



April 6, 2007

Mr. Donald K. Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: J.2. Exempted Fishing Permit for Pelagic Longline Fishing in the West Coast EEZ.

Dear Mr. Hansen and Council members:

We are concerned by the Pacific Fishery Management Council's use of Exempted Fishing Permits (EFP) as a mechanism to circumvent regulations put in place to protect and conserve endangered species and other protected marine life. The PFMC action in November 2006 to issue an EFP that would allow drift gillnet vessels into the Pacific Leatherback Conservation Area along with the present consideration of an additional EFP that would allow the use of pelagic longlines in the same area unnecessarily puts the critically endangered leatherback sea turtle at risk, as well as whales, seals, sea lions, seabirds and an increased bycatch of fish. On the basis of the threat pelagic longlines pose to endangered leatherbacks and other marine life, we do not support development of a pelagic longline swordfish fishery in the West Coast Exclusive Economic Zone (EEZ), and we therefore object to the issuance of this EFP.

The critical issue is not the single vessel seeking exemption from California law and federal regulations that ban pelagic longline fishing in the West Coast EEZ. The critical issue is that authorization of this EFP could open the door to the development of a full-scale pelagic longline swordfish fishery off the coasts of California, Oregon and Washington. In the Pacific, leatherback sea turtles run a gauntlet of millions of pelagic longline hooks set each year, with an estimated mortality by longline gear of 1,000 to 3,200 leatherbacks in 2000 alone (Lewison et al. 2004). It would be irresponsible of us to develop new pelagic longline fisheries before taking all necessary steps to minimize sea turtle kills in existing fisheries; including 1) gear modifications and controls to reduce the take and mortality of sea turtles, 2) time and area closures along sea turtle corridors and hotspots, and 3) trade, market, or regulation-based approaches to reduce imports of target species in fisheries that catch sea turtles.

Pacific leatherbacks have declined by more than 95% in the last 25 years (Spotilla et al. 2000). Scientific research indicates that leatherbacks feeding off the U.S. West Coast come from across the Pacific basin, where Western Pacific populations have declined dramatically since the 1970s (NMFS 2006). NMFS notes that a "small number of leatherbacks may be taken as a result of fishing under the SLL [shallow-set longline] EFP" (NMFS & PFMC 2007). The goal, however, is no dead leatherback sea turtles. At this point in the dramatic decline of Pacific

leatherbacks, the survival of every turtle sea turtle is vital (Dr. Larry Crowder, in *Science Daily* 2003).

For existing pelagic longline fisheries, Oceana supports the use of gear modifications and controls including 18/0 circle hooks with a 10⁰ offset, mackerel-type bait, time and area closures, effort limitation, 100% observer coverage, protected species hard caps, and de-hooking devices. These gear modifications and controls can reduce the probability of catching sea turtles while catching target species. While these controls are essential and ought to be used by all existing fisheries, we cannot support the development of new pelagic longline fisheries, especially at the time and in the area where adult Pacific leatherbacks are known to be feeding.

Sincerely,



Jim Ayers
Vice President
Oceana

Lewison, R.L., L.B. Crowder and S. Freeman. 2004. Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles. *Ecology Letters* 7:221-231.

National Marine Fisheries Service (NMFS). 2006. Endangered Species Act Section 7 Consultation Biological Opinion. NMFS, Southwest Region. 2006/02592.

National Marine Fisheries Service (NMFS) & Pacific Fishery Management Council (PFMC). 2007. Issuance of an exempted fishing permit to fish with longline gear in the West Coast EEZ. PFMC Agenda Item J.2.A. Attachment 1, April 2007.

Science Daily. 2003. Leatherback sea turtles careening toward extinction; scientists call for international cooperation to save giant. *Science Daily*, February 17, 2003.

Spotilla, J.R., R.D. Reina, A.C. Steyermark, et al. 2000. Pacific leatherback turtles face extinction. *Nature* 405:529-530.



Agenda Item J. 2. d
Supp. Public Comment 4
April 5, 2007

Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place
Suite 101
Portland, Oregon 97220-1384

RE: Exempted Fishing Permit Comments

Dear Chairman Hansen:

Please submit to the official record opposition from the Recreational Fishing Alliance (RFA)¹ to the issuance of exempted fishing permits to longline fishing vessels in the EEZ off Washington, Oregon, and California. We have reviewed the support materials regarding this proposed action and do not believe that promoting longline gear over pelagic drift gillnets is not a legitimate alternative to minimize protective species and bycatch interactions. The idea of encouraging the use of non-selective longline gear over the use of highly non-selective drift gillnet gear is ridiculous and inappropriate.

