

PUBLIC HEARING ON PROPOSED BAN OF LONGLINE GEAR IN THE SOUTHEAST
AND GULF OF MEXICO

Jacksonville, Florida—January 10, 2000---Omni Hotel 7:00 PM - 9:00 PM

Good evening. My name is Bob Jones.

I am the executive director of Southeastern Fisheries Association (SFA), a 501 c 6, non profit fisheries trade association. SFA was chartered in Jacksonville, Florida in June 1952. We have over 400 members who employ in excess of 10,000 persons in the seafood industry. I have been director of SFA since July 1964 and have served on most major commissions and councils in the southeastern United States including 6 years on the Gulf of Mexico Fishery Management Council that included one year as Chairman.

It is unclear how many of my members fish for swordfish but most seafood dealer members buy and sell swordfish. They will be negatively impacted by this proposed rule. We also wish to know how does the National Marine Fisheries Service intend to accommodate disabled commercial fishermen who would be displaced by the proposed rule?

Hearing Process

I drove 200 miles for this Hearing tonight and will drive 200 miles back to Tallahassee when it is over. All the way over I kept asking myself, "Why are you driving 400 miles to a NMFS Hearing when the decisions have already been made?"

The only decent answer is we will never, never, never give up fighting to save our culture and industry no matter how the deck is stacked against us.

The Hearing does give an opportunity for some affected parties in Florida to say a few words and express their experienced opinions and views. With that being said, here are a few brief comments for the record on behalf of some Floridians who will be harmed by this proposal.

Status of the Swordfish Stocks

"The 1999 ICCAT SCRS Atlantic swordfish stock assessment determined that the North Atlantic stock biomass has increased from 58% at the end of 1996 to 65% at the beginning of 1999. This turn-around is attributed to the implementation of international conservation measures since 1990 and two exceptional year classes in 1997 and 1998. SOUTH ATLANTIC SWORDFISH ARE NOT OVERFISHED" (emphasis added).¹

This statement was in a memo from a Mr. Beideman who is on the ICCAT Committee and goes on to say, *"The ICCAT swordfish recovery program is far from perfect. In fact, managing HMS fisheries is a tremendously trying and slow process within ICCAT and will probably always lag behind U.S. expectations. BUT INTERNATIONAL*

¹ Nelson R. Beideman, Memo posted on FISHFOLK@MITVMA.MIT.EDU, 1/8/2000, 12:46:41 PM

MANAGEMENT IS THE ONLY EFFECTIVE WAY TO MANAGE THESE SHARED HIGHLY MIGRATORY SPECIES.”(emphasis added)²

Not much I can add to those two powerful statements. South Atlantic swordfish is not overfished and the biomass is on the rise so why ban another type of commercial fishing gear? The health of the stocks speaks well for the industry considering what has happened to cod and yellowtail flounder and other species in some parts of the country.

Additionally, there have already been stricter regulations placed on domestic swordfish fishermen according to the National Fisheries Institute. These regulations include, domestic commercial vessels cannot land swordfish weighing less than 33 pounds, dressed weight imported swordfish must be accompanied by a Certificate of Eligibility (COE) showing the fish were bigger than 33 pounds when caught, dealer permitting and reporting is required and a COE must accompany all imported swordfish.³

We must conclude the status of the swordfish stock is healthy and the biomass is rising.

Cumulative impacts on commercial fishing industry on gear/area ban

This time/area closure is not properly named. For the east coast, it is a gear ban all year long, forever and in the entire area designated that runs from 34 degrees south to 24 degrees in what looks to be all the water inside the Gulf Stream as it winds its way north.

NMFS is banning the use of commercial fishing gear to harvest seafood. It is not banning any recreational gear and is not closing any area to recreational fishing. All impacts of this proposed federal rule will be on the sector that provides seafood.

We therefore recommend NMFS be required to consider this gear ban along with all other cumulative impacts their regulations have caused to the seafood sector. I don't see any economic analysis for banning this gear nor do I see any analysis of impacts on communities nor where the least onerous option was used. It appears the decision has been made to close as much of the EEZ as possible to commercial fishing which will be all of the fishing grounds on the Atlantic side and a massive area of the EEZ in the Gulf of Mexico. If data shows the small swordfish are caught in October, November & December then maybe that makes a case for those months to be closed, but efforts must be made to make sure a billfisherman doesn't catch swordfish during these months. If they don't have a bycatch that's fine, if they do have a bycatch then the area must be closed to them also. Fair & equitable are the key words in the Magnuson Act but they are ill-defined and appear to be in the eye of the beholder.

