Pacific Marine Conservation Council

Linking science, policy, and community to benefit the marine environment and the people and livelihoods connected to the sea

Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

October 24, 2005

Re: Community protection options – TIQ (Agenda item H.11.c)

Dear Chairman Hansen,

Pacific Marine Conservation Council (PMCC) offers these comments regarding community protection options, to be included for analysis within the trawl individual quota environmental impact statement. PMCC is a nonprofit, public benefit corporation, with offices in Astoria, OR; Port Townsend, WA; and Arcata, CA. Our organization has a diverse 12-member Board of Directors representing commercial and sport fishermen, marine scientists, coastal community advocates and other constituent groups, all dedicated to sustaining healthy and diverse marine ecosystems. PMCC works to link science, policy and communities to benefit the marine environment and the people and livelihoods connected to the sea.

We appreciate the opportunity to comment on this important matter. Although individual quota programs can enhance economic efficiency for some fishing businesses, they can also pose serious risks of adverse impacts to the economies of coastal communities. The design of rights-based fisheries programs involves decisions both of limiting access, and unleashing market forces that raise compelling concerns around issues of social justice and stewardship of the public trust.

PMCC is pleased that the Pacific Fishery Management Council included as a primary objective for the dedicated access privilege (DAP) program under analysis *"7. Minimize adverse effects from IFQs on fishing communities."* The challenge is to provide an adequate range of alternatives that would meet this objective.

The Council should provide adequate time to develop alternatives.

Members of the TIQ Analytical Team have explored options for community involvement and community protection, and are offering the Council possible alternatives. This is useful information, especially to the extent that the Council and the public can closely examine the background information that informed this presentation of possibilities. However, this material was only made available on October 20, less than ten days before the start of the Council meeting.

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At the November meeting, PMCC recommends that the Council consider reports from the TIQ Committee and other advisory bodies, as well as public testimony regarding community protection alternatives. Perhaps some alternatives can begin to be refined, even in the short time frame. It is essential, however, that adequate time be made available for all interested parties to digest the new information and craft alternatives that effectively meet the Council's objective. We encourage continuing analysis, but believe that the door should remain open to additional community projection alternatives for the EIS. These are issues that are critical to public acceptance of any DAP program and should be fully scoped and explored. We are very concerned that alternatives to mitigate adverse impacts to communities might be included as afterthoughts and given inadequate attention. There is no Council committee specifically charged with evaluating community concerns, so outreach to and input from the public is especially important to informing the range of alternatives.

DAP alternatives that incorporate area-based management can protect communities and the marine environment.

There is a growing awareness that community concerns can be linked with area-based alternatives for fisheries management. For example, new research has demonstrated that some Pacific rockfish species tend to concentrate in populations with a limited geographical range. This raises a concern that these localized populations could be depleted, and under a coast-wide TIQ system the possibility for such depletions could be exacerbated. There are dramatic implications for the marine ecosystem as well as on nearby fishing communities.

Among the Constraints and Guiding Principles as adopted by the Council for this DAP program is *"Take into account the biological structure of the stocks including such factors as populations and genetics."* Fisheries science and our understanding of the marine ecosystem continue to develop. Any new system, such as a DAP program, needs to clearly allow and encourage adaptive management that responds to new information. Adding spatial components to this program at the onset would wisely anticipate future area-based adaptations while protecting communities from adverse economic and ecological impacts. This foresight would protect communities and fisheries from unnecessary disruption as improved science and ecosystem-based principles are applied.

While systems of DAPs are not the only means to move toward more discrete geographically defined management units, spatial components should be part of the design of DAPs whenever area-based management can be associated with the biology of fish populations, or when this approach makes sense for communities. In addition to these considerations, communities would benefit if DAPs are designed with explicit linkage to bycatch reduction.

Bycatch monitoring and reduction can protect communities, and must remain a priority.

