



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.

Mr. Donald K. Hansen, Chair  
Pacific Fishery Management Council  
September 4, 2007  
Page 2

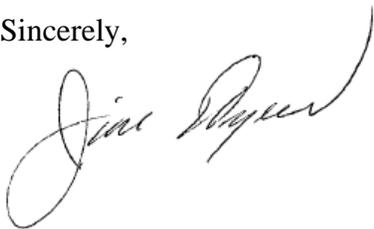
You may recall that we proposed protecting the Grays Canyon area in 2004 as part of the Essential Fish Habitat process. At that time, video had not yet been collected from the seafloor. Nevertheless, available data, including high sponge catches documented in trawl surveys, physical information on the 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,



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.

J. Kevin McCeney  
60 Amador Ave.  
Goleta, Ca. 93117  
805-968-6035  
fishwish@verizon.net

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

***Coos Bay Trawlers' Association, Inc.***

PO Box 5050

63422 Kingfisher Rd.

Coos Bay, OR 97420

Phone (541)888-8012

Fax (541)888-6165

E-mail: [c.trawl@verizon.net](mailto:c.trawl@verizon.net)

*A Non-Profit Organization Since 1997*

September 6, 2007

Agenda Item C1.

Pacific Fishery Management Council

7700 NE Ambassador Place

Suite 101

Portland, OR 97220-1384

Dear Don Hansen, Don McIsaac and Council Members,

On August 1, 2007, Coos Bay Trawlers' Association (CBTA) sent a letter to all limited entry trawl permit holders to survey the fleets' opinion on linking the ITQ program to a two-thirds referendum vote. The reasons CBTA wanted to survey the permit holders were explained in the cover letter that accompanied the voting cards (copy attached).

One hundred seventy-six cards were mailed and 32% of those cards were returned. Almost 88% of the returned cards indicated the desire for a referendum vote while 12% opposed the notion. While the response was greater than most surveys (32%), 68% did not chose respond at all. But the fact remains that 88% were in favor of the referendum vote by permit holders before the program is implemented.

On behalf of those that did respond, we ask the Council to consider conducting a referendum vote to approve the trawl dedicated access program before it is implemented.

Sincerely,



Steve Bodnar, Executive Director

## *Coos Bay Trawlers' Association, Inc.*

PO Box 5050

63422 Kingfisher Rd.

Coos Bay, OR 97420

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E-mail: [c.trawl@verizon.net](mailto:c.trawl@verizon.net)

*A Non-Profit Organization Since 1997*

August 1, 2007

Dear Limited Entry Permit Holder:

As you know, the Pacific Fishery Management Council is working on a dedicated access program (Individual Quota System) for the limited entry trawl fleet. Three years of planning have gone into the effort thus far and a mandate included in the Re-authorization of the Magnuson - Stevens Act has provided a tight time line for getting the program designed.

Unlike the New England or the Gulf Councils who worked to get referendum language in the Magnuson - Stevens Act about their own IQ programs, our Council doesn't feel the need to have such a referendum in place for the program being developed for our trawl fleet. Instead, our Council has been involved in a political tug-of-war which has delayed the process, caused an attempt to usurp the Council process by invoking congressional interference and caused dissension amongst the trawlers. While most trawlers believe that an ITQ program will reduce discards, processors look at the program as a windfall in control and profit for themselves. **Its not a matter of conservation of resources or a way to decrease discards for the processors, it a matter of money.**

**IT IS THE TRAWL FISHERMEN that will make the program work the way it is intended and we should have the final word if the program designed by the COUNCIL SHOULD BE IMPLEMENTED OR NOT. We need to make sure that politics (those with the most money to influence the Council and Congress) is not the driving factor behind our DAP (dedicated access privilege). WE NEED TO DEMAND A REFERENDUM VOTE BY THE FLEET BEFORE THE PROGRAM IS IMPLEMENTED.**

Enclosed is a postcard asking the Council to link the IQ program to a referendum vote by the fleet. If the Council chooses program components that are unreasonable or unacceptable to the fleet, the fleet should have an opportunity to reject program components or the entire program by a 2/3 vote of the fleet. If an unreasonable program is the end product, then the fleet would have the final word through a democratic process and send it back to the drawing board for amendments and improvements. A simple vote by the fleet would remove the politics being deployed and give us some assurance that the program is fair, just and equitable. Please take the time to check your vote and sign your name to require a referendum vote by the fleet on the Individual Trawl Quota Program.

