

SUMMARY OF THE
PUBLIC HEARINGS ON
SCOPING DOCUMENT FOR AMENDMENT 31
SEA TURTLE/LOGLINE INTERACTIONS
PANAMA CITY, FL

December 9, 2008

Attendance:

Bill Teehan, Gulf Council
Ed Sapp, Gulf Council
Carrie Simmons, Gulf Council Staff
Karen Hoak, Gulf Council Staff
Michelle Mackie, FWC Division of Marine Fisheries

The scoping meeting to address bycatch of sea turtles in the Gulf of Mexico bottom longline reef fish fishery began at 6:00 p.m. CDT, with 14 members of the public in attendance and 5 members of the public commenting on the draft amendment 31 addressing bycatch of sea turtles in the bottom longline reef fish fishery. Carrie gave a brief presentation outlining the issues, legal responsibility of the Council, and potential alternatives to reduce interactions of turtles with bottom longline gear. After the presentation the following questions were asked.

1. Do observers really get paid \$1,500 per trip?
2. Where did the recreational and vertical line estimates in the table (Table 1) in the scoping document of anticipated three year incidental take in the Gulf of Mexico Reef Fish Fishery come from?

Mr. Zales requested that Council staff find out where the recreational data on that table originated.

Bart Niquet

Suggested that there were more turtle interactions with bottom longlines because there were more sea turtles alive due to the reduction in number of shrimp trawls fishing and increased restrictions with TEDs on those still in the industry. He believes that the science is flawed on the estimates of interactions of sea turtles with longlines and needs to be addressed.

Dave McKenny-Environmental Defense

Suggested speeding up the implementation of the IFQs to reduce turtle and longline interactions and meet the Endangered Species Act guidelines by potentially increasing turtle population counts.

Bob Zales, II-Panama City Boatman's Association

He felt that if IFQs were implemented, eliminating long line altogether should not be a problem because being able to fish at a slower pace would make it possible to eliminate the gear. He believes time/area closures are good. Potentially moving the longline fishery out to around the 50 fathom line might work since during the observer study, only one turtle was taken beyond that area. He noted that the difficulty in setting longlines south of Big Bend Florida is that the longline sets impacted red snapper or other reef fish as bycatch and IFQs may not be available to many of these fishermen. As red snapper increases in abundance, it increases its range and by going outside 50 fathoms, they would be less likely to interact with them.

Jim Clements-small commercial vertical line fishermen

Until recently, he believed that longlines were bad, but not anymore. The reason he doesn't think this is because bottom reef fish longliners supply consumers in the area with fresh fish. He also didn't think that moving bottom longliners out to 50 fathoms was a bad idea, because they would just convert their gear and fish inshore, fishing harder in areas where recreational and other commercial fishers were already fishing. In addition, vertical line fishers do catch turtles.

Bob Jones-Southeastern Fisheries Association

Attached at the end of the summary is a copy of the full letter read by Bob Jones at the scoping meeting.

Summary- He is concerned about how Amendment 31 is proceeding and does not believe there is necessity or legal justification for developing a plan now. There is no good reason to proceed with Amendment 31 at this time. National standard 9 requires bycatch to be minimized to the extent practicable, but until practical measures that are not yet used in the industry are suggested, no further minimization is possible. Under section 7 of the Endangered Species Act (ESA), NMFS determines whether a fishing action poses any jeopardy for a threatened species such as loggerhead. Only if there is a jeopardy finding is there any legal requirement to develop management measures and then only "reasonable and prudent" ones. There is no justification of Council to take action ahead of the Biological Opinion. The Council cannot have a new Amendment ready in case the "BiOp" reaches jeopardy finding since no alternatives can be developed until we see what NMFS thinks would be reasonable and prudent measures to take. The Council should cease development of Amendment 31 until NMFS can complete a Section 7 consultation and prepare a new Biological Opinion using the best scientific information including data from the 2008 observer program. If the Biological Opinion concludes with no-jeopardy finding, which is likely, the Council should not proceed with Amendment 31 until on-going studies have identified effective and practicable ways to reduce turtle takes in reef fish longlining.

The focus needs to be on research and studies to find things that will work to reduce turtle mortality. We are cooperating with NMFS's Pascagoula Lab to get a study of hook guards underway. We are working with Ocean Conservancy on a plan to use hook timers to see whether lengthening or shortening soak times might help.

We are looking at other studies on commercial trips, to investigate the effects of bait type and size, hook type and size, leader length. We recognize the industry must take the lead on this

research. NMFS does not have the financial resources to do much more than they are currently doing in cooperative research because they have never been adequately funded by Congress.

