CENTER *for* BIOLOGICAL DIVERSITY

March 2, 2015

Dorothy Lowman, Chair Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

William Stelle, Regional Administrator
NOAA Fisheries, West Coast Region
760 Sand Point Way NE
Seattle, WA 98115
pfmc.comments@noaa.gov

RE: Agenda Item H.3: Final Exempted Fishing Permit Approval

Dear Chair Lowman, Council Members, and Administrator Stelle,

Thank you for the opportunity to comment on behalf of the Center for Biological Diversity (Center) on Agenda Item H.3: Final Exempted Fishing Permit (EFP) Approval. First, as we have stated many times before, any request must be denied that would allow harmful fishing gear in the Pacific Leatherback Conservation Area while leatherbacks are likely to be in the area. Second, we are opposed to allowing entry of a longline fishing vessel into the EEZ of California for the first time.

1. Importance of the Pacific Leatherback Conservation Area

The Center opposes any exempted fishing permit allowing indiscriminate fishing in the Pacific Leatherback Conservation Area. Issuing such an EFP would be wholly incompatible with the purpose for which the Pacific Leatherback Conservation Area was created: to protect critically endangered Pacific leatherback sea turtles from entanglement and drowning in fishing gear.

The Pacific Leatherback Conservation Area overlaps with the boundaries of three National Marine Sanctuaries, the Monterey Bay, Gulf of Farallones, and Cordell Bank National Marine Sanctuaries. The leatherback sea turtle as well as the marine mammals, seabirds and fish that will likely be caught by vessels fishing pursuant to the EFP are all resources protected by these sanctuary designations. The proposed EFP would clearly "destroy, cause the loss, or injure" these resources. Thus we urge the Council to reject EFPs containing requests to fish in the Pacific Leatherback Conservation Area without clearly articulating the policy and public benefit behind inserting indiscriminate fishing gear into marine sanctuaries.

2. The Risk of Endangered Species Mortalities From the California Longline Fishery

The Center opposes experimental fishing with longlines because California's ocean hosts a variety of marine wildlife populations that cannot withstand risk of longline mortality. Several of these species are listed as endangered or threatened under the ESA, including sperm whales (*Physeter macrocephalus*), humpback whales (*megaptera novaeangliae*), fin whales (*Balaenoptera physalus*), leatherback sea turtles (*Dermochelys coriacea*), loggerhead sea turtles (*Caretta caretta*), green sea turtles (*Chelonia mydas*), and olive ridley sea turtles (*Lepidochelys olivacea*). Moreover, the critically endangered North Pacific right whale (*Eubalaena japonica*) occurs of the coast of California and is at risk from entanglement in indiscriminate fishing gears. The Pacific bluefin tuna (*Thunnus orientalis*) is not ESA-listed but at a historic low in abundance. There is no reason to experiment off California's coast with a fishery known to entangle and kill endangered species.

Longlining for swordfish within the California EEZ has been prohibited since at least 1977 when the State of California promulgated regulations declaring that "Swordfish may be taken only with handheld hook and line or handthrusted harpoon." 14 C.C.R. § 107.12 Pelagic longlining more generally was prohibited by Fish and Game Code § 9028 which banned hook and line fishing gear longer than 900 feet. However, swordfish and other longline-caught fish caught outside the EEZ could be landed in California if a declaration indicating such intent was filed with the Department of Fish and Game prior to departure. F&G Code § 8113. In light of this regulatory scheme effectively prohibiting longlining in the EEZ off California, but allowing the landing of longline-caught fish from outside the EEZ, the California-based longline fleet has historically been rather small, with most U.S. longline fishing in the Pacific being based out of Hawaii rather than California.