Thank you,



Steve Bodnar, Executive Director

## ***Coos Bay Trawlers' Association, Inc.***

PO Box 5050

63422 Kingfisher Rd.

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*A Non-Profit Organization Since 1997*

### **Referendum Survey Vote Results**

Letter/Card sent out.....	176	
Cards returned.....	57	32.39%
Cards not returned.....	120	67.61%
Cards in favor.....	50	87.72%
Cards opposed.....	7	12.28%

# CLS America's New VMS and Fisheries Management Tools and Services

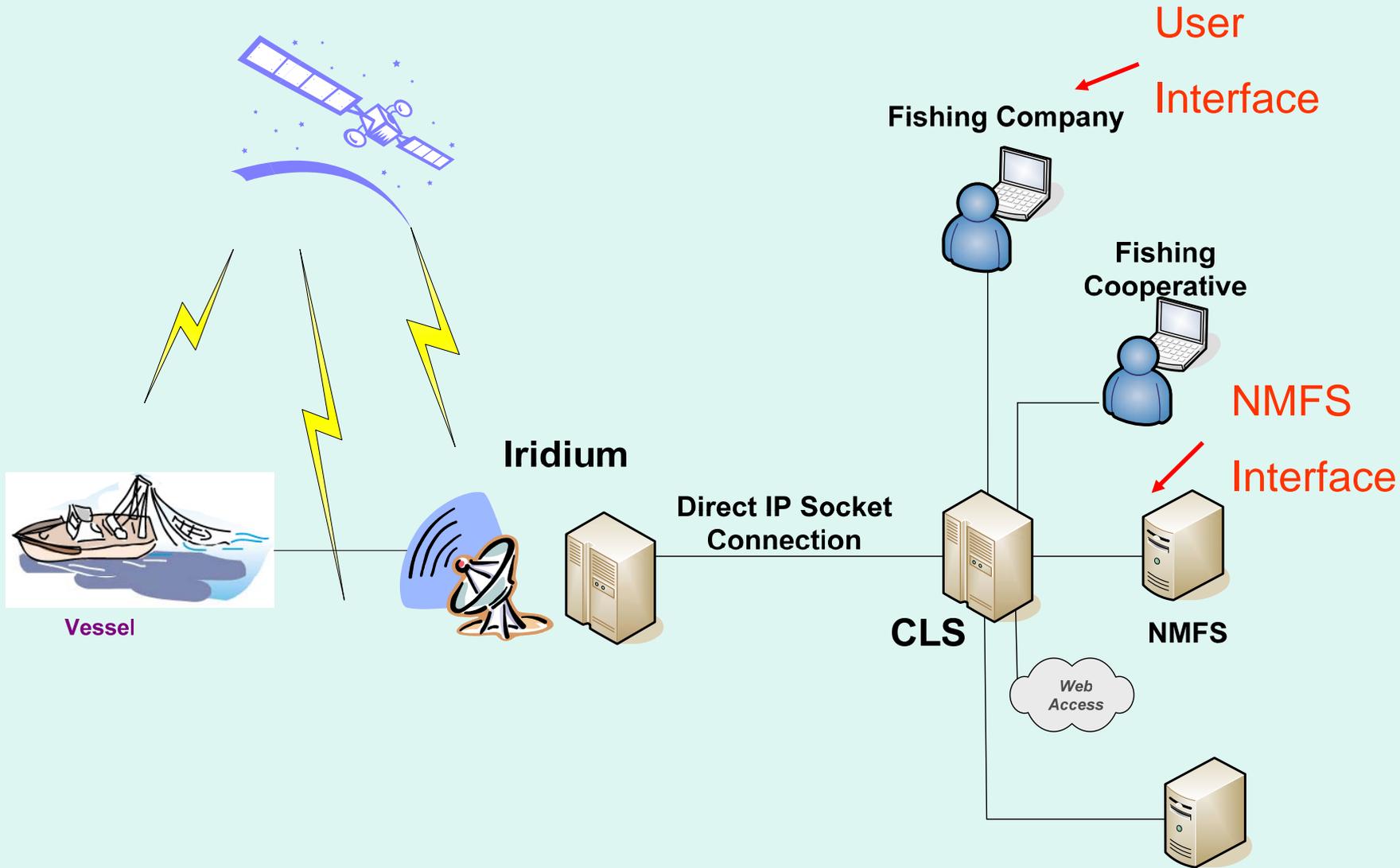
**Halios:** On-Line Services

**Thorium:** Iridium-Based VMS Terminals

*Continuing the CLS Legacy of Providing  
Support to the Commercial Fishing and  
Fisheries Management Communities*

Stephen Morgan smorgan@clsamerica.com +1.240.492.1922

*CLS America, Inc., is a member of the National Marine Electronics Association and the At-Sea Processors Association.*





## ◀ Iridium Satellite Constellation

- 66 active Low-Earth-Orbit (LEO) Iridium satellites
- Truly global coverage
- Real-time data delivery and messaging

## “Generic” Iridium Data Modem ▶





*Provides automatic connectivity between vessel and Iridium satellites. May be mounted anywhere on the vessel with a view of the sky.*

◀ Thorium outdoor unit  
~ TST

▼ Thorium Junction Box



*Provides flexible interconnect with vessel power, TST, and inside-mounted communications gear (computer or "DTE").*



## ▲ Screen

*Bright, flat-panel, full-color display screen, with adjustable mounting.*

## ◀ Data Terminal Equipment

*Small computer terminal, includes vertical or flat-mounted tower, screen, and wireless keyboard. Enables on-line data display, generation and receipt of e-mail and e-forms, flexible communications ashore with NOAA, homeport, vessel owner, and others.*

- Halios On-Line Services:
  - Displays vessel position and track
  - Two-way e-mail capability
  - Electronic e-forms (*NOAA, company-defined*); supports over-the-air updates
  - Geo-fencing and boundaries
  - Port-Mode detection
  - Assistance-mode detection
  - Additional services under development