Lastly, a word of advice was given to everyone involved in vertical line fishing for Gulf of Mexico reef fish, both recreational and commercial:

In 1993-95, NMFS saw no turtle takes by the vertical line fishery, any more than it did by the longliners.

In 2001-04, more turtles were reported taken by commercial vertical line (11) than by longline (9).

In 2005, the estimated takes for the entire reef fish fishery were: 85 loggerhead and 29 other turtles by longliners, 65 and 31 by commercial vertical line, 53 loggerhead and 58 other turtles by the recreational sector- in all, 114 by longliners but 207 by vertical line.

In 2006-07, the observers chanced to see usually high numbers of turtle takes by longline boats and none at all by commercial vertical line.

In 2008, the observations seem more reasonable: 3 turtles taken by longline, one by commercial vertical line. We do not yet know how many total takes those represent. With lower observer coverage, the one observed vertical line take may translate into more fleet-wide takes than the three observed on longline trips do.

For 2009, nobody knows. It may be the vertical line sectors turn to face an unreasonable over estimate. The data will come from commercial vertical line fishing trips but, they will be applied in estimating takes by recreational reef fish fishing (as the commercial data was applied in 2005).

The scoping meeting concluded at 7:30 p.m. CDT. One gentleman came to the meeting after it had ended and took a copy of the scoping document and business cards to submit written comments to the Council.



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Gulf of Mexico Fishery Management Council Amendment 31 Scoping Hearing: Panama City, Florida December 9, 2008

Thank you Mr. Chairman for the opportunity to participate. My name is Bob Jones. I'm the executive director of Southeastern Fisheries Association located in Tallahassee, Florida a 501 c 6 non-profit fisheries trade association. We have members from every fishery in Florida and every gear type and businesses that handles seafood.

There were over 1.9 million jobs lost in 2008 and 533,000 of them were lost in November which is the most one-month decline in 34 years. I mention job losses to reiterate how harmful the loss of one more job will be to our nation.

We are concerned how Amendment 31 is proceeding. Is there really a necessity or legal justification for developing this plan now?

The scoping document suggests six Alternatives. One is an increase in observer coverage. Of the other five, the scoping document dismisses four with warnings that they "would not significantly/sufficiently/substantially reduce" loggerhead takes. The only alternative endorsed by the document is Alt. IV: "Area or time closures".

We wonder if there is scientific evidence that turtle takes are more common in some areas, some depths or some seasons than others. We can't discern that from the information we have seen.

Between 2000 and 2004, Fish and Wildlife Research Institute's estimates of numbers of loggerhead nests on Florida beaches dropped by about 25,000 or around 45%. We don't know why but we doubt it was because of fishing. Female loggerheads don't lay eggs every year but when they do, they make multiple nests. 25,000 fewer nests suggest about 15,000 fewer adult females. During those same years, 2000-2004, reef-fish longliners killed maybe as many as one hundred adult females – about one half of one percent of the "missing" turtles. In 1993-95, NMFS put observers on reef-fish boats and they saw ZERO turtle takes. No problem.

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In 2001–04, a sample of commercial reef-fish boats completed “Supplementary Discard Data Program” logbooks. 20 turtle takes were reported – 9 by longliners and 11 by vertical-line boats. Under the Endangered Species Act, NMFS prepared a “Biological Opinion” in 2005, which correctly concluded that the reef-fish fishery did not pose any jeopardy to turtles. The total number of takes was far too low to be a significant problem. NMFS estimated the longliners would take 85 loggerheads per three years, while commercial vertical-line boats would take 65 and the recreational reef-fish fisheries would take 53. Those takes were formally allowed, under ESA.

In 2006, new observer programs started for reef-fish boats, though only 1% of trips had an observer. In the first 18 months, 18 turtle takes were observed, all on longline trips – with 7 on just one trip. Most or all of the 18 were loggerhead. The data are so variable that they might mean anything or nothing. NMFS’s best estimate is that the longline fleet took 902 turtles in 18 months or about 600 per year. That greatly exceeded the allowed take from 2005, triggering action that has become Amendment 31.

But what really happened?

In the 1990s, NMFS estimated zero takes. In 2005, they estimated about 30 per year by longliners and 50 by vertical-line boats (commercial & recreational combined).

And the 2008 observer data?

They are not yet final but **THREE** turtle takes were observed aboard longliners this year and **ONE** on a vertical-line boat. We will have to wait to hear what those mean for the total take for the year. We do know that the longliners had only 3 turtle takes in 393 observed sets, compared to 18 in 559 sets during 2006–07. If there was the same total amount of reef-fish longlining in the Gulf each year that means that the overall turtle take will be estimated at around 150 for 2008.

