

Federation of Independent Seafood Harvesters

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Jim Lone, Chair
Pacific Fishery Management Council
2130 SW Fifth Ave., Suite 224
Portland, OR 97201

February 22, 2000

RECEIVED

FEB 23 2000

Dear Jim,

PFMC

In its selection of HMS FMP development team members, the Council has assembled a competent team of scientists with a well-balanced range of expertise. The HMS PDT has structured a commendable and transparent process that gives interested parties ample opportunity to provide input.

At this time in the HMS FMP development process, FISH is concerned that this FMP may expand beyond the scope of what is biologically, and fiscally reasonable at this time, and delay the formulation of this much needed FMP. FISH reasons that the Council's intent is to focus on regional fishing activities and not undertake species management at this time. Accordingly, FISH respectfully asks the Council to provide additional guidance to the HMS Plan Development Team in order to further focus the PDT's efforts in a direction consistent with the recognized need for this FMP, and the Council's approval of developing, within stated fiscal limitations, a separate framework plan with joint mechanisms for cooperation with other Councils. FISH suggests the following guidance to aid the PDT in further interpreting the Council's initial guidance:

- **Focus of development of a framework FMP at this time.**
- **Focus on preparation of documents (EFH, RIR, RFA, ESA, NEPA).**
- **Define a management unit to reflect the Pacific coast's regional management needs at this time.**
- **Investigate collaborative mechanisms for determining future management measures for shared HMS stocks.**

Background, and additional information that provides the basis for these suggestions follows. Additional details are found under headings that correspond with the four suggestions stated above:

HMS FMP DEVELOPMENT BACKGROUND:

Based on excerpts from information presented to the PFMC that follows, summarized below are reasons for PFMC involvement in a FMP for HMS management in the Pacific:

- **To employ the unique capabilities of the PFMC for reaching the diverse fishing interests of the Pacific coast and involving them in the development of fisheries management policy, and represent these interests in establishing domestic fishery management objectives for this region.**
- **To play an active role in international HMS fishery management development, and aid the west-coast fishing interests in clearly stating priorities and communicating those priorities to the Department of State for inclusion in international fishery negotiations.**
- **For determining how best to determine and allocate allowable catches and implement management measures within this region that may be agreed to in international management bodies.**

Also based on this information, summarized below are factors to be harmonized as part Pacific HMS management:

- **Manage HMS stocks, as much as possible, as a unit throughout their ranges, and coordinate conservation efforts internationally.**
- **Facilitate comprehensive HMS management covering the jurisdictions of the three Pacific councils that allows each council to manage its fisheries to the extent practicable.**

The following background information begins in December 1993. In response to the WPFMC's request to be designated as the Council responsible for HMS management in the Pacific, the PFMC determined that it was not convinced of the need to alter current HMS management, and was concerned that if management decisions were made by the WPFMC, the fishing interests of the west-coast would not have effective input to those decisions.¹

At the September, 1997 meeting of the PFMC, Brian Hallman, Deputy Director of the Office of Marine Conservation of the Department of State addressed the Council regarding the status of international efforts to manage Pacific HMS. Council records state: "He reported that a Council FMP for HMS may not be appropriate at this time, as conservation efforts must be coordinated internationally."² Mr. Hallman went on to state: "A management plan is necessary for implementation of international conservation recommendations, and in terms of managing fishermen, as distinct from managing species."³

¹ PFMC, September, 1997, Attachment C.1., Chronology of events relating to data collection and management of domestic fisheries for highly migratory species in the Pacific

² PFMC Minutes C.1., September 1997

³ PFMC audio record C.1., September, 1997.

Additionally, a paper prepared by the NMFS Southwest Region, and presented to the Council at this meeting noted: "The momentum is building for multi-national management of the [Pacific] HMS fisheries.... NMFS and the DOS want the Regional Fishery Management Councils to play an active role in planning the US participation in future internationally managed [Pacific] HMS fisheries. Minimally, the Councils will have a significant role in establishing the domestic fishery management objectives and eventually in determining how best to determine and allocate allowable catches and implement management measures that may be agreed to in international management bodies. The PFMC has unique capabilities for reaching the diverse fishing industry of the Pacific coast and involving them in the development of fisheries management policy, just as the WPFMC has demonstrated capabilities for involving western Pacific interests in both domestic and international fishery affairs. The fishing industry and the US government stand to gain from all Councils applying their capabilities in the rapidly evolving arena of PHMS fishery management."