† Pricing subject to change, and is dependent upon specific contract; fleet discounts are available for installations of 3+ vessels with same owner.

- Hardware:

- \$1,990

- TST includes warranty

- \$1,390

- DTE includes warranty

- spare components, cables also available*

- Airtime Service:

- \$620 per year ... covers basic NOAA rqmts

- or \$65 per month NOAA rqmts, monthly billing

- \$2.75 per message\* additional e-mails, data, e-Forms  
(NOAA- or company-defined)

- \*based upon max 2-kbyte data package

- Pre-prototype testing
  - deployed in Sept 2006 from Dutch Harbor



*Pre-prototype units using Iridium generic data cards deployed successfully aboard vessels in the Bering Sea for several months in late 2006, demonstrating data throughput and comprehensive coverage.*

- Mock-ups available today

*Units developed by Kenwood available for form-factor evaluation. TST shown mounted on fishing vessel in Japan in August 2007.*



- Operational prototypes in late Sept 2007
  - will be submitted for NOAA/NMFS approval
    - national certification
    - regional EMTU certification for all U.S. fisheries regions
- Full-scale availability planned for Jan 2008
  - actual time dependent upon NOAA certification

# AMERICAN ALBACORE FISHING ASSOCIATION

4252 Bonita Road, #344  
Bonita, CA 91902-1420  
(619) 941-2307  
www.AmericanAlbacore.com

 **COPY**

*Administrative Record  
September 2007  
PFMC Meeting*

September 5, 2007

Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

**Re: Limited Entry/Access Discussion; HMS Permit Moratorium**

Mr. Chairman and members of the Council,

My name is Chip Bissell. I am here today on behalf of the American Albacore Fishing Association,<sup>1</sup> a nonprofit corporation of commercial fishing vessels that participate in the West Coast troll & bait-boat albacore fishery.

The possibility of a limited entry program for this albacore fishery has been mentioned in recent years in some of the Council's situation summary documents on albacore-related items. However, the issue has yet to gain much attention.

