



September 4, 2007

Mr. Donald K. Hansen, Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220

**RE: Immediate coldwater coral and sponge protection off Washington**

Dear Mr. Hansen and Council members:

In September 2006, following the new discovery of coldwater corals and sponges in the Olympic Coast National Marine Sanctuary (OCNMS), we requested in testimony to the Pacific Fishery Management Council (PFMC) and in writing to the National Marine Fisheries Service (NMFS), immediate action to protect the corals and sponges that have been identified. Given that a year has past since our request with no action or momentum by the PFMC, we have again requested NMFS to initiate emergency rulemaking, and we request that the PFMC convene the Essential Fish Habitat oversight committee for an immediate short-term review and protection of coldwater corals and sponges off Washington State.

We are greatly concerned by the failure to act on the best available scientific information. In the meantime, corals and sponges have been destroyed, perhaps irrevocably.

Perhaps most egregious is the likely destruction of a small *Lophelia* coral reef that, in 2004, provided the first documentation of this rare coral species in the OCNMS. Sadly, when scientists returned in 2006 to further study the corals at the same site, live *Lophelia* corals could not be found and only rubble remained.<sup>1</sup> Lost fishing gear and bycatch records from nearby the site suggest commercial fishing operations were responsible. The loss of the *Lophelia* reef is a telling example that we must act quickly and decisively to protect corals and sponges in areas where they are not protected.

Additional habitat in need of protection has also been identified outside of the Sanctuary. In late June 2007, University of Washington scientists made an exciting and important discovery of an enormous reef of glass sponges in Grays Canyon, about 30 miles west of Grays Harbor—the only known reef of its kind in U.S. West Coast waters. Previously, the only known glass sponge reefs on the West Coast were reported in Canadian waters. Unfortunately, the Washington glass sponges may not survive unless immediate action is taken protect them. The sponge reef, ten miles south of the OCNMS boundary at a depth of five hundred feet, is currently not protected by any permanent closures to destructive fishing practices. While the individual sponges may take a hundred years or more to grow, such a reef may take thousands of years to develop as layers of sponges accumulate upon one another.

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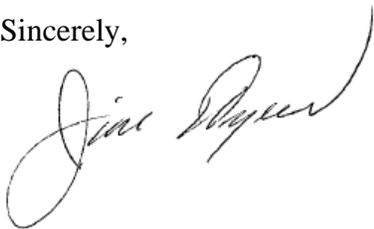
You may recall that we proposed protecting the Grays Canyon area in 2004 as part of the Essential Fish Habitat process. At that time, video had not yet been collected from the seafloor. Nevertheless, available data, including high sponge catches documented in trawl surveys, physical information on the hard ocean floor (ideal for sponge and coral growth), and reports of trawl nets being snagged in deep waters, indicated that this habitat area was in need of protection. Regrettably, the final EFH protections apply only to a southern portion of Grays Canyon. While that southern portion is protected from the adverse effects of bottom trawling, much of the area of concern—which includes the newly discovered glass sponge reef—remains exposed to those adverse effects.

In light of new and unique discoveries, and of clear evidence of the destruction of our public coral resources, we request that you initiate a short-term EFH review to protect the newly discovered coral and sponge habitat off the Washington coast. The PFMC has the responsibility to ensure that fishing activities do not destroy these sensitive and unique habitats. We will work with the Council and the EFH oversight committee to provide input in the development of regulations that will result in permanent protection measures. In the meantime, we have requested NMFS take immediate action to protect these habitats while the Council process goes forward. It is our responsibility to protect the Pacific for this and future generations, and healthy ocean habitat is crucial to that mission.

Finally, we recognize that the treaty rights of Pacific Northwest tribes require that any protective measure affecting treaty areas is a matter for consultation between NMFS and the Tribes and we encourage the on-going consultation on such matters of habitat protection.

We look forward to working with you to protect the corals and sponges in the federal waters off Washington State.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", written in a cursive style.

Jim Ayers  
Vice-President

cc: Dr. William Hogarth, Director, National Marine Fisheries Service  
Frank Lockhart, Assistant Regional Administrator, National Marine Fisheries Service, NW  
Carol Bernthal, Superintendent, Olympic Coast National Marine Sanctuary

<sup>1</sup>Brancato, M.S., C.E. Bowlby, J. Hyland, S.S. Intelmann, and K. Brenkman. 2007. Observations of deep coral and sponge assemblages in Olympic Coast National Marine Sanctuary, Washington. Cruise Report: NOAA Ship *McArthur II* Cruise AR06-06/07. Silver Spring, Maryland. July 2007.

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RECEIVED

AUG 31 2007

PFMC

August 28, 2007

Pacific Fisheries Management Council  
7700 NE Ambassador Place  
Suite 101  
Portland, Oregon 97220

Subject: Transfer of fish from skiff to mother ship in the hook and line California grass rockfish fishery

Dear Members of the PFMC,

I am writing this letter concerning the California grass rockfish fishery. I have been a commercial fisherman in Santa Barbara, Ca. for 24 years and I am a member of the Commercial Fishermen of Santa Barbara, inc.. For many years, we have been fishing hook and line gear in shallow waters out of a skiff for grass rockfish. We keep and sell the fish alive. I fish the waters around the Channel Islands and along the coast from Santa Barbara to Point Conception. I have a nearshore fishery permit and a 32 foot fiberglass lobster style vessel with live wells. I fish with another nearshore fishery permittee who has a 14 foot aluminum skiff with a 9 hp. outboard motor. What we do is haul the skiff on my boat and go to an area, anchor up and fish out of the skiff. We bring the fish back to my boat and place them in receivers which we hang over the side. When we travel we free range the fish in the live wells of the 32 foot vessel.

Last week California Department of Fish and Game Warden Jason P. Kraus told us that we could no longer fish in this manner. He told us that we could no longer transfer the fish at sea according to CFR-50 part 660.306 sec. a (12) which states: " it is unlawful for any person to ... Transfer fish to another vessel at sea unless a vessel is participating in the primary whiting fishery as part of the mothership or catcher-processor sectors, as described at §660.373(a)."

This fishery is as clean as it gets. Everything we catch is alive and comes out of shallow waters so there's no decompression deaths. The few shorts we catch go back alive. The hook size limits the number of shorts that get hooked. When we fish, the mothership's 430 hp diesel engine is turned off and we fish with a 9 hp outboard. This reduces fuel consumption and minimizes our carbon footprint.

What we need, is for the PFMC to modify this law to permit transfer at sea for the nearshore grass rockfish fishery. As I understand it, there is a biannual process which sets annual regulations. Could you modify this law as part of that process ?

Thank you for your consideration.

Sincerely,



J. Kevin McCeney