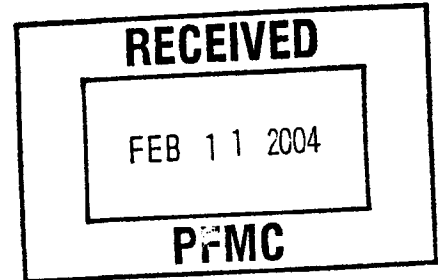




Pacific Marine Conservation Council

February 9, 2004

Don Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384



**Re: Advance notice of proposed rulemaking; notice of control date
for the Pacific Coast groundfish fishery**

Dear Mr. Hansen,

Thank you for the opportunity to comment on the establishment of a November 6, 2003, control date regarding the possible development of individual fishing quota (IFQ) systems in the groundfish fishery. Pacific Marine Conservation Council (PMCC) is very concerned about the possible adverse impacts to commercial and recreational fisheries from the institution of IFQs without adequate protective standards. PMCC is also apprehensive about that moving forward with a trawl IFQ, along the lines discussed by the Pacific Fishery Management Council's (Council) Ad Hoc Trawl IFQ Committee, could have negative consequences for the diversity and integrity of historic fishing communities.

➤ **Establishment of a control date should cover the entire groundfish fishery.**

It is understandable, and likely prudent, to establish a control date to avoid economic speculation, especially since the Council has encouraged some expectation through the actions of the Ad Hoc Trawl IFQ Committee. However, this should in no way imply an endorsement of any particular IFQ proposal. This control date should not even be limited to a gear endorsement, such as trawl, but should extend to the entire groundfish fishery. Limiting alternatives prior to any formal public scoping would be improper.

➤ **A comprehensive programmatic environment impact statement is required for the groundfish fishery.**

The Pacific Coast groundfish fishery has undergone several major changes during the past few years. The small footrope restriction was instituted in an attempt to reduce catch of overfished species on the continental shelf. Nine species of groundfish were declared overfished and plans for rebuilding these populations are, after fits and starts, in various stages of development. The Council has made unprecedented use of spatial management in closing large areas of the continental shelf to specific gear effort. And 92 limited entry trawl permits were recently removed from the fishery at a cost of \$46 million.

These changes in themselves require a step back and complete analysis of their individual and cumulative impacts. Before taking the extreme step of serious consideration of IFQ systems, it is necessary to look at the fishery as a whole, in a comprehensive manner. Participants in all related recreational and commercial fisheries, and the public at large, deserve a clear exposition of alternatives for future management of the groundfish fishery. This compels a formal and open public process. Prior to any further Council efforts related to IFQs, the Council

and NOAA Fisheries should complete an up-to-date comprehensive programmatic environmental impact statement.

➤ **Establishing an IFQ control date should not obviate the need to deal with latent trawl permits.**

Legislation authorizing the trawl permit buyback did not address the possibility of permits with little or no recent associated landings becoming available to increase fleet capacity. NOAA Fisheries and the Council should deal with these latent permits, and promulgate rules to limit the possibility of activation of these permits. Failure to take such action could undermine the effectiveness of the buyback.

It would be a mistake to assume that investment in latent permits will be discouraged simply because a control date is established, and calculation of catch history (in allocating quota) is thereby limited to the time before that date. There should be no assumption that catch history will drive initial allocation of quota, even if IFQs are established. Quota might be distributed equally by permit, by vessel length, by royalty auction, by community or through a number of mechanisms that would not depend primarily on catch history. To presume otherwise is to preordain parts of a National Environmental Policy Act process that has yet to commence.

➤ **A Council-sponsored and funded committee should include an adequate range of stakeholder representation.**

The Ad Hoc Trawl IFQ Committee presently includes no representatives of recreational fisheries, nor of the fixed gear or open access groundfish fleet. All these fisheries would be affected if a trawl IFQ was instituted, replacing 2-month cumulative trip limits and certain other status quo management measures. Local and period-specific bycatch issues might be significant, for example. In addition, this committee has no one representing the interests of fisheries such as salmon or Dungeness crab. The wealth generated through groundfish quota distribution could capitalize businesses to expand their efforts into other regional fisheries, perhaps resulting in new over-capacity problems. There is also only a single conservation seat on the committee, chosen I assume because of their organization's support for rights-based management.