International Management

²Ibid.

³ Justin LeBlanc, memo sent to FISHFOLK@MITVMA.MIT.EDU 1/6 00 9:45:40AM

Swordfish, tuna and billfish are defined as highly migratory and must be managed at the international level. Swordfish and tuna are by and large commercial species and their management is different from billfish which is for fun. We should minimize bycatch not only from swordfish fishing but from all kinds of fishing, but minimize does not translate into a ban of pelagic longline gear. There seems to be quite a difference between minimizing and total prohibition. We thought Magnuson required NMFS to minimize economic displacement, provide all data relating to proposed actions, preserve traditional fisheries and beyond that, preserve an infrastructure for the continuation of a domestic seafood industry. Have you looked at the safety at sea issue? Will our Florida boats have to go greater distances to fish and will they try to fish in deeper water and thereby place themselves in harms way just to create a perception that more billfish can be caught for fun? Is it correct that only the landings for 1996 and 1997 were used to come up with all the background for the longline ban?

Gulf of Mexico politically closed decades ago for a Bluefin Tuna nursery area.

If memory serves me right, the entire Gulf of Mexico was declared a bluefin tuna nursery area many years ago so that more bluefin tuna could be taken by the northern fleets. This current proposal seems to be another case of the north whipping up on the south again and banning longlines from 34 degrees to 24 degrees. What is the justification for this kind of action? Why should this region be given the death sentence of banning our gear forever in the Atlantic Ocean? Are we to believe that only southern based boats have fished in this area that is being closed or did northern based boats also fish this area? If the northern based boats did fish here and they want it closed then close it to them. From what we have read, the boats listed in legislation to be bought out harvested about 50% of their swordfish from the proposed area. Maybe NMFS should buy them out and let the southern boats continue to earn a living. What kind of impact would that have on bycatch? It would let our boats continue to fish in their region without being given another gear ban. Why can't we get an increase in bluefin tuna quota for our part of the world? Shouldn't rules be fair and equitable?

Buyout Proposal

Speaking of a buyout, this proposed rule doesn't mention it but the *Minutes from the June 10, 1999 Joint Meeting of the Billfish and HMS advisory Panels* do. A buyout seems to have economic allocation as the main thrust. The Lucky 47 (sounds like a Lotto game) will be bought out with 50% of the money coming from the federal government and the other 50% coming from the survivors. This buyout could help the boats but what happens to the shoreside dealers, truckers, package manufacturers, fuel dealers etc., who depend on the harvest? If this rule is passed swordfish will only be taken in the North Atlantic as the South Atlantic will be permanently closed. Talk about a divide and conquer philosophy. This proposal could serve as the model on how to divide the industry.

We haven't taken an official position on the Bluewater Fishermen's Association proposal filed by Senator Breaux as we haven't had sufficient time to discuss it at a

formal meeting. We have the highest respect for Senator Breaux, as he has been abundantly fair to the seafood industry throughout his career. We will be calling on him and his staff to listen to any concerns we have and feel confident he will consider them as he is a fair man.

Reduce bycatch of birds

The announcement on the NMFS Website titled, "ATTENTION ALL LONGLINE FISHERMEN"., says the proposed rule is to reduce the bycatch of finfish, turtles, marine mammals and **sea birds**. Yet the biggest killer of sea birds is monofilament trolling line used in the recreational fishery. All anyone has to do is go to one of the websites of the organizations that are trying to treat wounded sea birds, especially the Brown Pelican. They will see that 85% of sea bird deaths are attributed to monofilament line. How can NMFS and the Fish & Wildlife Service be so blind? We try to be a live and let live kind of group but for NMFS to accuse the commercial industry of killing sea birds and use that accusation as part of their rationale to ban our gear forever and at the same time ignore the real culprit that kills sea birds borders on being criminal. What really boggles the mind is that we have not seen Audubon, Center of Marine Conservation, Florida Wildlife Federation, Texas Coastal Conservation Association or any other group say much about all the birds killed by monofilament fishing line. Why?

Vessel Monitoring Systems

We are totally opposed to government required vessel monitoring systems. We view such a draconian measure as nothing more than an ankle bracelet that should be used for parolees. We do not like the connotation nor the fact that government can put a monitor on us to legally harvest seafood. We view VMS as un-American and against the Rule of Law. We view VMS as Big Brother at its worst.

RECOMMENDATIONS

Southeastern Fisheries Association opposes the proposed gear ban and suggests that additional work be done in developing a fair swordfish proposal that includes input from all sectors of the country, especially the Gulf of Mexico and South Atlantic before any Final Rule is proposed.