



August 3, 2006

Dr. William Hogarth, Director
U.S. Department of Commerce
National Oceanic & Atmospheric Administration
National Marine Fisheries Service
1315 East West Highway
SSMC3
Silver Spring, MD 20910

RE: Request for Emergency Rulemaking to protect coldwater corals and sponges in Olympic Coast National Marine Sanctuary from bottom trawling.

Dear Dr. Hogarth:

The recently discovered coldwater corals and sponges in the Olympic Coast National Marine Sanctuary (OCNMS) off the coast of Washington warrant protection from bottom trawling. In May and June 2006, NOAA scientists found coral colonies and numerous sponges within 14 of 15 areas surveyed inside and outside of an area recently closed to bottom trawling to protect essential fish habitat (EFH). We request that the National Marine Fisheries Service take immediate action through emergency rulemaking to prohibit bottom trawling in the identified coral and sponge areas not currently protected by the "Olympic 2" EFH conservation area.

As you know, coldwater corals are long-lived and slow growing animals that provide structural habitat for marine fishes. Within the OCNMS, NOAA researchers observed 17 coral species and numerous sponges, including a reef building sponge (*Farrea occa*), a reef building stony coral rarely found in the Pacific (*Lophelia pertusa*), gorgonian red tree corals and others. The researchers' observations included aggregations of rockfish nestled among coral and sponge structures, plus shark egg cases attached to coral colonies. Unfortunately, researchers also observed significant habitat damage caused by bottom trawling, including trawl tracts and fields of coral rubble in what are thought to have been once thriving coral and sponge communities.

Oceana has worked with NMFS, the Pacific Fishery Management Council, West Coast states and industry to use the best available science to limit the impacts of bottom trawling on essential fish habitat while maintaining sustainable fisheries. Now, new information of coral and sponge habitat outside the Olympic EFH conservation area highlights the need to protect these fragile and sensitive habitats from the threat of bottom trawling. Continued research, monitoring and action to protect these areas would be consistent with the habitat protection approach we have advocated for throughout the public process, to allow for future area openings or closures based on new research and information.



Darkblotched rockfish in the branches of gorgonian coral in the Olympic Coast National Marine Sanctuary. Photo courtesy: OCNMS

Dr. William Hogarth

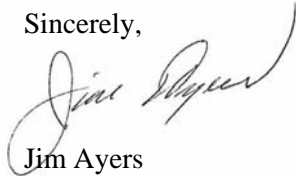
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Further, we recognize that the treaty rights of Pacific Northwest tribes require that any protective measure that may affect treaty areas is a matter for consultation between NOAA and the Tribes.

It is imperative to protect these areas now, before bottom trawl gear impacts these areas with lasting, if not irreversible, habitat damage. Delaying action would be irresponsible and would risk the loss of these sensitive and important living habitats.