This paper poses the question: "If the PFMC wants to participate in formulating the US priorities and policies that will aid the Department of State (DOS) in future negotiations, the PFMC must decide now what role it will play and how it wants those policies and priorities to be developed.... The PFMC can develop a FMP for the PHMS fishing within its EEZ independently from the WPFMC Pelagics FMP. This course will aid the US fishing industry in clearly stating its priorities and communicating those priorities to the DOS for inclusion in negotiations."⁴

A year later, the HMS management situation was summarized: "On July 16, 1998, representatives of the Pacific, North Pacific, and Western Pacific fishery management councils met with National Marine Fisheries Service (NMFS) Southwest Regional Administrator, Dr. Bill Hogarth, to discuss coordinated management of highly migratory species (HMS) in the U.S. exclusive economic zone (EEZ) of the Pacific ocean. The Western Pacific Council Chairman, Mr. Jim Cook, announced that his council is no longer seeking designation as the council in charge of management of HMS. NMFS supports development of a comprehensive plan covering the jurisdictions of the three councils that allows each council to manage its fisheries to the extent practicable. Under the joint plan development process established in the Magnuson-Stevens Fishery Conservation and Management Act, action to approve a plan or amendment requires a majority vote of all councils involved. This creates a potential for gridlock. The collaborative approach suggested by NMFS is somewhat of a hybrid. Each council would develop regulations for its own fisheries pursuant to separate frameworks in one plan. Actions that would affect individuals in both regions would require joint action. If councils disagree, a dispute resolution mechanism would be used. The Western Pacific Council's fishery management plan for pelagic fisheries would be amended to serve as the comprehensive plan."⁵

⁴ PFMC, Attachment C.3. OPTIONS PAPER: Need for Pacific Fishery Management Council Participation in Management of Highly Migratory Species in the U.S. EEZ of the Pacific Ocean., September 1997.

⁵ PFMC, EXHIBIT C., and Cover letter and Elements of Collaborative Approach referenced in EXHIBIT C., September 1998.

While attending an MHLC negotiation held in Honolulu, Bob Fletcher, Chairman of the PFMC HMS Policy Committee, gave the following account of an informal meeting concerning collaborative PFMC and WPFMC HMS management: "Speaking about coordination, I met on Thurs., Feb. 18th with Jim Cook and Kitty Simonds of the WPFMC. Joining me were Peter Flournoy, Chair of the HMS Advisory Committee, and fishing industry representatives Wayne Heikkila, Tana McHale, and Chuck Janisse. NMFS was represented by Dr. Charles Karnella. We discussed the need to move forward with discussions aimed at developing a shared management approach for all U.S. fishermen fishing HMS in the Pacific. In response to the idea of separate HMS FMPs, Dr. Karnella indicated that this approach would probably be opposed by NMFS HQ, due to the fact that these stocks need to be managed, as much as possible, as a unit throughout their ranges. While nothing specific came from the discussions, I did offer to review the proposal put forward by WPFMC several years ago. My thought is that portions of that proposal might be agreeable to the PFMC, and that we could then modify those areas where disagreement exists and offer a counter-proposal to keep talks moving. Perhaps we could integrate those agreed-upon positions into a joint HMS FMP. The meeting ended on that note."⁶

In the initial motion for the PFMC to go forward with a separate HMS FMP, Mr. Alverson identified the benefits of such an FMP as: 1) Strategic positioning of the PFMC, industries, and environmental interests with regards to the international activity taking place, and with the WPFMC; and 2) Being able to take action in the future should management needs be identified.⁷

COUNCIL DIRECTION FOR DEVELOPMENT OF A FRAMEWORK FMP:

Based on excerpts from the Council discussions that follow, summarized below are points of concern that were identified, and the direction to be taken in going forward with the development of a framework HMS FMP:

- **Fiscal limitations prompt the Council to undertake development of framework procedures, rather than a full-blown FMP, in order to address the need for an FMP within existing funding and staff constraints.**
- **Due to the lack of cooperation for a joint-planning process by the WPFMC, the PFMC will develop a framework FMP for managing its own fishermen, that may include regulations, and develop a framework process for collaborating with the other Councils for the purpose of managing species in coordination with international recommendations, and other actions that require collaborative measures.**

The PFMC was urged by recreational, commercial, and environmental interests to go forward with development of an FMP for HMS at its meeting of June, 1999. Most constituents, including the HMS Subpanel, felt that a joint-plan would be preferable,

⁶ PFMC, Minutes G.1., March 1999.