Nevertheless, due to litigation that led to NMFS virtually eliminating the Hawaii-based longline fishery for swordfish, in the late 1990s and early 2000s California-based longline fishing vessels caught and killed numerous federally protected species. From October 2001 to March 2003 NMFS placed limited observers on some of the California-based longline fishing vessels. These observers, monitoring only a fraction of the fishing effort, recorded entanglements of 23 loggerhead sea turtles, 2 leatherback sea turtles, and 1 olive ridley sea turtle. In August 2003, NMFS predicted (based on prior observer data and assuming that fishing effort remained the same as in 2002) that the California-based longline fishery was entangling 174 loggerhead sea turtles (47 killed) and 53 leatherback sea turtles (14 killed) each year.

The Council and NMFS curbed the interactions by issuing the long-overdue Highly Migratory Species Fishery Managemetn Plan (FMP) and accompanying regulations. 69 Fed. Reg. 18444 (April 7, 2004). The FMP brought the California-based longline fishery under federal management and included a provision prohibiting shallow-set longlining west of 150° W long. 50 C.F.R. § 660.712(2). However, in its biological opinion for the FMP, NMFS concluded that allowing shallow-set longlining east of 150° W long. would jeopardize the loggerhead sea turtle. NMFS therefore issued a reasonable and prudent alternative requiring the prohibition of shallow-

set longlining east of 150° W long. NMFS instituted this closure pursuant to its authorities under the ESA. 69 Fed. Reg. 11540 (March 11, 2004); 50 C.F.R. § 223.206(d)(9).

There is no justification for revisiting the decisions to ban longlines from the EEZ off California. We urge the Council to reject exempted fishing permits that use longlines.

Sincerely,

Catherine W. Kilduff, M.S., J.D.
Staff Attorney
Center for Biological Diversity
ckilduff@biologicaldiversity.org

THE PEW CHARITABLE TRUSTS

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February 20, 2015

Dorothy Lowman, Chair
Pacific Fishery Management Council
1100 NE Ambassador Place, #101
Portland, Oregon 97220

RE: Agenda Item H.3 - Final EFP Approval

Dear Chair Lowman and Council Members:

We write to support the Exempted Fishing Permit (EFP) process set forth by the Pacific Fishery Management Council (Council) and the intent to develop more selective and environmentally friendly gear types in Highly Migratory Species (HMS) fisheries. In approving appropriate EFPs, the Council will take a positive step towards transitioning a non-selective and environmentally damaging fishery to one that meets the Council's goal of significantly reduced bycatch. However, not all of the EFP applications meet the Council's stated objective or Council Operating Procedure 20 (COP-20). To this end, we recommend the following action at the March meeting:

1) approve and issue a Deep Set Buoy Gear (DSBG) EFP to Pfleger Institute of Environmental Research (PIER) and give serious consideration to other EFPs proposing to test highly selective and actively tended gear; and
2) reject applications proposing to use pelagic longlines and/or unmodified drift gillnet (DGN) gear particularly those proposing to fish in the Pacific Leatherback Turtle Conservation Area (PLCA).

In moving forward with the EFP process, the Council will take a necessary step to transition away from DGN gear toward the development of a sustainable West Coast swordfish fishery.

Approve and issue PIER's deep-set buoy gear EFP

While we support efforts to develop more selective, actively tended, and environmentally friendly gear types in Highly Migratory Species (HMS) fisheries, we are particularly impressed with PIER's proposal because it meets the Council's stated objective for EFPs and the considerations in COP-20, the scientific protocols presented, and the collaborative nature of the application. Therefore, we recommend the Council approve PIER's EFP and move DSBG closer

to becoming an allowable gear type in the HMS Fishery Management Plan (FMP). The rationale for this recommendation is detailed below.

First, PIER's application directly addresses the Council's goal in developing EFPs. The Council's stated objective in soliciting EFP applications is "to obtain information that could lead to regulations for a full fleet commercially viable fishery targeting healthy HMS species . . . *while significantly reducing the bycatch from what has been observed in the contemporary DGN fishery.*"[1] PIER's experimental trials have demonstrated that buoy gear is effective in catching targeted species with minimal bycatch and zero bycatch mortality. This not only meets the Council's objective for developing EFPs, but achieves the goal of National Standard 9 under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to minimize bycatch and bycatch mortality.[2] Buoy gear performs significantly better than DGN gear because 94 percent of the catch is marketable and the resulting superior product sells for almost double that of DGN-caught fish.