Did annual takes by the longliners really go 0, 30, 600, and 150? Perhaps. But is it possible, and a lot more likely, that NMFS underestimated twice, then overestimated and maybe finally got to about the right answer? Because they used an underestimate in the 2005 BiOp, the 2006–07 overestimate was above the current allowed take – but could be the result of NMFS’s poor estimates of turtle takes. It is not a result of anything new the longline fishery is doing.

Various interest groups have taken those inadequate estimates by NMFS and want to use them as a reason for banning reef-fish longlining and putting the longline fleet out of business at a time when the America needs every productive job it can hang onto. This not strictly a longline fishing gear problem.

The focus needs to be on research and studies to find things that will work to reduce turtle mortality. We are cooperating with NMFS’s Pascagoula Lab to get a study of hook guards underway. We are working with Ocean Conservancy on a plan to use hook timers to see whether lengthening or shortening soak times might help.

We are looking at other studies, to be run on commercial trips, to investigate the effects of bait type and size, hook type and size, leader length etc.

We recognize the industry must take the lead on this research. NMFS does not have the financial resources to do much more than they are currently doing in cooperative research because they have never been adequately funded by Congress.

Timing and Scoping

There is no good reason to proceed with Amendment 31 at this time. The scoping document claims that Magnuson-Stevens Act requires the Council to reduce bycatch and bycatch mortality. I'm not sure that's totally accurate.

National Standard 9 requires bycatch be minimized to the extent practicable. Until someone can suggest practicable measures that are not yet being used in the fishery, no further minimization is possible. Until the industry-led studies have progressed, nobody will have any practicable measures to offer. The scoping document does not offer any.

The scoping document also refers to the Endangered Species Act (ESA). What it doesn't explain is that the ESA process starts with a "Section 7 Consultation", in which NMFS determines whether some fishing action poses any jeopardy for a threatened species, like loggerhead. Only if there is a jeopardy finding is there any legal requirement to develop new management measures and then only "reasonable and prudent" ones.

The last Section 7 Consultation for the reef-fish fishery was done in 2005 and the resulting Biological Opinion found, as expected, no jeopardy. The 2006-07 observations of turtle takes, make a new Consultation and a new "BiOp" necessary. That has not yet been done and we cannot know what it might find, though the very low numbers of turtles killed by reef-fish longlining strongly suggest that the finding will again be "no jeopardy".

There is no justification for the Council to take action ahead of the Consultation. The Council cannot have a new Amendment ready in case the "BiOp" reaches a jeopardy finding since no alternatives can be developed until we see what NMFS thinks would be reasonable and prudent measures to take.

The Council should cease development of Amendment 31 until NMFS can complete a Section 7 Consultation and prepare a new BiOp, using the best available scientific information - including data from the 2008 observer reports.

If the BiOp concludes with a no-jeopardy finding, as is likely, the Council should not proceed with Amendment 31 until on-going studies have identified effective and practicable ways to reduce turtle takes in reef-fish longlining.

Lastly, a word of advice to everyone involved in vertical-line fishing for Gulf of Mexico reef-fish, both recreational and commercial:

In 1993-95, NMFS saw no turtle takes by in the vertical-line fishery, any more than it did by the longliners.

In 2001-04, more turtles were reported taken by commercial vertical-line than by longline - 11 to 9.

In 2005, the estimated takes for the entire reef-fish fishery were: 85 loggerhead and 29 other turtles by longliners, 65 and 31 by commercial vertical line, 53 loggerhead and 58 other turtles by the recreational sector - in all, 114 by longliners but 207 by vertical line. In 2006-07, the observers chanced to see unusually high numbers of turtle takes by longline boats and none at all by commercial vertical-line.


In 2008, the observations seem more reasonable: 3 turtles taken by longline, one by commercial vertical-line. We do not yet know how many total takes those represent. With lower observer coverage, the one observed vertical-line take may translate into more fleet-wide takes than the three observed on longline trips do.

And 2009 nobody knows.

It may be the vertical-line sector's turn to face an unreasonable over-estimate. The data will come from commercial vertical-line fishing trips but they will be applied in estimating takes by recreational reef-fish fishing (as the commercial data was applied in 2005).

If there is any doubt that all reef-fishing sectors are under the gun, look at the scoping document's comment on Alternative III, where it considers longliners converting to vertical-line fishing. The document concludes that such conversion "might not significantly reduce sea turtle takes". Staff is already warning that vertical-line fishing is seen as equally harmful to turtles as longline fishing and that means all commercial and recreational vertical-line fishing.

Amendment 31 must be based on the requirements of the Magnuson-Stevens Act and the Endangered Species Act. Any new regulations must be founded on scientific analysis.



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