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PETER H.FLOURNOY

November 1, 2014

Pacific Fishery Management Council
3050 Bristol Street
Costa Mesa, CA 92626

Re: Meetings of the HMS-Advisory Subpanel

Dear Chair and Council:

I am not a member of the HMS-AS, however, I endeavor to attend all of its meetings. I have also been part of discussions concerning the amount of time allotted to the HMS-AS to meet.

The Council has not scheduled sufficient time for the HMS-AS to consider issues which affect the management and conservation of HMS. This is not a new problem. There was a discussion during the March 2014 Council meeting the between the Chair, the Executive Director, and the Chair and Vice Chair of the HMS-AS. It seemed at that time that all had agreed there should be and would be additional time allotted to the HMS-AS. If there were fiscal constraints, then similar to other advisory committees meetings, could be held by webinar. This resulted in only one webinar meeting which was scheduled in conflict with an international HMS meeting.

Now the Council appears to be lessening the time for the HMS-AS to meet by scheduling, in September, November, and next March, one of the meeting days to be a day when HMS is on the Council's agenda. It is difficult to be in two places at the same time.

I hope the Council will reconsider the scheduling of webinars and HMS-AS meetings to really give the panel sufficient time to consider the many important matters of interest and concern to the HMS harvesters.

Sincerely,

s/ Peter H. Flournoy
Peter H. Flournoy

From: **Atkinson, Seth** <satkinson@nrdc.org>
Date: Wed, Nov 5, 2014 at 10:04 PM
Subject: Supplemental Public Comment for C.9
To: "pfmt.comments@noaa.gov" <pfmt.comments@noaa.gov>

Hi folks,

Attached is a supplemental public comment for Agenda Item C.9.

There's no specific organization or author, so I'm not sure how to list it in the briefing book. It's on behalf of a broad collaboration between a bunch of groups and folks from industry. Maybe the best would be to call it "EFH Collaborative Summary Document."

On the last day of the meeting, several of us will get up to testify under this agenda item, and we will speak to this document. Should be Shems Jud (EDF), Brad Pettinger (Oregon Trawl Commission), Tom Libby (processor), and me (NRDC).

Thanks so much!

Seth

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Summary of Collaboration Effort on Groundfish EFH and Other Issues

November 2014

This document is an outgrowth of discussions between NGO and industry representatives aimed at overcoming divisive rhetoric and focusing on solutions. In it we attempt to describe why it makes sense to collaborate, and outline a shared vision for the West Coast groundfish trawl fishery and the California Current Ecosystem. While the focus here is on the EFH five-year review, we believe this kind of collaborative approach could yield dividends on many other topics before the Council, and we hope to use this as a test case for a new way of interacting as we move forward.

Why Collaborate?

When stakeholders take adversarial positions on contentious issues, the Council process is slow and frequently unproductive. In the past, some NGOs and industry representatives have drawn lines in the sand when the environmental mandates of the Magnuson-Stevens Act were on the agenda—each side viewing it as necessary to take a hard-line approach because each assumed the other was opposed to its own goals. This led to litigation and regulatory actions that were unsatisfactory to both sides. Each step of the process also served to dig in participants on both sides, with the result of stakeholders refusing to agree without attempting to understand each other's positions.

In fact, conservation NGO and industry goals are much the same, and the potential benefits of trying to understand one another far outweigh the risks. Developing a common vocabulary and working together is expected to result in trust, understanding, and respect between the sides. Moreover, the Council process moves much faster, and produces better outcomes, when people work together. Collaboration produces more certainty in the outcome, and less litigation and wasted time. Some NGOs and industry members have already modeled this approach, building alliances and working together on projects to improve the conservation and economic performance of the fishery. With care, this collaborative approach can be replicated on a broader scale. By focusing on the areas where there is agreement (or at least not too much disagreement), we expect successful collaboration will be possible.

Shared Vision for the Groundfish ITQ Fishery

The West Coast groundfish trawl fishery has made remarkable progress in recent years. After a period of difficulty, the fishery is emerging as a model of "best practices" for trawl fishery management. By working together, we believe it is possible to couple the strong fisheries management regime currently in place with appropriate habitat protections to enhance the biodiversity, age structure, and resiliency of groundfish in the California Current Ecosystem, while also streamlining aspects of the regulatory process to foster a healthier, more durable fishing industry. In particular, we envision:

- A robust fishing industry that shows steady or improved profitability, for both fishing and processing sectors.
- Stable regulations, with minimal controversy and litigation, so as to allow for long-term planning and innovation by industry.
- Intact groundfish fishing communities along the West Coast, and enough new entrants to keep the industry viable into the next generation.
- Healthy population levels and age structures (including abundant old fish) in target and non-target species.
- Resilient benthic ocean ecosystems, with high biodiversity, functioning food webs, and minimal substrate disturbance or damage to sensitive organisms.

EFH as a Test Case for Collaboration

The Pacific Fishery Management Council is working on a “5-year review” of its Groundfish Essential Fish Habitat regulations. So far in the EFH review, NMFS gathered and synthesized all the new scientific information available about groundfish habitat and fishing effort off the West Coast, and the Council solicited proposals from the public for modifications to EFH regulations. The Council then decided to move forward with changes to EFH regulations, based on the new scientific information and the proposals that had been submitted. Now the Council is faced with the task of preparing a FMP amendment.

We believe the EFH review provides a good opportunity for collaboration between industry and NGOs. Working together to create a package of EFH regulations that we all support will save the Council and NMFS significant time, allowing them to work on other issues.

Proposed Joint Goal for EFH Review

Building on the measures in Amendment 19, we expect to be able to enhance the protection provided to biogenic and other sensitive habitats, thereby improving overall ecosystem function and resiliency, while also improving economic opportunity for fishermen, processors, and fishing communities.

Port Meeting Approach

To develop a package of EFH regulations that will achieve the above goal, we are visiting the major groundfish ports on the West Coast and checking in with local stakeholders. In particular, we are using the first meeting at each port to introduce the concept of collaborating on EFH, to answer questions about content or process, and generally to get to know each other. This is already underway.

The second port meetings will involve exchanging as much information as possible—identifying areas that are important for fishing, areas that may be important ecologically, and so forth. Following that (either at the

same meeting or the next meeting), we intend to discuss potential revisions to EFH and other related regulations, with the goal of identifying a package of revisions that benefits all stakeholders.

Based on the information presented and the subsequent discussion, we will draw up a straw man proposal. We then plan to return to the ports and solicit feedback on that straw man, modifying it as needed. By the end of this process, we expect to arrive at a set of proposed revisions that is based on a wide range of perspectives and supported by a diverse group of stakeholders.

Other Issues Potentially Worth Tackling Together

Reaching the shared vision for this fishery (described above) will require adjustments and improvements to more than just EFH regulations. EFH is a good starting point for collaboration, but other issues offer promise as well. Below is a preliminary list of groundfish issues, focusing on the ITQ sectors, that could be discussed. We expect collaboration on these issues will be a by-product or extension of the EFH work.

- Revising the trawl RCA
- Resolving the trailing actions shuffle
- Controlling rougheye rockfish mortality
- Modifying or removing outdated gear restrictions (selective flatfish trawl / definition of 4-seam net, etc.)
- Modifying or removing outdated time restrictions (midwater start dates, etc.)
- Maintaining MSC certification and Seafood Watch positive ratings
- Electronic monitoring / observer costs
- Low-impact gear modifications and other gear innovation
- Buyout loan refinancing (REFI Act)
- New forms of yelloweye rockfish management
- Joint marketing efforts such as press releases or op-eds