



September 2, 2010

Mr. Mark Cedergreen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

RE: Agenda Item H.1 Ecosystem Fishery Management Plan

Dear Mr. Cedergreen and Council members:

Oceana strongly supports the continued development of an Ecosystem Fishery Management Plan (EFMP) by the Pacific Fishery Management Council. It has become broadly recognized that fisheries management must expand its focus from single species to ecosystem-based approaches (NRC 2006, POC 2003, USCOP 2004). From a scientific perspective, we know enough to improve dramatically the conservation and management of marine systems by doing so (McLeod et al. 2005). Yet even with broad scientific consensus and the progress to date by the Council, there remain both challenges and many different strategies for how to implement ecosystem-based fisheries management. We believe that the Council, at this meeting, is uniquely positioned to frame the successful development of an EFMP that will guide long-term sustainable fisheries and a healthy ocean ecosystem that serve as a model for the nation.

At a minimum, the EFMP should:

- Define an ecologically sustainable yield framework that explicitly accounts for all relevant ecological factors for all Council managed species, in which all existing FMPs are consistent;
- Include the regulatory authority to manage ecosystem component species not specifically managed in the existing FMPs;
- Include management authority to establish time and area-based regulations for the purpose of ecosystem protection;
- Conduct a thorough analysis of alternative harvest and management strategies on the functioning and resilience of the California Current marine food web;
- Include a programmatic review of the cumulative ecological impacts of current fisheries.

The process leading to the adoption of an EFMP will help the Council and the public assess broad policy choices and a management framework that can guide future ecosystem-based fisheries management for all of the Council's Fishery Management Plans. As such, the Council is right to develop an Ecosystem Fishery Management Plan—rather than an advisory document—that will assist the Council and NMFS in developing management measures and promulgating regulations directly from the EFMP (e.g., for ecosystem component species or habitats not currently managed in one of the existing FMPs). At this meeting, the Council can set the course for a successful EFMP by adopting the overarching goal statement, objectives, and a purpose and need statement that will further guide development of the plan.

1. Overarching Goal

We urge the Council to adopt an overarching long-term goal for the EFMP that is visionary, allows for the development of innovative implementation approaches, and does not limit this effort to information sharing only. Oceana recommends the following Overarching Goal Statement:

The overarching goal of this Ecosystem Fishery Management Plan is to manage for long-term ecologically sustainable fisheries and vibrant coastal communities in a manner that protects, restores and maintains the health, resilience, and biodiversity of the California Current Ecosystem.

This goal will not limit the Council as it develops ecosystem-based approaches and is consistent with NOAA's long-term goals for a healthy ocean, including sustaining marine fisheries, habitats, and biodiversity within healthy and productive ecosystems (NOAA 2010).

2. Objectives

We largely agree with the objectives recommended by the Ecosystem Plan Development Team (Agenda Item H.1.b, Attachment 1, at 5). These objectives are designed to improve and integrate scientific information into the Council process and include important information such as trends in climate change and the cumulative effects of fishing on the marine ecosystem. Importantly, the objectives include providing for the administrative structure for conservation measures that address relationships across FMPs and for ecosystem components not included in the FMPs. Additional objectives that we believe are necessary include:

- Providing information on ecological factors and species interactions for use in setting catch limits that explicitly account for ecological considerations as required in the MSA;
- Defining an “ecologically sustainable yield” (maximum sustainable yield as reduced by ecological factors) framework for all Council managed species, including Status Determination Criteria for groups of species (e.g., aggregate forage base), and for consistency across existing FMPs;
- Identifying and providing a management policy for key forage species within the California Current marine ecosystem;
- Protecting the food web, including healthy populations of forage species for higher trophic level marine species and commercially and recreationally important fishes;
- Identifying and protecting intact and productive marine habitats necessary for long-term sustainable fisheries and a healthy and productive ecosystem;
- Identifying ecological indicators to be used in monitoring and evaluating whether EFMP objectives are being met (e.g., key top predator populations, food web indicators);
- Assessing the role of oceanographic and environmental conditions on the productivity of Council-managed species.

3. Purpose and Need

A strong purpose and need statement will set the stage for the development of the evaluation of alternatives and subsequent environmental analysis necessary for developing a new management plan. In November 2009, the Council requested a purpose and need statement from its committees. The committees have not provided this statement, and the EPDT stated instead that the Council is not yet at a National Environmental Policy Act analysis stage in its process of considering EFMP development. We believe that the Council's request for a purpose and need statement was more than relevant and look forward to the Council adopting one at this meeting so that the public can continue to be engaged in the development of the EFMP in a manner consistent with the Council and NMFS' NEPA obligations.

We also strongly agree with the November 2009 SSC statement that:

The plan should give the Council the ability to manage ecosystem components that are not specifically treated in the existing FMPs. This will help in developing regulations for species like krill that form the base of food webs that are important to a wide variety of managed species. This type of framework could likely be developed through a programmatic Environmental Impacts Statement. (D.1.b Supplemental SSC Report, November 2009).

As recommended by the SSC, the development of the EFMP should take place through a Programmatic Environmental Impact Statement (PEIS), a NEPA requirement that applies to Council managed fisheries independent of the development of the EFMP. The development of the EFMP through a PEIS will assist the Council in both developing a strong EFMP and meeting the long overdue evaluation of cumulative impacts and alternative harvest strategies and management regimes.

