



August 18, 2023

Carrie Soltanoff  
NOAA Office of Sustainable Fisheries  
HMS Management Division  
1315 East-West Highway  
Silver Spring MD

Re: NOAA-NMFS-2023-0047

Dear Ms. Soltanoff,

ABTA appreciates the opportunity to provide comment on the electronic reporting advance notice of proposed rule. We will focus our comments primarily on reporting by the commercial handgear fishery. We will also include a few comments regarding reporting for the recreational sector.

ABTA supports and, indeed, encourages a new assessment of the data needs of HMS leading to the establishment of new electronic data collection protocols. Clearly, this assessment is needed due to recent important changes in ICCAT science and management. This action, the process of establishing robust data collection protocols by the U.S. is supported by National Standard 6.

#### Comment

It's important to keep in mind that any new data collected pursuant to this proposed rule will result in new fishery-dependent indices or modifications to already-existing indices. Any modification to an existing index results in it's becoming, in effect, a new index and therefore will require 5-7 years of data collection before it is usable by the SCRS.

Presently, Atlantic bluefin tuna is managed using an MSE, North Atlantic swordfish is soon to be managed using an MSE and work is set to begin on a tropical tunas multi-species MSE for bigeye, yellowfin and skipjack tuna.

Any index of abundance possessing a sufficiently long time series can be used by an MSE or

stock assessment. If a new or modified index is not yet ready for inclusion in an MSE or stock assessment due, for example, to an insufficiently long time series, it cannot be used.

It is typical, when presenting an MSE to the ICCAT Commission for its approval, that the SCRS will recommend specific intervals for “running” the MSE (determining TAC) and a specific interval for a full review of the MSE. For example, in the case of Atlantic bluefin tuna, the MSE will be “run” (provide TAC advice) in Year 3. A review of this MSE is set for Year 6. New indices can only be introduced into the MSE during a review. Therefore, if the Agency wanted to introduce new or modified indices for BFT possessing a sufficient time series, the deadline for ensuring inclusion of these indices in the MSE is presumed to be at the beginning of Year 6.

Typically, with MSE, after the first review, a new interval is chosen for the second review. This could be set at the same interval (6 years), or a shorter or longer interval. For example, CCSBT chose to hold its second review of the Southern bluefin tuna MSE in 9 years.

Therefore, if ICCAT were to follow CCSBT in this regard, and if the U.S. was not able to develop new indices (possessing a sufficient time series) in time for the 6 year review of the BFT MSE, the next opportunity to introduce a new index in this MSE would be 14 years from now.

West Atlantic bluefin tuna is in desperate need of more and better data. The U.S. is, in fact, data poor with regard to BFT. We hope that a way can be found to expedite new electronic reporting protocols, taking into account the time needed to make new data/indices available to the MSE within the initial 6 year timeline.

As for the tropics, the SCRS have advised that it can deliver a multi-species MSE in 3 years. We consider this somewhat aspirational. No RFMO has yet to attempt a multi-species MSE. We also believe that, given the current chaotic state of affairs in PA1, the idea that an MSE would obtain Commission approval may be aspirational as well.

In summary, given the foregoing, it is in our view a foregone conclusion that the Large Pelagic Survey will continue to provide data until such time that new or newly modified indices can be used to determine stock status and TAC.

### Management Options

1. We support management option B3 (expand species and trip reporting requirements via electronic logbook). Further, we support requiring reporting of all species caught, including non-HMS (option B3b), and option B3c (require reporting of all trips, regardless if fish are caught).

2. We support management option C1c  
We also support Sub-Options C2a, C3c and C4b.<sup>1</sup>
3. We support management option D2.
4. We support management option E5.
5. We support management option F2.<sup>2</sup>
6. We support management options G1 and G2b.<sup>3</sup>

### What is the objective?

What do we want the data to tell us? This is key to any redesign of an index or redesign of reporting protocols.

