BY FACSIMILE (206-526-6736) AND MAIL

June 13, 2003

D. Robert Lohn
Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115-0070

Dear Mr. Lohn:

On behalf of the Natural Resources Defense Council, Oceana and The Ocean Conservancy, we offer the following comments on the draft alternatives for bycatch reduction. We consider bycatch reduction a critical issue that must be expeditiously addressed.

Overall, we believe the agency has done an excellent job in compiling a comprehensive list of bycatch reduction alternatives. We are pleased that NMFS has included certain measures, such as the use of discard caps, marine protected areas ("MPAs"), and incentives for cleaner fishing (setting aside a portion of the total allowable catch for vessels with the lowest catch rates of overfished species or bycatch rates). Nevertheless, there are a few areas we believe need improvement.

First, we believe NMFS should include a clean fishing incentive alternative. Such an alternative would set aside a portion of the total allowable catch for fishing sectors with the lowest catch rates of overfished species or bycatch rates (based on previous years’ observer data), and allocate it during the annual specifications process rather than in season. This alternative would differ from the current incentive scheme incorporated in alternatives 5 and 6 by operating on a per sector rather than a per vessel basis, and an annual rather than an in-season basis. We believe such an alternative could result in greater long-term bycatch reduction than NMFS’s current incentive scheme and would encourage innovations in gear and fishing practices.

Second, we request that alternatives be developed that integrate the tool of MPAs with a variety of other measures, not just the particular measures identified in Alternative 6. As you develop alternatives that incorporate protected areas, it will also be important to define the nature and requirements of those MPAs.

Third, we would like further clarification on certain issues. Specifically, does the 50% reduction in harvest capacity proposed in Alternative 2 refer to all commercial fishing vessels or just certain sectors?
Fourth, we request that when NMFS does the full analysis of each alternative that is required by NEPA, it also consider the merits of each bycatch reduction measure individually. For example, when considering alternative 6 (the use of both MPAs and bycatch caps), we anticipate NMFS will weigh the pros and cons of discard caps and MPAs individually before accepting or rejecting the alternative as a whole. Such individual analysis of each bycatch reduction measure within each alternative will ensure full compliance with both NEPA and the Magnuson-Stevens Act, 16 U.S.C. § 1801 et seq., ("MSA").

Fifth, we ask that NMFS analyze the pros and cons of bycatch reduction measures with respect to other conservation requirements of the Magnuson-Stevens Act, such as habitat protection and rebuilding overfished species. That analysis will help NMFS and the Council make reasoned decisions about the overall comparative benefits and costs of various measures.

Sixth, we anticipate that NMFS will make the requisite practicability determinations with respect to each of the bycatch reduction measures as required by the MSA, 16 U.S.C. § 1851(a), before the agency chooses its preferred bycatch reduction measure(s), and that the EIS will present the public and the decisionmaker with several implementable alternatives with practicable bycatch reduction measures.

Successful management of the Pacific groundfish fishery requires that NMFS adopt better measures to assess and reduce bycatch. However, bycatch is only one of many problems affecting the fishery. In order to reverse the trend of overfishing, rebuild depleted species and protect the marine environment, NMFS must conduct a full and thorough environmental analysis of the Federal management of the fishery. This has been NMFS’s intent since it decided to prepare the PEIS, and the factors that made this a smart decision then are just as relevant today.

Sincerely,

Karen Garrison  
Elizabeth deLone  
NRDC

Jim Ayers  
Oceana

Chris Dorsett  
The Ocean Conservancy

cc: Dr. Don McIsaac  
Bill Robinson  
Jim Glock