

Mr. Donald Hansen
Chairman
PFMC
7700 Ambassador Pl., Ste.101
Portland OR 97220

Laura Deach
318 Shark Reef Rd.
Lopez, WA 98261

Dear Chairman Hansen,

2008 will be the fifteenth year that the PFMC has been using Limited Entry coupled with cumulative landing limits as the groundfish management regime. During this time, there has never been a formal review or detailed analysis of how well this management has functioned. Has the Limited Entry program achieved it's goals and objectives? Has the combination of cumulative landing limits and Limited Entry been successful?

I respectfully request that the council and NMFS immediately begin a thorough analysis of this management. A comprehensive review is long overdue. This review is particularly pertinent at this time due to the council's desire to extend this management to Open Access. If this management regime has not accomplished the desired goals and objectives then continuing and expanding this management is both pointless and destructive.

Sincerely,
Laura Deach

Agenda Item B.1.a
Open Public Comment 2
November 2007

Please consider the enclosed material as public comment.

These are my thoughts and recommendations for the process of issuing an Open Access B permit to participants in the directed groundfish fishery.

This material was assembled after I attended an informal meeting with CA. DFG representatives and several groundfish participants in Los Alimitos CA. on August 22, 2007.

Sincerely, John Law

On Wednesday August 22, 2007, I attended a meeting in Los Alimitos CA. at the invitation of the California Department of Fish and Game. The intent of this informal gathering was for fishermen from various ports to express their views and ideas toward the idea of creating a permitting process for participants in the open access directed groundfish fishery.

The conversation was lively and a variety of views were shared buy all in attendance. There were four fishermen from Morro Bay/ Avila , three from Mission Bay and one from Newport.

As expected the two hours went by fast and several areas of the permitting process were never addressed.

The discussion of the six alternatives was cut short because the ideas presented by the Morro Bay group did not allow for any debate. They had all entered the sablefish trap fishery at the end of 2006 and their only option was for the council to consider status quo or no action. When the trawl fleet was eliminated from this area it opened up waters that were off limits before. They could now trap without the fear of gear loss.

Unless the council decides to separate the sable fish trap participants from those who target rockfish I am against status quo or no change. The council has stated that its intentions are to reduce the number of participants to those who are most dependent and committed to the fishery. There is a big difference between being dependent on the fishery and WANTING to be dependent on the fishery. By allowing participants to continue that have no long term stake in the fishery, the council would be going against its own stated objectives.

My primary fisheries are shelf rockfish and ling cod. I have a deeper nearshore permit that allows me to take the few fish available in extreme southern California. As stated at the meeting the optimum yield for shelf rockfish is not likely to change much in the near future. The only way for the quotas to go higher is for the number of participants to go lower. The council must act to determine which participants will be allowed to share the available stock and also act to remove the latent capacity out of the group.

The most realistic alternative is #4. This alternative stops the process and does not require any future stacking or buying of permits. I would support #3 if it is for those participants from 2001 or before.

I do not like the idea of using dollar value to determine eligibility because the value of fish caught in 1998 could be quite different from the value of the same catch in 2006. In addition some of us are fish receivers and actually sell our catch at much higher value than the one stated on the landing receipt.

I do support the idea of using a participants individual landing history instead of using a vessels history. Many have owned multiple vessels over the period of 1998 – 2006.

Qualifications for Open Access B permit eligibility.

The objective in selecting a particular quantity or frequency of landings for a minimum landing requirement should be to try and identify those fishery participants who are economically most dependent on and committed to a particular fishery. Strategic Plan Document page 30.

Time Window.

April 1998 – September 2006 Time Window
This time frame has been chosen by the council.

Long Term Participation – Recent Year Participation

Five years participation from 1998 – 2006 with participation in any one year from 1998 – 2001 and 2005 or 2006.

A participant could qualify by entering the fishery on December 31, 2001 and continuing until January 01, 2005. Resulting in five years credit in just three years.

Minimum Landing Requirements.

