



ENVIRONMENTAL DEFENSE FUND

finding the ways that work

Agenda Item H.3.c
Supplemental Public Comment 2
April 2008

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Environmental Defense Fund appreciates the opportunity to comment on Amendment 21, Intersector Allocation. We also would like to recognize all of the efforts of staff to put together a draft analysis of alternatives that have been previously identified by the Council. However we do have some process and substance observations and recommendations related to this action.

EA versus EIS

Preparing an EIS – rather than an EA – is the prudent course of action. While there may be no conclusive evidence of a significant impact on the human environment, being precautionary and developing an EIS given the semi-permanent nature of the action and the potential for impacts makes sense. In addition, the clearly controversial nature of these decisions argue for the greater opportunity for public comment afforded by an EIS.

Relationship of Amendment 21 to Amendment 20

EDF shares the Council's commitment to keep the west coast trawl rationalization process on track and on schedule. We recognize that there are limited resources for the effort but we believe that doing a little more upfront work to prepare a focused EIS may be the least resource demanding course in the long run. We further believe that the Council does not need to have a final decision on Amendment 21 intersector allocation prior to the Council's decision on Amendment 21 (Trawl IQ). That said, a Secretarial decision on Amendment 21 which would provide trawl allocations does need to be completed in sufficient time for implementation of the IFQ or IFQ/Coop systems. Realistically, implementation is likely to happen in January 2011.

Species Allocated

EDF supports narrowing the scope of species for intersector allocation to those that (1) do not have previously determined "hard" allocations and (2) are trawl "dominant". These are particularly necessary to provide some stability and certainty in the future as trawl fisheries are rationalized. Other species can be addressed by trailing amendments. It is our hope that in the not-to-distant future, the Council will decide to complete the rationalization of the groundfish fishery and integrate other sectors into a LAPP management system. At that time, it may be reasonable to take a second look at the intersector allocation in a more comprehensive manner.

Range of Alternatives

Given the discussions at the GAP and other public comment received, it is clear that the range of alternatives needs to be expanded. To this end, we recommend that the Council formally include in the EIS a range of buffers as already described in the EA as an element that could be added to any of the alternatives to provide flexibility. We also believe that there is a need to develop an

additional alternative to preserve the Council's ability to ultimately choose allocation splits that take into account the best information about foreseeable harvest needs of all sectors. We would like to recommend the following process to develop that alternative:

Charge the GAC to take into the account some of the concerns raised through public testimony to develop one additional alternative that provides for a greater flexibility in potential Council action when final action occurs. If this cannot occur at the May GAC meeting, then another meeting should be scheduled prior to September so that the Council could formally finalize the range of alternatives for analysis in September.

In finalizing the range of alternatives we ask that the Council find that balance resulting in a reasonable range of alternatives but resist adding what could be endless variations which could create an unreasonable analytical burden and cause unnecessary delay.

In developing an additional alternative EDF believes that it is important that the Council:

- Assure the alternatives encompass sufficient allocation to non trawl fisheries to provide for anticipated future sector needs
- consider carefully how to allocate species where the OY has not historically been achieved
- provide a reasonable certainty to trawl allocations so that markets for quota are not adversely impacted
- take care to provide mechanisms so that fish do not get "stranded" in a sector and cannot be effectively utilized.

Finally, although a final decision on intersector allocation is not necessary before the Council takes final action in November on trawl IFQ/cooperative program design, it would be useful for the public to know the range of alternatives for intersector allocation that are being considered. Therefore, we urge the Council to include Amendment 21 on the September 2008 Council agenda with the objective of formally adopting the range of alternatives for analysis.

Conclusion

Thank you for the opportunity to provide these comments. EDF wants to reaffirm its commitment to working with the Council and other stakeholders to assure that we have a west coast trawl LAPP on the water no later than January 2011. We look forward to working together to complete this intersector allocation process in a timely manner in support of the LAPP implementation as well as to further the other important objectives of intersector allocation.