Sincerely,

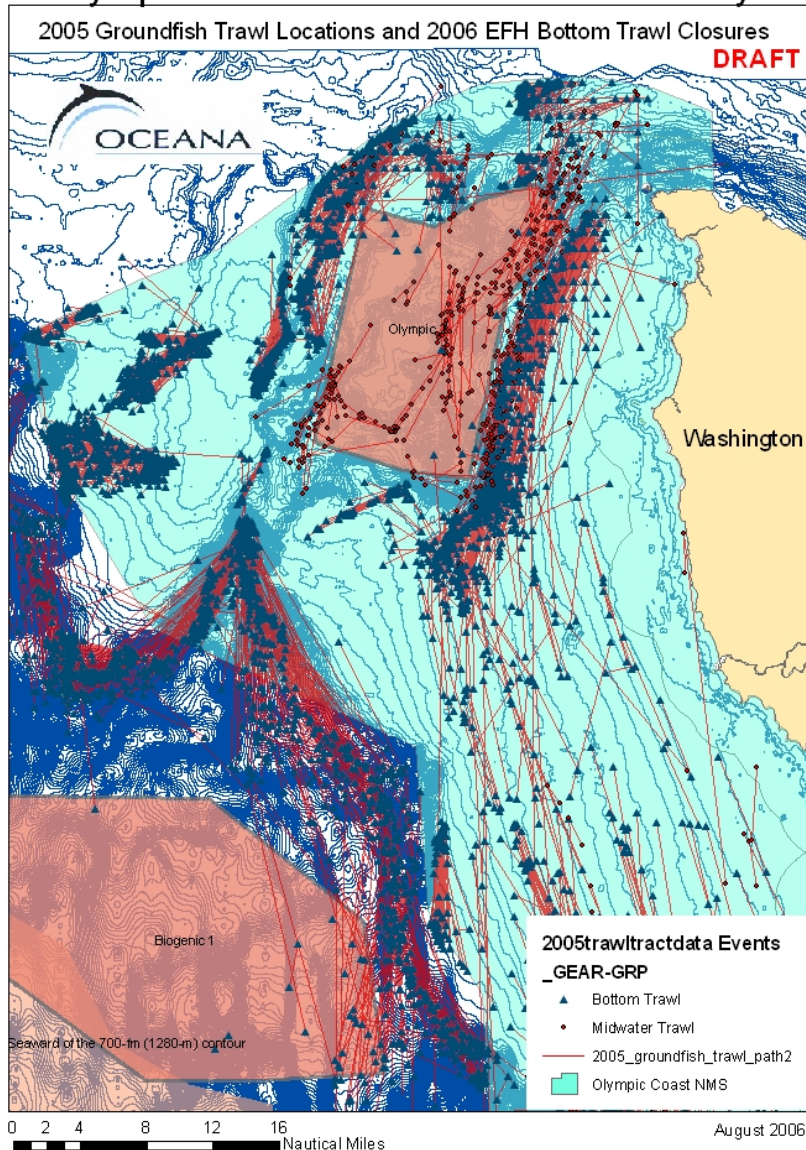


Jim Ayers

Vice President

cc: Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council
Mr. D. Robert Lohn, Administrator, NW Region, National Marine Fisheries Service
Mr. William Douros, West Coast Regional Superintendent, National Marine Sanctuary Program

Olympic Coast National Marine Sanctuary





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Administrative Record only

4 pm Public Comment

September 11, 2006

Mr. Donald Hansen, Chairman
Pacific Fisheries Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Chairman Hansen:

I am writing to inform the Pacific Fisheries Management Council about several fishing and conservation issues that are in progress along California's central coast. As you are aware, the Council recently approved Amendment 19 to the groundfish fishery management plan (FMP) that addresses essential fish habitat (EFH) and other issues related to bottom trawling on the west coast. Section 6.9.4 of that amendment provides that under certain conditions, the Council may facilitate and encourage private purchases of groundfish limited entry permits and vessels in order to mitigate EFH impacts by reducing fleet capacity. Based on that language, The Nature Conservancy has continued its program to work cooperatively with the central coast trawl fleet and enter into agreements that may result in both trawl effort reduction and protection of sensitive seafloor habitat. In addition, the Conservancy has begun discussions with the Morro Bay Commercial Fishing Organization, Port San Luis Commercial Fishing Organization and several Half Moon Bay and Moss Landing fisherman about a program that would allow the Conservancy to "switch gears" and lease out a portion of our harvest rights [associated with our trawl permits] to fishers willing to use hook and line and traps.

As you know, there are 23 federal trawl groundfish permits and fisherman on the CA central coast that harbor in Morro Bay, Monterey, Moss Landing and Half Moon Bay. Coupled with recent EFH closures on the central coast, the Conservancy to date has purchased six federal trawl groundfish permits and has one more in escrow that should close within seven months. Many other federal groundfish permit owners are interested in a similar deal - that is, seafloor habitat protection as a quid pro quo for permit acquisition. Of the eight permits in Half-Moon Bay, three are already in escrow and three are currently under negotiation. Exercising the deals in escrow is conditioned upon new No Trawl Zones being established by PFMC and NOAA in areas of mutual agreement between the majority of the Half-Moon fleet and The Nature Conservancy. There are eight remaining permits in Moss Landing and Monterey, with one in escrow and five more in play. Protecting seafloor habitat in those historic fishing grounds has been discussed by most all of those fishers and the Conservancy, but any consensus may be further down the road.

Many California fisheries are experiencing economic and ecological problems which are reflected by declining revenues of fisherman, reduced access to fishery resources and damage to ocean systems from bycatch and degraded habitats. This is particularly true with the California groundfish fishery. These and other factors are cause for serious concern that the fishing heritage of California's central coast, as well as its associated infrastructure, is now at risk of disappearing.

