March 06, 2018

Chairman Charles Phillips  Division Chief Randy Blankinship  
South Atlantic Fishery Management Council  NMFS Highly Migratory Species Division  
4055 Faber Place Drive, Suite 201  1315 East-West Highway  
North Charleston, SC 29405  Silver Spring, MD 20910

Dear Chairman Phillips and Division Chief Blankinship,

More than two decades ago swordfish in the Western Atlantic were in serious trouble. The average landed weight had dropped to approximately 60 pounds, swordfish were overfished and overfishing was occurring. Conservation efforts to recover the species were diverse and widely supported at the grassroots level, including a drive to inform local chefs of the problem and placards displayed in restaurants that did not serve swordfish. The public responded forcefully to the plight of swordfish and today anglers point to the recovery with pride as a significant conservation victory.

The initial problem with the fishery was that too many juvenile swordfish were dying due to longlining off the coast of Florida and the Charleston Bump. As a result, those nursery areas were identified and closed to the United States pelagic longline (PLL) fleet in 2001. These domestic measures proved to be successful, and it did not take many years before the scientific wing of International Commission for the Conservation of Atlantic Tunas (ICCAT) declared the Western Atlantic swordfish to be recovered.

Unfortunately, ever since the fishery was deemed recovered, there have been ill-conceived attempts to reopen the closed areas to commercial harvest and expose it to the types of intense commercial fishing pressure that drove it into an overfished condition in the first place. Under the guise of research, Dr. David Kerstetter has filed his second application in less than a year for a federal exempted fishing permit to introduce longlining into the East Florida Coast Pelagic Longline Closed Area – this one under the name of a company he formed in December 2017, Florida Fisheries Solutions LLC. The EFP would authorize PLL vessels owned or associated with the co-applicant, Day Boat Seafood Inc., to fish in the
East Florida Coast PLL Closed Area for up to three years. Day Boat Seafood would be allowed to sell all the legal fish caught under this permit.

In 2017, the National Marine Fisheries Service (NMFS) approved a similar EFP application by Kerstetter. However, as a result of public pressure regarding the expected negative impacts to the conservation zone, Nova Southeastern University withdrew the institution’s name from the permit which forced Kerstetter to revise his permit application and reapply under his newly formed LLC. Florida Fisheries Solutions LLC is now the only affiliated organization on the re-filed permit and is certainly not an "accredited institution."

We appreciate the opportunity to provide comment on this EFP and convey to you that our organizations see no legitimate need for the proposal and have a great deal of concern on the potential impacts of the proposed research.

A similar EFP was conducted by Kerstetter from 2008 - 2010 which preformed roughly 180 total longline sets, with 132 of those sets in two closed areas – the Charleston Bump and the East Florida Coast PLL Closed Area. In that permit, 48 sets per year were deemed sufficient for scientific purposes. The current EFP filed by Kerstetter and Day Boat Seafood would be allowed to make 3,240 longline sets (1,080 per year), of which 2,160 would be in just the East Florida Coast PLL Closed Area. That totals 22 times the amount deemed necessary to be scientifically sufficient under the previous permit.

Using the bycatch rates generated by the roughly 180 longlines sets during the 2008-2010 study, it is possible to estimate the dead discards that could be generated by the 3,240 longline sets proposed for the current permit: an additional 5,199 juvenile swordfish, 1,335 blue marlin, 392 white marlin and 2,421 sailfish will be killed over and above what would take place in the PLL fishery if the EFP was not issued.

These estimates are a grim reminder of the threat that efficient, indiscriminate longlines pose to conservation gains not just in the East Florida Coast PLL Closed Area, but in all of the world's oceans.

Additionally, it appears that all of the longline vessels participating in the EFP are owned by a single company and are docked in nearby Fort Pierce, Florida. We question whether this proposal is truly about science or merely being used as a tool of convenience for a single longline operator to gain access to nearby pristine fishing grounds.

Finally, reference is made again in this EFP to protecting America’s swordfish quota at ICCAT, a clear implication that if America does not catch and kill every swordfish allotted to it then this international management body will reassign that quota to other nations. This line of argument has been used repeatedly over the years as justification to open up conservation areas closed to longline gear. We do not believe that possibility is reason to retreat from the conservation gains that have resulted from the East Florida Coast PLL Closed Area. Furthermore, ICCAT itself touts the swordfish recovery as one of its greatest conservation achievements; it is difficult to believe that ICCAT would punish the United States for having achieved that victory. Although this argument has been around for years, the United States has not lost a single pound of swordfish quota.

An unintended benefit of the East Florida Coast PLL Closed Area has been the establishment in the region of the nation’s best sailfish fishery. The direct economic benefit to coastal recreational fishing-
related business is remarkable. The Kerstetter application puts at risk the amazing catch-and-release sailfish fishery off the east coast of Florida.

The reasons cited in this EFP application are insufficient to jeopardize the conservation gains that have been made for swordfish and we urge you to reject it. It was not many years ago that a similar attempt to use the EFP process as a thinly veiled excuse to re-introduce industrial harvest into conservation areas was made and rejected after a resounding tide of opposition from the public. We encourage you to again protect this unique and cherished conservation victory.

Sincerely,

Mike Nussman, President
American Sportfishing Association

Jeff Crane, President
Congressional Sportsmen’s Foundation

Jeff Angers, President
Center for Sportfishing Policy

Guy Harvey, Chairman
Guy Harvey Ocean Foundation

Patrick Murray, President
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Thom Dammrich, President
National Marine Manufacturers Association

cc: Members of the South Atlantic Fishery Management Council
    Secretary of Commerce Wilbur Ross
    NOAA Fisheries Assistant Administrator Chris Oliver
    U.S. Department of Commerce Director, Office of Policy and Strategic Planning Earl Comstock