

WEST COAST FISHERIES CONSULTANTS, LLC

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Pacific Fishery Management Council
Attn: Acting Executive Director – Chuck Tracy

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VIA EMAIL

Dear Mr. Tracy

I offer the following comments on behalf of the American Albacore Fishing Association, California Wetfish Producer's Association, California Lobster and Trap Fisherman's Association, Commercial Fishermen of Santa Barbara, Daway Seafoods, Apex Seafoods, and a number of individuals permitted to participate in the federal CPS fishery, federal groundfish trawl and fixed-gear fisheries, federal highly migratory species fisheries not targeting albacore, California salmon fishery, California market squid fishery, California nearshore fishery, California spot prawn fishery, California rock crab fishery and fishermen targeting white sea bass, yellowtail, and other open access fisheries.

Each of the aforementioned strongly opposes the proposed action contemplated in the document entitled "The Case for Protecting California's Seamounts, Ridges and Banks." We fully agree with the comments and requests contained in the HMSAS Statement under this Agenda Item. It is important to highlight that no fishing interests were aware of, or assisted in the preparation of, the Draft document. Last fall, we heard some rumors that a movement was being considered to close Tanner and Cortes banks. As recently as a couple weeks ago, our contacts in Washington DC had no indication that a revised and expanded proposal was being passed around behind closed doors. Last week, we received a copy of the Draft proposal and several associations received phone calls from Representative Huffman's office. This prompted a conversation with staffers from Senator Boxer's office as well.

We are working with other fishery groups and fishing interests (commercial and recreational alike) to compile data as requested by the California Joint Committee on Fisheries and Aquaculture and staff members from the offices of Senator Boxer and Congressman Huffman. We are also finalizing a plan to bring awareness to the entire California Congressional Delegation. We are finding that California's Republican members of Congress have been kept in the dark on this as well.

The seamounts, ridges and banks covered in the proposed action are critical to many, if not all, of California's fisheries. California's fisheries are critical to the nation in terms of economic value and a valuable source of domestically harvested seafood. Seafood, off the west coast and California is harvested

in a sustainable manner and is strictly managed by the PFMC; and in some cases, the California DFW. Two of the west coast's MSC certified fisheries – the AAFA North Pacific Albacore Fishery, WFOA North Pacific Albacore Fishery – are highly dependent on retaining access to these areas.

As mentioned in the HMSAS Comment, the southern California Spiny Lobster fishery (which was deemed sustainable in the recently completed Fishery Management Plan) is an example of a fishery without a detailed history of needing access to two of the areas being considered under the proposal. When the network of Marine Protected Areas went into effect (Jan 1, 2012) between 14 and 16% of prime lobster fishing grounds in Southern California were closed. As a result, and in anticipation of gear consolidation issues, many permitted lobster harvesters modified their operations in order to fish lobster at Tanner and Cortes bank.

We are very alarmed that this action is being promoted behind closed doors, without any involvement of those who will be most impacted. We fully support the resolution approved at the most recent Council Coordination Committee meeting, “if any designations are made in the marine environment under authorities such as the Antiquities Act of 1906 that fisheries management in the US EEZ waters continue to be developed, analyzed and implemented through the public process of the Magnuson-Stevens Fishery Conservation and Management Act.”

The House Committee on Natural Resources recently published a brochure entitled “The Antiquities Act: Give an Inch and They’ll Take a Mile”. It stands for the proposition that the Antiquities Act is being used in a fashion not intended when it was originally enacted in 1906. The Act is straightforward, and provides broad power to set aside public areas for protection, and requires no public process.

There are similar actions being proposed off the East Coast and in Hawaii. The Fisheries Survival Fund recently submitted a letter to White House Council on Environmental Quality opposing the President's consideration of several areas within New England waters as marine monuments. There is a passage within that letter which bears repeating, “A monument designation, with its unilateral implementation and opaque process, is the exact opposite of the fisheries management process in which we participate.” Later in that same letter, “Public areas and public resources should be managed in an open and transparent manner, not an imperial stroke of the pen.” Transparency is supposedly a hallmark promoted by this Administration. However, by using the Antiquities Act to close valuable fishing grounds without consulting affected fishermen, actions speak louder than words. See - <http://www.savingseafood.org/news/washington/atlantic-sea-scallop-group-opposes-atlantic-marine-monument-says-contradicts-presidents-order/>

Thank you and I am available for any questions.