



**Western  
Pacific  
Regional  
Fishery  
Management  
Council**

April 25, 2016

Kara Abrams  
National Marine Fisheries Service  
1315 East West Highway  
SSMC3-OSF-SF3  
Silver Spring, MD 20910

Dear Ms. Abrams:

The Western Pacific Regional Fishery Management Council (Council) is pleased to have the opportunity to comment on the National Marine Fisheries Service's (NMFS) proposed rule for Standardized Bycatch Reporting Methodology (SBRM). The Council fully supports the Magnuson-Stevens Fishery and Conservation Management Act (MSA) objectives of reducing bycatch and bycatch mortality.

However, the Council believes that NMFS is being overly prescriptive by promulgating regulations to codify what is meant by SBRM. This is a typical over-reaction by NMFS to a regional problem that is then elevated and given an unnecessary national focus. Guidelines are contentious and subject to differing interpretations by NMFS Regional Offices and the eight Fishery Councils, creating problems in completing amendments and other regulatory documents.

For most of the small vessel and shoreline fisheries in the Western Pacific Region, the volume of bycatch is low as most species are landed and utilized. We have concluded that all fisheries under this Council's jurisdiction are consistent with the language of MSA Section 303 that bycatch and bycatch mortality is minimized to the extent practicable. It should also be noted that fisheries generating large volumes of bycatch such as trawl and drift gillnets are prohibited in the US EEZ of the Western Pacific Region.

In terms of SBRM, this Council's bycatch reporting methodology has been approved at differing times by NMFS. The SBRMs were initially approved in 1999 for Precious Corals and Crustaceans fishery management plans (FMPs), and in 2002 for Bottomfish, Pelagics and Coral Reef Ecosystem FMPs. NMFS approved the Council's SBRMs again in 2009 when the FMPs were transformed into Fishery Ecosystem Plans (FEPs). Moreover, the Council is currently engaged in a 5-year review of all of its FEPs, which will reiterate the SBRM descriptions and analyses. Each catch reporting program across the Western Pacific Region is tailored to the scale and characteristics of the fisheries and resources available for catch and bycatch monitoring.

These range from intercept surveys for small scale fisheries to intensive observer programs for longline vessels.

We note that intercept surveys are not explicitly mentioned in the proposed rule as an example of self-reported mechanisms under proposed section 600.1610(a) and only hinted at obliquely as 'recreational sampling'. We request that the final rule, if implemented, refer explicitly to 'intercept surveys' as they constitute primary fishery data gathering programs in American Samoa, Guam and the Commonwealth of the Northern Mariana Islands. Intercept surveys document commercial and non-commercial fishing, both boat-based and shore-based in these three areas. Moreover, recreational fisheries in Hawaii are similarly recorded exclusively through intercept surveys, including documentation of bycatch.

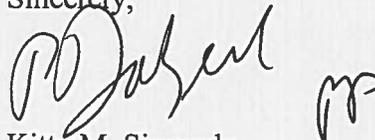
Finally, the Council is unsure of the meaning of the following section of the proposed regulations (at 81 FR 9418):

"This requires Councils, when establishing or reviewing a methodology, to consider the conservation and management objectives regarding bycatch in the fishery and the quality of the data associated with the methodology."

We request NMFS to provide a clarification on what is meant by 'conservation and management objectives' and if it is addressing something different from the bycatch provisions as laid out in the MSA Section 303(a).

As noted above, the existing requirements under the MSA are more than adequate to address bycatch at a regional level and additional codification of regulations only present a burden to Councils and will likely not provide any significant additional information. Thank you once again for the opportunity to comment on the SBRM proposed rule. If you have any questions thereon, please direct these to the Council's Senior Scientist, Paul Dalzell ([paul.dalzell@noaa.gov](mailto:paul.dalzell@noaa.gov)).

Sincerely,



Kitty M. Simonds  
Executive Director

Cc: Sam Rauch, Deputy Assistant Administrator for Regulatory Programs