⁷ PFMC, Audio Record, C.3., June 1999

but that the Council should not delay in the absence of cooperation, but should move forward on a separate FMP.

A substitute motion at this meeting by Mr. Boydston, and later approved by the Council, reads: "Move that the Council develop a joint plan for HMS in cooperation with the other Pacific area councils. A separate plan for the west coast would be developed if the joint plan cannot be developed... The Council should write letters to the other councils and other pertinent entities regarding our intent to develop a plan. The plan should be completed by October 2000."⁸

Council members questioned how to move ahead with a joint plan absent cooperation from the other councils. As stated in the record: "Mr. Fougner clarified that we are to go ahead with the process, and on a parallel track, work with the other councils to reach agreement to develop a joint plan. Mr. Fletcher agreed.... A separate plan with joint mechanisms is necessary if cooperation is not reached with the other Councils. Mr. Anderson asked where is the funding going to come from? ... We know that the Council is stretched for money and staff. Mr. Six said there is no money available for this activity this year. Funding would come from NMFS and/or states to pay for meetings and other activities involved with this process. Mr. Fougner mentioned the Southwest Region did get a small increase in funding and is prepared to cover the travel expenses for the plan development team this fiscal year. Mr. Bohn agrees with the motion but is concerned about funding and commitments and is uncomfortable with the deadline."⁹

Additionally, Mr. Alverson said that the Council needed to let the PDT know if the intent is to develop a regulatory structure, or just a bare bones kind of framework plan. Mr. Alverson referred to the alternative management strategies indicated in the "White Paper": 1) propose immediate regulations, 2) propose only framework procedures for future action, and 3) propose both immediate actions and framework procedures. Mr. Fougner suggested that at this point the Council should be identifying goals and objectives and then setting up framework procedures for future implementation, and a trigger of some sort for a collaborative procedure. At this time, just focusing on west-coast interests. Mr. Six mentioned that under the collaborative procedure proposed by NMFS Southwest Region, the PFMC would have its own chapter and framework anyway. The Council can start with this process regarding west-coast fisheries.¹⁰

In September 1999, Mr. Six reported to the Council that Jim Cook, Chair of the WPFMC, has informed him that he is reluctant to work in a joint-planning process at this time.¹¹

In November 1999, Council records show that Mr. Fougner provided the Council with a list of 19 items as initial guidance for the HMS PDT. Mr. Anderson asks if the recommendation is for the development of a framework plan. Mr. Fougner answers that initial guidance item 5 includes this feature, but leaves it open as to whether or not it will

⁸ PFMC, Voting Log, Motion 5, June 1999.

⁹ PFMC, Minutes, C.3., June 1999.

¹⁰ PFMC, Audio Record, C.3., June 1999.

¹¹ PFMC, Audio Record, I.2., September 1999.

incorporate state measures, or adopt other measures. Mr. Fougner states that it's a given that the Council wants framework procedures that will enable them to take action in the future should action be required.¹² Item 5 states: "Develop framework procedures that would allow the Council and NMFS to implement changes (including changes in the specification of the management unit) in a timely manner [sic] should action be needed."¹³

PREPARATION OF DOCUMENTS:

Based on the description of the amount of work involved in the preparation of documents required as part of an FMP process that follows, summarized below are reasons to focus on document preparation at this time:

- **The limited fiscal and staff resources should be applied first toward fulfillment of required tasks.**
- **The process of preparing required documents will help the Council to better identify and address any immediate regulatory needs that may need to be considered outside of a mere framework FMP.**
- **The preparation of the EIS provides a context apart from defined management for including a comprehensive examination of all species of concern, including identification of their range and distribution as well as the patterns of fishing effort and harvest, and applicable conservation questions and concerns.**

