

Summary Points on Reef Fish Amendment 31

prepared by

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- **Reef-fish longlining is not pelagic longlining.**
Basing management of longlining for grouper in the Gulf on what works when longlining for tuna in open ocean makes as much sense as basing management of shrimp on what works when midwater trawling for pollock off Alaska.
- **The current reef-fish longline / turtle problem is a paperwork problem. It has a simple paperwork solution.**
In 2005, NMFS underestimated future loggerhead takes by reef-fish longliners. In 2008, the Service overestimated takes in 2006–07. That overestimate exceeded the Incidental Take Statement based on the 2005 underestimate. The solution is a new Biological Opinion with a higher ITS. **Council action is NOT required.**
- **Reef-fish longlining does NOT kill 1,000 turtles per year. The number is maybe 100, including a couple of dozen adults.**
NMFS estimate is 600 takes per year in the eastern Gulf, with no data for the west. That estimate was based on one selected dataset and is not supported by any other available data. Merely updating the RFOP and SBLOP data sets to the end of 2008 will cut the estimate to about 450. That is still inflated by the anomalous data collected in 2006–07. Considering the other available observer and logbook data, the real long-term average annual take is likely some 200 or 300.
Approximately half the turtles taken on reef-fish longlines survive.
Only a minority of turtles taken on reef-fish longlines are adults.
- **Reef-fish longlining did NOT cause the decline in loggerhead nesting on Florida beaches.** Only some 1% of the missing adult females could have been killed by reef-fish longlining.
- **Reef-fish longlining is NOT placing loggerhead turtles in any jeopardy.**
Reef-fish longlining is responsible for about 0.05% of the loggerhead killed by all fisheries combined. Reef-fish longlining kills many fewer loggerhead than the propellers of recreational boats operating around Florida.
NMFS is currently preparing the required new Biological Opinion. If that is based on science, it will reach a “No Jeopardy” conclusion.
- **The argument for Amendment 31 is a supposed need to reduce projected takes so that the Biological Opinion can reach “No Jeopardy”. There is no such requirement and so no reason to proceed with the Amendment.**
NMFS should work on its Biological Opinion and introduce any necessary new management as “Reasonable and Prudent Measures” under the ESA. Unnecessary measures should not be introduced by the Council under Magnuson-Stevens.

- **The observer data show no differences with depth, season or area in the rate of turtle takes per longline set. The measures proposed under Action 2 have no scientific support whatsoever.**

The number of turtle takes observed in different seasons or places (as presented in the Amendment document) are irrelevant. They only show the seasons and places where observers were deployed. Comparing the distribution of observed takes to the distribution of observers shows no statistically-significant differences. However, the reef-fish fishery is controlled by catch. Turtle takes per set are not relevant either. The important measure is turtle takes per million pounds of grouper harvested (i.e. turtles taken while harvesting red grouper OY). Moving longliners away from the best grounds would increase the fishing effort needed – meaning more sets with the same turtle takes per set. Therefore, **the measures proposed in Action 2 would INCREASE turtle takes.**
- **Action 3 would have no effect on turtle takes. The measures proposed have no place in an Amendment dedicated to minimizing takes.**

The reef-fish fishery is controlled by catch limits, not by the number of participants. Reducing the number of participants will not alter the catch, the effort or the number of takes.
- **There is a need for better observer coverage but Action 4 is not a proposal for enhanced monitoring. It is a proposal for a hard cap on turtle takes by reef-fish longliners. There is no scientific basis for setting such a cap.**

It is often possible to say whether a particular fishery is or is not placing a threatened species in jeopardy. However, there is no methodology for setting a firm limit between jeopardy and no jeopardy – which is why the ESA does not require one. Any cap that the Council might set would necessarily be arbitrary. It would likely be judged capricious also.
- **Banning squid baits through Action 1 is likely one part of the final solution. However, if they are banned now, we will never know.**

Determining whether a change in bait would reduce turtle takes will need several tens of sets. Determining how big that change is will need hundreds – meaning most of the fishing by the entire longline fleet for one year. Such large trials cannot be run under Experimental Fishing Permits. Squid baits must remain legal until the trials have been completed.
- **There are several steps that the longline industry can take immediately to further minimize turtle takes. The industry needs support and encouragement in moving ahead.**
- **NMFS must proceed with the new Biological Opinion, using all available data when setting the Incidental Take Statement. NMFS also has an important role in studying future methods for minimizing takes.**
- **The Council should cease development of Amendment 31 until the Biological Opinion is complete. Pushing ahead now would merely distract attention from the real progress that is needed.**