- To determine relative species “abundance” on our fishing grounds, using CPUE. We should bear in mind that, with regard to any highly migratory species, fleet distribution is a poor proxy for species abundance. The determination of overall species abundance for HMS in general and BFT in particular is a great challenge for the science. Aggregations of BFT regularly inhabit remote regions in the North Atlantic in which no fishing ever takes place. BFT are known to inhabit distant patchy realms.<sup>4</sup> BFT do not preferentially or singularly inhabit inshore areas, as has been established by satellite tagging data. ABFT habitat is the entire pelagic ecosystem of the North Atlantic and adjacent seas. Thus, data acquired from catches in coastal areas cannot represent overall species abundance levels. Taking this limitation into account, what then is the objective? The objective would be, in our view, to determine fish *density* (not abundance) under the fleet. Therefore, annual calculation of CPUE results in a numerical value which is used to populate an index. The index expresses, over time, the increase/decrease in fish density for those fish which exist under the fleet.
- Catch-at-Size data is critical. In the case of +73” BFT, weight and length are reported by fish dealers and we consider dealer data to be a census. However, for recreational catch, length data must be obtained from the fishermen for all catch and estimated for any releases.
- To capture data on bycatch/discards.
- To capture geolocation data.

What data do we not need? We know that the scientists will ask for whatever data they can obtain but we must be mindful, when considering compliance, that fishermen will respond more positively to questions that are essential to the calculation of CPUE.

Examples of data that is not necessary:

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<sup>1</sup> See section on geospatial data.

<sup>2</sup> See comments on compliance.

<sup>3</sup> See comments on tropical tunas reporting.

<sup>4</sup> Fromentin and Powers 2005

- Data that does not affect calculation of CPUE (example: live or dead bait? Trolling, chunking or chumming?)
- Type of gear used. With the exception of harpoon, all commercial handgear fishermen are able to and often do change fishing methods (trolling, jigging, deep dropping, etc) within the same fishing trip and they typically carry the gear needed to make these changes.

These data elements will have no meaningful effect on the calculation of CPUE.

### What is the current state of fishery-dependent data for BFT?

There presently exists 3 indices, culled from a total of 5, segmented by fish length, which have been used in the past in stock assessments. Only one index is presently used in the Management Strategy Evaluation for ABFT:

School BFT	27" – 47" CFL
Large school BFT	47" – <59" CFL
Small medium BFT	59" - <73" CFL
Large Medium BFT	73" - <81" CFL
Giant BFT	81" or greater CFL

What is the current status of these indices?

- The School and Large School BFT indices have been combined in 2021 into one index. This has been done to reduce interannual variability in the data. However, this modification is a *data treatment* and does not address the quality of the raw data. This index is presently in use in the MSE.
- The Small Medium BFT index is and has not been used for some time because the data collected for this length range is typically and inexplicably very thin.
- The Large Medium and Giant BFT indices have been combined into one index for use by the SCRS, referred to as the ">177 cm Index". This index has not been used in stock assessments since 2017 and is not presently in use by the MSE. Why? Four tests were developed in software by the ICCAT Contractor (Dr. Carruthers) in 2020 and every index for both the East and West stocks were submitted individually to these tests. The only indices which failed all 4 tests were the U.S. >177 cm index and the Canadian Gulf of St Lawrence Acoustic Index. It was no surprise that the Canadian index failed because the survey was having difficulties due to a change in the research vessel used.

The only index presently in use by the ABFT MSE is the School/Large School index. We have strong reservations regarding the sufficiency and veracity of the data collected for

this index. What does this index tell us? In fact, we are aware of what this index is expected to tell us but in our view it fails to do so. The data and data collection methods used are woefully inadequate for developing robust CPUE data. It is a critically important index because the data is intended to be used to estimate catch and equally importantly for estimates of recruitment (for determining the stock/recruitment relationship). Recruitment estimates for the West stock are largely dependent upon U.S. data because, of the three nations harvesting ABFT, only the U.S. targets BFT under 73" CFL. Estimates of recruitment are a critical element in the development of stock status.

## Communications

In general, the Agency needs to be able to communicate directly with permit holders. The process of changing reporting protocols and ensuring compliance will be significantly more difficult unless the Agency is able to communicate directly with all permit holders. Today, there are approximately 26,000 HMS recreational, charter/headboat and commercial handgear permits issued annually. However, the email list used by the HMS Management Division for sending notices contains only approximately 5,000 email addresses.

