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November 3, 2017

Mr. Phil Anderson, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Future Agenda Item Planning; Groundfish EFH/ RCA Modifications, Authorization of Deep-Set Buoy Gear & Swordfish Management Planning

Dear Chair Anderson and members of the Council:

Habitat protection and bycatch avoidance are cornerstones of responsible fishery conservation and management. To that end, the Pacific Fishery Management Council has made significant advancements and is well positioned for final action on modifications to groundfish essential fish habitat (EFH) and rockfish conservation areas (RCA) in April 2018 (Amendment 28 to the Pacific Coast Groundfish Fishery Management Plan).

As detailed in our public comment for this meeting ([Agenda Item F.3.b Public Comment 1](#)), since 2010, state and federal fishery managers, West Coast Sanctuaries and the public have made major investments in the Council's EFH and RCA review process. After years of hard work and postponement of final action this year to provide the EFH Project Team with additional time to complete its analyses, it is time to finish Groundfish FMP Amendment 28, now tentatively scheduled for final action at the April 2018 meeting.¹ To bring this effort to fruition, facilitate planning and stabilize expectations for the many people involved, we urge the Council to include Amendment 28 on the final agenda for the April meeting.

In addition, we request the Council schedule swordfish deep-set buoy gear authorization for the March 2018 meeting.² Authorization of deep-set buoy gear (DSBG) is critical for a clean West Coast swordfish fishery and consistent with the Council's swordfish management and monitoring goals.³ Experimental and fishery trials to date have demonstrated this gear is clean and effective. In further developing the range of alternatives and adopting preliminary preferred alternatives, we remind the Council of the California Fish and Game Commission request to, "thoughtfully consider DSBG configurations while also including incentives and

¹ http://www.pcouncil.org/wp-content/uploads/2017/10/G5_Att3_APRIL2018_QR_NOV2017BB.pdf

² http://www.pcouncil.org/wp-content/uploads/2017/10/G5_Att2_Mar2018_QR_NOV2017BB.pdf

³ PFMC 2015. Pacific Coast Swordfish Fishery Management and Monitoring Plan. September 2015 Draft. Agenda Item G.2. Available: http://www.pcouncil.org/wp-content/uploads/2015/08/G2_Att1_SwordfishPlan1509_SEPT2015BB.pdf



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Mr. Phil Anderson, PFMC
Future Agenda Item Planning
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mechanisms for drift gillnet fishermen to trade in their gear and permits in exchange for DSBG permits.”⁴

Last, on the year-at-a-glance, we appreciate that swordfish management project planning, including observer coverage, is included on the June 2018 agenda. The agency’s drift gillnet hard cap rule withdrawal undermined the Council’s plan to reduce and limit bycatch in the drift gillnet swordfish fishery. We ask the Council to renew its efforts in June, including consideration of revised hard caps, time and area closures, effort limits and 100 percent monitoring.

Thank you for your attention to these important fishery management issues.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Enticknap", is centered on a light blue rectangular background.

Ben Enticknap
Pacific Campaign Manager & Sr. Scientist

⁴ Termini, V. (California Fish and Game Commission) 2017. Letter to the Pacific Fishery Management Council and National Marine Fisheries Service regarding deep-set buoy gear alternatives. Agenda Item J.6.a Supplemental CFGC Report 1. September 2017. Available: http://www.pcouncil.org/wp-content/uploads/2017/09/J6a_Sup_CFGC_Rpt1_SEPT2017BB.pdf



November 6, 2017

Mr. Phil Anderson, Chair
Pacific Fishery Management Council
70 NE Ambassador Place, Suite 101
Portland, OR 97220

via email: pmmc.comments@noaa.gov

Re: Agenda Item G.5: Future Council meeting and Workload Planning

Dear Chair Anderson and Council Members:

Wild Oceans is writing with regard to the Pacific Fishery Management Council's (Council) Highly Migratory Species calendar for 2018. Specifically, we make the following recommendations:

Schedule selection of a preliminary preferred alternative for deep-set buoy gear authorization for March 2018

In September 2017, the Council approved a range of alternatives for deep-set buoy gear (DSBG) authorization and prioritized this action. We support scheduling DSBG authorization, including the presentation of a range of alternatives and selection of a preliminary preferred alternative, for March 2018. Currently, DSBG authorization is listed as a candidate agenda item on the proposed March 2018 Agenda.¹