With international resolutions calling for caps on effort, and the recent albacore stock assessment recommending future reductions in fishing mortality, it is more and more apparent that steps need to be taken to address the "open access" feature of the albacore fishery. We are aware of the need for ensuring adequate time for thorough analysis of the issues, as well as time to explore various means toward accomplishing this objective. For these reasons, we believe that discussions toward developing a limited entry program should be started.

Accordingly, AAFA requests that the Council assign its HMS Management Team and Advisory Subpanel to begin discussions of a limited entry program for the West Coast albacore fishery.

AAFA believes that an effective and sound limited entry program will help ensure the future of this sustainable fishery, its participants, and the fishing communities and coastal economies it supports.

Related to AAFA's request for initiating discussions toward a limited entry program, is AAFA's concern over the continued issuance of HMS permits.

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<sup>1</sup> AAFA is founded upon the belief that, by promoting the environmental benefits of the troll and/or pole & line fisheries and promoting the health benefits of tuna consumption, the economic viability of these traditional troll and/or pole & line fisheries can be sustained.

Pacific Fishery Management Council

Re: Limited Entry/Access Discussion; HMS Permit Moratorium

*(Cont'd.)*

In light of international resolutions and stock assessment recommendations, AAFA requests the Council support establishing a 10 year moratorium on HMS permits for those gear types that harvest significant amounts of albacore.

Such a moratorium would moderate short term future increases in albacore fishing capacity and effort, and would help stabilize fishing mortality while the Council evaluates and develops a more comprehensive limitation program.

In summary, AAFA respectfully requests the Council direct its HMS Management Team and Advisory Subpanel to begin discussions of a limited entry program for the West Coast albacore fishery, and that the Council recommend to the National Marine Fisheries Service the implementation of a 10 year moratorium on issuance of HMS permits for albacore gear types.

I thank you for your time and consideration.

Sincerely,

*/Chip Bissell/*

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Chip Bissell  
AAFA representative