Second, PIER's application should be the Council's highest priority because it meets several of the priority considerations under COP-20. This procedure states that EFP applications will be given highest priority if they emphasize resource conservation with a focus on bycatch management, encourage innovative gear modification and fishing strategies to reduce bycatch, encourage the development of new market opportunities, and explore the use of incentives to increase utilization of underutilized species while reducing bycatch of non-target species and/or interactions with protected species.[3] PIER's application meets all of the above considerations because it will test a gear that is new to the west coast that has the ability to catch target species with minimal bycatch and zero bycatch mortality while at the same time working to build a new market for buoy-caught fish.

Third, PIER's application clearly outlines the scientific protocols and describes the gear that will be utilized for the duration of the EFP. PIER's experience tagging swordfish and tracking their movements allowed them to design buoy gear to target swordfish at depths where they know these fish spend most of the daytime hours while avoiding non-target bycatch.

Finally, PIER's EFP application is a collaborative effort that brings together scientists, fishermen, researchers, and the conservation community. This collaborative research is the result of years of work with a variety of stakeholders. PIER has been working with NOAA on buoy gear through a research permit and has built relationships with fishermen who are now specially trained to effectively use the gear.

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[1] EFP Solicitation Letter, July 02, 2014, Agenda Item G.3.a, Attachment 1, Sept. 2014; Renewed EFP Solicitation Letter, Sept. 29, 2014 (*emphasis added*).
[2] 16 U.S.C. §1851(a)(9).
[3] Council Operating Procedure 20, Priority Consideration, C.3.a. and d-f, p. 2.

For the reasons stated above, we recommend the Council approve PIER's application for an EFP to test DSBG and begin the process of making DSBG an allowable gear type.

Reject applications proposing to use pelagic longlines and/or unmodified DGN gear particularly those proposing to expand into the PLCA

The Council should reject applications to test pelagic longlines and unmodified DGN gear because they are unlikely to meet the Council's objective in developing EFPs.[4] It is unclear how fishing with DGN gear without modifications or changes in fishing methods could reduce bycatch from levels observed in the current DGN fishery. This was specifically addressed in the language of the EFP solicitation letter where the Council stated it was seeking EFPs "to test alternative fishing gear as a substitute in the large mesh [DGN] fishery, or test new approaches or methods of fishing DGN gear."[5] Testing unmodified DGN gear would not qualify as a new approach or method of DGN fishing. Therefore, the Council should reject applications proposing to fish DGN gear without modifications to the gear or alterations to the fishing methods.

Similarly, approving the use of pelagic longlines is not likely to meet the Council's stated objective to "significantly reduce bycatch." Pelagic longlines are non-selective and are not actively tended. Fisheries using pelagic longlines have high bycatch rates[6] and are unlikely to have significantly less bycatch than the contemporary DGN fishery. Therefore, approving the use of pelagic longlines off the West Coast is not likely to meet the Council's stated objective and does not address the priority considerations stated in COP-20.

In regard to EFP applications, "[t]he Council and HMSMT have previously stated that proposals to fish within the PLCA would likely only be considered on a limited basis. For example, buoy gears may present new opportunities for fishing within the PLCA, but DGN gears would probably not draw much support."[7] The HMSMT also indicated that "applications to test modifications to DGN gear would be unlikely to be considered within the PLCA."[8] The HMSMT's recommendations make clear that they do not endorse opening the PLCA to DGN gear through the EFP process.

