



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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Dr. Michelle Duval, Chair | Charlie Phillips, Vice Chair
Gregg T. Waugh, Executive Director

April 25, 2016

Ms. Karen Abrams
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

RE: Comments on SBRM Proposed Rule

Dear Ms. Abrams:

The South Atlantic Council (Council) is providing these comments on the proposed rule for standardized bycatch reporting methodology. The Council has addressed bycatch reporting in a number of amendments including the Comprehensive Ecosystem-Based Amendment 3 (CEBA 3) that is currently under development. The recent presentation by the NMFS SERO at our March 2016 meeting provides guidance so we can move forward.

The Council is concerned about the significant amount of work to complete the 5-year review and suggests changing this to a 10-year review. As we note below, the Council should be provided updated estimates of bycatch at each Council meeting along with the estimates of recreational and commercial landings. This would allow the Council to respond to any changes rapidly. In addition, the 6-month review at our December meeting and the full prior year review at our June meeting would allow us to address any issues identified. This ability to monitor bycatch on an ongoing basis reduces the need for a comprehensive review from 5 to 10 years.

The Council specifically requests that estimates of bycatch be provided at each Council meeting along with the estimate of recreational and commercial landings.

We support the comments and the specific suggested revised regulatory text provided by the North Pacific Council.

Specific Comments

The Council would like for NMFS to make some clearer distinctions on bycatch versus discards. Primarily, the distinction needs to be made clear how, if at all, they are different from each other.

The proposed rule exempts “catch and release” fishing from SBRM rules. What is the definition of “catch and release”? For example, does “no possession” imply that encounters with such

species are “catch and release” and therefore are exempt from SBRM? We have several species that fit this category.

The proposed rule wants bycatch reported at the “set” level. NMFS needs to define what a “set” is. There are some south Atlantic fisheries such as dolphin trolling where it might be difficult to define a “set”. And for many fisheries, collecting data at the “set” level would be extremely burdensome. The Council fears that collecting data at such a fine scale would encourage inaccuracies and non-compliance with reporting requirements.

Methodologies currently used are not adequate for collecting the needed bycatch data. There seems to be a trend of more and more trips reporting no discards or bycatch. A fear is that requiring reporting data at “set” level will only exacerbate this problem.

The Council would like to recommend establishing minimum standards for federal bycatch reporting. We are willing to work with NMFS to define these standards and identify what can be done to help those Councils whose fisheries do not meet the minimum standards?

Please clarify, each region must establish a SBRM for each fishery, but if funds are not available from current funding sources, then there is no requirement to implement the SBRM.

Currently, the Council receives no information from NMFS regarding discards and bycatch until there is a formal, scientific stock assessment for a given species. In addition, the Council goes five years or more between assessments for stocks. Considering that most species managed by the Council have never had a formal, scientific stock assessment, the Council never receives bycatch information on the majority of species it manages. Therefore, the Council is unable to assess empirically whether bycatch is a problem or if it is getting better or worse over time.

Reporting of bycatch to the Council is more than just making bycatch data available in a dataset. The Council (and the public) needs a written report from NMFS each year that minimally reports by species and sector how many fish were landed and how many were released. Ideally, at the Council’s December meeting each year, there would be a report on the first 6 months of the year and for the June Council meeting each year, there would be a final report showing landings and released fish by sector by species for the previous year. Each written report would be made available in time to be included in the Council’s briefing book for the December and June meetings each year.

Without the annual reports, it would not be possible to track the Council’s progress towards minimizing bycatch. Additionally, the Council would like to have preliminary bycatch information by sector provided at each Council meeting when landings information is presented.

Thanks for the opportunity to comment on this SBRM proposed rule and look forward to the agency acting on our suggestions.

Sincerely,

Michelle A. Duval

Michelle Duval
Chair

cc: Council Members & Staff
Council Executive Directors
Jack McGovern & Rick DeVactor
Monica Smit-Brunello
Bonnie Ponwith, Theo Brainerd & Tom Jamir