### A possible solution

The HMS Permit office captures the email address associated with every permit issued. We have long been in favor of the Agency's use of its email data captured during the permitting process to provide important information directly to permit holders without their having to request email notices, as is presently the case. We did bring up this issue with Margo Schulz-Hagen years ago who expressed that it was undesirable to send email notices to fishermen who have not requested this. However, today the situation is quite different: If a permit holder does not want to receive notices they can easily click on "unsubscribe" found at the bottom of every email and immediately be removed from the email list.

In our experience, most fishermen are unaware that the Agency regularly sends out notices on HMS. On occasions far too numerous to count, we have provided the link to the NOAA webpage on which a fisherman can elect to receive these notices, but we have found that most of the fishermen will not take this step. Instead, when speaking with fishermen, we now ask them if they receive email notices from HMS and, when the answer is negative, we ask them to text their email address and we sign them up. In many cases, after receiving notices they will express surprise and will be grateful for receiving this email. We are referencing fishermen here who have been targeting BFT for a few years as well as those who have been targeting BFT for a few decades.

### Communications having to do with the development of electronic reporting

We would urge the Agency to solicit the assistance of fishery leadership (IGFA, RFA, Billfish Foundation, Bluewater, ABTA, etc.) at an early stage in the process of developing electronic

reporting. We are referencing an engagement not to replace but in addition to public comment. These entities can aid in communications with the fishermen that are needed to establish these new reporting protocols. Their help needs to be solicited. These entities' endorsement to their membership of new reporting procedures will certainly facilitate the process, reduce fisherman negativity with regard to any new regulation and their endorsement can be expected to have a positive influence on compliance. Fisherman representatives should be engaged individually – perhaps by inviting all of them to a virtual seminar – by fishery managers and scientists who are able to explain why these changes in reporting are crucial to the management and the science. It is our observation that most HMS fishermen do not understand why certain data is needed.

### Compliance – General and Harpoon Category

The expectation is that compliance will be high for reporting of trips in which a fish was successfully caught but, to ensure accurate data for CPUE it is equally important that all trips – including unsuccessful trips - be faithfully reported. Fishermen are aware that the Agency receives a dealer report for a successful trip. Fishermen often ask, “Why do we need to report our catch when the Agency already receives a report on our catch from the fish dealers?” Present reporting protocol for the General Category is indeed a duplication of the dealer reports with the exception of one important data element: bycatch/discards. In fact, the impetus for developing the present electronic reporting scheme, put in place in 2016, was the need to capture data on bycatch.

The fact that dealers report the permit number together with each landing can be used to provide needed impetus for reporting successful trips. However, the question arises: how to ensure compliance in reporting unsuccessful trips? Many will be disinclined to report unsuccessful trips for several possible reasons perhaps the most important of which is the fact that, in our view, most BFT fishermen do not understand the concept, the need for and the way in which CPUE is calculated i.e. they will not understand why they are being asked to report unsuccessful trips. Data on unsuccessful and successful trips are equally important and it is important to recognize that unsuccessful trips will far outnumber successful ones.

How do we ensure compliance with reporting of unsuccessful trips? We propose a simple “hail-out” protocol which can be activated by simply pressing one button in the electronic reporting smartphone app, yielding a transmittal containing permit number and the date and time of hail out. The fisherman would be required to hail out before leaving the harbor to go fishing. Hail out, in effect, commits the fisherman to reporting the trip on which he is embarking, whether successful or not. Absence of a fishing report pursuant to a hail out is easily flagged in the reporting database by comparing with trip reports. If a hail out message is received but no trip report is filed, the fisherman could be promptly sent an automated email reminder. This would be our preference.

If a hail out message is received but no subsequent report is submitted by the permit holder and no dealer report was filed on that date referencing the permit number, we can assume that the trip was unsuccessful. Although this assumption would be correct in this instance, it does not obviate the need for a report of an unsuccessful trip. The unsuccessful trip report contains other data needed, such as soak time (time spent with fishing gear in the water), that is needed for the calculation of CPUE.

