September 9, 2020

Lyle Enriquez
Highly Migratory Species Branch Chief
NMFS West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

Re: NOAA-NMFS-2020-0103 - Notice of intent to prepare an Environmental Impact Statement on a proposal to issue an Exempted Fishing Permit to fish with longline gear in the west coast exclusive economic zone.

Dear Mr. Enriquez,

As leading local, national, and international recreational fishing organizations, we are writing to express our support for **No Action** on the Exempted Fishing Permit (EFP) to fish with longline gear in the west coast exclusive economic zone (EEZ). While we support sustainable commercial fishing practices, industrial pelagic longlining has an abhorrent record of wasteful bycatch and unsustainability. This practice contravenes our collective goals of reducing bycatch and protecting fishing opportunities for the future. Therefore, we are against the use of any pelagic longlines off the west coast.

The stated purpose of this action is "to allow exploratory longline fishing to gauge impacts, determine whether this type of fishing is economically viable, and assess the type and extent of interactions with protected species and non-target finfish." We have sufficient information to know that industrial longlines mean uncontrollable bycatch.

> In 2019, before the Court invalidated the longline EFP within the west coast EEZ, two boats made 8 trips with a total of 79 longline sets. Less than 10% of the catch was the target species, swordfish. More than 70% was blue shark. The rate of bycatch was greater than the Hawaii SSLL fishery, which has averaged 46% bycatch in the past decade and at least 88 different non-target species. The bycatch exceeded that of the Hawaii SSLL and DSLL fishery operating in the eastern Pacific, east of 140°.

Longline bycatch includes the bycatch of striped marlin, blue marlin, sailfish and spearfish. The Billfish Conservation Act of 2012 and its technical amendment passed in 2018 prohibits the importation, landing, or sale of these fish in the continental United States. Hawaii is now the only state that may land and sell marlin, sailfish, and spearfish, and these fish must be retained there. This Act intended to reduce the demand and subsequent fishing mortality for these species, thereby protecting them for recreational catch and release fishing. Increasing longline activity will concomitantly increase the bycatch of billfish, for which there is no legal market in the continental United States, thus contravening the intent of the Act.

We also have sufficient information to know that longlines have unacceptable rates of interactions with protected species.

> Since 2007, the comparable Hawaii SSLL fishery has caught more than 755 protected seabirds including black-footed and laysan albatross that target the sinking baited hooks as they are deployed, and 193 endangered sea turtles including the severely depleted leatherback sea turtle.

By any reasonable standard, the wasteful mortality associated with bycatch and dead discards of marine life in pelagic longline fisheries throughout the world is appalling. The waste continues despite attempts to reduce bycatch. Regulations requiring the use of circle hooks and mackerel type bait reduced the number of turtle interaction and increased survivability of unwanted sharks and billfish, but survivability decreases with every hour left fighting on a hook. This problem is inextricably linked to the nature of longline gear. That is why we oppose extending the experimentation or use of longlines into west coast waters.

We ask NMFS to consider the impact of longlines on the open ocean ecosystem. We know that the removal of top pelagic predators can impact the open ocean ecosystem and reshape the entire structure of ocean food webs, yet the California Current ecosystem still teems with sharks, seals, tunas, swordfish, whales, albatross and sea turtles in part because of the absence of industrial longliners. This diversity fuels a multi-billion dollar ocean based recreational industry including fishing, whale watching and bird watching.

We urge NMFS to focus on authorizing Deep Set Buoy Gear and Linked Buoy Gear (DSBG) and exploring modifications to DSBG. The Notice of Intent alleges that without additional lawful, economically viable gear types, besides DSBG, the U.S. West Coast swordfish fishery is unlikely to operate at optimum yield into the foreseeable future. However, the preliminary draft EIS for DSBG authorization found that a fully authorized DSBG fishery could catch more than 4,000 swordfish per year.[1] Considerable time and money was spent in research and management to authorize DSBG. Considering allowing longline gear to operate before this fishery is fully implemented is both unwise and untimely. As such, we support allowing this fishery to grow to fill the market before considering additional gear. Furthermore, last year, the Pacific Fishery Management Council opted to not continue scoping the idea of a new longline fishery due to the facts contained herein.

If optimum yield cannot be achieved through a DSBG fishery, then NMFS should consider EFPs to increase DSBG efficiency. Managers and conservationists have talked about taking the long out of longlines for years, recommending research into shorter sets and soak-times for longlines and how they might enhance survival of incidentally-caught fish and undersize target fish. Such research should start with the traditional DSBG configuration, rather than trying to justify the

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[1] Preliminary Draft Environmental Impact Statement, Amendment 6 to the Fishery Management Plan for West Coast Highly Migratory Species Fisheries: Authorization of Deep-Set Buoy Gear, *available at* https://www.pcouncil.org/documents/2019/09/agenda-item-i-4-a-nmfs-report-1-2.pdf/

continued use of multi-mile longlines. These experiments should be part of a bona-fide research program that considers modifications to DSBG that can increase catch while maintaining minimum bycatch.

Any EFP should be part of a bona-fide research program that is scientifically rigorous and reproducible. The EFP issued in 2019 seems to have given the fishermen great leeway with regards to where they fish, line length, soak time, line depth, hook number, hook size and bait type. Such a scattershot approach to research is unlikely to produce any scientifically valid data to help gauge gear impacts, determine whether this type of fishing is economically viable, and assess the type and extent of interactions with protected species and non-target finfish.

However, the extensive bycatch and damage to open ocean ecosystems caused by pelagic longlines is well-documented in scientific literature. The stated purpose behind this action ignores what we know about longline fishing, and we urge NOAA Fisheries to take **No Action** on the longline EFP and test, develop and authorize innovative gears, such as DSBG to increase our domestic seafood production and domestic job opportunities for the next generation of US fishermen.

Sincerely,

Theresa Labriola
Pacific Program Director
Wild Oceans

Jason Schratwieser
President
The International
Game Fish Association

Danielle Cloutier, PhD
Pacific Fisheries
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Bill Shedd
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cc. Marc Gorelnik, Chair, Pacific Fishery Management Council
Chuck Bonham, Director, California Department of Fish and Wildlife