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[4] EFP Solicitation Letter, July 02, 2014, Agenda Item G.3.a, Attachment 1, Sept. 2014; Renewed EFP Solicitation Letter, Sept. 29, 2014 (*emphasis added*).
[5] EFP Solicitation Letter, July 02, 2014, Agenda Item G.3.a, Attachment 1, Sept. 2014; Renewed EFP Solicitation Letter, Sept. 29, 2014.
[6] National Bycatch Report First Edition Update, 2014, 8. Pacific Island Overview, p.45-48, Table 8.1 Pacific Islands Region Fish Bycatch by Fishery; Table 8.3 Pacific Islands Region Marine Mammal Bycatch by Fishery Within The EEZ Around the Hawaiian Islands; Table 8.4 Pacific Island Region Marine Mammal Bycatch by Fishery Outside the EEZ Around the Hawaiian Islands; Table 8.5 Pacific Islands Region Sea Turtle Bycatch by Fishery, Table 8.6 Pacific Island Region Seabird Bycatch by Fishery;
[7] Supplemental HMSMT Report, Agenda Item G.3.b, Sept. 2014, p.2.
[8] Supplemental HMSMT Report, Agenda Item E.3.b, June 2014, p.1.

Pelagic longlines are known to have high bycatch of sea turtles.[9] It makes little sense to open a sea turtle protection area to the use of pelagic longlines without adequate justification and assurance that bycatch could meet the Council's stated objective by maintaining bycatch at levels below that of the contemporary DGN fishery.

It is unclear how testing unmodified DGN gear or pelagic longline in the PLCA would be expected to provide information useful to management as required by COP-20.[10] Because DGN gear and pelagic longlines have not shown they are able to significantly reduced bycatch, it is unlikely that an EFP applicant could adequately justify this exemption to the regulations.[11] We support the Council's intent in soliciting EFPS. However, the use of pelagic longlines and unmodified DGN gear is not likely to meet the Council's stated objective to significantly reduce bycatch from levels observed in the contemporary DGN fishery and should not be approved.

Conclusion

We support an economically and environmentally sustainable swordfish fishery off the West Coast that can supply domestic demand. To this end, we support the development of new and innovative gear types that have the ability to significantly reduce bycatch and bycatch mortality, while providing a high quality product. We look forward to working with the Council, advisory bodies, and EFP applicants to accomplish this goal.

Sincerely,

Paul Shively
Manager, U.S. Oceans, Pacific
The Pew Charitable Trusts
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Tara Brock
Senior Associate, U.S. Oceans, Pacific
The Pew Charitable Trusts
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[9] National Bycatch Report First Edition Update, Table 8.5 Pacific Islands Region Sea Turtle Bycatch by Fishery, 2014.
[10] Council Operating Procedure 20, Proposal Contents, B.1.c., p.2.
[11] Council Operating Procedure 20, Proposal Contents, B.1.a., p.2.

March 2, 2015

Ms. Dorothy Lowman, Chair
Pacific Fishery Management Council
70 NE Ambassador Place, Suite 101
Portland, OR 97220

via email: pfmc.comments@noaa.gov

Re: Agenda Item H.3– Highly Migratory Species Management, Final Exempted Fishing Permit Approval

Dear Chair Lowman and Council Members:

Wild Oceans is the nation's oldest conservation group dedicated to marine fish. Our programs emphasize best management practices for fisheries that promote locally-supplied seafood, recreation and tourism, and community-based employment while maintaining abundant fishery resources and a healthy marine ecosystem.

Best fishing practices, such as low bycatch of non-target species, live release of incidentally-caught or undersize fish, and cost-effective monitoring and enforcement, are broadly-endorsed. Through the exempted fishing permit program, the Pacific Fishery Management Council has an opportunity to test and promote selective fishing gears for the swordfish fishery that achieve these goals. In doing so, the Council will be making progress on its promise to transition the swordfish fishery away from destructive drift nets.