The FMP process is described in five phases: Phase I—Planning; Phase II—Preparation of Draft Documents; Phase III—Public review and Council adoption; Phase IV—Final review and approval; and Phase V—Continuing and contingency fishery management. Each phase may require different aspects or stages of document preparation.¹⁴

Essential Fish Habitat identification and description including how each of the regulatory requirements for the EFH provisions has been addressed must be drafted.¹⁵ Both the Regulatory Impact Review and the Regulatory Flexibility Analysis require a description of the need for action, the management objectives and a description of the expected economic impacts. The Regulatory Impact Review focuses on the net economic benefit of the entire fishery to the nation, although considering economic impacts, while the Regulatory Flexibility Analysis focuses on the economic impact on individual fishermen and the effect of regulatory measures on their revenues and/or costs.¹⁶ The Endangered Species Act requires an analysis of possible effects on endangered and threatened species or critical habitat.¹⁷ The National Environmental Policy Act requires an extensive

¹² PFMC, Audio Record, F.I.c., November 1999.

¹³ PFMC, NMFS SUPP F.1., Initial Guidance to Plan Development Team, November 1999.

¹⁴ NMFS Operational Guidelines-Fishery Management Plan Process, A-4, May 1, 1997

¹⁵ Final Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, Volume II, Chapter 5.1, April 1999

¹⁶ Final Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, Volume III, Chapter 7.1.5, April 1999

¹⁷ NMFS Operational Guidelines-Fishery Management Plan Process, A-16, May 1, 1997

Environmental Impact Statement be drafted that includes: 1) Essential information about the species, their life history and ecology, existing and proposed fishing practices and levels, and the human and environmental impacts of proposed alternatives; 2) Fully list managed elements of the fishery including total allowable catch, gear restrictions, spatial restrictions, temporal restrictions, by-catch restrictions including the take of threatened and endangered species, and list the no-action, action alternatives; 3) Fully address direct, indirect, and cumulative impacts of the fishery, including elements of the fishery located outside of the west-coast region, and even those outside of the US's EEZ; 4) Include reasonable alternatives not within the jurisdiction of the lead agency; 5) Examine the fishery as an ecosystem; 6) Plainly state how each alternative benefits fishermen from different industrial and economic backgrounds; and 7) Describe human and environmental impacts in the context of environmental justice and list actions that lessen impacts to minorities and those economically underprivileged.¹⁸

DEFINE MANAGEMENT UNITS CORRESPONDING TO REGIONAL FRAMEWORK NEEDS:

Based on cited federal criteria for selection of the management unit for an FMP that follows, summarized below are suggestions for defining the management unit for this FMP:

- **Define the management unit geographically—the HMS fisheries in the Pacific coast region in order to avoid having to reconcile management of HMS stocks throughout their range in a regional plan.**
- **Craft a regulatory and/or framework structure that will provide uniform fishery monitoring and data collection within this region, allow for evaluation and the possible implementation of limited access to regional HMS fisheries, and address any existing state regulations that may not provide a uniform body of management measures.**

The Council's decision to go forward with the development of an HMS FMP is consistent with the Elements of Collaborative Approach developed by NMFS in the sense that under this proposal for joint planning, each council would develop regulations for its own fisheries pursuant to separate frameworks.

Some of the regional issues identified in Council discussions are: A discussion of limited entry as a potential management measure,¹⁹ and, to what extent are state regulations inconsistent, and to what extent should state regulations be carried forward into federal regulations.²⁰

Selection of the management unit in accordance with National Standard 3 of the Magnuson-Stevens Fishery Conservation and Management Act states that the purpose of

¹⁸ Letter from EPA to Larry Six, acknowledging notice of intent to prepare an EIS for proposed HMS FMP, November 5, 1999.

¹⁹ PFMC, Audio Record, I.3.c., September 1999.