The Conservancy, Environmental Defense (ED), and numerous central coast fisherman and harbor masters recognize these problems and together are searching for solutions that will rapidly improve both the financial investment opportunities and ecological conditions of the marine environment. We aim to work closely with fishery regulators to jointly create an innovative working environment that results in predictable and stable access to abundant groundfish populations. In particular, we seek access to these resources with selective and fine scale fishing gear that can minimize bycatch/discards and seafloor habitat damage.

Our group recognizes and appreciates the tradition and long history of managing the west coast groundfishery over a large geographical area covering Washington, Oregon and California marine waters. However, we also recognize that this "one-size-fits-all" management philosophy has numerous pitfalls and can actually stifle new and innovative management ideas that could quickly lead to more sustainable and profitable fisheries.

The Conservancy's acquisition of trawl permits was designed to be a means to an end; the end is to assist the Council and NOAA in protecting Essential Fish Habitat and to help move the central coast of California towards a more sustainable fishery, particularly with groundfish.

Here we propose a novel concept to localize a few aspects of the management for groundfish resources along California's central coast. Should these proposals move forward, their implementation would clearly assist the PFMC and NOAA-Fisheries achieve certain goals established for the west coast groundfish FMP. The pilot project area of concern is those federal waters from Point Conception to the northern boundary of the Monterey Bay National Marine Sanctuary. The primary tenets of our proposal are listed below and we strongly suggest that all four points of the plan be implemented simultaneously:

- 1- That additional seafloor habitat area, in the traditional Half-Moon Bay and perhaps Monterey Bay trawling grounds, is protected from bottom trawling. In both cases, the majority of trawl permit holders in each port would need to agree with TNC on the recommended location of the No Trawl zones. Presently, the Conservancy and six of eight federal trawl permit holders in Half-Moon are close to reaching an agreement that would identify new habitat areas to close to bottom trawling. Furthermore, the Conservancy has several escrow agreements in place to purchase trawl permits and assets from fisherman in this group and is currently negotiating for several more. Amendment 19 of the groundfish FMP endorses this public/private approach to essential fish habitat protection and economic mitigation with the inclusion of no-trawl zones associated with the Conservancy's buyout of trawl vessels and permits based in Morro Bay. Furthermore, Amendment 19 leaves the door open for additional no-trawl zones and buyouts.
- 2- That No Trawl areas remain open to other methods of fishing, consistent with NOAA-Fisheries and California state rules and regulations,
- 3- That The Nature Conservancy be allowed to switch over up to 50% of the harvest rights associated with its ownership of trawl groundfish permits (A endorsement) to cleaner, more sustainable fishing methods. Such provisions would enable the Conservancy to lease out harvest rights to fisherman willing to use selective and sustainable gears to target groundfish. In particular, fisherman willing to use pots, traps and hook and line gear would be eligible for leasing harvest rights. Eligible fisherman would include any fisherman residing in San Luis Obispo, Monterey and San Mateo counties. Fishermen residing in San Luis Obispo County are

currently eligible to lease back from the Conservancy since significant sections of seafloor habitat have already been protected through EFH No Trawl Zones.

- 4- The Conservancy would conserve and bank the un-leased portion of these harvest rights with the aim of increasing groundfish biomass and helping accelerate the groundfish rebuilding plans. The number of fish banked might be "elastic" and expand when stocks are deemed to be low and contract when stocks are deemed to be high. Additionally, for each trawl permit not fished – associated bycatch and discard will also be conserved.

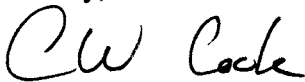
These proposals are consistent with and supportive of the stewardship area, gear-switching proposals and Fisheries Exemption Permit brought to the PPMC by Environmental Defense and fishermen.

I respectfully request that these issues be provided adequate agenda and discussion time at the November 2006 meeting of the Pacific Fishery Management Council. By that time, we anticipate the Conservancy, Environmental Defense and fishing groups will have submitted a formal proposal to the PPMC to request approvals and changes to current policy necessary to execute this innovative public/private effort. This proposal will include specific EFH areas and boundaries that we will recommend be closed to bottom trawling. The potential EFH areas that are currently being discussed with the trawl fleets in the central coast are attached to this letter.

Our group looks forward to working with the PPMC and NOAA to tailor a regional approach that would maximize the economic value of the groundfish resource while minimizing its impact on habitats and fish stocks. We feel that by quickly transitioning from a high volume, low value fishery to a low volume, high value fishery – the prospects of preserving the central coast's fishing heritage and ocean environment will be significantly enhanced.