As the council considers the Exempted Fishing Permit (EFP) applications, we urge you to prioritize the following criteria:

The ability of the proposed gear to target select species and minimize bycatch. Three of the EFP applications include the use of

indiscriminate gear with unacceptable and uncontrollable bycatch. *We do not support any EFP that employs traditional longlines or drift nets.* The council has historically rejected multi-mile longlines because of unavoidable bycatch problems. And this bycatch is not only protected species, but recreationally-important species such as striped marlin, blue marlin and tuna. In the case of drift nets, high interactions with protected species prompted the Council to exclude this gear from the Pacific Leatherback Conservation Area (PLCA). It is also important to note that interaction between drift nets and recreational species such as marlin were also higher inside the PLCA. *As the Council weighs which EFP applications to move forward, its primary consideration should be on whether the applicant is planning to test alternative selective gear, like buoy gear, that promises high yields of target select species while minimizing bycatch.*

Costs and benefits. As stewards of our wild oceans, we have a responsibility to invest in more selective gears. The public objects to harmful fishing methods, and at the same time, the public subsidizes destructive fishing gears by paying the high management costs – complex regulations, intensive monitoring (including observers) and enforcement – of mitigating the damage they do to non-target species. It is time to consider the net benefits to the nation that come with more selective gears, such as buoy-gear. Such "small-scale" fishing gears become more economically viable when we consider the enormous benefits of management costs avoided.

The Exempted Fishing Permits are the first step towards our future of the west coast swordfish fishery which includes a transition away from drift nets towards more environmentally sustainable gear. Let's seize the opportunity to begin this transition with innovation and experimentation that focuses on best fishing practices.

Sincerely,

Theresa Labriola
West Coast Fisheries Project Director

Chuck Tracy - NOAA Affiliate <chuck.tracy@noaa.gov>

Fwd: No to Longlines - Yes to Deep Set Buoy Gear in California

1 message

PFMC Comments - NOAA Service Account <pfmc.comments@noaa.gov> Mon, Mar 2, 2015 at 2:28 PM
To: Chuck Tracy - NOAA Affiliate <chuck.tracy@noaa.gov>
Cc: Kit Dahl - NOAA Affiliate <kit.dahl@noaa.gov>

---------- Forwarded message ----------
From: **Jim Carlisle** <jncarlisle@verizon.net>
Date: Sun, Mar 1, 2015 at 2:12 PM
Subject: No to Longlines - Yes to Deep Set Buoy Gear in California
To: pfmc.comments@noaa.gov

Please say NO to Longlines in California. As a more responsible alternative, say YES to Deep Set Buoy Gear in California.

Thanks,
James, N. Carlisle
Long Beach, CA 90803

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Thank you for your comments to the Pacific Fishery Management Council. Your comments have been received and will be forwarded to the appropriate staff member for processing.

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220
Phone: 503-820-2280
Toll Free: 1-866-806-7204
Fax: 503-820-2299
Twitter: http://Twitter.com/PacificCouncil

Chuck Tracy - NOAA Affiliate <chuck.tracy@noaa.gov>

Fwd: No Long Lines

1 message

PFMC Comments - NOAA Service Account <pfmc.comments@noaa.gov> Mon, Mar 2, 2015 at 2:23 PM
To: Chuck Tracy - NOAA Affiliate <chuck.tracy@noaa.gov>
Cc: Kit Dahl - NOAA Affiliate <kit.dahl@noaa.gov>

---------- Forwarded message ----------
From: **Peter Gray** <pete@hookup1090.com>
Date: Sun, Mar 1, 2015 at 2:04 PM
Subject: No Long Lines
To: pfmc.comments@noaa.gov

No to Long Lines! Yes to Deep set buoy gear!

--
Pete Gray
President
Let's Talk Hook-up
619-223-4665
pete@hookup1090.com
www.hookup1090.com

--
Thank you for your comments to the Pacific Fishery Management Council. Your comments have been received and will be forwarded to the appropriate staff member for processing.

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February 27, 2015

Ms. Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: H.3 Highly Migratory Species, Final Exempted Fishing Permit Approval

Dear Chair Lowman and Council Members:

The Pacific Fishery Management Council has a great responsibility to protect our ocean resources and the California Current large marine ecosystem. Exempted Fishing Permits (EFPs) can be useful tools to support research and test experimental gears but should not, and cannot, be used to avoid conservation measures. As you know, we are opposed to the continued authorization of large mesh drift gillnets for targeting swordfish off our coast and we support the goal of transitioning the current drift gillnet swordfish fishery toward a fishery utilizing more environmentally and economically sustainable gear types that can effectively target swordfish.

