Pacific Fishery Management Council  
Dorothy Lowman, Chair  
7700 N.E. Ambassador Place, Suite 101  
Portland, OR 97220  

Dear Chair Lowman and Council Members,  

We write today as business owners and chefs who strive to provide sustainably caught seafood to the public, including Pacific swordfish and thresher sharks caught off the coast of California. We are concerned that the predominant method of catching swordfish involves the use of drift gillnets, which inadvertently kill non-targeted species of fish and wildlife.  

We support the council’s decision in March to develop a plan to transition this fishery toward more environmentally sustainable types of fishing gear. Further, we encourage the council to follow through on that commitment during your meeting this month in Garden Grove, California.  

The council should move decisively to establish clear criteria for granting experimental fishing permits to fishermen willing to try alternatives that are actively tended and that minimize interaction with non-targeted species of dolphins, sharks, whales and other fish. Too often, these and other species continue to be unintentionally caught and killed in drift gillnets. Despite numerous efforts in recent years to minimize bycatch, the fundamental nature of leaving drift gillnets to soak for hours at a time means that they will continue to entangle non-targeted fish and wildlife – especially in an ecosystem as vibrant and diverse as the California Current.  

At a time when imported seafood accounts for the bulk of American seafood consumption, a healthy population of West Coast swordfish affords a rare opportunity to provide a local source of sustainable fish. We also recognize that swordfish are caught elsewhere around the world using practices that are far less environmentally sustainable than our own. However, just because we can do worse does not mean we cannot or should not strive to do better.  

It is time to shift this fishery to a more sustainable future. The public should be able to enjoy this prized seafood delicacy with the knowledge that our fishermen are setting the standard for catching swordfish in a way that protects other ocean wildlife.  

Sincerely,  

Susan Feniger, Executive Chef & Co-Owner  
Mud Hen Tavern- Los Angeles, CA
Dustin Summerville, President
Harney Sushi - San Diego & Oceanside, CA

Ricardo Heredia, Executive Chef & Partner
Alchemy Cultural Fare & Cocktails - San Diego, CA

Mary Sue Milliken, Co-Chef & Co-Owner
Border Grill Restaurants - Santa Monica, CA/Los Angeles, CA/LAX/Las Vegas, NV

Patrice Boyle, President/Owner
Soif Wine Bar & Merchants - Santa Cruz, CA

Morgan L’Esperance, Executive Chef
Cascade Bar & Grill, Costanoa Resort - Pescadero, CA

Brian Kelleher, Co-Owner
The Hook & Plow - Hermosa Beach, CA

McGurin Leibert, Owner
Pier 23 - San Francisco, CA

Chad Hendrickson, Executive Chef
Hess Collection Winery - Napa, CA

Jin Yank, Executive Chef
Bamboo Sushi - Portland, OR

Hank Costello, Executive Chef
Andina Restaurant - Portland, OR

Lisa Schroeder, Executive Chef & Owner
Mother’s Bistro & Bar - Portland, OR
Chair Lowman, members of the Council and other interested parties

I am Svein Fougner. I am speaking with and on behalf of Pete Dupuy because he is recovering from surgery and his speaking stamina is limited. I appreciate the opportunity to appear before you.

You have the petition that Pete submitted asking the Council to initiate action under the framework procedures of the HMS FMP to allow fishermen with permits under the FMP to engage in controlled commercial longline fishing for swordfish and tuna in the exclusive economic zone (EEZ) off the West Coast and on the high seas. I will not repeat all the information from that petition. I will try to keep this simple and brief with a few major points:

One: The Council has indicated support for the objective of having a viable and robust West Coast swordfish fishery. This is appreciated, and a first step you can take is to use the framework procedures of the FMP to change the rules to allow longline fishing for swordfish by West Coast vessels. The framework procedures provide for an open and full evaluation of Pete’s proposal and alternatives, after which the Council will have a sound basis for a decision to allow longline fishing in the EEZ and on the high seas by West Coast vessels.

Two: When the FMP was first proposed, the Council intended that longline fishing - deep set for tuna and shallow set for swordfish - be permitted for West Coast vessels under the same rules as applicable to Hawaii based vessels. That is still a reasonable objective and can be accomplished with the framework procedures of the FMP.
Three: It simply does not make sense to continue to disallow longline fishing by West Coast vessels when Hawaii vessels can land into West Coast ports tuna and swordfish and other species that were caught legally under western Pacific rules. This places West Coast vessels at an unfair disadvantage to that other fleet and does not further the objective of having a viable and robust fishery that will provide locally caught fresh tuna and swordfish for West Coast consumers. It is not good for the fishers and it is not good for the fishing communities that have suffered through the decline of the gillnet fishery.