Thank you for your time and attention. If you have any questions, please do not hesitate to contact me at (805)646-8820 or by email at ccook@tnc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "CW Cook".

Charles W. Cook
Director, Coastal and Marine Program
The Nature Conservancy of California

Conservation Value of Proposed Additional No Trawl Zones Off the Central California Coast

**The Nature Conservancy of California
September 8, 2006**

The Nature Conservancy has identified, through a peer-reviewed marine ecoregional assessment, areas of biodiversity importance in the central and northern California ecoregion (TNC 2006). The Central Coast Trawl Project Area in California has high marine biodiversity due to the following features:

- The presence of large submarine canyons near shore that create areas of high bathymetric and habitat complexity where deep water and near-shore communities meet in an area of high productivity.
- The full range of habitat types found on the continental shelf and slope, including highly diverse soft and hard bottom habitats; biogenic structures formed by corals, sponges, anemones; canyon heads and ledges; offshore banks; and highly productive upwelling areas that support a rich pelagic ecosystem.
- Several offshore seamounts (Gumdrop, Guide, Pioneer, Davidson and Rodriguez) that still have intact deep sea coral communities and are topographic features that attract large marine pelagic predators.
- Highly productive areas of upwelling along the Monterey and Big Sur coast that support rich assemblages of fish, seabirds and marine mammals.

These diverse habitats are critical for the support of a correspondingly rich array of species, including 21 cetacean species, 6 pinniped species, 184 species of shore and seabirds, and hundreds of fish and invertebrate species in the Monterey Bay Sanctuary (MBNMS 2005). Based on habitat suitability modeling for groundfish (NMFS 2005) and trawl survey data (NOAA 2005), the areas identified for no-trawl zones provide essential fish habitat and many are hotspots for groundfish diversity.

Proposed Additional No-Trawl Zones in California's Central Coast:

In cooperation with regional scientists and commercial fishermen, the Conservancy is currently working to provide similar protection for three additional areas within the Monterey Bay National Marine Sanctuary: Pioneer Shelf and Slope, Smooth Ridge, and Point Sur Bank. We are working with the PFMC and the trawlers who fish these grounds to secure their acquiescence in the creation of these additional No-Trawl Zones in exchange for the Conservancy's purchase of more trawling permits and/or vessels.

In the region from Point Conception, California to the Oregon border, only 9% of the area to be protected in EFH No-Trawl Zones is on the continental shelf (<200m depth), while 91% is on the slope (>200m depth), most of which is outside the trawling "footprint" where trawling is frequent. These three proposed additional No-Trawl Zones include an additional 680,000 acres or 1,062 square miles, of which 160,000 acres or 250 square miles are on the continental shelf.

These three areas have been extensively trawled in recent years and represent an opportunity to significantly reduce impacts to seafloor habitat and monitor the potential recovery of benthic communities over time. These areas are all close to major marine research institutions (such as Monterey Bay Aquarium Research Institute, Moss Landing Marine Laboratory, University of California Santa Cruz, and the National Marine Fisheries Service Santa Cruz Laboratory) that have the capacity to conduct long-term monitoring.

Pioneer Shelf and Slope:

This area includes slope and shelf habitat off of Half Moon Bay and offshore of the productive upwelling center at Ano Nuevo – Davenport where the continental shelf is broad. Much of this area is along the shelf-slope break. Ano Nuevo - Davenport is one of the major upwelling centers along the coast. Nutrient-rich waters are advected south across Monterey Bay fueling productivity in the bay (MBNMS 2005).

The area includes the heads of 4 submarine canyons. Pioneer Canyon is a large canyon offshore from the Golden Gate that cuts across the continental slope and has its head in approximately 200m of water on the continental shelf. Ascension canyon and Ano Nuevo canyon are just offshore of the Ano Nuevo – Davenport upwelling center. Another large unnamed canyon occurs further offshore between Ascension and Pioneer canyons. Canyon heads and large canyons are areas of relatively high biodiversity due to their bathymetric complexity and rapid depth changes that bring shallow and deep water faunal assemblages in close proximity to one another.

This area, especially along the shelf-slope break is in the top 20th percentile of areas surveyed for seabird diversity and density and demersal fish density (NOAA 2004). Seabirds nesting on the Farallones islands feed in open waters over bathymetric features such as Pioneer canyon and along the shelf-slope break south and southwest of the Farallones (Yen et al 2004).