# Coldwater Coral and Sponge Protection off Washington

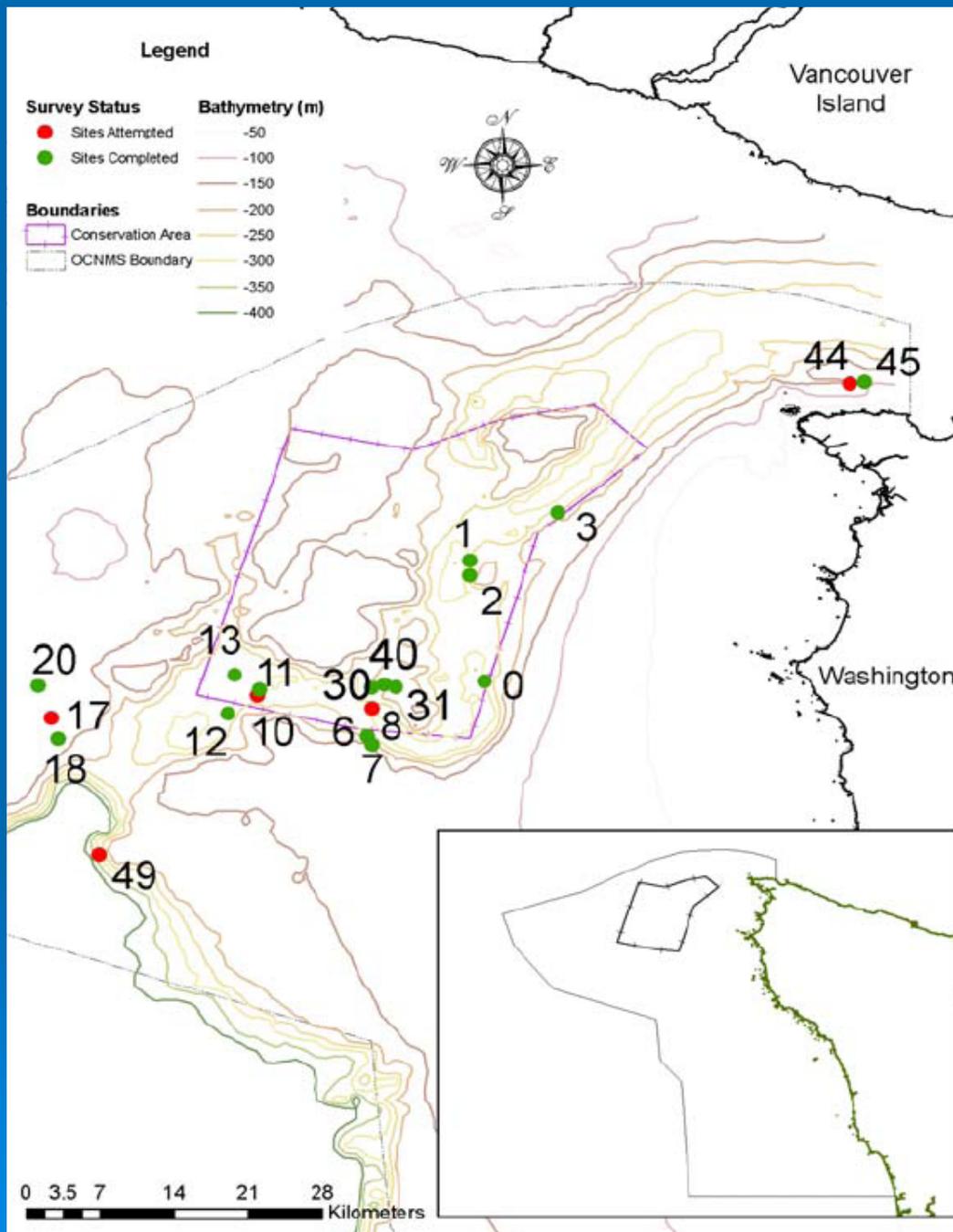


Photos: OCNMS

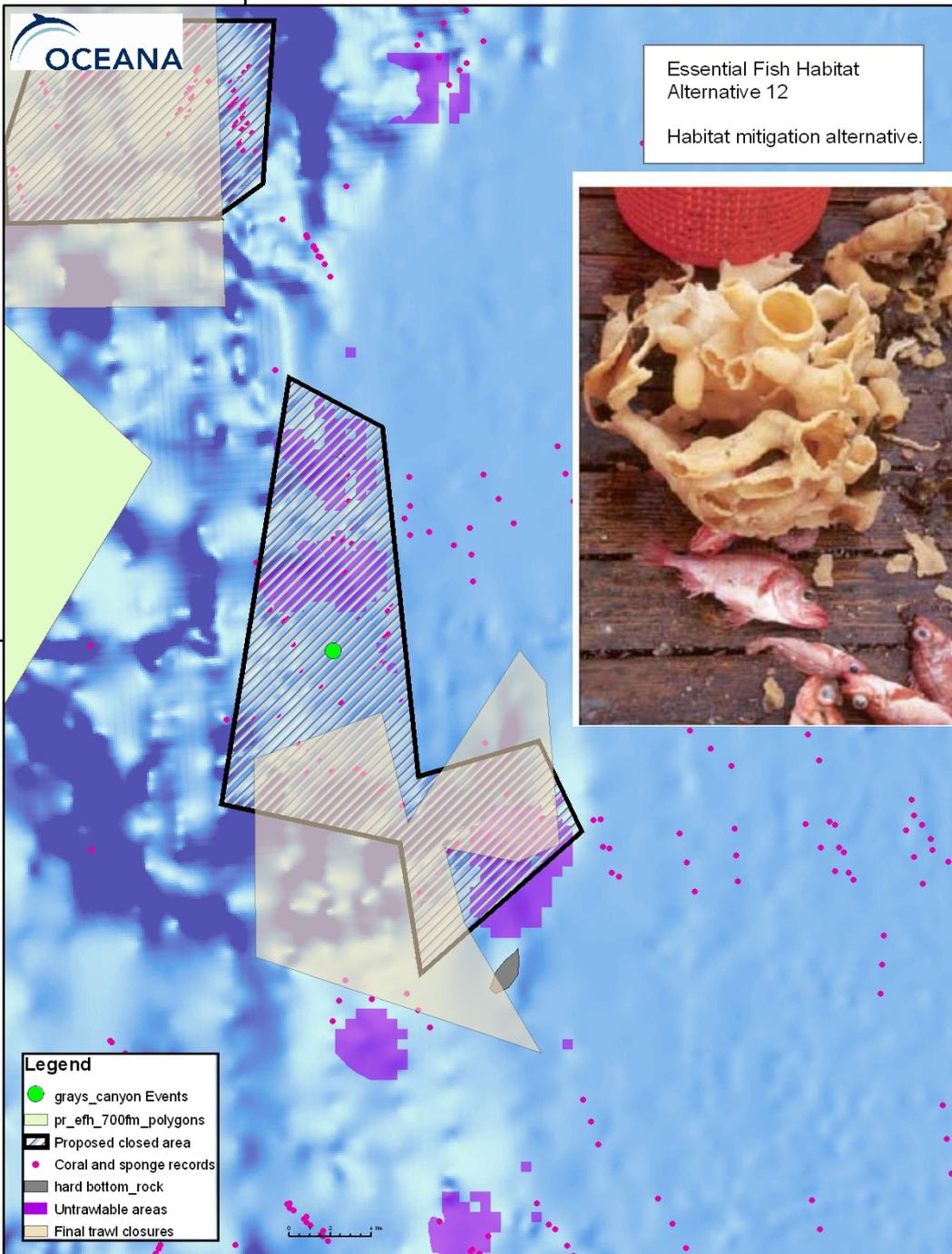


B. Enticknap

PFMC Open Public Comment.  
September 10, 2007