²⁰ PFMC, Audio Record, F.1.c., November 1999.

this standard is to induce a comprehensive approach to fishery management. However, a less than comprehensive management unit may be justified if complementary management exists for a separate geographic region.²¹ The term “management unit” means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP’s management objectives. The choice of a management unit depends on the focus of the FMP’s objectives, and may be organized around different perspectives such as biological—based on stocks throughout their range, geographic—based on an area, economic—could be based on a fishery supplying specific product forms, technical—could be based on a fishery utilizing a specific gear type or similar fishing practices, social—could be based on fishermen as the unifying element, such as when the fishermen pursue different species in a regular pattern throughout the year, or ecological—could be based on species that are associated in the ecosystem or are dependent on a particular habitat. A management unit may contain, in addition to regulated species, stocks of fish for which there is not enough information available to specify MSY and OY or to establish management measures, so that data on these species may be collected under the FMP.²²

DEVELOP COLLABORATIVE MECHANISMS FOR DETERMINING SHARED MANAGEMENT NEEDS:

Based on an illustration of the Council’s recognized need for collaborative mechanisms to manage HMS stocks throughout their range, and a partial solution that follows, summarized below are suggestions for achieving collaborative needs:

- **Continue to invite establishment of cooperative procedures involving the other Councils.**
- **Support the NMFS Southwest Region in an effort to promote collaborative HMS monitoring and data collection for domestic HMS fisheries in the Pacific by working through the SWFSC and/or appropriate rulemaking.**

The Council approved the development of a joint plan for HMS in cooperation with the other Pacific area councils. The Council also recognized that a joint plan could not realistically be developed without cooperation from the other Councils, especially the WPFMC, and that in this case, development of a separate FMP would proceed with a view toward incorporating mechanisms for collaborative measures when necessary, and to the extent feasible.

It is recognized that such collaborative measures are necessary for determining management measures for HMS stocks. When DOS Deputy Director Brian Hallman spoke to the Council in 1997, he advised that an FMP for HMS might not be appropriate at this time, as conservation efforts must be coordinated internationally. In light of this reality, it would be appropriate for the Council to focus on identifying HMS stocks of concern, and including corresponding biological, and fishery information within the FMP

²¹ 50 CFR §600.320(e)(2)

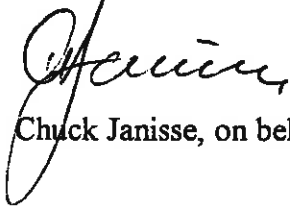
²² 50 CFR §600.320(b) and (d)(1)(i),(ii),(iii),(iv), (v), and (vi).

or supporting documents, but not identify those stocks as the focus of the plan at this time.

Perhaps NMFS Southwest Region can assist by assuming a collaborative role. For instance, the Southwest Fisheries Science Center, responsible for both the La Jolla, and the Honolulu labs, is under Southwest regional authority. HMS monitoring and data collection, as well as stock assessment and research are handled by the Science Center. The Southwest region is in a position to promote collaborative HMS information domestically through the Science Center. Also, perhaps the High Seas Fishery Compliance Act could be used to foster collaboration through rulemaking by requiring uniform monitoring and data collection from U.S. fishermen fishing for HMS outside of the EEZ.

In closing, I hope this information and suggestions are helpful and will promote swift implementation of the appropriate HMS FMP for this region at this time.

Respectfully,

A handwritten signature in cursive script, appearing to read "Chuck Janisse". The signature is written in dark ink and is positioned above the typed name.

Chuck Janisse, on behalf of the Federation of Independent Seafood Harvesters.

MARTIN L. MORRIS, M.D.
6318 Dwane Ave.
San Diego, CA 92120

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FEB 28 2000

PFMC

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Feb. 25, 2000

To Whom It May Concern:

Unfortunately, previous plans will prevent me from attending the March 6-10 conference in Sacramento. Therefore, I wish to pass on my humble comments at this time (prior to Noon, March 1, that is).

My main interest lies in the Highly Migratory Species Management Plan that is currently being worked on and is to be presented – in preliminary form? – at the forthcoming conference. Since even rough drafts of the Plan do not seem to be available to the Public whatever I speak of must come from rumor, hearsay, gossip, etc. Thus: it is rumored (?) that the plan calls for the issuing of permits for an “experimental” longline fishery for Blue Fin Tuna – or ??? – in the U.S. E.E.Z.. Reference is also made to ACTION upon the advisory subpanel’s recommendation of a date for “Limited Entry.” If the subpanel is to be submitting a date for “Limited Entry” then plans surely must be well along on just what this “Limited Entry” entails.

