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September 8, 2008

Mr. Mark Helvey, Assistant Regional Administrator
National Marine Fisheries Service, Southwest Region
Sustainable Fisheries Division
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

RE: (RIN 0648-X167) Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species

Dear Mr. Helvey:

We are writing to comment on the National Marine Fisheries Service (NMFS) proposal to develop a management framework for a high seas shallow-set longline fishery off the United States West Coast. We endorse the comment letter submitted by the Ocean Conservancy, Center for Biological Diversity, Defenders of Wildlife, Turtle Island Restoration Network, Oceana, and Monterey Bay Aquarium, as well as the letter from the National Coalition for Marine Conservation. We urge NMFS to discontinue its development of a high seas shallow-set longline fishery. Creation of a high seas longline fishery poses the risk of unacceptable adverse ecological consequences and fails to comply with the National Environmental Policy Act (NEPA) and to meet the mandates of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). NMFS should instead maintain the current prohibition on shallow-set longlining east of 150°W longitude and strengthen this measure by prohibiting Hawaii longline permit holders from fishing in this area and landing their catch on the West Coast.

NEPA and the MSA require NMFS to manage marine resources sustainably for the benefit of the public. The decision-making process described in NMFS's scoping notice of Aug. 7, 2008 inappropriately limits public participation in the environmental review and fishery management processes. By allowing selection of a preliminary preferred alternative before the Council or NMFS reviews public scoping comments, it appears that a preferred alternative is a foregone conclusion, thus making the scoping process an empty exercise, and violating the spirit and possibly the letter of the National Environmental Policy Act and the Administrative Procedure Act. NMFS should not allow selection of a preliminary preferred alternative until all scoping comments are received and considered.

The MSA mandates that NMFS minimize bycatch. NMFS must better define the purpose and need for its shallow-set longline proposal and consider a broader range of alternatives to

achieve the goal of providing more sustainable fishing opportunities while promoting the recovery of endangered and threatened sea turtles and over-exploited fish populations. This would necessarily mean including analysis of alternative gear types and configurations to minimize impact on protected species and reduce bycatch, instead of only analyzing differing fleet size and access requirements for a single gear, the shallow-set longline. Sound analysis of the impacts of a new pelagic longline fishery must take into account the cumulative impacts from all fisheries on targeted and incidentally encountered species, including sea turtles, marine mammals, tunas and sharks. Additionally, it is critical that NMFS analyze the impact to these species of the increased fishing effort that would result from opening a new fishery without reducing the effort allowed in other fisheries, and the simultaneous proposed increase of effort in the Hawaii longline fishery that affects the same stocks. Similarly, we also encourage NMFS to prioritize the development of a coordinated management strategy for pelagic fisheries between the Pacific Fishery Management Council (PFMC) and the Western Pacific Regional Fishery Management Council (WPRFMC), as both impact the same populations of protected sea turtle species, as well as tunas, sharks, and other marine life.

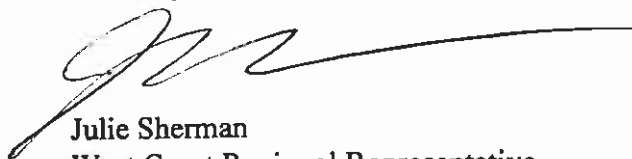
The currently proposed open access alternative, which would impose no limits on fishing effort, is egregious in its failure to meet the bycatch minimization and species protection requirements of the MSA and other federal species protection laws. Unrestricted increase in capacity and fishing effort would likely have significant impacts on over-exploited and protected species and violate international overfishing resolutions, the Endangered Species Act, the Marine Mammal Protection Act, the Migratory Bird Treaty Act, and the Magnuson-Stevens Fishery and Conservation Management Act, among others. Since both Hawaii and California-based longline fisheries were previously closed due to their adverse impacts on sea turtle populations, it is irresponsible to again call for a renewed longline fishery off the west coast without also evaluating alternatives to provide greater protection for sea turtles and other non-target species.

In conclusion, NMFS has not adequately followed the letter or spirit of the National Environmental Policy Act with respect to thoroughly scoping the proposed action and possibly allowing selection of a preliminary preferred alternative before scoping comments can be considered. Furthermore, the proposed action is wholly inconsistent with legal requirements in the MSA to minimize bycatch – the proposed action would *increase* bycatch and negatively impact a marine fish population that is experiencing overfishing. NMFS should cease any development of a new longline fishery.

This proposed action will likely consume significant resources in assessing impacts of the proposed action. The Network believes that ceasing development of this proposed action can free up funds to instead promote increased, sustainable fishing access by supporting clean fisheries such as the harpoon fishery for swordfish or hook and line fishing for groundfish.

Thank you for your consideration of our comments.

Sincerely,



Julie Sherman
West Coast Regional Representative
Marine Fish Conservation Network