Further, while we commend the Council for the June 2010 decision to include ecological factors into Amendment 23 to the Groundfish FMP and Amendment 13 to the CPS FMP, the next step is determining how these factors could be incorporated into the setting of catch levels. In our view, this step is a central purpose and need of the EFMP, and we urge the Council to make this explicit.

We have attached a Purpose and Need Statement for your consideration.

4. Geographic Scope

We support identifying a broad geographic scope of the California Current Large Marine Ecosystem for this plan development. The EFMP should recognize the broad physical and biological factors of the large marine ecosystem, including connections to waters off Canada and Mexico, and the river systems connecting land and sea. For management purposes, however, we recommend a geographic scope of the U.S. West Coast Exclusive Economic Zone.

Conclusion

Over the past five years, the Council has taken important steps to implement ecosystem-based approaches. This includes protections for krill, Essential Fish Habitat conservation areas, and recent decisions to consider ecological factors when setting catch limits. The development of an umbrella EFMP, however, can assist in implementing a coordinated ecosystem-based approach and provide a framework in which all existing FMPs are consistent. At the same time, it would provide the Council

with additional management authority (e.g., for Ecosystem Component Species) and would articulate overall management goals and objectives for long-term sustainable fisheries, communities and a healthy ocean ecosystem. The plan will help incorporate vital ecosystem information to advance our understanding of fisheries in the context of a dynamic marine ecosystem and provide a framework for improved decision making and conservation.

We hope you will consider adopting the recommended goals, objectives and purpose and need statement at this meeting. These actions will help move the development of the EFMP forward.

We look forward to continuing to work with you on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoff Shester". The signature is fluid and cursive, with the first name "Geoff" and last name "Shester" clearly distinguishable.

Geoffrey G. Shester, Ph.D.
California Program Director

McLeod, K.L., J. Lubchenco, S.R. Palumbi, and A.A. Rosenburg. 2005. Scientific Consensus Statement on Marine Ecosystem-Based Management. Signed by 217 academic scientists and policy experts with relevant expertise. Communication Partnership for Science and the Sea (COMPASS).

National Research Council (NRC). 2006. Dynamic Changes in Marine Ecosystems; Fishing, Food Webs, and Future Options. The National Academies Press. Washington D.C.

Pew Oceans Commission (POC). 2003. America's living oceans: charting a course for sea change. A report to the nation. Pew Oceans Commission, Arlington, Virginia.

U.S. Commission on Ocean Policy (USCOP). 2004. An ocean blueprint for the 21st century. U.S. Commission on Ocean Policy, Washington, D.C.

Attachment.

Draft Purpose and Need Statement

Within the California Current Large Marine Ecosystem, the Pacific Fishery Management Council (Council) and National Marine Fisheries Service (NMFS), in coordination with tribal co-managers and the four states, manage approximately 112 species and 18¹ recreational and commercial fisheries combined in four Fishery Management Plans (FMPs); Coastal Pelagic Species, Highly Migratory Species, Groundfish, and Salmon, plus Pacific halibut. These fisheries all take place within a complex and dynamic large marine ecosystem, including species that interact with each other in the marine food web, changing oceanographic conditions, protected species, and a variety of non-fishing human uses and activities outside of the Council's management responsibility and authority (e.g. shipping, hydrokinetic energy development, pollution discharge).

In order to advance the conservation and management of long-term sustainable fisheries that provide the greatest overall benefit to the Nation, including the protection afforded to the marine ecosystem, the Council and NMFS are proposing to develop an Ecosystem Fishery Management Plan (EFMP) for the California Current Ecosystem (CCE). The EFMP will provide analytical tools and structure necessary for accounting for ecosystem needs when setting Optimum Yield catch levels and managing fisheries. The EFMP will help ensure that management of any one of the Council's fishery groups (Coastal Pelagic Species, Groundfish, Highly Migratory Species, and Salmon) does not negatively affect the management potential of the other species groups, non managed species, or their habitats. The EFMP will help keep the Council updated on current and potential effects on the CCE from human and natural causes (e.g. creation of dredge pile islands, industrial contamination, climate change, etc.). The EFMP will allow the Council and NMFS to improve decision making and advance precautionary, coordinated, and innovative approaches to ecosystem-based fisheries management.

This federal action would establish an EFMP to compliment the ongoing conservation and management of federally managed fisheries in the U.S. Exclusive Economic Zone off Washington, Oregon and California, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and pursuant to NEPA and other applicable statutes and executive orders.

¹ Groundfish FMP – 89 species, 3 primary fisheries (groundfish trawl, non-trawl and recreational). Salmon FMP – three species, 5 fisheries (commercial and recreational ocean chinook and coho, pink salmon). HMS FMP – 13 species, 5 fisheries (commercial albacore, coastal purse seine, harpoon swordfish, drift gillnet, West Coast recreational). CPS – 6 species, 4 fisheries (commercial sardine, jack mackerel, Pacific mackerel, anchovy). Pacific halibut – managed by the International Pacific Halibut Commission, along with NMFS, and catch sharing by the PFMC (tribal, non-tribal, commercial and recreational).