

minimize the mortality of bycatch that cannot be avoided. Within this mandate, NMFS is working with the Council to: (1) promote the development and improvement of a database on bycatch and bycatch mortality; (2) assess the effects of management measures on the amount and type of bycatch and bycatch mortality; and (3) select measures that, to the extent practicable, will minimize bycatch and bycatch mortality.

Additionally, NMFS has established a National Bycatch Working Group to begin the process of developing scientific and policy strategies for addressing the nation's bycatch problems. The National Bycatch Strategy consists of six components, all of which are being implemented within different time frames and include: (1) Assessing progress toward meeting the national bycatch goal, its supporting objectives and strategies, and regional recommendations as set forth in NMFS' 1998 publication *Managing the Nation's Bycatch* (available at <http://www.nmfs.noaa.gov/bycatch.htm>); (2) Developing a national approach to a standardized bycatch reporting methodology; (3) Implementing the national bycatch goal through regional implementation plans; (4) Undertaking education and outreach involving cooperative efforts to develop effective and efficient methods for reducing bycatch; (5) Utilizing existing partnerships and developing new international approaches to reducing bycatch of living marine resources including fish stocks, sea turtles, marine mammals, and migratory birds, where appropriate; and (6) Identifying new funding requirements to effectively support the NMFS National Bycatch Strategy on an ongoing basis.

*Comment 2:* Secretarial Amendment 2 is not approvable because it does not address bycatch.

*Response:* The greater amberjack resource in the Gulf of Mexico was declared overfished by NMFS on February 9, 2001, but is not considered to be undergoing overfishing due to Council actions taken in 1997, 1998, and 1999. Consequently, actions to further reduce fishing mortality are not needed at this time. Through this amendment, NMFS establishes a rebuilding plan for greater amberjack in the Gulf of Mexico. Actions in the amendment include setting total allowable catch (TAC) for 3-year intervals with TAC being set at the yield associated with year one of the 3-year interval from the constant F40% rebuilding stream. TAC will be 2.9 million lb (1.3 million kg) for the years 2003–2005, 5.2 million lb (2.6 million kg) for years 2006–2008, 7.0 million lb

(3.2 million kg) for years 2009–2011, and 7.9 million lb (3.6 million kg) for 2012. Additionally, the amendment contains biomass-based definitions of maximum sustainable yield and optimum yield and adds new stock status determination criteria regarding definitions of “overfished” (minimum stock size threshold) and “overfishing” (maximum fishing mortality threshold). These criteria are necessary to meet requirements of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act. The amendment does not change the current fishing regulations for greater amberjack.

While Secretarial Amendment 2 does not specifically address bycatch reporting methodologies or methods to minimize bycatch and reduce bycatch mortality, methodologies for reporting this information have already been implemented. The methodology for reporting bycatch from the recreational component of the catch of greater amberjack was implemented through the Marine Recreational Fisheries Statistics Survey program developed by NMFS. The commercial component of the greater amberjack catch has been monitored through the commercial logbook program since 1992. This program has required that all vessels submit a reporting form for each trip listing landings by species, numbers and pounds. Additionally, beginning in 2001, the NMFS Southeast Fisheries Science Center has required 20 percent of all the permitted vessels to submit forms for each trip listing species discarded as bycatch by number.

Further, additional alternatives to address bycatch issues are currently being developed for the entire reef fish management unit in Amendment 18 to the Reef Fish Fishery Management Plan. An options paper for Amendment 18 is scheduled for presentation at the Gulf of Mexico Fishery Management Council (Council) meeting in July 2003. The Council is tentatively scheduled to take final action on this amendment at its November 2003 meeting. While Amendment 18 will focus primarily on grouper management actions, it will also address bycatch issues for all species within the reef fish fishery management unit including greater amberjack.

*Comment 3:* Recommended Options for Status Determination Criteria

*Maximum Sustainable Yield (MSY) Alternatives* - While Alternative 1, the Preferred Alternative, which sets MSY at the yield value of 9.5 million lb (4.3 million kg) is technically consistent with expected values produced by the most recent stock assessment on greater amberjack, the legal requirements of the Magnuson-Stevens Act and applicable

NOAA Fisheries guidance documents, we are concerned that these landings are overly optimistic. Our concern is that the highest documented level of greater amberjack taken in the Gulf is approximately 10 million lb (4.5 million kg) in 1989. Landings from the mid 1980s through the early 1990s averaged approximately 6 million lb (2.7 million kg). High landings during these years are thought to be part of the reason greater amberjack are now in an overfished state. Accordingly, we ask that future scientific work be undertaken to refine status determination criteria for this species.

*Response:* The Preferred Alternative, Alternative 1, describes the yield that would be associated with the fishing mortality rate (F) needed to maintain a population at 30 percent spawning potential ratio (SPR) in equilibrium conditions and so is consistent with recommendations made to the Council about this species for setting MSY in the generic Sustainable Fisheries Act (SFA) amendment. It is also consistent with the current maximum fishing mortality threshold (MFMT) of F30% SPR that has been approved by NMFS. In the most recent stock assessment, the yield estimated from fishing at F30% SPR was 9.5 million lb (4.3 million kg). Alternative 1 is consistent with the best available scientific estimate of what MSY should be. Fishing at or below this recommended level (F30% SPR) to achieve this yield should allow the stock to be fished over the long term and maintain the highest average yield possible.

Further, the period of highest landings for amberjack was 1986–1989 when the annual landings averaged 7.7 million lb (3.5 million kg) and peaked in 1989 at 9.9 million lb (4.5 million kg). The most likely reason that the current estimate of MSY is so much higher than historical landings is that, until 1990, there were no minimum size limits on this species. Cummings and McClellan (2000) indicate that prior to 1990, a substantial amount of small fish (less than 16-inch (40.6-cm) fork length) were landed by the fishery. Therefore, growth overfishing and possibly recruitment overfishing may have been occurring. It was not until 1998 that all the current management measures were implemented and halted overfishing. NMFS will revisit these estimates as new information from stock assessments becomes available.

*Optimum Yield (OY) Alternatives* - We have similar concerns with proposed Alternative 1, the Preferred Alternative, which sets OY at a value of 8.5 million lb (3.9 million kg). We are concerned that this level may be too