- Coral and sponge communities at 14 of 15 dive sites
- 17 coral species
- Reef building sponges
- Evidence of fishing induced habitat damage





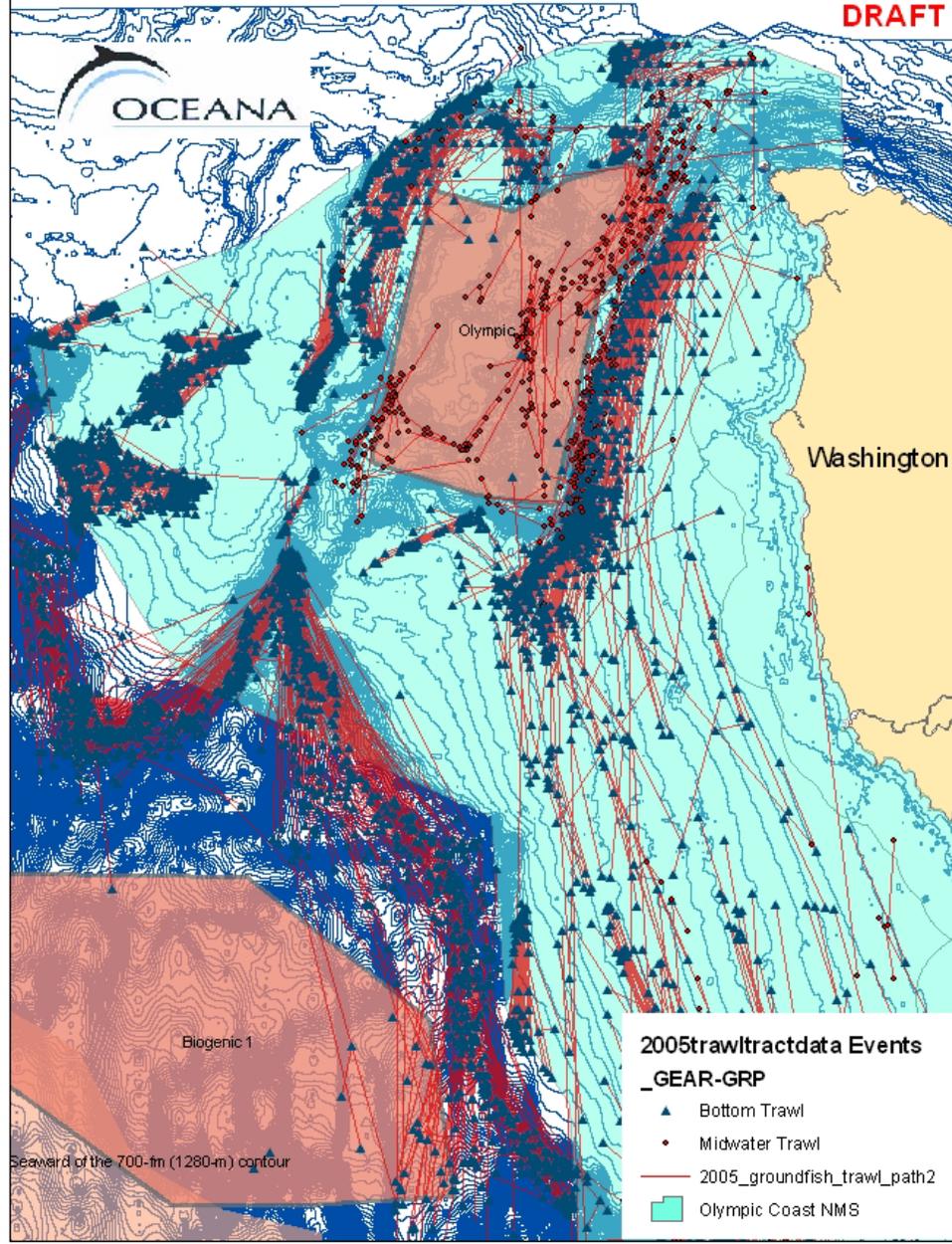
# Magnuson-Stevens Fishery Conservation and Management Reauthorization Act