It is possible that if a fishing report for an unsuccessful trip is missing on a date in which a hail out message was received, the fisherman can be prevented from renewing his permit until the report is filed. (This follows the ICCAT procedure, “No data, no quota”). But this doesn’t achieve the intended purpose. Accurate, timely data on successful and unsuccessful trips is needed. Some fishermen don’t renew their permit until June 1 or later. We do not want the scientists to wait until the second half of the following year to receive missing data in order to update their CPUE index for reporting to ICCAT. Further, we rather doubt that filing a tardy trip report months later, when a fisherman is unable to renew his permit, will result in obtaining accurate data.

In summary, the hail out protocol will likely result in a much higher level of compliance in reporting of unsuccessful trips.

A hail out protocol is standard in Canadian HMS fisheries.

### Tropical Tunas – Bigeye and Yellowfin Tuna

The Large Pelagic Survey was designed decades ago to meet the requirements of ICCAT and U.S. fishery managers at that time. Accurate commercial handgear landings reports of bigeye and yellowfin tuna have not been a priority for the U.S. in the past, and this makes sense given the way these species were managed by ICCAT when the LPS was first developed. Why? Since its inception and until very recently, ICCAT has managed these species using an Atlantic-wide TAC. Therefore, U.S. catches were not subject to a specific quota. However, very recently, the larger harvesters of BET have each been given a fixed annual quota by ICCAT and there is active discussion regarding developing an allocation key or another schema for determining the quota for smaller harvesters, of which the U.S. is one. Similarly, it is a reasonable expectation that an allocation key for YFT is to be developed in the near term. These predictable changes will likely require accurate catch data by the U.S. This is not available through present reporting protocols for BET and YFT.

We propose that the same protocol, direct electronic reporting of every trip, as we have proposed for BFT and SWO with regard to the General and Harpoon Categories, be used for YFT and BET fishing under the same permit.

## Direct reporting by the recreational sector

We are in favor of direct reporting by anglers. Accuracy of catch reporting must be a priority. We have previously mentioned the difficulties the U.S. is having with recreational data for BFT that is obtained by the LPS.

It is expected that the U.S. will receive a fixed quota for BET and YFT from ICCAT. Therefore, we assume the U.S. would establish a recreational and commercial quota for each species. Under the present reporting regime, this will be impossible to manage with any accuracy. Consider that today, most commercial landings of YFT and BET are by PLL who are required to report directly and carry VMS/electronic monitoring. Therefore, PLL catch reporting for YFT and BET is near real-time. Recreational catch data is not in real-time. It lacks accuracy because catches are an estimate based upon sampling by the LPS. Recreational catch data for a given year is not available until April or May of the following year.

Here is an example of a potential problem: Should it be found in April or May of Year 2, when recreational catch data becomes available, that the recreational sector has exceeded its U.S. quota for BET or YFT in Year 1, how will the U.S. manage this overage? ICCAT requires a CPC's overage be "repaid" in the following year. Absent direct, real time reporting of recreational catch, it will be impossible for the Agency to reduce recreational quota in Year 2 to allow for the "repayment" of this overage incurred in Year 1.

Therefore, to be in compliance with ICCAT, the only alternative available to the Agency would be to reduce the commercial quota in Year 2 by the value of the recreational overage from Year 1. We would not want to speculate as to how the commercial sector will respond to this.

How would the Agency implement a recreational closure to avoid a quota overage if real-time reporting of catches does not exist?

In our view, any alternative to direct reporting is simply putting off the eventual need for direct reporting. There needs to be a recognition by recreational permit holders that, unlike all other oceanic species harvested by U.S. recreational fishermen, HMS are managed by an RFMO and therefore require accurate reporting.

## Geospatial Data

We are advocating for the collection of geospatial data for catches by commercial handgear. Here are two examples which illustrate the need for geospatial data:

1. The Administration has set as a goal the development of 30GW of energy from offshore wind in the next 5 years. Most of these projects are large scale offshore wind farms.