Smooth Ridge:

This area is adjacent to and complements a large EFH No Trawl Zone established in Monterey Canyon. The area includes extensive shelf and slope habitat on the northern side of Monterey and Soquel submarine canyons and is bisected by the shelf-slope break. The area is dominated by soft-bottom habitat but also includes hard bottom habitat along the margins of Soquel and Cabrillo canyons and the near-shore areas off Santa Cruz (Greene et al 2004). The head of Cabrillo canyon is included in this area.

Monterey Bay receives nutrient-rich water from both the Davenport and Point Sur upwelling centers. This area in the northern part of Monterey Bay receives upwelled water advected south from the Davenport upwelling center. Monterey Bay is important foraging area for seabirds, migration route for gray whales, and feeding ground for a variety of cetaceans (MBNMS 2005). The entire bay is a diversity hotspot for demersal fish and seabirds (NOAA 2004). The northwestern corner of Monterey Bay at the shelf-

slope break is a diversity hotspot for benthic invertebrates and the general area is rich with brachypod beds (John Oliver, Moss Landing Marine Lab, pers comm). Based on the NOAA Biogeographic Assessment, the shelf on the north side of Monterey Canyon encompasses a large portion of the largest fish density and seabird density hot spots (defined as top 20th percentile) in the area surveyed (NOAA 2004).

The Smooth Ridge area in Monterey Bay also overlaps extensively with the project area that the MBNMS recently assessed in an EIS for the laying of Monterey Bay Aquarium Research Institute's (MBARI) Monterey Accelerated Research System (MARS) cable. Marine resources in the cable project area have been characterized in the EIS documentation (). While the cable will be mostly buried in sediment along its route, protection of this area from extensive trawling would minimize potential damage to the research system. This proposed No-Trawl Zone includes much of the MARS cable route to its shoreward anchor near the head of Monterey Canyon off Moss Landing and the science instrumentation zone on Smooth Ridge. Based on the literature reviews and surveys conducted for the EIS, flatfish and rockfish are abundant in this area. Infaunal and epibenthic species in this area are typical for the central coast and include polychaetes, gastropods, echinoderms, cup corals, vase sponges, etc. High relief rocky substrate is present intermittently along the cable route which is predominantly soft-bottom substrate.

Pt. Sur Bank:

This proposed additional No-Trawl Zone would connect two EFH No Trawl Zones off Point Sur (the large Point Sur- Sur Canyon closure and the smaller Pt. Sur Deep closure). This area includes shelf and slope habitats and the shelf-slope break which is an area of high fish diversity (NOAA 2004). The shelf is broad in this area, relative to the Big Sur coast, and includes a large expanse of hard bottom habitat (Greene et al 2004).

This area directly off of Pt. Sur is a major upwelling zone (the largest upwelling center on the central coast) and offshore jets of upwelled, nutrient rich water extend offshore for many kilometers fueling a productive ecosystem.

The entire area is characterized as having high seabird diversity (top 20th percentile) and the portion of the proposed No Trawl Zone closest to shore is a demersal fish diversity hotspot (top 20th percentile of area surveyed; NOAA 2004).

REFERENCES:

Greene, H.G., R. Kvitek, J.J. Bizzarro, C. Bretz, and P. Iampietro. 2004. *Fisheries habitat characterization of the California Continental Margin*. Center for Habitat Studies, Moss Landing Marine Laboratory and Seafloor Mapping Laboratory of California State University Monterey Bay.

Monterey Bay National Marine Sanctuary. 2005 *Site characterization report*. www.montereybay.noaa.gov/sitechar/main.html

NMFS, MRAG Americas Inc, TerraLogic GIS, Inc. 2004. Risk Assessment for the Pacific Groundfish Fishery Management Plan. <http://www.pcouncil.org/habitat/habrisk.html>

NMFS 2005. Final Groundfish EFH EIS. <http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Fishery-Management/NEPA-Documents/EFH-Final-EIS.cfm>

NOAA 2004. *A Biogeographic Assessment of North/Central California*. To support the Joint Management Plan Review for Cordell Bank, Gulf of Farallones, and Monterey Bay National Marine Sanctuaries. http://biogeo.nos.noaa.gov/products/canms_cd/htm

The Nature Conservancy. 2006. *Northern California Marine Ecoregional Assessment*. Final. February 27. [Note a peer-review workshop was held in November 2004 with regional scientists who provided input on the areas of biodiversity significance].