- § 105 “(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

# Olympic Coast National Marine Sanctuary

2005 Groundfish Trawl Locations and 2006 EFH Bottom Trawl Closures

**DRAFT**



2005trawltractdata Events

\_GEAR-GRP

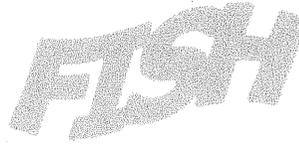
- ▲ Bottom Trawl
- Midwater Trawl
- 2005\_groundfish\_trawl\_path2
- Olympic Coast NMS

0 2 4 8 12 16 Nautical Miles

August 2006

# *Federation of Independent Seafood Harvesters*

PO Box 352  
Bridgewater Corners, VT 05035



RECEIVED

JUN 18 2007

PFMC

June 7, 2007

Donald Hansen  
Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220-1384

Dear Don,

I was recently informed by Mark Helvey that NMFS will not authorize the exempted fishery permit (EFP) for the drift gillnet (DGN) fishery.

In particular, my extreme disappointment, dismay, and frustration with this decision is based on the enormous amount of effort, time, and money—over a 4 year period—that was devoted to developing the DGN EFP. During this time, I was led to believe that use of an EFP was the Southwest Region's preferred management vehicle for addressing the Pacific Offshore Cetacean Take Reduction Team's (POCTRT) 2003 recommendation to: "consider revisiting the extent and timeframes in the northern leatherback sea turtle closure in order to identify areas that could be re-opened."

It is noteworthy that the POCTRT, an advisory body convened under the Marine Mammal Protection Act to advise NMFS regarding methods to reduce marine mammal mortality or serious injury in the DGN fishery, was provided with sea turtle expertise and allowed to devote a substantial portion of the June, 2003 annual meeting to discuss and make recommendations regarding measures to reduce mortality and entanglement of sea turtles. To its credit, the Southwest Region took the initiative to go beyond the scope and purpose of this marine mammal specific MMPA process and include sea turtles. I believe that the Southwest Region took this step after a meeting with Tony West and a group of DGN fishermen the previous month in which Rod McInnis heard firsthand how the leatherback closure imposed an extreme hardship on DGN fishermen, and he agreed to work with the fishery to explore options for re-opening the leatherback closure. However, the HMS FMP was being developed at this time, and it was not clear whether or not jurisdiction for the leatherback closure, which was implemented under the ESA, would be transferred to the M-SA.