The baseline for an environmentally sustainable gear for targeting swordfish ought to be the existing harpoon fishery that has already demonstrated, from decades of use, that this gear can be used to selectively target swordfish without bycatch. We support continued experimentation with buoy gear and we support ideas to help the existing harpoon and surface (hand-held) hook and line fisheries expand and innovate.

Oceana supports the current prohibition on pelagic longlines due to serious bycatch concerns associated with pelagic longline gear. Because of the frequent take and serious injury of marine mammals, NMFS lists the California drift gillnet fishery as a "Category I" fishery as required by the Marine Mammal Protection Act. The only other Category I fishery in the Pacific is the Hawaii-based deep-set longline fishery.[1] Based on recent experimental trials with deep set gear off the West Coast and the high bycatch associated with this gear, no data demonstrates that this gear type can be used to selectively target swordfish (for every swordfish caught, 44 other fish were discarded)[2]. Similarly, shallow-set longlines such as those used off Hawaii have unacceptable levels of bycatch. Allowing such gear off the U.S. West Coast would simply replace one wasteful fishing gear with another. Drift gillnets and pelagic longline gears are inconsistent with transitioning the swordfish fishery to more environmentally and economically sustainable gear types, and the Council should not approve any EFP utilizing these gears. Before approving any EFPs, the Council should consider whether the following criteria specific to the swordfish fishery are met:

- The proposed gear is demonstrably different than existing pelagic longline gear used out of Hawaii, the Atlantic, and other regions with similar or higher bycatch rates, and has a high likelihood of significantly lower bycatch rates and amounts across all species;

[1] 79 Fed Reg. 77919, 177930 (December 29, 2014), 2015 List of Fisheries.
[2] NOAA SW Fisheries Science Center Deep Set Longline Experiments, at http://www.pcouncil.org/wp-content/uploads/K5b_NMFS_SWFSC_ALTERNATIVE_GEAR_MAR2014BB.pdf

- If the gear is expected to take any species other than swordfish, 100% observer coverage is required to document all animals caught, bycatch caps are established for all species (particularly protected species), and the EFP terminates if any cap is reached.
- Bycatch caps are equal to one for any species managed with a drift gillnet hard cap, and the EFP terminates if the cap is exceeded.

Further, each approved permit should satisfy the following, more general, criteria:

1. The EFP provides for ecosystem-based management and the precautionary approach;
2. Prior to the issuance of an EFP, NMFS will complete all required analyses and consultations, including, but not limited to, those required under the National Environmental Policy Act, Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act (ESA), and the Marine Mammal Protection Act;
3. The EFP is not subject to categorical exclusion from NEPA review;
4. The EFP will not detrimentally affect an ESA-listed species;
5. The EFP will not cause detrimental impacts to the critical habitat of an ESA-listed species;
6. The public is allowed full and meaningful participation in the EFP consideration process; *i.e.*, all environmental analyses and consultations are subject to public review and comment prior to final action, approval and issuance;
7. The EFP provides that it will not exceed a bycatch cap or total allowable catch cap set by regulation;
8. The EFP includes detailed descriptions of experimental or sampling designs that adhere to accepted scientific standards including an explicit statement of testable hypotheses, a statistical power analysis and rationale for sample sizes, and a critical assessment of the validity of all assumptions. These designs and their attending results must be anonymously peer-reviewed by at least three qualified independent scientists who are not affiliated with NMFS, the PFMC, or any commercial concern having a direct interest in the results, and must obtain the approval of at least two of the reviewers. The experiment must be conducted to produce non-conflicted scientific results and all data produced pursuant to an EFP is made available to the public;
9. The EFP complies with fishery observer or bycatch reporting requirements; and
10. The EFP is not issued based solely on economic allocation.

