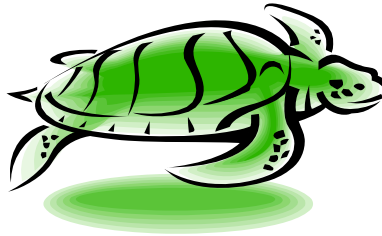


## Amendment 31 – Proposed Rule

### Sea Turtle Bycatch Reduction in the Gulf of Mexico Reef Fish Bottom Longline Fishery

#### Frequently Asked Questions

*January 2010*



#### **What is the issue?**

- Gulf reef fish bottom longline gear takes loggerhead sea turtles as bycatch. These turtles are listed as threatened under the Endangered Species Act.
- A [September 2008 NOAA Fisheries Service report](#) indicated the bottom longline component of the Gulf reef fish fishery far exceeded the level of loggerhead sea turtle take authorized by a 2005 NOAA Fisheries Service Biological Opinion.
- The [2005 Biological Opinion](#) authorized Gulf reef fish bottom longline vessels collectively can take 85 loggerhead sea turtles over a 3-year period.
- The September 2008 report indicated Gulf reef fish bottom longline gear took between 339 and 1,884 loggerhead sea turtles (average of 800) over an 18-month period (07/06 - 12/07). Based on the estimated sea turtles takes, 401 were released alive, 301 were released dead, and 200 were released with an unknown condition.
- Because sea turtles are slow-growing long-lived reptiles, the survival of the population is very sensitive to increases in mortality.
- Reducing the bycatch of sea turtles in the bottom longline component of the Gulf reef fish fishery will help maintain the population.

#### **How was the issue addressed in the short-term? How is the issue being addressed in the long-term?**

##### Short Term

- Short-term action was required to maintain protective sea turtle measures pending implementation of long-term measures.
- In May 2009, at the request of the Gulf of Mexico Fishery Management Council (Gulf Council), NOAA Fisheries Service implemented an emergency rule prohibiting the use of bottom longline gear in the reef fish fishery shoreward of a line approximating the 50-fathom depth contour in the eastern Gulf (east of Cape San Blas, Florida) throughout the eastern Gulf.
- This rule essentially closed the bottom longline sector of the reef fish fishery in the eastern Gulf for six months pending the implementation of a more long-term rule.

- The emergency rule was scheduled to expire on October 29, 2009, and any long-term measures proposed by the Gulf Council were not likely to be implemented by NOAA Fisheries Service earlier than May 2010.
- Therefore, after considering the biological and socioeconomic impacts of extending the emergency rule an additional six months or implementing an alternative rule, NOAA Fisheries Service elected to implement an alternative rule that continues to maintain adequate sea turtle protection and a viable bottom longline fleet until a long-term rule is implemented.
- This alternative rule became effective in October 2009 and contains two of the three long-term measures proposed by the Gulf Council in Amendment 31 to the Gulf of Mexico Reef Fish Fishery Management Plan (Amendment 31). The two measures:
  - Prohibit the use of bottom longline gear in the Gulf reef fish fishery, shoreward of a line approximating the 35-fathom contour east of Cape San Blas, Florida; and
  - Restrict the total number of hooks that may be possessed onboard each Gulf reef fish bottom longline vessel to 1,000, only 750 of which may be rigged for fishing.

#### Long-Term - Amendment 31

- In August 2009, the Gulf Council approved Amendment 31 and submitted it to NOAA Fisheries Service for review. If approved, this amendment will:
  - Prohibit the use of bottom longline gear in the Gulf reef fish fishery, shoreward of a line approximating the 35-fathom contour east of Cape San Blas, Florida from June through August;
  - Reduce the number of bottom longline vessels operating in the Gulf reef fish fishery through an endorsement provided only to vessel permits with a demonstrated history of landing, on average, at least 40,000 pounds of reef fish annually with fish traps or longline gear during 1999-2007; and
  - Restrict the total number of hooks that may be possessed onboard each Gulf reef fish bottom longline vessel to 1,000, only 750 of which may be rigged for fishing at any given time.

#### **What is the current status of Amendment 31?**

- NOAA Fisheries Service is seeking public comment on Amendment 31, as well as a proposed rule to implement the measures outlined in Amendment 31. The comment period for both will close on March 1, 2010.

#### **How many commercial fishermen will Amendment 31 affect if implemented?**

- If approved, Amendment 31 and the implementing regulations would only affect commercial fishermen in the bottom longline component of the Gulf reef fish fishery.
- About 120 bottom longline vessels participate in the Gulf reef fish fishery to varying degrees. Amendment 31 and the implementing regulations may reduce the number of participating vessels by an estimated fifty-percent.

### **How do I comment on Amendment 31 and its proposed rule?**

- Comments on the amendment and proposed rule may be submitted to:
  - Federal e-Rulemaking Portal: <http://www.regulations.gov>. Enter the following docket number into the “Search” box: **NOAA-NMFS-2008-0310**.
  - Mail: Cynthia Meyer, NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.
  - Fax: 727-824-5308, Attention: Cynthia Meyer.
- The comments previously received on the draft Environmental Impact Statement have been addressed and are included in the final Environmental Impact Statement.

### **Where can I find more information on Amendment 31 and supporting reports?**

- Supporting documents can be found on the Southeast Region Web site: <http://sero.nmfs.noaa.gov/pr/TurtlesReefFish.htm>
- Additional information can be found on the Gulf of Mexico Fishery Management Council’s Web site: [www.gulfcouncil.org](http://www.gulfcouncil.org)

### **What are the next steps?**

- The Secretary of Commerce (Secretary) will either approve, disapprove, or partially approve the amendment.
- If approved, NOAA Fisheries Service will publish a final rule with the implementing regulations.
- If approved by the beginning of April 2010, the implementing regulations would most likely be implemented in May 2010.