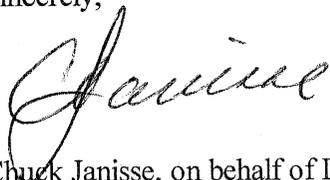
In 2005, Southwest Region personnel notified FISH and some DGN fishermen in an email that the Pacific Fishery Management Council was now in charge of the leatherback

closure and the DGN fishery should pursue the exploration for re-opening the leatherback closure with the Council.

As you well know, FISH sought Council direction, and worked with the HMS management team and the HMS advisory sub-panel in a lengthy, and at times excruciating, dialogue before it came back before the Council in the form of an EFP that, in the end, allowed a minimal level of DGN fishing within the leatherback closure under specified safeguards and protections, beyond what the law requires, in order to ensure that, in a worst case scenario, sea turtle and/or marine mammal populations would not be significantly impacted.

However, regardless of NMFS's unconscionable disregard for the DGN fishery, I want to personally thank the Council, its staff and advisors for its commitment of time and resources in the development and support of the DGN EFP. It was good work done responsibly.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janisse".

Chuck Janisse, on behalf of DGN fishermen

# *Federation of Independent Seafood Harvesters*

PO Box 352  
Bridgewater Corners, VT 05035



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RECEIVED

Donald Hansen  
Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland OR 97220-1384

JUN 18 2007

June 12, 2007

PFMC

Dear Don,

Since my letter to you of June 7, I received a copy of NMFS's June 5 letter to the Council denying authorization to conduct the DGN EFP because of the: "potential for leatherback sea turtle mortalities." In other words, NMFS says that the DGN EFP cap of 2 leatherback interactions is an unacceptable impact; yet NMFS has no problem with the Hawaii longline fishery cap of 16 leatherback interactions. Clearly, NMFS's decision is not based on the concern for leatherback recovery claimed in their letter.

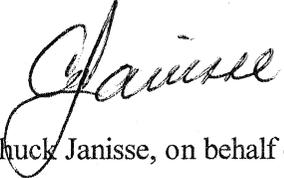
In their letter, NMFS makes it sound like the referenced "recent scientific article" by Benson, et.al. had something to do with their decision. The fact is that the information in that article cited by NMFS was also contained in the DGN EFP's Environmental Assessment. This information is not something NMFS had not previously considered. Additionally, NMFS's own contrary finding contradicts their claim that there is no direct evidence suggesting that regulations enacted in 1997 requiring a drift gillnet to be set a minimum distance of 36 feet below the sea surface have successfully reduced leatherback bycatch:

"Thirty-three percent (5 out of 15) of the leatherbacks were entangled in the upper one-third of the net during the drift gillnet observer program between July 1990 and December 1995 (NMFS unpublished data). Because 7 leatherbacks were observed entangled during the sets that deployed <36 foot extenders, the estimated entanglement rate with <36 foot extenders is 0.005 leatherbacks/set (7/1,337). Furthermore, since 10 leatherbacks were observed entangled during sets that deployed extenders  $\geq$ 36 feet during the same period, the estimated entanglement rate on sets that used  $\geq$ 36 foot extenders is 0.004 leatherbacks/set (10/2,648). Therefore, one less leatherback turtle is entangled every 1,000 sets that use extenders that are  $\geq$ 36 feet in length....For these reasons, requiring that the floatline be set at least 6 fathoms below the surface of the water should allow some leatherbacks to swim over the net and avoid entanglement and, therefore, average take levels are expected to decrease."

--1997 Formal Section 7 Consultation on Final  
Regulations to Implement the Pacific Offshore  
Cetacean Take Reduction Plan

NMFS's spurious denial of the DGN EFP sends a clear message to the men, women, and families that take part in and depend on the DGN fishery that if they want help from the government, they should apply for welfare. It's unfortunate that the credibility of the Council's management processes is unalterably linked to NMFS's whimsy. I don't know if the Council can do anything for the DGN fishery at this point, but I know what the DGN fishermen would say—we're dying here, please help us.

Respectfully,

A handwritten signature in cursive script that reads "Janisse". The signature is written in dark ink and is positioned above the typed name.

Chuck Janisse, on behalf of DGN fishermen