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March 13, 2002

Hand Delivered March 14, 2002

PACIFIC FISHERY MANAGEMENT COUNCIL
c/o Don O. McIsaac, Executive Director
7700 NE Ambassador Place, Suite 200
Portland, OR 97220

RE: Pacific Fishery Management Council
December 2001

DRAFT

Fishery Management Plan

and

Environmental Impact Statement

for

U.S. West Coast Fisheries for Highly Migratory Species

1. Chap. 8 Sec. 8.4.1 Legal Gear and Gear Restrictions
2. Chap. 8.4.2 Incidental Catch Allowance
3. Chap. 8. Sec. 8.4.4 Bycatch

Dear Executive Director McIsaac and Members of the Council:

I am writing in behalf of approximately sixty-five (65) Offshore and Near Shore Gillnet fishermen whose Ports are in Central and Southern California.

We have the following objections and support as to certain "Alternatives" and parts of the above-referenced Sections of the Pacific Fishery Management Council's (PFMC) DRAFT Fishery Management Plan and Environmental Impact Statement for U.S. West Coast Fisheries for Highly Migratory Species:

1. Chap. 8 Sec. 8.4.1 Legal Gear and Gear Restrictions

- a. We support Alternative 2.

Reasons:

- (1) The population biomass of blue fin and albacore tuna are generally reported to be healthy, and by some exceptionally strong, which reports are supported by recent and current substantially above average sport fishing annual catch.

- (2) The absence of a minimum net mesh size will allow the Small Mesh Gillnet Fishery for blue fin and albacore tuna to continue and thereby will provide a significant source of income to coastal gillnetters who have experienced severe restrictions and diminution of their fishery, and its participants' income, over the last fifteen years.
- (3) The Small Mesh Gillnet Fishery for albacore and tuna provides a benefit and resource to the ~~officiating~~ ^{FRESH EATING} consumer in providing a substantially increased supply of fresh tuna to the California fresh fish market.
- (4) The Small Mesh Gillnet Fishery provides a method of catching fish that would otherwise not "bite", i.e., hook and line, such as very large albacore, blue fin tuna, and Pomfrett.
- (5) The Small Mesh Gillnet Fishery provides a method of exploring the existence and the feasibility of catching new species such as Pomfrett. Many of such new species swim through large 14" mesh gillnets.
- (6) The Small Mesh Gillnet Fishery has no "Bycatch" as to the definition of that word in the FMP as to their marketability; *all fish* that are caught in the Small Mesh Gillnet Fishery are sold at market.
- (7) Field evidence shows that the smaller mesh gillnets have de minimus interactions with marine mammals and birds.

b. We oppose Alternative 1:

Reasons:

- (1) We oppose Alternative 1 because it eliminates the Small Mesh Gillnet Fishery for blue fin and albacore tuna and the benefits thereof as set forth in 1.a above.
- (2) This Alternative/proposed *ruling* is not supported by any *findings* which were based upon factually, logically and legally valid and supporting *facts*; absence of such *findings* upon which the ruling ("Alternative") is based renders the ruling unconstitutionally *arbitrary* and *capricious*.
- (3) We posit that the Alternative being "consistent" with the "historic consideration..." to be, if it is offered as such, an invalid *finding* to support the Alternative/*ruling*, and further to be an unconstitutionally *vague* and *ambiguous* basis for the Alternative/*ruling*.
- (4) There is no scientific information or basis for the selection of Alternative 1.

2. Chap. 8. Sec. 8.4.2 Incidental Catch Allowance

- a. In the event that Chap. 8. Sec. 8.4.1 Alternative in 2 is not the adopted Alternative, we propose a maximum Incidental Catch Allowance of Fifty Percent (50%) of the total landing weight.

Reasons:

- (1) This would allow an *additional source of income* to the Small Mesh Gillnet Fishery (on days when the incidental catch happened to be large) which has suffered severe financial setbacks the last fifteen years.
- (2) This would *eliminate* substantial amounts of *waste* that would otherwise occur due to the incidental catch by Small Mesh Gillnet Fishers.
- (3) This incidental catch allowance amount poses *no biological danger* to the biomass. The population biomass of bluefin and albacore tuna are generally reported to be healthy, and by some exceptionally strong, which reports are supported by recent and current substantially above average sport fishing annual catch.

3. Chap. 8. Sec. 8.4.4 Bycatch

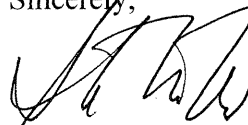
- a. We generally support the principle of status quo and more specifically Chapter 8 Sec. 8.5.4 Alternative 2.

Reasons:

- (1) Based upon the superior importance of the MMPA and the ESA and their legal authority, it appears logical that the drift gillnet fishery federal regulations continue under those two major Acts.

We wish to take this opportunity to request the Council's documentations/data/research information on all of the Alternatives contained in the above-referenced three (3) Chap.8 Sections.

Sincerely,



ILSON W. NEW

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