Four: The Council does not need the results of more "research" or "exempted fishing permits" to provide a basis for starting the framework procedure and making a decision. The Council has available ten years of fishery data from Pete Dupuy plus 10 years of swordfish and tuna fishery data from the Hawaii fleet. Together, these provide a statistically sound basis for predicting with reasonable certainty what is likely to happen if both deep set and shallow set longline fishing are permitted. What the Council needs more than research results is the results of real commercial fishing, the data from which can then be used to determine if additional changes in regulations are needed to further the fishery while still providing necessary protection to fish stocks and to non-fish resources of concern. On this point, please note that Pete's proposal in no way limits the Council's consideration of results from EFPs for other gears that might be effective. However, EFPs are by their nature time demanding, and there is no reason to delay consideration of changes in longline regulations while other gears are being tested.

Five: The record is clear, as documented by 100% observer coverage of the longline fishery as practiced by Pete the past 10 years - this is a clean fishery. There have been zero takes of loggerhead and leatherback turtles; there was one take of an olive ridley, the most abundant sea turtle species in the Pacific. There were zero takes of seabirds. There were zero takes of marine mammals. Finfish bycatch
is limited. There have been shark catches, but the primary shark species taken is blue sharks, a species that is healthy as far as is known, and most of these are released alive. The fish stocks are healthy. Further, opening swordfish fishing could take pressure off bigeye tuna, a species which is slightly overfished in the eastern Pacific but is projected to rebuild to above the MSY level at current catch levels. Both the IATTC and the WCPFC have measures in place to maintain that stock at healthy levels.

In short, there is no conservation concern that warrants continued prohibition of longline fishing in the EEZ and on the high seas east of 150°W by West Coast vessels. In this context, it is noted that the Atlantic swordfish fishery is "certified" by the Marine Stewardship Council, an organization that is known for its serious evaluations and difficult-to-meet criteria. There is no reason to expect a different outcome if a West Coast fishery were evaluated against the same criteria as used by MSC.

Pete Dupuy's proposal is an opportunity for the Council to return to its original intent - to allow West Coast vessels to engage in longline fishing under the same regulations as the Hawaii fleet. The framework procedures of the FMP are a vehicle to carry this out, and Pete proposes that the Council use the procedure to consider a regulatory change, fully evaluating all the potential impacts of allowing shallow set as well as deep set longline fishing on the high seas and in a portion of the EEZ and of alternative approaches by which a swordfish fishery can be reestablished off the West Coast. Only then, after documentation of the proposal and alternatives and consideration of all the pros and cons of the proposal and alternatives, would the Council take action and put on the record the reasons for its decision.

And then, if the Council goes through this procedure and ultimately concludes that it is still not open to a longline fishery for West Coast vessels that is managed the same way as the Hawaii fishery, the Council
will have a clear record of the information relating to that decision. Pete asks only that this be an open decision with full Council discussion and a clear explanation of the reasons for the rejection so that Pete and his colleagues know why the Council would not want to offer this chance to them to rebuild a swordfish fishery using clean gear that Hawaii based vessels are legally able to use. Again, allowing a fishery would be good for the fishers and the local port communities and the consumers. It is worth noting that the Council can establish controls on such a fishery; it is not expected that the fishery would operate without regulations needed to protect local fisheries and species of concern. But the fishery deserves a chance, and if the proposal is to be rejected, the Council should explain to the fishers and the consumers the reasons for that rejection.

On a final note - I will acknowledge that a review of the history of the Council trying to deal with the issue of longline fishing in the EEZ shows that the Council has from time to time seemed receptive to at least the idea of EFPs to allow testing in the EEZ, and that it has been third parties (States, NMFS) that have not been able to go along. This has undoubtedly been frustrating, not only to the Council but to the fishers involved.

Thank you for your consideration of Pete’s petition. We hope your decision will allow us to work with the Management Team and the Advisors in development of a regulatory amendment as proposed.

I will try to answer any questions you have.

Submitted for Pete Dupuy by Svein Fougner