There is little question that the deployment of pelagic longline gear is detrimental to the longterm sustainability of marine species. Impacts on target, non-target, and protected species associated with this gear prompted both California and NMFS, through the HMS FMP, to prohibit the use of longline gear along the entire West Coast EEZ. Yet, through the consideration of an EFP to a longline vessel, it seems as though the Council is exploring ways to bring new participants into the longline fishery instead of addressing existing problems with pelagic drift gillnets. We also have concerns about what impacts a resurgence in the longline fleet will have on the highly selective tuna troll fishery. This is an extremely clean fishery and we find it troubling that this fishery could be displaced by increased effort of long liners along the West Coast.

The RFA believes that the potential negative impacts associated with the promotion of longline gear through EFP far weigh any benefits. We do not feel that longline gear represents a viable alternative gear for the sustainable management of Pacific HMS.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", written over a white background.

Jim Donofrio
Executive Director

¹ The Recreational Fishing Alliance (RFA) is a national, 501(c)(4) non-profit grassroots political action organization that has been representing individual sport fishermen and the sport fishing industry since 1996. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and many other businesses in fishing communities

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PFMC



February 23, 2006

Dr. Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Ste. 200
Portland, OR 97220-1384

Dear Dr. McIsaac:

I am writing on behalf of World Wildlife Fund (WWF) to support Mr. Pete Dupuy's application for an Experimental Fishing Permit (EFP) to conduct a longline fishery in Council waters.

The current ban on longline fishing in Californian and PFMC waters is similar to the situation that existed in Hawaiian waters just a few years ago. Because of interactions with sea turtles and their declining populations, the swordfish longlining industry was closed in 2001. By working together, the industry, the Western Pacific Fisheries Management Council and NOAA, were able to adopt measures that enabled the longline fisheries to be reopened. These measures included set limits, mandatory observers, a cap on turtle interactions, the use of circle hooks, and selective use of bait species. These measures had previously been trialed in the North Atlantic, with NOAA and fishermen conducting three years of research testing these changes in gear and techniques. Turtle bycatch was reduced by as much as 90 percent in some cases, without significantly reducing the catch of target species of the fishery.

As outlined in his EFP application and in further discussions, Mr. Pete Dupuy has assured WWF that he plans to operate under similar restrictions to those implemented in Hawaii, as well as undertaking trials of gear sets and gear modifications to further reduce possible bycatch of non-target species. Approval of this EFP would provide further means of testing gear improvements, with funding already being appropriated by NOAA Southwest Fisheries Center to support this EFP. This would be used to place observers on board, create an experimental design, and perform data analysis. This is a move towards bringing consistency among the Hawaiian and West Coast fleets in this fishery.

The Hawaiian example has shown that a longline fishery can be substantially improved with gear and management modifications, rather than simply being shut down. The initiative in Hawaii is an important component of a larger international effort to eliminate the threat of longline fishing to sea turtles. World Wildlife Fund believes that the U.S. needs to lead by example. Improvements adopted and refined in the Hawaii fishery will

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be instrumental in transforming other fleets. Given the trajectory of Pacific leatherbacks and loggerheads, it is essential that we reduce bycatch not only in the U.S. fleet, but in all fishing fleets fishing in the Pacific. International fishery management bodies have recognized this need and called on all fleets to improve fishing gear and techniques to reduce turtle bycatch. The problem is one of international dimension.

In contrast, World Wildlife Fund does not support the application for the issue of an EFP for the drift gillnet fishery. The time and area closure currently in place was originally imposed because of the fishery's turtle interactions, and, indeed, since the closure was put in place the fishery's interactions with turtles has decreased. The proposed EFP application does not reflect any gear modifications or techniques to attempt to overcome this problem. A reduction in the size of the fleet is not an experimental design and we believe the lack of effort in this proposal to attempt to make this a cleaner fishery cannot justify the issue of an EFP. This application simply appears to be an attempt to recreate the original situation, which necessitated the restrictions in the first place.

Thank you for the opportunity to comment on these applications.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Osmond".

Mike Osmond
Senior Program Officer
World Wildlife Fund