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September 2, 2015

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

RE: Agenda Item D.2: Deeming Regulations for CEBA-1 – Unmanaged Forage

Dear Chair Lowman and Council Members:

Ocean Conservancy¹ appreciates the ongoing work by the Pacific Fishery Management Council (Council) to finalize and implement Comprehensive Ecosystem-Based Amendment 1 (CEBA-1), which will establish protections for unmanaged forage species as envisioned in Initiative #1 of the Council's Fishery Ecosystem Plan (FEP). With the support of the Ecosystem Work Group and advisory bodies, the Council has developed and received public comments on CEBA-1 environmental review and FMP amendatory language, adopted and affirmed a preliminary preferred alternative, and in March 2015 adopted a final preferred alternative. The Council directed the National Marine Fisheries Service (NMFS) to prepare implementing regulations for the action that set appropriate incidental take limits for unmanaged forage species – defined within the four West Coast Fishery Management Plans (FMPs) as Shared Ecosystem Component (Shared EC) species – that would not hinder current fishing for other species.

NMFS on August 31, 2015 presented draft, pre-deeming regulations for Council consideration that carefully considered historic take of shared ecosystem species to craft incidental take and at-sea processing measures². Ocean Conservancy urges affirmative deeming of these draft regulations as they meet the Council's CEBA-1 purpose and need statement as well as March 2015 Council direction by defining a directed fishery on Shared EC Species that constrains Shared EC species incidental catches, that are informed by and responsive to historical landings, that discourage targeting of Shared EC species, and that provide for enforceability and accountability.

Ocean Conservancy also supports use of Council Operating Procedure 24 for guiding proponents of potential new directed fishing on subject forage species, and for continued work

¹ Ocean Conservancy is a non-profit organization that educates and empowers citizens to take action on behalf of the ocean. From the Arctic to the Gulf of Mexico to the halls of Congress, Ocean Conservancy brings people together to find solutions for our water planet. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations.

² http://www.pcouncil.org/wp-content/uploads/2015/08/D2a_SUP_NMFS_Rpt_forage_SEPT2015BB.pdf

to refine dockside monitoring and classification of landed species to aid in the Council's monitoring of CEBA-1 and ongoing management of landings and incidental catch.

Again, we appreciate the thorough work of the Council, work groups, and advisory bodies both in developing important safeguards for key drivers of health of the California Current Ecosystem, and in advancing the Fishery Ecosystem Plan as a platform to guide and inform the transition to an ecosystem-based approach to fisheries management.

Sincerely,



Manager, Pacific Fish Conservation Program



Ivy Fredrickson
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Agenda Item D.2. Ecosystem -- Unmanaged Forage Fish Regulations

Dear Chair Lowman and Council Members:

The Audubon Society of Portland would like to thank you for the steady progress the Council has made over the last three years, first adopting the Fishery Ecosystem Plan (FEP) and then swiftly beginning implementation of the FEP by focusing on protection of unmanaged forage fish as your first ecosystem-based initiative.

Most recently, at the March 2015 meeting, we were pleased with the Council's decision to take action in protecting unmanaged forage fish by adopting the final preferred alternative (Alternative 2) that designated these species as ecosystem component (EC) species and prohibited new directed fisheries of these species without a full analysis. We believe incorporating currently unmanaged forage fish as EC species within each of the Council's existing Fishery Management Plans (FMPs) makes good conservation sense. Doing so clearly recognizes that forage fish provide important linkages within an interconnected ecosystem that includes upper trophic level species of seabirds, whales and other marine mammals that are of great interest and concern to our 15,000 Audubon members.

During your upcoming September meeting in Sacramento, California, Portland Audubon encourages the Council to move forward with the previously adopted FMP language which specifies that "no directed commercial fisheries begin for any Shared EC species until and unless the Council has adequate scientific information to consider impacts on the species considered as well as to existing fisheries, fishing communities, and the greater marine ecosystem". Specifically we ask the Council to:

- Deem the draft regulatory language to implement Comprehensive Ecosystem-based Amendment 1 (CEBA 1) as outlined by NMFS in Agenda item D.2.a Supplemental NMFS report (pgs. 11-13). This language should be consistent with the Council's intent to prohibit new directed fishing on seven groups of unfished forage species while avoiding negative impacts to existing fisheries.
- Adopt Council Operating Procedure (COP) 24 to specify conditions for issuing Exempted Fishing Permits to collect information to assess the status of currently unfished Shared EC forage fish species populations.

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protect nature since 1902.*

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- Work with relevant governmental and private entities (e.g. NMFS observers, fishery processors) to provide more accurate species identification information for landings data on unfished forage fish species. The summary results for landings of these species (provided in Agenda item D.2.a Supplemental NMFS report) would be more informative if steps were taken to identify all forage fish to species level.

For years Portland Audubon has been investing in a range of efforts to improve conditions for birds and their habitats. Seabird populations, in particular, are of critical conservation concern with more than half of the world's seabird species currently in decline.^{1,2} Audubon recognizes the value of forage fish to seabirds and other marine life at the top of the food chain and that overfishing of forage fish species has been a major contributor to documented declines of seabirds around the world. Not only do seabirds require substantial quantities of prey for survival and reproduction, they are extremely sensitive to changes in prey abundance³.

The Audubon Society of Portland oversees a system of 97 IBAs across Oregon including 36 coastal IBAs that have been designated to protect the foraging and nesting habitats that are vital to seabirds in this portion of the California Current Ecosystem (CCE). Audubon Society of Portland played a key role in helping establish a system of marine reserves and marine protected areas along the West Coast. Coupled with our Audubon Sanctuaries – including at Ten Mile Creek near Yachats, Oregon -- we're protecting the land-sea connection that is critical for seabirds, including the imperiled Marbled Murrelet that relies on forage fish including the Pacific sand lance, squid and osmerid smelt, which are specifically under consideration here.

This is why we believe it is important for Audubon to engage in the fisheries management work of the Council. We urge you to move forward and complete this process by adopting the draft regulatory language to protect currently unfished forage fish.

Sincerely,

Audubon Society of Portland
Joe Liebezeit & Paul Engelmeyer, Ocean Conservation Program

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¹ Croxall, J. P., et al. (2012). Bird Conservation International 22: 1–34.

² Paleczny M, Hammill E, Karpouzi V, Pauly D (2015) Population Trend of the World's Monitored Seabirds, 1950-2010. PLoS ONE 10(6): e0129342. doi:10.1371/journal.pone.0129342

³ Cury, P. M. et al. (2011). Global Seabird Response to Forage Fish Depletion – One-Third for the Birds. Science 334 : 1703-1706