

January 12, 2000

Ms. Rebecca Lent, Chief  
Highly Migratory Division NMFS  
1315 East-West Highway: F/SF1  
Silver Spring, Maryland 20910

Ms. Lent,

I submit the following additional statement in addition to the comments I placed in the record in Jacksonville, Florida, on the evening of January 10, 2000. Thank you for this opportunity to submit some corporate memory and to comment on a very bad proposal.

“PAST IS PROLOGUE” IT SAYS ON A BUILDING IN DC.”

FROM A CONCERN STATED BY 75 WEALTHY BILLFISHERMEN IN 1992 THAT HAS EVOLVED INTO A U.S. GOVERNMENT PROPOSAL FOR A TOTAL GEAR BAN ON DOMESTIC LONGLINE SWORDFISHING IN THE SOUTH ATLANTIC AND MOST OF THE GULF OF MEXICO BEGINNING IN THE YEAR 2000 IS A BIG STEP. COULD WINTHROP ROCKEFELLER, JOHN MECOM, CHRIS WELD, DAN KIPNIS AND BILL FOX HAVE WISHED FOR ANYTHING BETTER THAN WHAT HAS BEEN PROPOSED BY NMFS IN THEIR DECEMBER 22, 1999 DRAFT SEIS STATEMENT?

FOLLOWING IS PART OF AN ARTICLE THAT ESTABLISHED THE BILLFISH FOUNDATION LISTING SOME OF THOSE IN ATTENDANCE.

### **BILLFISH FANS CREATE CONSERVATION GROUP**

*"Discontent with fishing more but catching less was one of the concerns of a group of distinguished anglers and marine scientists who met this week at the Marriott Airport to organize the **Billfish Foundation**. "This is not a political action group" said **Winthrop Rockefeller**, a bigtime angler and one of the organizers. Among the 75 people who attended the organizational meeting was **John Mecom** of Houston, former owner of the New Orleans Saints, **Chris Weld** of Boston, Captain **Dan Kipnis** and Dr. **William Fox** of the Florida Marine Fisheries Commission. One area of concern is the impact of longline fishing and the introduction of nets. To help get the organization started, those attending gave \$90,000 to open a bank account. "Besides the \$90,000, we have \$450,000 pledged among the Board members to the Foundation over the next few years", said **Win Rockefeller**.<sup>1</sup>*

Shortly after this organizational meeting of some of the wealthiest and most powerful people in America, Dr. William Fox (head of the NMS lab in Miami at the time) was anointed to become head of the National Marine Fisheries Service in Washington, DC. When the Clinton Administration was about to take office, Dr. Fox ducked back into a

---

<sup>1</sup> The Miami Herald, May 1992, page 6E , Jim Hardie, outdoor writer.

civil service category so his status would not be Senior Executive Status (SES) and subject to replacement or removal politically. Dr. Fox then brought Dr. Gary Matlock, famous for his mathematical skills while working at the Texas Parks & Wildlife Department on redfish and trout under Bob Kemp, to be his understudy.

Since this duo has taken over US fishery management, NMFS has been involved in more litigation than in all its previous decades of existence. Commercial fishermen throughout the country have taken a terrible beating under their policies and actions. Now, a potential jewel in their crown has appeared in the form of a Regulatory Amendment to a fishery management plan and includes as the main item, "time/area closure" to conserve swordfish and reduce the bycatch of billfish. NMFS proposes to close all of the South Atlantic Ocean to swordfish longlines, forever and also close the yellow-fin tuna production area in the Gulf of Mexico for seven months each year.

They do this with the blessing of one commercial fishing organization that represents most all of the commercial swordfishermen in the northern part of the country but does not speak for the 141 or so swordfish vessels that fish from southern ports. They also do not speak for any of the dealers and buyers in the south who depend on their local commercial fishermen for part of their products who belong to various other organizations. They specifically do not speak for Southeastern Fisheries Association nor the Southern Offshore Fishing Association. They probably don't speak for any person or company that will be savaged by this proposed government gear ban.

There is nothing fair and equitable about a plan that bans commercial fishing and does nothing to stop or slow down recreational fishing. Billfishermen kill billfish, not intentionally, but as part of the cost of having fun. That's okay as long as they are trying to save the fish and are conscientious in how they take the hooks out and do all the other things that give the fish a better chance to survive. We do not oppose them having their fun and getting their kicks by fighting giant fish. We do resent those and their organizations that paint us, the seafood providers, as demons and then ignore their own impacts on the fishery.

There is nothing that is fair and equitable in this proposal. All of the pain seems to be on the longliners and not on anyone else. I can't find anywhere in the document even a cursory mention of what accommodation NMFS will provide for disabled American fishermen. Isn't that required or do we have to ask for accommodation on a case by case basis?

Has anyone looked at the economic impact on our tuna boats that fish off Texas in the EEZ? One of my members has three 80 foot tuna vessels that catch all their tuna in the area that is slated for closure. Isn't the production of seafood on a sustainable basis important to NMFS anymore? Is NMFS willing to close down the harvest of seafood that is distributed all across the nation to satisfy the hunger or folks who want to catch a billfish just for fun? Over here in North Florida and I think in most of the Gulf, our billfishermen by and large are not against sharing the resource. Of course we have those few individuals who believe God put all the fish out there for them only and

everyone else can go dig potatoes or paint buildings or whatever, but those kind of folks are in the minority. We are willing to work with our billfishermen in the Gulf and can accept some time/area closure say inside the 100 fathom curve as a beginning point and we can use dead bait instead of live bait when the billfish are abundant in a particular time or area as a way to reduce bycatch. That's what we call working together, not an outright ban as proposed by the southeast Florida billfish fanatics.

We understand that the Center for Marine Conservation filed some kind of notice to sue and as a way to stop that, NMFS agreed to publish a proposed rule in December and a Final rule in May. We perceive these kinds of lawsuits as "NMFS friendly suits" as by having one on your desk, you can short circuit the process and push through a total gear ban under the guise of placating an environmental group. Please give us a break as we understand this subterfuge and wonder why NMFS doesn't stick to its guns and obey the law by proposing something that is fair and equitable and not a total gear ban on domestic commercial fishermen.

We respectfully request that NMFS halt their drive to ban our gear and instead bring all of us to the table, not just the groups that seem to be all of the same opinion. In reading over the Minutes from the June 10, 1999 meeting of the JOINT MEETING OF THE BILLFISH AND HMS ADVISORY PANELS, I think the only people who had a 4 minute time limit to express themselves were the folks that will be harmed by this unfair rule. We feel we have been excluded from the process and as such any and all Americans who live inland and depend on us to provide them a share of the commonly owned resource have also been excluded from the process.

This gear ban is a bad proposal by our government.

Robert P. Jones, Executive Director  
Southeastern Fisheries Association