If it is true that the Plan calls for the introduction of a longline fishery into the U.S. E.E.Z. (for whatever species) then I must register my protest of such an action most loudly and forcefully. The effect of these indiscriminate forms of oceanic slaughter has already been proven as witnessed by the debacle on our East Coast and the constant reminders of the illegal fishing south of the border (see today’s LA Times). One does not need further “experimentation” to prove that these lines are effective in killing fish – of any species.

Again, I regret not being able to attend your meeting and I hope that many others who can not be there will also register their concern over the information that has been circulated about the meeting. Fish stocks are already depleted. Why is it necessary to find out that there are more efficient ways of accomplishing this further – and faster? One might have thought that your primary concern would be to preserve the fish – not figure out ways to harvest them. The most sickening words in a fisherman’s vocabulary are “Maximum Sustainable Yield.” The commercial interests are only interested in “Fastest and Most Profitable Yield.” Please – NO LONGLINES!

Sincerely yours,


Martin L. Morris, M.D.



February 25, 2000

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FEB 29 2000

PFMC

The Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Sevenstrand

To whom it may concern:

Tackle

I am a recreational angler. I understand that a commercial "experimental" bluefin longline permit has been brought up for discussion. There are many reasons why I am strongly opposed of such permits:

Corporation

899 West Cowles St.

1) Longlining is a indiscriminate fishing method with bycatch of mammals, turtles, baby swordfish, sharks, and other valuable resources that can destroy our oceans.

Long Beach,

2) We need sharks to keep the ecosystem healthy. They are slow to reproduce, and increased longlining will put increased pressure on already troubled stocks.

California 90813

3) Gamefish all follow the same bait schools and water temperature edges in their annual migrations. The same areas longliners target for bluefin tuna are also areas where marlin, shark, mammals, turtles and other species congregate that will die from drowning on a long line hook. Setting at night, different depths, or other methods to limit the bycatch is not possible with longlines or gill nets. They are indiscriminate killing tools.

Phone (562) 437-1010

Fax (562) 495-4707

4) Inside 200 miles is also a nursery for both thresher and mako shark populations. Large females come into the continental shelf to breed. This gives the new born sharks a better chance of survival, plenty of food and less predation by larger sharks. Longlining inside 200 miles therefore would be a very destructive to the nursery and the health of the shark population.

www.7strand.com

Please understand I am VERY concerned about these "experimental" longline permits and hope you will take these concerns into consideration before expanding the longlining permits.

Sincerely,

Bob Hoose



AFFILIATED WITH
INTERNATIONAL GAME FISH ASSOCIATION

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FEB 23 2000

PFMC

2445 SHELTER ISLAND DRIVE
SAN DIEGO, CALIFORNIA 92106
BUSINESS PHONE - (619) 222-8677
FISHING REPORT - (619) 222-2502

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Feb. 25, 2000

To Whom It May Concern:

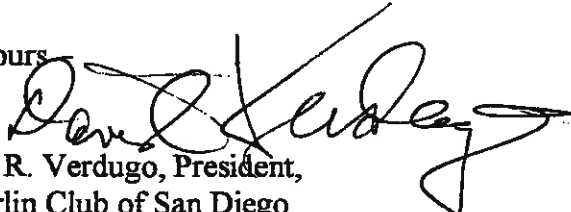
The Marlin Club of San Diego is an active Sportfishing club with over 350 members. We are very active in Southern California waters for all forms of sport fish, including Marlin, Swordfish, Tuna, etc. Thus, we are very concerned over reports that your Highly Migratory Species Management Advisory Panel is planning to recommend the authorization of permits to allow commercial longline fishing activities within our U.S. Exclusive Economic Zone (E.E.Z.), the 200 mile off-shore limit.

The disaster that has befallen our East Coast fisheries due to the use, and over-use, of these longlines that are indiscriminate in their slaughter of all passing species is well established. Why is that, over and over, the old saying: "Those who forget the past are destined to repeat it" must be repeated – and promptly ignored.

