



New England Fishery Management Council

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Daniel Salerno, *Chair* | Cate O'Keefe, PhD, *Executive Director*

October 9, 2026

Ms. Becky Curtis
National Marine Fisheries Service
Highly Migratory Species Management Division
1315 East-West Highway
Silver Spring, MD 20910

RE: Revisions to Atlantic Highly Migratory Species (HMS) Fishing Gear Regulations - NOAA-NMFS-2024-0050

Dear Ms. Curtis:

The New England Fishery Management Council (Council) appreciates the opportunity to comment on revisions to fishing gear regulations for Highly Migratory Species (HMS) fisheries. The Council does not have specific comments related to Alternative A2 identified as preferred in the draft environmental assessment (EA) accompanying the proposed rule. The comments below are focused on Preferred Alternatives A4, A6, A7, B2, and C2.

Buoy Gear

Alternative A4 would authorize buoy gear use under Swordfish General Commercial permits and would implement a 5-buoy limit for these vessels. The 5-buoy limit, compared to the 35-buoy limit in place for existing authorized fisheries using this gear, will help to mitigate potential impacts. However, allowing additional vessels to use this gear would increase the total amount of vertical lines and hooks in the water overall, which could lead to an increase in interactions with protected species such as marine mammals, turtles, and sharks. Though there are relatively few vessels using buoy gear (4-11 vessels in 2020-2024; see Table 3.2 in draft EA) outside of the east coast of Florida, it is important to consider the potential magnitude and subsequent impacts of expanded fishing access and effort in these areas, particularly in the Northeast where there are vertical line restrictions in place for other fisheries to protect large whales during specific times of year. The draft EA notes that these HMS fisheries are categorized as Category III under the Marine Mammal Protection Act, with a remote likelihood of causing serious injury or mortality to marine mammals, and refers to the 2020 Biological Opinion for Atlantic HMS non-pelagic longline fisheries for information on Endangered Species Act-listed species impacts, which indicates minimal impacts on large whales, including North Atlantic Right Whales, expected from these fisheries. Consideration of whether there is any additional information in recent years would improve understanding of potential impacts on large whales. We recommend bolstering

the protected resources analysis supporting the draft rulemaking, including exploring potential spatial and temporal overlaps between the current and proposed expansion of the fishery and protected species habitat, particularly North Atlantic Right Whale feeding and calving grounds coastwide.

Under Alternatives A4, A6, and A7, there are no hook type requirements or wire leader prohibitions outlined in the document, which are implemented in longline fisheries to reduce bycatch and dead discards of marine mammals, sharks, and finfish. Clarification regarding, or consideration of, these types of measures may further contribute to reducing impacts on non-target species and protected species that may interact with the gear. There are also no soak time provisions included in the preferred alternatives. The buoy gear is a tended gear, where fishermen are watching for indications of a hooked fish and quickly retrieving it (see Draft EA page 39); however, consideration should be given to how thorough gear tending would be with increased use of 35-buoy sets.

We also suggest clarifying whether, under Alternatives A3 and A4, Swordfish General Commercial permit holders newly authorized to use buoy gear would be required to receive the Safe Handling, Release and Identification training prior to deploying the gear. This training is imperative for reducing impacts on protected species.

Speargun Fishing Gear

There could be safety concerns associated with Alternative B2, which would authorize the retention of BAYS tuna caught with a speargun under some commercial permits. A substantial increase in spearfishing activity is not anticipated because of this alternative, but with any expansion of access, there is potential for increased effort in the fishery, which could overlap spatially and temporally with other fisheries. Though the use of diving flags would be required, there could be safety concerns if other vessels are trolling, fishing, or setting gear. In addition, shark depredation up and down the coast could be of concern to divers using spearguns.

Bait Collection Gear

The Council has no opposition to Alternative C2, which would allow the possession and use of small nets or other gears used for bait collection onboard HMS vessels. The Council recommends coordination between state and federal entities to monitor catch as needed and ensure compliance.

Please contact me with any questions.

Sincerely,



Cate O'Keefe
Executive Director