



How can dealers get more information?

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More information can also be found on the project website at: nfwf.org/programs/deepwater-horizon-oceanic-fish-restoration-project.

2022 DEEPWATER HORIZON OCEANIC FISH RESTORATION PROJECT

Frequently Asked Questions (FAQs) for Seafood Dealers

Project Background

What is the *Deepwater Horizon* Oceanic Fish Restoration Project?

The National Oceanic and Atmospheric Administration (NOAA) and the National Fish and Wildlife Foundation (NFWF) are working with the pelagic longline fishery in the Gulf of Mexico — which targets species such as tuna and swordfish — to implement the *Deepwater Horizon* Oceanic Fish Restoration Project. This project includes a temporary and voluntary repose, a six-month period during which participating vessel owners will receive financial compensation to refrain from pelagic longline fishing. Participants will be encouraged to fish for tuna and swordfish using alternative gear that result in lower bycatch mortality. The project is tailored to restore natural [or fish] resources injured by the *Deepwater Horizon* oil spill and does not affect existing management practices or regulations.

Why was this project launched?

Many species of oceanic (or pelagic) fish in the Gulf of Mexico — including tuna, billfish, and mackerel, as well as deepwater fish such as lancetfish — were injured by the 2010 *Deepwater Horizon* oil spill. The goal of this project is to help

restore a portion of the pelagic fish injured by the oil spill. It is funded from the early restoration funds provided by BP as part of the legal settlement for the spill. It was developed by federal and Gulf state natural resource trustees, including NOAA, according to the Oil Pollution Act (OPA) and with opportunities for public review and comment.

Were previous project years successful?

Yes, the project has been successful in achieving reduced bycatch compared to pelagic longline gear. (See more information in the subsequent question and answer.) To realize restoration benefits, the project relies on the participation of fishermen in both parts of the project – the repose and testing alternative gear.

For the 2017 project year, seven vessel owners from Louisiana participated in a four-month pelagic longline repose and fished using greenstick gear for a collective total of 280 sea-days.

In 2018 through 2021, the repose took place from January 1 through June 30. In the 2018 project year, seven vessel owners from Louisiana and three vessel owners from Florida participated in the repose. In the 2019 project year, eight vessel owners from Louisiana and two vessel owners from Florida participated in the repose. In the 2020 project year, repose participants included seven vessel owners from Louisiana and five from Florida. In the 2021 project year, seven vessel owners from Louisiana and four vessel owners from Florida participated. Participants used greenstick, buoy, and deep drop rod and reel gear for almost 500 sea-days in 2018, more than 500 sea-days in 2019, and more than 650 sea-days in both 2020 and 2021. Each vessel that deployed buoy gear for the past several years has had an Exempted Fishing Permit (EFP) to allow power deployment and retrieval in order to target fish in deep water such as large swordfish during the day and tuna at night.

Has data shown that the project is meeting restoration goals?

Yes. Data collected by NOAA from the 2017-2019 project years shows that the project is on track to meet restoration goals to reduce fish mortality and help restore more than 60 species of pelagic fish in the Gulf. Project results of note include:

- In total, participating vessel owners allowed approximately 23,000 individual pelagic fish (about

one million pounds), including 10,600 individual tuna and swordfish, to remain in the water to grow, reproduce, and support future generations of fish.

- Although alternative gear was found to have lower catch rates than pelagic longline gear, almost 90% of all fish discarded from alternative gear were released alive.
- Fishermen can use and test alternative gear types while helping NOAA and NFWF better understand how the gear works in fisheries. According to one participant: “I am very invested in helping make alternative gear more effective for future generations of fishermen.”

Working with Dealers

Will this project affect dealers?

This project may affect some dealers but is designed to mitigate potential impacts. For example: Participation in the pelagic longline fishing repose is limited and voluntary – only a portion of the approximately 30 active vessels comprising the Gulf of Mexico pelagic longline fishing fleet will be selected to participate in any given year. This will help offset economic impacts of the repose.

Participation will take place in two separate regions in the Gulf of Mexico – one in the western Gulf (vessels with a hailing port of Louisiana, Mississippi, Alabama, and Texas) and one in the eastern Gulf (vessels with a hailing port of Florida and the Atlantic Coast).

The repose period will last from January 1 to June 30, 2022, and participating fishermen can return to regular pelagic longline fishing operations for the remainder of the year.

In addition, the majority of vessels in the fleet are not participating in the project and will fish as normal. This will help mitigate potential impacts and help ensure vessels throughout the Gulf of Mexico continue to deliver high-quality products for both domestic and international markets.