Our club would like to go on record as being opposed to any form of longline fishing in our 200 mile waters, whether it be "experimental" or not. No one needs further "experiments" to prove just how effective – and destructive – these lines can be. Therefore, we implore you not to adopt any plan that recommends or promotes the use of these lines. We note, however, that your Advisory Subpanel is planning to present "for Action" an actual date for "Limited Entry" – of what we do not know. We can only suspect that a decision has already been made to permit the issuing of such permits. If so, we, again, implore you to reverse such a decision.

Thank you for your time –

Respectfully yours


David R. Verdugo, President,
Marlin Club of San Diego

February 25, 2000

The Pacific Fishery Management Council
2130 SW Fifth Ave., Ste. 224
Portland, Oregon 97201

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PFMC

RE: PLEASE NO LONGLINE FISHERY INSIDE 200 MILE EEZ!!

Dear Council:

I am horrified and upset that there is even a consideration of introducing a longline fishery inside our EEZ. I am an avid sport fisherman, member of the Huntington Harbor Rod and Reel Club, sport fishing writer, radio and seminar speaker on offshore sport fishing. I personally invest thousands of dollars into the California economy annually as a result of my pursuit for pelagic game fish off the Southern California Coast. I have fished the offshore waters of Southern California for thirty years and have seen the size and numbers of species such as swordfish and sharks vanishing at an alarming rate since the introduction of drift gill nets in our local waters and long lining pressure along the EEZ. I am not a scientist, but I have spent enough hours on the water (thousands in fact) to make a valid observation that our fishery isn't getting better, it is getting worse and at an accelerating pace. This is due to the indiscriminate commercial fishing methods of longlining and drift gill netting.

I have two children that are aged 4 and 2 years old. I want my children to have the opportunity to enjoy the thrill of catching and releasing a marlin, shark, swordfish, tuna in my local waters. I understand and appreciate that commercial fishermen want to make money and the general public wants to have a source of seafood, but is it right that a small group (commercial fishing interests) has the right to destroy a resource that belongs to all of us and our future generations? The sheer economics alone of money derived from the pursuit and catch of a single striped marlin off our coast by a sportfisherman vs. one killed and discarded as "by catch" by a longliner is reason enough to know that longlining is not in the best interest of the State of California's economy.

There is more than enough data to prove that long lining rapidly reduces pelagic fish populations. Take for example what has happened in the Atlantic to billfish and shark populations or in other areas of the world. To allow this type of destructive indiscriminate gear inside 200 miles off our coast is a disaster in the making. How and who will monitor and protect non-targeted species such as marlin, sharks, birds, turtles and other marine life from this type of indiscriminate gear? The California DFG doesn't have the patrol boats. Who will fund and provide observers to be placed on the commercial boats to keep them honest and maintain accurate catch and by catch records? What will prevent these commercial boats from taking their catch directly to offshore Asian factory ships to off load their catches and not provide landing data? Won't they be tempted and will they fin blue and mako sharks in our "shark nursery" to get the high dollars offered by the Asian market? There are frankly too many uncertainties and elements that cannot be controlled if long lining is allowed inside the EEZ. It is a poor and bad idea all around!

I beg the council to please make the best economic and resource conscience decision...DON'T ALLOW LONGLINING INSIDE THE EEZ, NOW OR EVER!

Sincerely,



David Brackmann

My Mailing address -

David Brackmann
16316 Niantic Circle
Huntington Beach, CA 92649

Phone - (626) 854-3700

Fax - (626) 854-3709

Sea Shepherd Conservation Society

INTERNATIONAL HEADQUARTERS
P.O. Box 2616
Friday Harbor, WA 98250
Tel: (360) 370-5500
Fax: (360) 370-5501



9 March 2000

Sea Shepherd Conservation Society's Comments on Pacific Fishery Management Council meeting to address management of fisheries for salmon, coastal pelagic species, Pacific halibut, highly migratory species, and groundfish:
- highly migratory species management

My name is Frank Trinkle. I am the director of development for the Sea Shepherd Conservation Society. As the representative of an international marine wildlife conservation organization, I am here to represent what the Independent World Commission on the Oceans is fond of calling "non-utilitarian trans-national values." That is to say, I'm speaking on behalf of civil society, future generations, and the global environment as they will be affected by your decisions on this regional fishery.

To that end, I would like to remind the Council, in all its deliberations, of three necessities of fisheries management: The precautionary principle, the ecosystem management approach, and enforcement.

