

Subject: [Fwd: 4 pm Public Comment]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Wed, 26 May 2004 10:20:27 -0700
To: John Coon <John.Coon@noaa.gov>
CC: Daniel Waldeck <Daniel.Waldeck@noaa.gov>, Carolyn Porter <Carolyn.Porter@noaa.gov>

----- Original Message -----

Subject: 4 pm Public Comment
Date: Wed, 26 May 2004 10:01:20 -0700
From: Peter Huhtala <peter@pmcc.org>
To: <pfmc.comments@noaa.gov>

Please include this letter regarding the fishery-related recommendations of the US Commission on Ocean Policy in the briefing book under 4 pm public comment.

Thank you,

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Pacific Marine Conservation Council

May 4, 2004

U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

Re: Public Comment on Preliminary Report

Commissioners:

The **Pacific Marine Conservation Council (PMCC)** is a public-benefit, non-profit corporation that works with fishermen, marine scientists, conservationists, and the general public. PMCC seeks to ensure that needed steps are taken to rebuild and sustain depleted groundfisheries along the West Coast, as well as to balance healthy marine ecosystems with viable fishing community economies. We are pleased to offer comments regarding fishery-related recommendations of the U.S. Commission on Ocean Policy (USCOP).

PMCC supports most of USCOP's recommendations regarding marine fisheries management. However, we believe that three of the Commission's recommendations could be improved by being more specific. These recommendations involve monitoring and reducing bycatch (the unintentional catch of non-targeted species), ensuring fair and balanced representation on regional fishery management councils, and reducing the potential for individual conflict-of-interest on these councils.

(1) REDUCING BYCATCH: USCOP recommends (*Recommendation 19-22*) that the National Marine Fisheries Service (NMFS) “develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch.” While this idea is commendable, it does not offer specific and practical actions that can be taken in the near future.

Bycatch—including unintentional take of overfished species, endangered species, marine mammals, birds and other marine life—is a major problem in many fisheries in the United States. In particular, the lack of adequate monitoring systems to quantify the total mortality of overfished or precautionary-zone fish species along the West Coast has contributed to the further depletion of several fish populations. These depletions have constrained access to healthy fish populations, and have resulted in hundreds of millions of dollars in economic loss to coastal economies due to the foregone access.

PMCC believes that NMFS should be mandated to assess the adequacy of all regional bycatch monitoring systems. This process would include timely reports to Congress regarding what steps are needed to make each system adequate for (1) quantifying total mortality of all managed species and (2) gathering information on bycatch of other marine life. Without adequate bycatch monitoring, fisheries management lacks essential information, and it is nearly impossible to develop baselines for bycatch reduction of non-assessed populations.

We already know from previous studies (including Pikitch and Babcock 2003 and Powers 2003) that present levels of observer coverage are inadequate in several West Coast fisheries. **PMCC believes that Congress should at least double the present modest federal contribution to regional observer programs.**

Although USCOP asks that regional bycatch reduction strategies be developed, explicit goals of these strategies are not expressed. **PMCC believes that Congress should clarify and strengthen national bycatch reduction mandates.** The statutory requirement for bycatch monitoring and management plans should be to reduce bycatch to the maximum extent practicable, with a goal of levels approaching zero. The plans should specify objective and measurable methods and targets to reduce bycatch on an annual basis by a statistically significant amount from the previous year, and should include all direct and indirect sources of mortality. Non-conventional ecosystem-based tools, such as marine protected areas to protect habitat of bycatch species, should be considered in such plans.