Participants are encouraged to use alternative fishing gear – greenstick, buoy, and deep drop rod and reel gear – during the repose. The option to use these multiple gears is intended to provide alternative harvest opportunities and help offset economic impacts of the repose.

Will potential impacts to dealers result in any changes to the project?

NOAA and NFWF have worked directly with dealers to find additional ways to address concerns and have modified the project over the years in response to feedback, including:

- **More alternative gear choices.** NFWF and NOAA added more alternative gear choices to allow fishermen to continue to catch and sell fish during the repose period. Participants have the option to continue to fish during the repose period using up to two of three alternative gear types provided by the project: greenstick gear, buoy gear, and/or deep drop rod and reel gear. The addition of deep drop rod and reel gear provides participants with more options to target swordfish, and buoy gear opportunities have been expanded to include the option to harvest tuna under an EFP. The project has included these additional gear options to offer participants more flexibility to explore fishing strategies that provide alternative harvest opportunities.
- **Additional training.** NFWF and NOAA will continue to provide training and resources to participants to improve their proficiency with the alternative gear.
- **Greater stakeholder engagement.** NFWF and NOAA have regularly sought out, listened to, and benefited from the expertise of pelagic longline vessel owners and other members of the supply chain. Discussions with vessel owners have shaped adjustments and enhancements to the project, which have resulted in clear restoration benefits for oceanic fish in the Gulf.
- **Dealer liaison.** NFWF and NOAA have designated Gary Graham as the liaison to dealers. Mr. Graham will provide dealers with project updates and is available to answer questions from dealers. He will work to improve communications with dealers and other upmarket stakeholders.

Will fishing with the alternative gear affect the marketability or quality of the fish that are caught?

Using buoy gear or deep drop rod and reel gear to catch swordfish does not result in lower quality product. While greenstick gear may yield tuna of a lesser quality, the project is exploring ways to enhance product quality. The

marketability or quality of tuna caught with buoy gear in the Gulf has not yet been evaluated. NFWF and NOAA will continue to provide training and resources to participants to improve their proficiency with the alternative gear.

Project Details

Is the project permanent? How long will it run?

No, it is not permanent. The project began in 2017 and is temporary, voluntary, and tailored to restore a portion of the fish species that were injured by the 2010 *Deepwater Horizon* oil spill. **NOAA and NFWF anticipate that the 2022 repose will likely be the project's last year, although a final decision has not yet been reached. That decision will consider the level of participation needed to meet restoration goals.**

How did this project come about?

Federal and state agencies are authorized under the OPA to act as trustees on behalf of the public to assess injuries to natural resources that result from an oil spill and to plan for restoration to compensate for those injuries. Under the OPA, natural resource trustees develop and implement plans for restoring natural resources under their trusteeship.

NOAA is authorized under the OPA to conduct the Natural Resources Damage Assessment process as a federal trustee and to carry out restoration efforts to implement the project. The project was included and evaluated in the *Deepwater Horizon* Final Phase IV Early Restoration Plan and Environmental Assessments, which was subject to public review and comment. In September 2015, the trustees selected this project for implementation to help restore pelagic fish injured by the spill.

The project is the first of multiple projects developed by the *Deepwater Horizon* trustees focused directly on working with fishing communities that are helping to restore fish species injured as a result of the spill. Currently and in the coming years, the trustees are launching other projects in which fishing communities may have options to participate. The settlement with BP allocated funding for restoration projects for fish and marine invertebrates, including the *Deepwater Horizon* Oceanic Fish Restoration Project. For more information, please visit: gulfspillrestoration.noaa.gov/restoration-areas/open-ocean

What impacts did the spill have on pelagic fish?

In addition to killing fish outright, the 2010 oil spill also had detrimental effects to fish that survived the initial spill and cleanup. At various depths of Gulf of Mexico waters, scientists found toxic effects on fish, including cardiac (heart) toxicity and other developmental deformities such as a curved spine, reduced growth rates, impaired immune function, reduced swimming performance, and inhibited reproduction.

What are the long-term benefits of this project?

The project reduces fish mortality in order to allow fish to grow and reproduce, helping support healthier populations of pelagic fish injured by the spill throughout the Gulf.

When does the 2022 project start?

The repose period starts on January 1, 2022. 2021 project participants were given the option to renew their participation for the 2022 repose. All other eligible vessel owners must submit Request for Quotation forms by October 19, 2021. Quotes received by that date will be evaluated, and all interested vessel owners will be notified by early November 2021 about whether they have been selected to participate. Materials for eligible vessel owners, including the Request for Quotation form, are available in English and Vietnamese on the project website at nfwf.org/programs/deepwater-horizon-oceanic-fish-restoration-project.

Why did the project start so long after the oil spill?