The precautionary principle, as originally embodied in the Rio Declaration, requires that a lack of scientific data providing absolute proof of a conservation problem and its cause shall not be used to justify avoidance or delay in the implementation of effective conservation measures to guard against the loss of biological diversity.

Sea Shepherd wonders how seriously the Council is taking the precautionary principle in light of many of the provisions, or lack thereof, in the 2000 fisheries management plans. We object in the strongest possible terms to the opening of any new experimental fisheries off the coast of California, such as the salmon fishery south of Pillar Point. Such openings are being pressed upon the public just two years after the National Marine Fisheries Service required all commercial fishing operations off the Pacific Coast to reduce their catch by up to 65%. And that measure, we remind the Council, was a political compromise, over the urging of NMFS biologists to impose cuts of 80% or greater if we were serious about attempting a recovery of the West Coast's failing fisheries.

The ecosystem management approach requires you to consider the other species affected by the fishery on the species for which you are setting quotas. It also requires the consideration of fisheries impacts on the species you are managing when that species is also fished beyond the boundaries of your jurisdiction. In Mexico, by conservative estimate, 40 new longline permits have been issued or are under consideration.¹ Hence, both the legal and illegal take of shark, marlin, swordfish and billfish is on the rise, and this Council cannot afford to ignore that fact in its deliberations on the management of these highly migratory species.

¹Asociacion de Lanchas de Pesca Deportiva de Mazatlan, A.C.

The ocean's top predator is in free-fall. We know that pelagic shark populations are in severe decline; how severe is simply unknown. We know that populations of large coastal sharks have declined by as much as 80% since 1970. And even with recent U.S. quota cuts and prohibitions on the landing of 21 species, the pressure from commercial fishing interests remains many times what these populations can sustain, and there is no evidence of recovery among large coastal sharks.

All of them might as well have bull's-eyes pained on their fins. At least a third of all sharks caught are trapped in fishing gear cast for other species, but with shark fins now going for up to \$250 per pound in Asian markets, the boats are very happy to see the sharks winched on board along with their targeted catch. The ongoing failure of the Council to institute the same protections for the Pacific shark fisheries as are in place in the Atlantic fishery is an international scandal. With an estimated 100 million sharks taken for their fins since the explosion of the practice, sharks need to be given consistent, real protection, and the practice of shark finning needs to be banned outright.

If enforcement efforts continue to be as lackluster as they have been in recent years, the Council will soon be unable to rely on the accuracy of any obtainable fishery data in setting quotas, as your data will not include the increasing, unknown illegal catch and by-catch of commercial vessels fishing with impunity inside the EEZ. Most of the people in this room are aware that the vessel monitoring system for pelagic longliners is a farce and a failure. It must be made mandatory, and it must include all vessels in the commercial fleet.

The California drift gillnet fishery for thresher shark and swordfish has been exceeding its allowable lethal take of endangered loggerhead turtles and sperm whales since 1998. The species caught and killed in this fishery are being taken in violation of the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. We should follow the example set by Washington State last December and immediately discontinue gillnet fishing for thresher shark.

Federal fishery managers have a clear duty. They have not done it. For 20 years, they have failed to halt the slaughter of sharks, sailfish, swordfish, turtles, dolphins and marine mammals killed by longlines and drift gillnets off this coast, on the pretense that the world's most indiscriminate form of fishing can be controlled by quotas. But the victims of that tragic mistake, the species that may be in the most immediate danger of extinction from the management policies that have allowed this devastation, are human. The harpoon fishermen who have been fishing for swordfish for generations are in danger of being completely wiped out by the commercial boats, which indiscriminately take juvenile swordfish, decimating the breeding stock of the next generation. The harpooners whose families have been fishing these waters for forty or fifty years or more, who take only the mature fish, whose by-catch rate is zero, who take only what they need to maintain their livelihood and sustain their families, will not survive another ten years of gillnets, longlines, and inept fishery management. They are being choked to death by the most destructive form of fishing ever devised.

The Sea Shepherd Conservation Society wants indiscriminate gillnets and longlines phased out in all U.S. waters, and that is a law that must be rigorously enforced if decimated shark and billfish populations are to have any hope of recovery.