While it remains PMCC's position that a programmatic EIS is essential prior to working out any IFQ system, if the Council wishes to have a committee discussing IFQs then representatives of affected fisheries, coastal communities, and conservation groups that urge caution in IFQ development should be present.

➤ **IFQ systems should conform to basic, reasonable standards.**

IFQs may play some role in future fisheries, but PMCC holds that any system developed must meet basic standards to protect fishing businesses, coastal communities, and the public interest. IFQs must not in any way be construed to be property rights; rather, they are fishing privileges to be granted for a duration not to exceed seven years. There must be strict limits on accumulation of quota shares and fair and equitable initial allocation of shares. There needs to be a mechanism for independent review of the systems. As an IFQ program is developed, management should seek to preserve the full range of historical participation in the fishery, rather than simply favoring the most efficient operations. In addition, fishermen participating in the groundfish fishery should have the opportunity to vote, by two-thirds margins, whether to develop or approve an IFQ system. Unfortunately, what we've seen from the Council's Ad Hoc Trawl IFQ Committee does not conform to most of these standards.

Thank you for considering our comments. If you have any questions please call me at (503) 440-3211.

Respectfully submitted,

Peter Huhtala
Senior Policy Director



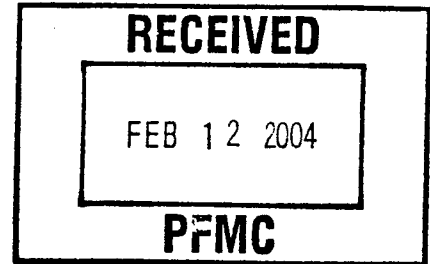
General Information 2
March 2004



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, FL 33702
(727) 570-5305; FAX (727) 570-5583
<http://caldera.sero.nmfs.gov>

FEB 4 2004

F/SER23:JW



Mr. David Cupka, Chairman
South Atlantic Fishery Management Council
One Southpark Circle, Suite 306
Charleston, South Carolina 29407

Dear Mr. ^{David}Cupka:

I am pleased to report the National Marine Fisheries Service (NOAA Fisheries) has approved Amendment 13A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region.

This amendment extends regulations that prohibit fishing for and retention of snapper grouper species within the *Oculina* Experimental Closed Area (OECA) for an indefinite period, with a 10-year re-evaluation by the South Atlantic Fishery Management Council (Council). The Council will also re-evaluate the configuration and size of the OECA within three years of the publication date of the final rule. The continued closure is intended to 1) provide a buffer against the uncertainty inherent in stock assessments and 2) provide the highest protection to the *Oculina* coral habitat in the closed area.

Over the past year, our two offices have implemented a new team-based approach in developing documents, as part of the regulatory streamlining project effort. As you know, this new process has dramatically improved communication and cooperation between staffs of the Council and the Southeast Regional Office. Amendment 13A is a success story for this team approach. NOAA Fisheries looks forward to continuing this cooperative approach with the Council.

Sincerely,

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

Roy E. Crabtree, Ph.D.
Regional Administrator

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David Cupka, Chairman
Louis Daniel, Vice-Chairman

Robert Mahood, Executive Director
Gregg T. Waugh, Deputy Executive Director

February 6, 2004

MEMO TO: COUNCIL MEMBERS

FROM: GREGG WAUGH 

SUBJECT: SNAPPER GROUPE AMENDMENT 13A

SUCCESS! The Council's Snapper Grouper Amendment 13A (Oculina Closure) has been approved. In a February 4, 2004 letter (attached) from Roy Crabtree to Chairman David Cupka, the Council was notified that Amendment 13A was approved.

This is our first amendment under the new team-based approach in developing documents as part of the regulatory streamlining project. Roy and his staff are to be congratulated for working so closely with us and for meeting the much faster review timeframe. This speaks very positively of this approach for ensuring documents are reviewed and implemented in a timely manner. We look forward to similar success with Shrimp Amendment 6, Snapper Grouper Amendment 13B, and our other amendments.

cc: Council Executive Directors
Snapper Grouper, Habitat, Coral, Marine Protected Area
& Law Enforcement Advisory Panels
Scientific & Statistical Committee
SAFMC Staff
Monica Smit-Brunello - NOAA GC
Virginia Fay, Joe Kimmel, Heather Blough & Julie Weeder- SERO
Nancy Thompson & Alex Chester - SEFSC Miami
John Merriner & Mike Prager - SEFSC Beaufort
Snapper Grouper Amendment 13A Team