(2) BALANCED REPRESENTATION ON FISHERY MANAGEMENT COUNCILS: In *Recommendations 19-12 and 19-13*, USCOP offers means to broaden representation on regional fishery management councils in a fair and balanced manner, specifically seeking to increase representation from outside the fishing industry. Requiring the governors to provide a slate of names for each open appointment that includes recreational, commercial, and public interests is a good start toward this end. However, the intent of these recommendations could be more effectively achieved with the addition of this slightly more specific language:

The Magnuson-Stevens Act should be amended to:

- **Require governors to consult with the representatives of the public, including conservation groups, when developing lists of individuals to serve on councils.**
- **Require the Secretary of Commerce to ensure balanced representation between representatives of the non-fishing public, and representatives of commercial and recreational fishing, when making council appointments.**

(3) REDUCE CONFLICTS OF INTEREST AT FISHERY MANAGEMENT COUNCILS: USCOP points out the inherent potential for, as well as the perception of conflicts of interest in decisions made by members of the regional fishery management councils. Aside from recommending broader representation on the councils, the Commission does not offer specific additional solutions, although implementing *Recommendations 19-2 and 19-3* would reduce conflicts that might inspire setting allowable catch rates beyond those advised by council and NMFS scientists.

Current law exempts council members from the conflict of interest standards that apply to *all* other regulatory bodies of the federal government. Instead, the Magnuson-Stevens Act requires council members to recuse themselves from a council action if they own or represent more than 10% of a gear type or sector. Even if a council member is found to have voted on a matter from which they should have been recused themselves, the vote cannot be reconsidered. The scope of this problem is demonstrated by the fact that 60 percent of the appointed council members have a direct financial interest in the fisheries they manage. Therefore, we suggest the following additional recommendation:

The Magnuson-Stevens Act should be amended to:

- **Prevent council members from voting on any issue that would affect a financial interest that they are required to disclose.**
- **Prevent council members who have been convicted of violating the Magnuson-Stevens Act from serving on a council.**

ADDITIONAL COMMENTS: PMCC has highlighted the three areas described above where non-controversial modifications to the recommendations of USCOP could lead to substantially improved management of our nation's fisheries. We close with a brief list of further comments and suggestions:

- USCOP should consider an additional recommendation that each regional fishery management council be required to establish and seek the advice of a standing Ecosystem Considerations Committee. These committees would include qualified experts who could look at council decisions and research priorities from the perspective of ecosystem-based management.
- In order to analyze the steps necessary to fully implement the ecosystem-based management approach recommended by USCOP, comprehensive programmatic environmental impact statements (EIS) that include a focus on this approach should be completed for all major fisheries in the United States. However, the process of completing these EISs should not delay efforts to manage fisheries from an ecosystem-based perspective, nor preclude the simultaneous development of ecosystem-based fishery management plans.
- PMCC believes that Congress should mandate that scientific determinations of ecosystem health and the status of fish populations be insulated from decisions on who should exploit those resources and to what degree. Elevating the council Scientific and Statistical Committees, as set forth in *Recommendations 19-2* and *19-3*, may not be the only way to achieve this end. Other means include establishment of a new entities, such as regional scientific and technical teams that would be charged with setting catch limits and establishing other biological parameters within which fisheries can operate.
- PMCC believes that mechanisms should be established to solicit and incorporate community-based priority needs in the annual research needs list developed by the councils, as described in *Recommendation 19-7*.

- PMCC enthusiastically supports *Recommendation 19-9*, which calls for expanded support for regionally-based cooperative research programs, involving fishermen and scientists. Congress should increase funding for these cooperative research programs as soon as possible.
- PMCC also appreciates the specific, minimum national guidelines for dedicated access privileges as described in relation to Recommendation 19-15. Congress should immediately adopt such a set of standards for individual fishing quota systems (e.g., HR 2621), as preliminary development of such systems is already underway absent these sensible, requisite standards.

Thank you for considering these comments and suggestions from Pacific Marine Conservation Council regarding the preliminary report from the U.S. Commission on Ocean Policy.

Respectfully submitted,

Peter Huhtala
Senior Policy Director

References:

Pikitch, Ellen K and Elizabeth A. Babcock, 2003. *How Much Observer Coverage is Enough to Adequately Estimate Bycatch?* Pew Institute for Ocean Science

Powers, Joseph E. et al; National Marine Fisheries Service, 2003. *Evaluating bycatch: a national approach to standardized bycatch monitoring programs*. NOAA, NMFS, Silver Spring, MD. 88 p.