



Mr. Randy Blankinship  
Chief, Atlantic HMS Management Division  
Office of Sustainable Fisheries, F/SF1 Fisheries Service  
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[Randy.blankinship@noaa.gov](mailto:Randy.blankinship@noaa.gov)

Re: NOAA-NMFS-2018-0035; Final Environmental Impact Statement regarding Atlantic bluefin tuna area-based and weak hook management measures

Dear Mr. Randy Blankinship:

Turtle Island Restoration Network (TIRN), on behalf of our more than 200,000 supporters, writes to submit these comments on the *Final Regulatory Amendment to Modify Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management Measures* (NOAA-NMFS-2018-0035), including the accompanying final environmental impact statement (FEIS). Please note, TIRN previously submitted comments on the National Marine Fisheries Service (NMFS) notice of intent (NOI) to prepare a draft environmental impact analysis on management of the Atlantic pelagic longline fishery and accompanying Scoping Document: *Issues and Options for Pelagic Longline Bluefin Tuna Area-Based and Weak Hook Management* on March 16, 2018.

Restricted areas of the Gulf of Mexico (GOM) have been incredibly successful thus far in reducing catch and discards of bluefin tuna with minimal impact on the fishing industry. The NMFS decision to reverse course on proven, effective management methods for bluefin tuna by reintroducing pelagic longline fishing gear into the Gulf of Mexico Restricted Areas (GRAs) is contrary to the best available science and defies common sense.

The western population of Atlantic bluefin tuna remains severely depleted, as evidenced by the government's forty-year struggle to recover the population. Further, the Gulf of Mexico is the Atlantic bluefin population's only known major spawning ground. As such it is critical to continue to protect bluefin tuna in this area during their spawning season. Amendment 7 of the Consolidated Atlantic Highly Migratory Species Fishery Management Plan – which established GRAs – was developed over six years, with contributions from NMFS scientists and stakeholders. Amendment 7 exceeded all expectations for reduction in bluefin tuna mortality, resulting in a 70% reduction in bluefin interactions in GOM spawning ground and a 95% reduction in wasteful dead discards of bluefin tuna. To reverse course now would quickly eradicate all of the recently realized benefits that Amendment 7 has conferred on this fishery.

As detailed in our previous comments, the NMFS decision to adopt Alternative C3 and reintroduce pelagic longline gear will undoubtedly increase mortality of the severely depleted western Atlantic population of bluefin tuna. Bluefin mortality data show higher reductions during the months of April and May, when pelagic longline gear is currently prohibited within

GRAs, than during months of February and March. Time-area closures are clearly the most effective way to avoid bluefin interactions.

NMFS failed to adequately respond to our previous comments, and instead proposes this new Final Regulatory Amendment, which is incompatible with the best available science, legal requirements, and treaty obligations. NMFS has not offered any scientific or economic data to support its decision to remove the Gulf of Mexico restricted gear areas. Instead, NMFS states that removing these management measures will support their strategic plan of “remov[ing] and modify[ing] rules that unnecessarily burden businesses and economic growth.”<sup>1</sup>

Leaders of recreational fishing organizations have quite an incentive for seeing the continuation and survival of a strong Pacific bluefin tuna fishery in the Gulf of Mexico. As NMFS is well aware, the American Sportfishing Association, BoatU.S., the Center for Sportfishing Policy, the Coastal Conservation Association, the Congressional Sportsmen’s Foundation, the Guy Harvey Ocean Foundation, the International Game Fish Association, and the National Marine Manufacturers Association submitted a comment letter during the previous public comment period stating, “[n]ow is not the time to consider removing measures that protect spawning western Atlantic bluefin in the Gulf of Mexico.”

NMFS management of bluefin tuna is subject to non-discretionary duties under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Atlantic Tunas Convention Act (ATCA), and the ESA. Courts have made clear that the MSA does not allow NMFS to remove management measures necessary to conserve a fish population in the interest of satisfying political objectives or promoting greater economic gains. In weighing measures to end or prevent overfishing against their economic consequences, NMFS must prioritize ending and preventing overfishing.<sup>2</sup>

The NMFS decision to open the GRAs to pelagic longlining without completing an ESA consultation violates Section 7 of the ESA. The ESA mandates that a federal agency undergo consultation for any action that may affect a listed species. Here, the decision to open up previously restricted areas of the Gulf of Mexico to pelagic longlining undoubtedly adversely affects threatened and endangered species, as the Department of Interior itself noted in its comments on this draft EIS.

Federally listed threatened and endangered sea turtles are particularly threatened by interactions with longline fishing gear. According to NMFS, high numbers of sea turtles are incidentally caught in longline fisheries worldwide, and loggerheads and leatherbacks are the species most commonly captured as “bycatch.”<sup>3</sup> Longlines can injure and kill sea turtles from hook penetrations (a hook can penetrate the turtle’s flippers, head, mouth or neck, and if a sea turtle swallows an entire hook it can become lodged in the turtle’s digestive track, hindering normal feeding and digestion, resulting in starvation and/or death), and can entangle sea turtles, causing severe lacerations, infections, and death.<sup>4</sup> Furthermore, sea turtles hooked or entangled at depth

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<sup>1</sup> FEIS Executive Summary at ii.

<sup>2</sup> Natural Resources Defense Council v. Daley, 209 F. 3d 747, 753 (D.C. Cir. 2000)

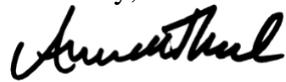
<sup>3</sup> <https://www.fisheries.noaa.gov/national/bycatch/fishing-gear-pelagic-longlines>

<sup>4</sup> Id.

likely drown due to their inability to reach the surface to breath.<sup>5</sup> While loggerheads are most often hooked in the mouth or esophagus, leatherbacks are commonly hooked around the front flippers.<sup>6</sup> The NMFS decision to open up previously restricted areas of the gulf for pelagic longline fishing will impact a number of threatened and endangered species, especially sea turtles. As such, NMFS is violating the ESA in promulgating this rule without undergoing Section 7 consultation.

Given the above, it is baffling why NMFS is choosing to ignore its legal obligations and open up previously banned fishing practices in sensitive waters. Lacking any satisfactory explanation, it seems to the public as if NMFS is attempting to use this rulemaking to push hidden political and/or economic objectives of the commercial fishing industry. Please demonstrate that this is not the case and promulgate rules that are supported by common sense and science.

Sincerely,



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<sup>5</sup> Id.

<sup>6</sup> Id.