The project was developed under the *Deepwater Horizon* early restoration framework between BP and the natural resource trustees, as part of a suite of projects for which BP agreed to provide funding before the full settlement was reached. The *Deepwater Horizon* early restoration funding approach was novel and unprecedented because it allowed projects to commence when there was agreement between BP and the trustees, but prior to finalizing the Natural Resource Damage Assessment or reaching a settlement. *Deepwater Horizon* early restoration projects commenced earlier in the restoration planning process than trustees are normally able to for most oil spills. Since the settlement was reached in 2016, the trustees have been actively planning additional restoration activities for fish and water column invertebrates. It is expected that

new project planning and implementation will continue over the duration of the 15-year settlement payout period and beyond.

How did you notify the public about this project?

The *Deepwater Horizon* trustees held public meetings on this project as part of the *Deepwater Horizon* Phase IV Early Restoration Plan and Environmental Assessments, released in draft for public review and comment in May 2015. The trustees incorporated the public feedback into the final Phase IV Early Restoration Plan and Environmental Assessments, released in September 2015. Once the Restoration Plan was finalized and BP funding for the project was available, NOAA and NFWF began outreach to the public to implement the project.

Are there new fishing regulations for the pelagic longline fishery in the Gulf of Mexico because of this project?

No. The project is voluntary, temporary, and tailored to restore a portion of pelagic fish affected by the oil spill. The project does not change existing management practices or regulations. As a voluntary project, no new regulations are being issued by NOAA or any other government agency.

Participation Details

Who can participate? What are the eligibility criteria for participating in the project?

Vessel owners interested in participating in the project must be active in the Gulf of Mexico, having made at least one pelagic longline set in the Gulf over the last two years (January 1, 2019 – December 31, 2020). They must own a pelagic longline vessel that is seaworthy and operational. Participants must possess sufficient Individual Bluefin Quota (IBQ) allocation to make a pelagic longline set in the Gulf of Mexico. They must also possess all three valid limited access permits necessary to engage in pelagic longline fishing in the Gulf of Mexico:

1. a directed or incidental swordfish permit,
2. a directed or incidental shark permit, and
3. an Atlantic Tuna Longline category permit.

Who are the potential participants and where do they come from?

To encourage participation from throughout the Gulf of Mexico region, two separate auctions will be held: one in the western Gulf (vessels with a hailing port of Louisiana, Mississippi, Alabama, and Texas) and one in the eastern Gulf (vessels with a hailing port of Florida and the Atlantic Coast). Holding the auction in two regions accounts for operational differences between the two areas and encourages broader geographic distribution of participants to help minimize impacts to any one region. Participation in the repose is limited and voluntary — only a portion of the overall Gulf pelagic longline fishing fleet (estimated around 30 active vessels) will be selected to participate in any given year.

Can participants stay in the project for more than one year?

Vessel owners who participated in the 2021 repose had an opportunity to apply to renew their contracts to participate for an additional year. NOAA and NFWF anticipate that the 2022 repose will likely be the project's last year, although a final decision has not yet been reached. That decision will consider the level of participation needed to meet restoration goals.

How will the Request for Quotation forms be evaluated?

NFWF and NOAA will evaluate all complete Request for Quotation forms received. In addition to the eligibility criteria outlined above, NOAA will evaluate enforcement history. Past or outstanding violations may preclude participation in the project; however, minor violations that have been resolved are not expected to have any bearing

on eligibility. All offerors will be vetted through the General Services Administration's government-wide System for Award Management Exclusions. Offerors will be ranked in their respective region based on the lowest cost quotes received; quotes will not be compared between regions. If there are two identical quotes for compensation in the same region, NFWF and NOAA will give preference to participants who have not participated in past project years and those who are willing to use the alternative gear. The type(s) of alternative gear chosen by applicants will not determine their prioritization or selection to participate in the project.

If vessel owners choose to participate, can they still fish during the pelagic longline repose?

Yes, they can fish but not with pelagic longline gear. Participants may still fish using other gear types, including greenstick, buoy, deep drop rod and reel, bottom longline, or any other gear associated with other active permits. In fact, during the pelagic longline repose period, participating vessels will be encouraged to use greenstick, buoy, and deep drop rod and reel gear to harvest tuna and swordfish.

Why can't participants fish with pelagic longline gear in other areas beyond the Gulf of Mexico?

Species injured by the *Deepwater Horizon* oil spill include those that are highly migratory – moving over very long distances within and outside of the Gulf of Mexico. Participants agree not to fish with pelagic longline gear inside or outside of the Gulf because fishing for these species outside of the Gulf would reduce the benefits of the project and its goal to allow fish to grow, reproduce, and contribute to the Gulf ecosystem.