Oceana Strongly Opposes EFP Applications 1 and 5.
Two of the five EFP proposals would conduct fishing using pelagic longlines, and one of these proposes fishing with both pelagic longlines and drift gillnets inside the Pacific Leatherback Conservation Area.[3] It is not clear that either application proposes to test any new methods that differ from those that are proven failures in minimizing bycatch. These proposals to support a transition to cleaner gear types would only increase bycatch and fishing inside critical conservation areas. Due to unacceptably high bycatch in longline fisheries, and the importance of protecting the critically endangered Pacific leatherback sea turtle, **Oceana cannot support approval of applications 1 and 5, as described under Agenda Item H.3.a, Attachments 1 and 5, and we request that the Council deny these proposals.**

Oceana Supports EFP Applications 2 and 4.
Oceana supports the Pfleger Institute of Environmental Research (PIER) EFP proposal (H.3.a, Attachment 2) for deep-set buoy gear (DSBG). Previous experiments with this gear have shown promise for a profitable alternative to drift gillnets, with minimal bycatch of protected species and, comparably, far lower catch rates of unmarketable species. According to data provided by the applicant from previous

[3] http://www.pcouncil.org/wp-content/uploads/H3_SitSum_EFPs_MAR2015BB.pdf; Agenda Item H.3, Situation Summary (March 2015).

work, 94% of the DSBG catch has been comprised of marketable species. We support approval of application 2.

Oceana also supports the Stephen Mintz EFP application (H.3a, Attachment 4), as it will be conducted with gear similar to the PIER proposal. We request, however, that 100% observer coverage be required.

Oceana Conditionally Supports Portions of EFP Application 3.
We conditionally support the Timothy and Laura Perguson EFP proposal (H.3a, Attachment 3), with strong exception to the large scale pelagic longline gear, and contingent on 100% observer coverage for all other gears tested.

We commend the applicants for their intent to test a diverse suite of gears as a means to replace drift gillnets with gear types demonstrating reduced bycatch. We support the use of both DSBG and shallow-set buoy gear. We cautiously support experimentation with "shortlines," because one may retrieve the gear much more quickly than longlines, and because shortlines are potentially more selective than longlines. The EFP must, however, specify a maximum length and soak time of all shortline experiments, and, should this gear interact with ESA-listed species, it should terminate immediately.

We do not support the use of longline gear as described in this EFP because it is not clear how these methods would differ significantly from pelagic longlining done elsewhere. Therefore, we ask that the Council not approve the use of longline gear in this proposal. We support the EFP for only five vessels, not the "future vessels who participate in the long-lining gear . . . from the U.S. EEZ 50-200 miles offshore." If other operators with other gears want to be added later, a new EFP application must be required. We also expect that the applicants will work with the Council's Scientific and Statistical Committee to ensure a study design with sufficient sets of each gear type (replication) to achieve significant results. Furthermore, the EFP proposal is unclear on observer coverage as it states that the applicants will make "sure we have adequate observer coverage, when it is desirable" and discusses challenges with funding observer coverage, yet also states that an "observer is required 100% for each fishing vessel." We support this proposal contingent on 100% observer coverage of all gear types being tested and with the other caveats described above. The Council should also clarify the duration of the EFP because this is not clear in the proposal.

Thank you for your consideration of these comments. We look forward to working with you on experimental fishing that will protect our nation's fishery resources and the California Current marine ecosystem.

Sincerely,

Geoffrey Shester, Ph.D.
California Campaign Director

February 9, 2015

Ms. Dorothy M. Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Chair Lowman and Councilmembers,

I am writing in support of the Experimental Fishing Permit (EFP) application that has been submitted by the Central California organization, the Alliance of Communities for Sustainable Fisheries (ACSF).

This EFP is designed to bring more scientific information to the PFMC and public about the best methods to catch swordfish in the US waters while also minimizing bycatch.

On behalf of the City of Monterey, I hope that the PFMC will support this EFH application.

Thank you for considering the City's request.

Sincerely,

Clyde Roberson
Mayor