

Mr. Kit Dahl  
Pacific Regional Fisheries Management Council  
7700 N.E. Ambassador Place  
Suite 110  
Portland, OR 97220

**Re: Letter of Intent**

Dear Mr. Dahl,

I am writing to you today to express my intent to participate in an experimental pelagic longline fishery off the West Coast of the United States and operating inside the US EEZ.

I was born and raised in San Diego, California and am a third generation California commercial fisherman. I participated in the drift gillnet fishery off California from 1978 to 2001 with F/V Roberta Grace and have made landings in California of HMS taken by my current commercial fishing vessel, Laura Ann (ON:672662 ). My current boat has also participated in the pelagic longline fisheries in Am. Samoa and Hawaii and it is my intent to return to California and to make pelagic longline landings in California.

I am very interested in participating in an experimental pelagic longline permit program, if one is developed by the PRFMC.

Thank you for your consideration.

Sincerely,

*Frank Crivello*

Frank Crivello III  
Crivello Fishing Inc.

# ZEPHYR FISHERIES LLC

242 Rosa Corte  
Walnut Creek, CA 94598  
925.937.9251(fax)  
925.989.4701(cell)  
[dex1007@sbcglobal.net](mailto:dex1007@sbcglobal.net)



May 19, 2014

Mr. Kit Dahl  
Pacific Regional Fisheries Management Council  
7700 N.E. Ambassador Place  
Suite 110  
Portland, OR 97220

## **Re: Letter of Intent**

Dear Mr. Dahl,

I am writing to you today to express my intent to participate in an experimental pelagic longline fishery off the West Coast of the United States and operating inside the US EEZ.

I am a lifelong resident of California and was educated at Humboldt State University and the University of California, Santa Cruz. I began fishing for HMS off Baja California, Mexico in 1948 and have been a commercial fisherman since 1977, fishing in California, Alaska, American Samoa and Hawaii.

My current commercial fishing vessel, Zephyr (ON 1101877) has been home ported in San Francisco since she was delivered in 2001, and my former CFV, Ladysmith, also home ported in San Francisco and had longline and troll landings in California during the 1990's. If an experimental pelagic longline experimental permit program is developed by the PRFMC I would like to be included in the program.

Thank you for your consideration.

Sincerely,

*John D. Hall*

John Hall  
Zephyr Fisheries LLC  
Coastal & Offshore Pacific Corp.

May 23, 2014

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

**RE: E.3 HMS Exempted Fishing Permit (EFP) Process**

Dear Chair Lowman and Council Members:

The Pacific Fishery Management Council has a great responsibility to protect our ocean resources and the California Current large marine ecosystem. Exempted Fishing Permits (EFPs) can be useful tools to support research and test experimental gears but should not, and cannot, be used to avoid conservation measures and allow applicants to benefit financially. As you know, we are opposed to the continued authorization of large mesh drift gillnets for targeting swordfish off our coast and we support the Council's goal of transitioning the current drift gillnet fishery toward a fishery utilizing a suite of more environmentally and economically sustainable gear types that can effectively target swordfish.

As stated in our letter under agenda item E.2, Oceana supports the current prohibition on pelagic longlines due to serious bycatch concerns associated with pelagic longline gear. The baseline for an environmentally sustainable gear for targeting swordfish ought to be the existing harpoon fishery that has already demonstrated, from decades of use, that this gear can be used to selectively target swordfish without bycatch. We support continued experimentation with buoy gear and we support ideas to help the existing harpoon and surface (hand-held) hook and line fisheries expand and innovate. Before considering any EFPs, however, the Council must establish performance standards and criteria for which proposals and ultimately success can be evaluated. We offer the following recommendations for proposals designed to catch swordfish and the subsequent ten principles for the EFP process in general.

- Before any EFP is issued to test the use of hooks to target swordfish, it must be demonstrated that the proposed gear is fundamentally different than existing pelagic longline gear used out of Hawaii and on the Atlantic, with a high likelihood of having significantly lower bycatch rates and amounts across all species.
- If the gear is likely to take any species other than swordfish, 100% observer coverage must be required to document all animals caught, bycatch caps must be pre-established for all species (particularly protected species) and the experiment must be immediately ended if any cap is reached.
- If the experimental gear cannot meet pre-defined performance standards for bycatch – e.g. a minimum percentage of the catch must be swordfish, a minimum percentage is retained marketable species and bycatch mortality of non-target, protected and vulnerable species is fully minimized—the experiment should end and the gear must not be allowed to go forward.

Further, to ensure that the Council's Highly Migratory Species EFP process contains appropriate standards to guide the Council, the agency, and applicant, the process and criteria must include the following ten principles:

1. EFPs must provide for ecosystem-based management and the precautionary approach;
2. Prior to the issuance of an EFP, all required analyses and consultations must be completed, including, but not limited to, those required under the National Environmental Policy Act, Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act (ESA), and the Marine Mammal Protection Act;
3. EFPs may not be subject to categorical exclusion from NEPA review;
4. NMFS may issue an EFP only if it will not detrimentally affect an ESA-listed species;
5. NMFS may issue an EFP only if it will not cause detrimental impacts to the critical habitat of an ESA-listed species;
6. The public must be allowed full and meaningful participation in the EFP consideration process, meaning that all environmental analyses and consultations should be completed for public review and comment opportunities prior to final action, approval and issuance, and that the public is given the opportunity to provide written comments to the PFMC and the agency;
7. The PFMC and NMFS must ensure that fishing under an EFP does not exceed a bycatch cap or total allowable catch cap set by regulations;
8. EFPs must include detailed descriptions of experimental or sampling designs that adhere to accepted scientific standards including an explicit statement of testable hypotheses, a statistical power analysis and rationale for sample sizes, and a critical assessment of the validity of all assumptions. These designs and their attending results must be anonymously peer-reviewed by at least three qualified independent scientists who are not affiliated with NMFS, the PFMC, or any commercial concern having a direct interest in the results, and must obtain the approval of at least two of the reviewers. The experiment must be conducted to produce non-conflicted scientific results and all data produced pursuant to an EFP must be made available to the public;
9. EFPs must comply with fishery observer or bycatch reporting requirements; and
10. An EFP shall not be issued if economic allocation is its sole purpose.

Thank you for your consideration on this matter. We look forward to working with you on experimental fishing that will protect our nation's fishery resources and the California Current marine ecosystem.

Sincerely,

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

Geoff Shester  
California Campaign Director