Two metric tons, in combination, over the nine year period. With the shortened years of 1998 and 2006 this will be roughly a 500 LB. per year average over the period. Long term participants would have more years to meet the qualifications and those with less time would be able to show a dependence on the fishery.

Those who joined the fishery after 2001 did so knowing that the council had started the process of future licensing. The council announced in 2001 that its intentions were to bring “the CURRENT open access participants into limited entry”. To include those who entered in 2002 or later would undermine the sacrifices that participants had to endure in the initial stages of management.

Many entered the fishery to take advantage of the decreased quotas for shelf, bocaccio and ling cod, these larger operations fished the slope to take advantage of the missing shelf rockfish in local markets. In some cases the only reason for participation was the hope of being issued a valuable transferable permit.

Federation of Independent Seafood Harvesters

PO Box 352
Bridgewater Corners, VT 05035

October 28, 2007

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

RECEIVED

OCT 29 2007

Dear Don,

PFMC

FISH supports the Council's efforts to develop management measures to provide the maximum level of swordfish harvest opportunity, and, as is painfully clear for DGN fishermen, recognizes that a fishery's level of protected resource impacts is directly related to the level of harvest opportunity. In this regard, FISH urges the Council to take steps to increase its DGN management options by federalizing the fishery's limited entry status. A simple shift in focus in the development of a high-seas longline limited entry permit to federalizing limited entry for the DGN fishery would provide more swordfish harvest opportunity because a greater range of management options for insuring critical resource protections would be available.

For example, issue a limited entry permit for the harvest of swordfish by DGN gear to current DGN California limited entry permit holders that meet specified qualifying criteria formulated to reduce the latent DGN effort now represented by inactive permit holders. The gear endorsement for this permit could be switched from DGN gear to longline gear, but not the other way around. In this way, the only authorized use of longline gear for the harvest of swordfish (whether its outside the EEZ, or inside the EEZ should that option become available) would arise from the elimination of the DGN fishing option.

Such an approach has the long-term effect of achieving control of longline effort without the potential for an overall effort increase that could result from a longline only limited entry program based on qualifying criteria that would include non-DGN vessels.

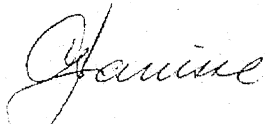
Additionally, this approach has the short-term effect of dramatically increasing the Council's range of management options for the DGN fishery through effort controls that are not now available. For example, with federalized limited entry, framework

management measures could be established that would allow effort quotas, by set certificates or otherwise, for specific times and areas or otherwise, and that could be determined and implemented in much the same way that catch quotas are determined and implemented. If such an approach were applied to the DGN fishery, some fishing might be allowed in the area now completely closed to protect leatherbacks. The Incidental Take Statement for the 2000 Biological Opinion that forms the basis for the current leatherback time/area closure authorizes three leatherback takes per year. With a leatherback take rate in this area of .0077 per set, 389 sets could be allowed in this area without exceeding authorized limits.

As a bonus, the formulation of a limited entry program along these lines might qualify for additional funding under the Limited Access Privilege Program found in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

Hopefully, these suggestions are helpful.

Best regards,

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

Chuck Janisse

INTERNATIONAL LAW OFFICES

OF SAN DIEGO

ASSOCIATED OFFICES

SEATTLE

JUNEAU

MEXICO CITY

www.international-law-offices.com

phf@international-law-offices.com

740 NORTH HARBOR DRIVE

SAN DIEGO, CA 92101-5806

established 1989

TELEPHONE

619.232.0954

FACSIMILE

619.923.3618

CELLULAR

619.203.5349

PETER H. FLOURNOY

Mr. Donald O. McIsaac
Executive Director
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Agenda Item B.1 Comments on Non-Agenda Items:

Dear Don:

I have recently become aware that the Briefing Book for Council meetings often has a section entitled "Informational Report". I am not aware of how these items are chosen, and I am sure the intent is to bring to Council members attention items of constructive interest that they may not have otherwise been made aware. I have comments on two of these items.

