

November 4, 2016

Mr. Herb Pollard, Chair  
PFMC

7700 NE Ambassador Pl.

Suite 101

Portland, Oregon 97220-1384



Agenda Item I.4.b  
Supplemental Public Comment 2  
November, 2016

## **AGENDA ITEM I.4 – DEEP-SET BUOY GEAR EXEMPTED FISHING PERMITS (EFPs)**

Dear Chair Pollard and Members of the Council,

We write on behalf of Steve Mintz to formally request an extension on the Mintz EFP, with an adjustment to the terms regarding observer coverage requirements and fishing area.

In March 2015 the Council recommended the Mintz application to NMFS for EFP issuance for the 2015 fishing season. However, Mr. Mintz has not been able to participate in the EFP to date because the requirement for 100% monitoring is cost prohibitive. This should not be a surprise because Mr. Mintz mentioned in his EFP application that if he were to cover observer costs to the point where it was not economically viable, then he would not be able to fish under the EFP. In order to fish, fishermen need to be able to make a profit. Due to unknown profitability regarding gear and observer costs under his EFP, Mr. Mintz has chosen to participate in the albacore, DGN and longline fisheries for the last year and a half because those fisheries have proven to be economically viable.

In September 2016 the Council reviewed a revised application submitted by Mr. David Stephens to use DSBG and recommended that NMFS issue an EFP for this activity. Based on Mr. Stephens' experience using this gear type, the Council recommended that NMFS consider an observer coverage rate as low as 30%, which is consistent with the coverage rate for the PIER EFP. This recent recommendation from the Council for 30% observer coverage got the attention of Mr. Mintz because he feels that his 38 years of fishing experience should entitle him to the same rules and recommendations that were considered for Mr. Stephens.

But this request for an extension of the Mintz EFP is not just about a sense of entitlement. We are requesting the ability to gather useful data. Attachment B in the HMSMT Report under this Agenda Item identifies the use of DSBG in other areas and times of the year to be one of the Council's data gathering priorities. As indicated in Mr. Mintz's application, Mr. Mintz originally intended to fish off Washington, Oregon and California from August to February. But when the Council recommended Mr. Mintz's application to NMFS, it was a recommendation to only allow fishing activity to occur South of the California/Oregon border for the first year. In addition to Mr. Mintz's request for 30% observer coverage, Mr. Mintz requests the ability to fish as far North as the Columbia River. However, if the Council is not willing to recommend fishing activity that far north, Mr. Mintz would still like to point out that in addition to fishing in the SCB, he still intends to fish North of Point Conception under his EFP which could help to satisfy at least one of the Council's data gathering priorities.

Mr. Mintz plans to attend the November 2016 Council meeting and looks forward to discussing this further in person in the near future.

Thank you for your attention and consideration,

Sincerely,

Jonathan Gonzalez  
President – VCCFA



November 8, 2016

Pacific Fisheries Management Council  
770 NE Ambassador Place, Suite 101  
Portland, OR 97220

RE: Agenda Items I.4 Deep-Set Buoy Gear Exempted Fishing Permits, and I.5 Swordfish Fishery Management

Dear Councilmembers,

This letter is written on behalf of hundreds of thousands of members represented by Turtle Island Restoration Network, The Otter Project, Endangered Habitats League, Ocean Defenders Alliance, Save the Turtles, Inc., Marine Conservation Institute and Whale and Dolphin Conservation. We remain greatly concerned that bycatch in the drift gillnet industry continues to kill endangered and protected species that are of great ecological significance. We are writing to voice our support for the Pacific Fisheries Management Council to transition away from the use of drift gillnets.

#### I.4 Deep-Set Buoy Gear Exempted Fishing Permits

We support the approval of new deep-set buoy gear (DSBG) exempted fishing permits (EFP), and we encourage Council action to expand and create a DSBG fishery as a step in the process of transitioning away from drift gillnets.

The EFP application template provided by the Council includes a request for information about what data gaps the EFP will address, and the first data gap listed on the template is

bycatch and protected species interactions. Although we encourage the collection of information in regards to bycatch in an effort to guide fisheries management to reduce or eliminate non-target catch, we do not encourage the collection of information as a substitution for acting on information that is already available. Because DSBG has been tested off California since 2010 and data has confirmed that non-target catch of species of concern is minimal, we request the Council to use this existing information as a basis for reducing drift gillnet fishing effort while increasing DSBG effort.

We were disappointed by actions taken in September to slow down the process of approving DSBG beyond EFPs. Because DSBG dramatically reduces bycatch and is a more sustainable, yet also economical, option to catch swordfish, we continue to encourage the Pacific Fisheries Management Council to change the current, limited approach by working to get a firm calendar in place to fully authorize deep-set buoy gear.

### I.5 Swordfish Fishery Management

We do not support the effort to federalize swordfish fishery management while continuing to allow drift gillnet fishing. Without action to reduce drift gillnet fishing effort, federalizing drift gillnet permits will not address the many concerns with this fishery.

The Council has said it is considering whether DSBG and drift gillnet permits should be linked to establish a permit trade-in mechanism. We support linking the permits to provide drift gillnet fishermen the opportunity to benefit from a transition away from drift gillnets. We would be supportive of federal swordfish fishery management if it was part of an action to authorize DSBG and reduce and eventually end drift gillnet fishing effort.

In regards to the drift gillnet hard caps, we commend the Council and National Marine Fisheries Service for taking concrete steps to limit the extreme level of bycatch from the drift gillnet fishery. This new rule, when implemented, will provide a variety of species some measure of protection from the drift gillnet fishery. However, we are concerned that the protections put in place will be for a small number of species relative to the many species that are caught and killed by the drift gillnet fishery, and we are concerned that observer coverage is inadequate to make the rule effective. Despite having a goal of 100% observer coverage, actual observer coverage has been below 20%. This gap in observer coverage significantly limits the reliability of data on which the rule would rely.

Because our oceans are critically important, with ocean health and diversity connected to other aspects of life on the planet, we urge you to take action to end the use of drift gillnets.

Sincerely,

Cassie Burdyshaw, Advocacy & Policy Director  
Turtle Island Restoration Network

Dan Silver, Executive Director  
Endangered Habitats League

Steve Shimek, Executive Director/Founder  
The Otter Project

Kurt Leiber, Executive Director  
Ocean Defenders Alliance

Debra Sherman, Executive Director  
Save the Turtles, Inc.

Regina Asmutis-Silvia, Executive Director, NA  
Whale and Dolphin Conservation

Lance Morgan, PhD, President and CEO  
Marine Conservation Institute