For more than three years, Wild Oceans has pursued full implementation of a DSBG fishery because research has demonstrated that it *can* catch swordfish with minimal bycatch. When we look to the future of fishing, we imagine safer,

¹ Pacific Fishery Management Council Draft Proposed Council Meeting Agenda, March 7-14, 2018, Agenda Item G.5, Attachment 2, available at Report, Agenda Item J.2, Attachment 2, March 2017, available at http://www.pcouncil.org/wp-content/uploads/2017/10/G5_Att2_Mar2018_QR_NOV2017BB.pdf

more selective, more sustainable fishing methods. We imagine gear that is not only friendly to the environment, but friendlier to fishermen and fishing communities, too. The Pflieger Institute of Environmental Research has conducted six years of research, first optimizing buoy gear for fishing for swordfish at depth, then testing the gear through a rigorous research program, and finally engaging commercial vessels to fish using DSBG. The Council has since witnessed growing interest in the gear from harpoon fishermen as well as seasoned drift gillnet fishermen and has received more than thirty DSBG exempted fishing permit applications.

In March 2017, the Highly Migratory Species Management Team (HMSMT) recommended that the Council “space out DSBG agenda items to allow sufficient time to develop and analyze a range of alternatives for permitting.”² Scheduling DSBG authorization for March 2018 will allow six months for drafting, analysis and review of materials between the Council’s September approval of a range of alternatives and its selection of a preliminary preferred alternative in March. Looking forward further, the Council should task the HMSMT with returning with analysis necessary for selecting a final preferred alternative for authorizing deep-set buoy gear in June 2018. This schedule should provide the HMSMT and NOAA Fisheries sufficient time to complete a cumulative-impacts-analysis of the alternatives, as well as a Regulatory Impact Review and an assessment of compliance with National Standards and the Regulatory Flexibility Act.

For these reasons, we ask the Council to reaffirm its commitment to authorizing deep-set buoy gear as currently tested and configured. To accomplish this, we request the Council to take the following action:

- 1) task the HMSMT with providing the Council with an analysis of alternatives for authorizing DSBG to the Council for review at the March 2018 meeting,
- 2) include deep-set buoy gear authorization and selection of a preliminary preferred alternative on the March 2018 Council meeting agenda, and
- 3) allocate agenda time for selection of a final preferred alternative for DSBG authorization during the June 2018 meeting.

² Highly Migratory Species Management Team Report on Future Council Meeting Agenda and Workload Planning, Agenda Item C.5.a, March 2017, available at http://www.pcouncil.org/wp-content/uploads/2017/03/C5a_Sup_HMSMT_Rpt_FutureWorkld_Mar2017BB.pdf

Include the presentation and review of finfish bycatch performance standards and marine mammal and turtle bycatch in the drift gillnet fishery on the June 2018 Council Agenda

At its September 2015 meeting, the Council adopted drift gillnet performance metrics for non-ESA-listed marine mammals and finfish. Accordingly, at the June 2017 meeting, the Council received and reviewed information on finfish performance standards for the February 2016 - January 2017 drift gillnet fishery. The Council expressed an intent to continue to review this information annually, in June, to determine whether the fishery exceeded a performance metric and to determine if additional management measures are needed to further reduce bycatch. Currently, drift gillnet (DGN) performance metrics are listed as a candidate agenda item for the June 2019 Council meeting.³

In September 2015, the Council also approved hard caps on certain protected and threatened species (hard cap species). In June 2017, NOAA Fisheries notified the Council of its withdrawal of the hard cap rule. In response, the Council requested the HMSMT include information on the bycatch of hard cap species annually.

In order to accomplish these goals we suggest the Council take the following steps:

- 1) task the HMSMT with providing summary data on the finfish performance metrics and hard cap species bycatch for the June 2018 Council meeting,
- 2) task the Scientific and Statistical Committee with reviewing the HMSMT summary data and the suitability of a ratio estimator for computing finfish performance metrics, and
- 3) include the review and discussion of DGN performance metrics and hard cap species bycatch on the June 2018 agenda.

Thank you for your consideration and dedication to advancing best fishing practices that protect the future of fishing.

Sincerely,



Theresa Labriola

³ Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary, Agenda Item G.5 Highly Migratory Species Management Team Report on Future Council Meeting Agenda and Workload Planning, Agenda Item G.5, Attachment 1, November 2017, available at http://www.pcouncil.org/wp-content/uploads/2017/10/G5_Att1_YAG_NOV2017BB.pdf

Pacific Program Director