Yen, P.P.W, W. J. Sydeman, and K.D. Hyrenbach, 2004. Marine bird and cetacean associations with bathymetric habitats and shallow-water topographies: implications for trophic transfer and conservation. *J. of Marine Systems* 50: 79-99.

Olympic Coast Coldwater Corals and Sponges



Photos: OCNMS



B. Enticknap

PFMC Open Public Comment.
September 11, 2006

2005 Groundfish Trawl Locations and 2006 EFH Bottom Trawl Closures

DRAFT

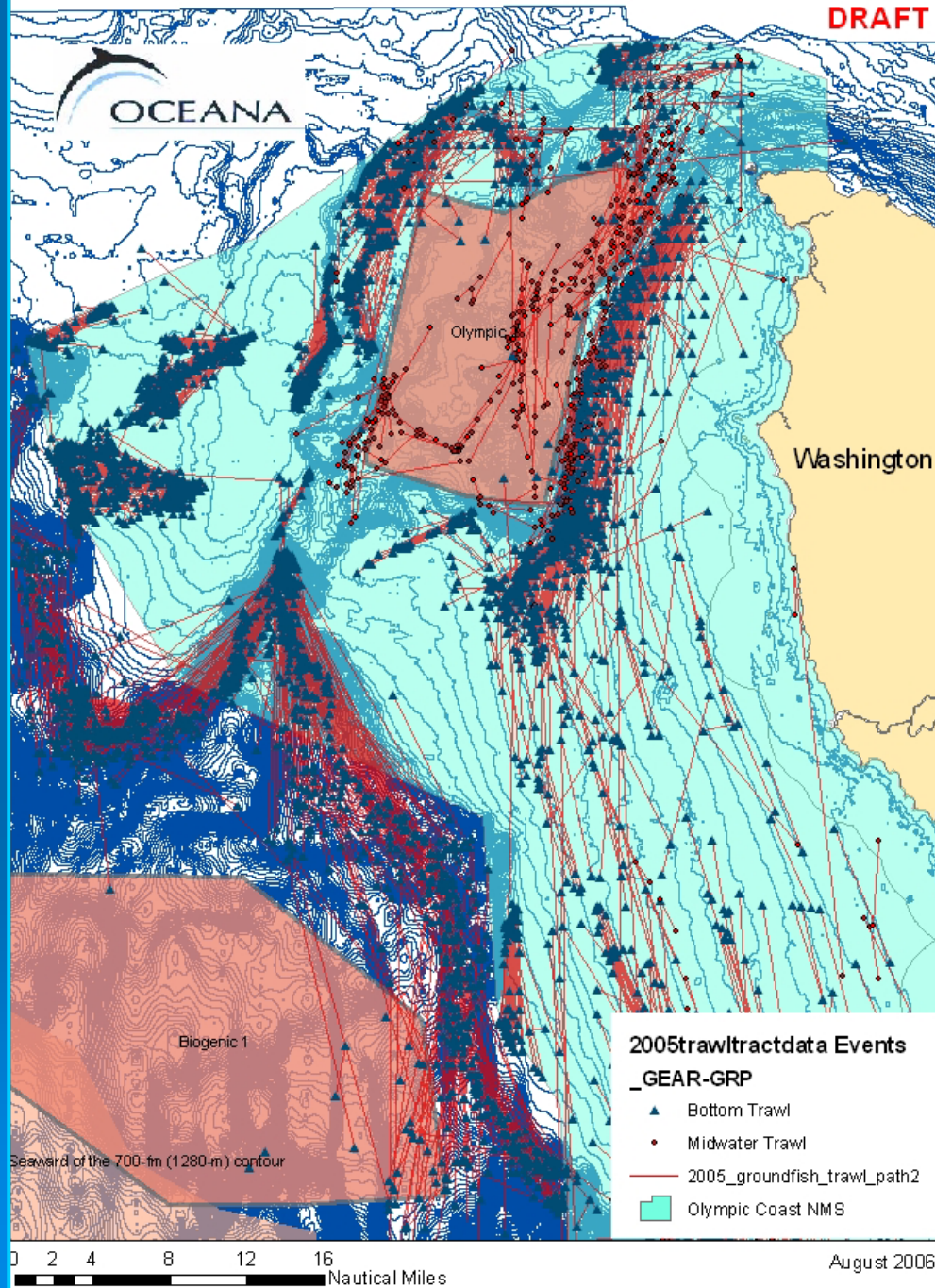


Photo: OCNMS