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September 6, 2016

Herb Pollard, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

RE: Agenda Item J.5: Federal Drift Gillnet Permit Amendment

Dear Chair Pollard:

We write in strong opposition to the federalization of state-issued drift gillnet (DGN) permits as a standalone measure in the absence of a mechanism to retire latent permits or trade in DGN permits for deep set buoy gear permits. The DGN fishery currently is operating without either Council-recommended hard caps or the required Marine Mammal Protection Act (MMPA) permit, is the only MMPA Category I fishery on the U.S. West Coast, continues to be among the highest bycatch fisheries in the Nation, and still operated last season with the lowest observer coverage in over a decade (<11%). Deep-set buoy gear (DSBG) is a proven profitable, low bycatch alternative supported by conservation groups and fishermen alike. We request that the Council expand the range of alternatives to consider options that:

- retire latent permits, which can readily be defined using the Council-established control date of June 2014;
- authorize and issue permits for a federal deep-set buoy gear fishery as configured under current Exempted Fishing Permits for DSBG; and
- establish a permit trade-in mechanism such that drift gillnet permit holders may trade in their permits for DSBG permits.

Furthermore, we ask the Council to request that NMFS finalize and implement drift gillnet hard cap regulations immediately.

In September last year, the Pacific Fishery Management Council (PFMC) voted to adopt hard caps to protect nine marine mammal and sea turtle species caught as bycatch in the swordfish drift gillnet fishery to be implemented with a minimum observer coverage of 30% by the start of the 2016-17 fishing season, and to increase observer coverage in the fishery to 100 percent by 2018. However, nearly a year after the Council decision, the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries) has yet to release even proposed regulations.

In its updated List of Fisheries, NOAA Fisheries reaffirmed the swordfish drift gillnet fishery to be the only Category 1 fishery on the U.S. West Coast under the Marine Mammal Protection Act (MMPA). We are gravely concerned that the three-year MMPA permit authorizing incidental take of humpback whales and sperm whales in the DGN fishery expired September 4, and that NOAA Fisheries is allowing the fishery to proceed without the required permit. This action follows a previous pattern three years ago of allowing this permit to lapse while the fishery is operating.

The Pacific Loggerhead Conservation Area has been closed this summer due to El Nino conditions, which likely prevented the take of loggerhead turtles and a suite of other species. As of September 1, however, that protection is no longer in effect.

Further, last season's fishery occurred with the lowest observer coverage in a decade—less than 11 percent— which runs counter to the Council's Swordfish Management and Monitoring Plan. The DGN fishery participants also refused federal funding to test electronic monitoring, compelling The Nature Conservancy to return federal grant money designated for that purpose. While the Council's stated goal is to move to 100% monitoring, neither NOAA Fisheries nor the industry appear to be taking steps toward that goal; instead the trend is moving the opposite direction. With fewer eyes on the water to record what is actually being caught and thrown back overboard, most of the bycatch is unaccounted for—a particular concern for protecting rare, threatened, and endangered species.

In the absence of any other action, federalizing drift gillnet permits does nothing to remedy the wide array of concerns with this fishery. In our June 2016 letter to the Council focusing on deep-set buoy gear authorization, we stated that we would be supportive of federal DGN permit federalization if it were part of an action to authorize deep-set buoy gear, reduce the number of DGN permits, and enable DGN permit-holders to trade in their DGN permit for DSBG permits. However, the Council appears to have disregarded the need to reduce latent capacity in this fishery or authorize proven clean alternative fishing methods, putting such effective actions on hold, while expediting the federalization of DGN permits without any clear benefit or rationale.

The Council has the opportunity to take action under this Agenda Item to get West Coast swordfish management on a path toward economic and ecological sustainability. At a minimum, we ask that you expand the range of alternatives to consider alternatives that reduce latent DGN capacity, authorize deep-set buoy gear, and enable DGN permit trade-ins.

Sincerely,

A handwritten signature in cursive script, appearing to read "Geoff Shester".

Geoffrey Shester, Ph.D.
California Campaign Director



Fwd: J.5.b Gonzalez Supplemental Public Comment September PFMC

1 message

—— Forwarded message ——

From: **Jonathan Gonzalez** <eatuseafood@gmail.com>

Date: Tue, Sep 6, 2016 at 3:38 PM

Subject: J.5.b Gonzalez Supplemental Public Comment September PFMC

To: PFMC Comments - NOAA Service Account <pfmt.comments@noaa.gov>

Dear Chair Pollard and Members of the Council,

I write to ask the Council to take the advice of the HMSMT by identifying the Council's PPA at its September meeting, which will set the stage for the Council to potentially take final action on a FPA at the November Council meeting.

Timing is of the essence here as the deadline for State Bills to be introduced is mid-February, meaning if the Council delays action on a FPA in November, new legislation aimed at ending the DGN fishery will be introduced prior to the Council revisiting this Agenda Item in March 2017 which could easily complicate things to say the least.

Here is an article that illustrates the seriousness of threats made by the Turtle Island Restoration Network in their intention to introduce another anti-DGN bill:

<http://www.alternet.org/environment/uncovering-californias-secret-massacre-whales-and-dolphins>

Here is a quote from the article:

"Burdyshaw said the bill may be reintroduced in the state legislature's 2017 session. But part of that decision depends on whether the Pacific Fishery Management Council follows through with its recent move to federalize California's driftnet fishery, a move that would squash attempts by citizens, environmental groups—and even the state legislature—to reform the fishery."

Please take action at this meeting in order to stay ahead of legislative threats that will impair the Council's ability to manage HMS fisheries.

Thank you for your consideration

Jonathan Gonzalez

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