



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701-5505

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NOAA FISHERIES SERVICE RECEIVES PETITIONS FOR EMERGENCY RULEMAKING TO REDUCE LOGGERHEAD SEA TURTLE BYCATCH

NOAA Fisheries Service has received two requests for emergency rulemaking to reduce loggerhead sea turtle bycatch from the reef fish bottom longline fishery in the eastern Gulf of Mexico. One is from the non-governmental organization (NGO) Oceana, and the other is included in a 60-day notice of intent to sue from the following NGOs: Center for Biological Diversity, Defenders of Wildlife, Earthjustice, Caribbean Conservation Corporation, Gulf Restoration Network, and Turtle Island Restoration Network.

Oceana has petitioned the Gulf of Mexico Fishery Management Council and NOAA Fisheries Service to: 1) Declare an emergency in the Gulf of Mexico reef fish bottom longline fishery due to high levels of loggerhead sea turtle bycatch; 2) conduct immediate emergency rulemaking to mitigate the bycatch; and 3) implement appropriate long-term actions to ensure adequate protection for loggerhead sea turtle populations. For the emergency measure, Oceana is specifically asking for a prohibition of the use of bottom longline gear in waters less than 55 fathoms and a prohibition on the use of squid as bait when fishing with longlines in waters deeper than 55 fathoms.

The other petition suggests NOAA Fisheries Service has violated the Endangered Species Act (ESA) by allowing the bottom longline fishery to continue given evidence the fishery has exceeded the incidental take authorized in the last biological opinion. This petition does not specify particular actions to reduce sea turtle bycatch other than close the fishery immediately until such time NOAA Fisheries Service has put in place sufficient

measures to protect loggerhead sea turtles consistent with ESA guidelines.

Dates and Addresses

Written comments must be received no later than 5 p.m., Eastern Time, on March 27, 2009. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. To submit comments enter "NOAA-NMFS-2009-0031" in the keyword search and then select for the proposed rule "send a comment or submission." Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- Mail: Peter Hood, Southeast Regional Office, NOAA Fisheries Service, 263 13th Avenue South, St. Petersburg, Florida 33701.

The petition for rulemaking is also available via the Internet at <http://www.gpoaccess.gov/fr/index.html> (do an advanced search under proposed rules for "page 8494"). Printed or electronic copies of the petition can be obtained from the Southeast Regional Office by contacting Peter Hood (see address above).