adult leatherback population each year and putting the species on course for extinction within 10-30 years unless drastic action is taken.<sup>7</sup>

<sup>3</sup>20% and 30% reduction in fishing effort needed for yellowfin and bigeye tunas, respectively. [IATTC. 2008. Proposal for Conservation of Yellowfin and Bigeye Tuna in the Eastern Pacific Ocean. IATTC-77-04 Conservation proposal REV.]

<sup>4</sup> Read, Andrew. 2007. Do circle hooks reduce mortality of sea turtles in pelagic longlines? A review of recent experiments. *Biological Conservation* 135:155-169.

<sup>5</sup> Spotila, J.R., Reina, R.R., Steyermark, A.C., Plotkin, P.T. & Paladino, F.V. 2000. Pacific leatherback turtles face extinction. *Nature*, 405, 529–530.

<sup>6</sup> Spotilla, J.R., Dunham, A.E., Leslie, A.J., Steyermark, A.C., Plotkin, P.T., & Paladino, F.V. 1996. Worldwide Population Decline of *Dermochelys coriacea*: Are leatherback turtles going extinct? *Chel. Cons. Biol.*, 2, 209–222.

<sup>7</sup> Lewison RL, Freeman SA, Crowder LB. 2004. Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. *Ecology Letters* 7 (3): 221-231.

While we understand the Council may transfer existing allowed turtle takes from the drift gillnet (DGN) fishery to the new SSSL fishery, turtle interactions in the DGN fishery have been greatly reduced since the implementation of the Pacific Leatherback Conservation Area in 2001, and the turtle take limit has not been reached. Any decision to add to the mortality count, no matter how minimally, through the deployment of gear that has not been thoroughly tested is irresponsible.

It should be noted that the Hawaiian SSSL fishery, which uses circle hooks, was shut down in March 2006 after reaching its annual loggerhead take limit in just three months. Yet, rather than taking additional measures to decrease longline turtle interactions, the Western Pacific Council is urging an increase in the take of loggerhead and leatherback turtles from 17 to 46 and 16 to 19, respectively. Indeed, without a cooperative plan in place to manage HMS in the Pacific Ocean, the Western Pacific and Pacific Councils are independently vying for as large a share of the turtle take cap as possible for their respective longline fisheries, without regard for the combined impact on sea turtle populations.

- **Studies to date have not addressed the effects of circle hooks on the bycatch of other species - notably marine mammals, seabirds, and highly migratory fish - and there is no reason to believe that circle hook and bait combinations alone will mitigate the significant bycatch of these animals that has been documented on shallow-set longlines. In creating the supplemental environmental impact statement (SEIS) for the proposed options, NMFS must conduct a thorough analysis of the potential impacts to other non-target species and undersized target species likely to be caught on longline hooks.**
  - In particular, we are greatly concerned for other HMS managed by the Council, especially overfished species such as striped marlin, bigeye tuna and yellowfin tuna that support economically important fisheries. Fishing effort must be *reduced* on these species in order to halt their decline. The proposed SSSL fishery would *increase* effort. Also at risk is the albacore tuna population, which both the IATTC and the Western and Central Pacific Fisheries Commission (WCPFC) conclude is approaching an overfished condition and have asked member nations to prevent an increase in fishing effort.<sup>8</sup> *Any* bycatch allowance of the above species for the new SSSL fishery would not only result in additional, unsustainable fishing pressure, it would also weaken our position to negotiate conservation strategies (i.e., effort limits) in international forums.
  - Although we urge NMFS to do a thorough bycatch analysis, we are concerned that adequate information is not available to evaluate its impact on

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<sup>8</sup> IATTC. 2005. Resolution C-05-02. Resolution on Northern Albacore Tuna.

## NCMC COMMENTS

Pacific HMS. A projection of the number of fish likely to be caught is meaningless without an understanding of how the population as a whole would be affected. The Pacific Council acknowledges the "substantial uncertainty" involved in assessing the stock status of many HMS. For example, bluefin tuna are listed in the HMS FMP as vulnerable, yet the Council's most recent HMS Stock Assessment and Fishery Evaluation lists its status as "unknown," although analysis indicates that fishing mortality has "exceeded  $F_{Max}$  2-fold during the last 2 decades."<sup>9</sup> The status of dorado, pelagic and bigeye thresher sharks, and skipjack tuna are also unknown.

The lack of sufficient data has also hindered the Council from developing and implementing acceptable biological catches (ABCs) for HMS that are needed to manage the stocks in a manner that prevents overfishing and/or achieves rebuilding goals. Without scientifically-derived ABCs, any bycatch or directed fishing allowance of HMS for the new longline fishery adds an arbitrary amount of mortality to already stressed stocks.

Once again, we implore NMFS and the Council to retract the proposal for a West Coast-based high seas longline fishery. Replacing the DGN fishery with a longline fishery is unlikely to reduce sea turtles interactions, which have already been effectively minimized through DGN time/area closures. A longline fishery is also likely to increase bycatch of species identified by the Council as vulnerable, which include striped marlin, bluefin tuna and pelagic sharks. With limited resources available, the Council and NMFS should be focused on strengthening stock assessments and improving our understanding of HMS, so more ecologically-sustainable fishing methods can be explored in the future.

Sincerely,



Pam Lyons Gromen  
Executive Director

cc: Don McIsaac, PFMC

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<sup>9</sup> Pacific Fishery Management Council. 2007. Status of the U.S. West Coast Fisheries for Highly Migratory Species through 2006: Stock Assessment and Fishery Evaluation (SAFE).