Information Report 2: This is a news story which basically follows a press release by a little known group called "Environment California" which announces the publication of a "report" entitled "Net Loss: Overfishing Off the Pacific Coast" The copy of the "report" which I have is five pages long, adds no new information to the subject of "overfishing" which it purports to address, is funded by the Pew Charitable Trusts (an organization known for its generous contributions to any anti-fishing research, writing or group it can find), is written by a person described as an "Oceans Advocate" (whatever that is), and reads like a piece of unmitigated propaganda. Its conclusion is "The council must stop gaming the system and looking for loopholes to allow 'business as usual.'" Unless this "information item" is being used as an example of the worst type of "scientific report", I am seriously offended by its inclusion in the Council's Briefing Book, apparently by Council staff, and I would appreciate an explanation.

Information Report 6: This item is a letter from the Executive Director of the Western Pacific Fishery Management Council which purports to be a response to the legitimate and McIsaac, October 30, 2007

Page 2

well reasoned request by the Council to coordinate with the WPFMC on their announced intention to modify their Pelagics FMP with regard to the Pacific, shallow set, swordfish longline fishery. It is my view that instead of this October 18, 2007 letter being buried in the back of the Briefing Book, it should have been conveyed to the HMS-AS and HMS-MT in advance of their scheduled November meetings under their agenda item E.6. The letter, which appears to me to be a refusal to cooperate, needs to be considered by those Council entities so that they can make a report with recommendations to the Council for action at this November meeting. This is particularly important because the WPFMC intends to take action on this matter at their March 2008 meeting, which may occur before the next Council meeting. This item should be considered at the Council's November meeting so that more constructive exchanges can take place between the two Councils. One of the reasons for the Council's adoption of the HMS-FMP (which I opposed) was to coordinate efforts between Councils. This is an example of the apparent inability of the Councils and NMFS to resolve matters of great concern to the fishermen constituents of both councils.

I will apologize in advance if this letter is harsh in tone, however, I, and others, are becoming increasingly frustrated with the apparent inability of the two councils and NMFS to manage the HMS fisheries in the Pacific off the West Coast and Hawaii in the manner which was envisioned by the HMS-FMP.

Sincerely,

Peter H. Flournoy

SALMON ADVISORY SUBPANEL REPORT ON
BUREAU OF RECLAMATION KLAMATH PROJECT BIOLOGICAL ASSESSMENT

Two weeks ago, the Bureau of Reclamation (BOR) released its 2008 through 2018 Biological Assessment (BA) for the Klamath Irrigation Project on the Oregon/California border. The plan, intended for use over the next decade, dictates how much water is allowed to flow down the Klamath River to support salmon, how much will be reserved for endangered lake fish in Upper Klamath Lake, and how much will be diverted to irrigate farms.

The BA proposes dry water year type flows as minimums for all years, including wetter years. Such flows are not sufficient to avoid jeopardy to threatened coho salmon, nor are they consistent with previous NOAA recommendations or Hardy Phase 2 recommendations. By proposing dry year water levels as minimums through 2018, the plan minimizes BOR's obligations to provide salmon flows, and creates the risk of ten years of drought-like river conditions, which could doom struggling salmon runs and the communities that rely on them.

The BA now goes to National Marine Fisheries Service (NMFS), which can approve the plan or mandate changes through a Biological Opinion (BO). Since the last BO was approved regarding the effects of the Klamath Irrigation Project upon coho salmon, Klamath River fish populations have been in perilous decline. One of the largest adult salmon fish kills in history occurred within months of issuance of the 2002 BO and juvenile salmonids emigrating to the ocean have experienced extreme incidence of disease. The plight of Klamath River salmon can not be solely attributed to the operation of the Klamath Irrigation Project, however the resulting Klamath River flows have contributed to crippling salmon harvest closures, failure to meet the Klamath River spawning escapement objective three years in a row, and a coast-wide economic disaster. The proposed plan of using dry water year type flows as minimums for all years would exacerbate the problems facing Klamath River fish populations and those communities that depend upon these fish.

The Council should consider submitting comments regarding the BA to NMFS for consideration as they are develop the BO. We cannot afford 10 more years of Klamath-driven fishery disasters.

PFMC
11/05/07