In its Problem Statement supporting the development of a trawl IFQ program, the Council identifies the monitoring and reduction of bycatch as major problems that could be addressed through the implementation of an IFQ program. As published in the Notice of Intent to Produce an EIS, the Problem Statement says in part *"…in the current system there are uncertainties*

about the accuracy of bycatch estimation, few incentives for the individual to reduce personal bycatch rates, and an associated loss of economic opportunity related to the harvest of target species." We agree that bycatch monitoring and reduction are challenges that affect both the environment and the fishing communities. With or without individual quotas fisheries managers have a legal obligation to adequately count what's caught in the fishery and to take all practical steps to reduce bycatch.

Reducing bycatch, especially in appropriately spatially explicit ways, is one tangible way to protect and benefit fishing communities. Reducing bycatch by providing positive incentives for avoiding encounters with the constraining overfished species, for example, benefits communities by conserving fishing opportunities. Improved monitoring and data processing, as well sector and individual cap systems, will allow for swifter reactions for in-season changes that could avoid lost opportunities like we've seen in the winter petrale fishery over the past two years.

The Council's preferred alternative for the Final Bycatch Program EIS is described in the Executive Summary:

Alternative 7 would substantially reduce groundfish regulatory discard/bycatch (compared to the status quo) by assigning every commercial limited entry vessel to one or more sectors. Annual fishing mortality allocations for each overfished species would be established for each sector. All vessels in a sector would be required to stop fishing for the remainder of the designated period if any of its caps were reached. Trip limits would continue to be used for each sector. In addition, individual vessels could gain access to larger trip limits for nonoverfished groundfish by paying for full observer coverage. These vessels would be assigned non-tradeable restricted species quotas for overfished species and would stop fishing for groundfish if any catch limit were reached. This would guarantee that their sector would not be closed by other vessels that fail to reduce their catch and/or bycatch of overfished species. These catch limits could be of similar duration to trip limits, and would be similar to individual, non-transferable quotas that would expire at the end of the period. The observer program would be restructured to monitor bycatch in each sector and to provide catch and bycatch data inseason. Regulatory bycatch of overfished species would be reduced, especially by vessels that volunteer for catch limits. These vessels would also be likely to reduce non-regulatory (economic) bycatch/discard of groundfish because they would want to maximize their revenues before reaching any catch limit. For vessels participating in sectors, regulatory and economic bycatch would be reduced over time as additional observer data became available. This would be especially true as observer data become available inseason. Bycatch of other groundfish species would not be significantly affected by this alternative unless all trip limits were defined as catch limits. In that case, vessels would retain a larger proportion of groundfish because all catch would apply towards the vessel limits.

NOAA Fisheries provided a practicability analysis in the EIS Executive Summary:

The Council determined that Alternative 7 minimizes bycatch to the extent practicable. The Council recognized that eliminating all groundfish bycatch is not practicable because it would require vessels to retain all fish caught or else not fish. By grouping vessels into sectors, and

rewarding sectors that more effectively mitigate bycatch, vessels will be encouraged to develop methods and gears that better achieve the FMP's bycatch minimization objectives. Alternative 7 requires allocations to sectors and the subsequent monitoring and management by sector, both of which would increase management costs substantially. However, the Council believes the allocations are feasible and the observer program may be modified to achieve the desired results. Development of the monitoring infrastructure will take time, but will also lay important groundwork for development of dedicated access programs (individual fishing quotas).

It makes sense to develop the infrastructure and policies to implement the adopted Bycatch Program preferred alternative, and additional required measures, as swiftly as possible. Once all practical bycatch minimization systems have been implemented, consideration may be given to augmenting these systems with thoughtfully designed DAPs.

Explicit linkages need to be made between area-based management, bycatch monitoring and reduction, community involvement and protection, and DAP system development.

In summation, we once again want to express our appreciation to the Council for beginning development of community involvement and community protection alternatives in the current IFQ analysis. The work done so far by the Analytical Team is impressive and needs to be made available for an adequate amount of time to allow interested parties, especially members of our fishing communities, to develop additional alternatives or groupings of alternatives that achieve the Council's objectives. PMCC recommends keeping the opportunity for initial input open through the March 2006 Council meeting before adopting alternatives. Some of these alternatives should include spatial elements that support area-based approaches and improved bycatch monitoring and reduction. And, fundamentally, any new DAP system should encourage adaptation that progressively incorporates ecosystem-based management principles.

Respectfully submitted,

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