At a meeting called by BOEM for HMS stakeholders in March 2023, BOEM advised that they are commencing a regulatory process which will result in their determining locations (“call areas”) in the Gulf of Maine that will be made available for leasing to developers of offshore wind farms. Nearly 90% of all U.S. commercial catches of Atlantic BFT annually take place in the Gulf of Maine region.

BOEM explained in general terms how they intend to take fishing activity into account in this determination. BOEM presented GIS slides indicating fishing activity by various species/gear types in the Gulf of Maine which they have obtained from NOAA. However, BOEM advised that they have no data on HMS. This is shocking but, at the same time, unsurprising.

Therefore, as a result of the aggressive development of large scale offshore wind and the lack of geospatial data for HMS catches in the Gulf of Maine and elsewhere, the future of the BFT commercial handgear fishery in the Gulf of Maine is uncertain.

We should keep in mind that the impetus for developing offshore wind in the U.S. will continue for decades. Therefore, we anticipate a need for geospatial data of HMS catches far into the future. Consider that offshore wind has been in constant development in Europe, commissioning its first wind farm 32 years ago, and today there are at least 115 offshore wind farms in Europe, Scandinavia and the UK. Therefore, in a sense, the U.S. is presently in a very early stage in the development of offshore wind capacity.

2. According to a diet study conducted in 2009, herring represented, during the period of that study, approximately 50% of BFT diet in the Gulf of Maine. [Today, menhaden has assumed the position held by herring in the diet of BFT in the Gulf of Maine.] We advocated at NEFMC meetings in 2016-2017 for “buffer zones” to be established along the coastline of New England, extending 15-20 miles offshore, aimed at the exclusion of the Mid-Water Trawl fleet (also sometimes referred to as Pair Trawl) which target Atlantic Herring. Excluding Mid-Water Trawl from these inshore areas would address the regular, annual depletion of the herring resource by Mid-Water Trawl in those areas where vessels targeting BFT are typically fishing. Mid-Water Trawl is a highly effective fishing method, capable of catching most of the resource in a specific area. Our advocacy, resulted in these buffer zones being put in place by the NEFMC.

However, at that time we were aware that we had no way to substantiate with geospatial data where our fishermen were actually fishing, as no geospatial data for BFT catches existed. Therefore, it was only a matter of time (approximately 2 years) before the Mid-Water Trawlers realized that no data existed to support these buffer zones, and the buffer zone measure was reversed for all of New England due to this lack of geospatial data, with the exception of one area: the Atlantic coastline of Cape Cod.

If geospatial data for our catches exists, and the data supports establishing the buffer zones it might be possible to reinstate the buffer zones.

### How to collect geospatial data?

VMS units for all General Category permits would be prohibitively expensive. However, in recent years, small, inexpensive devices have been developed to be used by companies that own fleets of trucks. These devices transmit geolocation data at fixed intervals to satellites. The cost per unit can be as low as \$150 and there is a monthly charge by satellite companies not unlike the monthly charges fishermen pay for satellite service for VMS units. (See <https://www.trackersystems.net/satellite-data-gps-trackers/>)

### Catch and Release data

We consider catch and release to be a recreational activity but we are aware that this activity is sometimes found in the General Category and in the Charter/Headboat Category when fishing under General Category regulations.

We regularly receive numerous reports from anglers in which they state that after they have caught and retained their allowed catch they continued to fish, performing catch and release. When there is sufficient fish abundance, these releases can represent many multiples of the catch retained. Consequently, the accurate reporting of any interaction with BFT is a problem for General, Charter/Headboat and Recreational Categories.

Therefore, if we are only collecting data on fish retained and brought to the dock, the data will be missing many interactions with fish that were released. This deprives us of important data which allows us to understand fish density on the fishing grounds. The present Large Pelagic Survey interview form does contain a not well worded question that could be construed as asking for the number of releases or interactions incurred. What is needed is a clear statement that releases are legally allowed together with the question as to the number of releases/interactions. Fishermen should become used to providing this data together with estimates of the size of the fish released.

We appreciate the Agency's efforts in this initiative and stand ready to provide any needed feedback.

Cordially,

David Schalit, President  
American Bluefin Tuna Association

cc: ABTA Board