

March 23, 2012

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

RE: Agenda Item H.5. Future Meeting Agenda & Workload Planning – Forage Species

Dear Chairman Wolford and Council members:

We are writing to request the Council schedule the Ecosystem Based Management agenda item at the June 2012 meeting for formal Council action. Specifically, during this agenda item, we request that the Council consider and adopt the objective of protecting currently unmanaged forage species from directed harvest, and initiate a Fishery Management Plan (FMP) amendment process to accomplish this objective.

Forage species protection is widely recognized as a pillar of ecosystem-based management.^{1 2} There is increasing justification for changing the way we manage forage species in the California Current. For example, a seminal study tracking apex predator movements identified the California Current as a key foraging area for a wide suite of migratory species across the Pacific Ocean.³ A recent study published in *Science* found that fishing on low-trophic level (forage) species can have large impacts on other parts of the ecosystem, and this finding held for the California Current Ecosystem.⁴ Furthermore, as evidenced from recent public comments to the PFMC and west coast media coverage, protecting unmanaged forage species has become a top priority for the conservation community and many commercial and recreational fishermen. Forage species protection has been reflected through federal actions such as the North Pacific Fishery Management Council (NPFMC) action in 1998 to prohibited directed commercial harvest for many forage species through amendments to the Bering Sea/ Aleutian Islands and Gulf of Alaska Groundfish FMPs, the PFMC's prohibition of krill harvest in 2006, and in 2009 when the NPFMC developed its Arctic FMP.

The Council acted proactively and decisively in 2006 to prevent a directed fishery for krill through Amendment 12 to the Coastal Pelagic Species Fishery Management Plan (CPS FMP). Since then, Oceana and others have repeatedly requested the Council take similar action to protect other currently unmanaged forage species. Previously, we requested the Council use Amendment 13 to the CPS FMP as an opportunity to add a list of unmanaged forage species as ecosystem component species and prohibit harvest for those species. However, the Council ultimately decided not to pursue protection of unmanaged forage species through that Amendment package, instead signaling to the public that a more appropriate way to protect these species would be an Ecosystem FMP. We then diligently engaged in the process of developing an Ecosystem FMP, and we proposed the Council use the Ecosystem FMP as an opportunity to protect unmanaged forage species. Yet at the June 2011 meeting, the Council decided not to pursue protection of forage species in the Ecosystem FMP, instead changing the Ecosystem FMP

into a non-regulatory, advisory document. The Council, however, adopted an important motion under the Ecosystem Based Management agenda item, stating that:

[a]dditional management measures for forage fish species if any would be considered through the CPS FMP as the Council deems appropriate.

The Council further directed the Ecosystem Plan Development Team (EPDT) to:

[d]evelop a list of species not included in any FMP, state management, ESA regulations, or species that could be the target of future exploitation with the idea that fisheries could possibly develop.

Subsequently, the draft FEP contained a detailed examination of the potential for new fisheries to develop on currently unmanaged forage species in the California Current.⁵ The FEP analysis in Appendix A pointed out that:

[g]iven limited potential for increased fishmeal production from traditional LTL species, prices for fishmeal and fish oil will continue to rise. This makes the prospect for fisheries developing on the minor LTL species all that more attractive, as higher fishmeal prices are sure to translate into higher exvessel prices for the raw ingredients.⁶

Prior to the November 2011 Council meeting, we again requested the Council take action to protect the unmanaged species on the EPDT's list, by initiating an amendment to the CPS FMP that would add such species and include management measures to prohibit the development of directed fisheries, as laid out in the June 2011 Council motion. At this meeting the Council requested additional analysis from the EPDT, requesting the team examine the "need and mechanisms for expanding protective measures for forage species, including further analysis of a listing of applicable species".⁷

We have analyzed the option of amending the list of allowable fisheries, and concluded it would be insufficient to meet the objective of preventing directed fisheries from developing on unmanaged forage species. Even if the list is amended, the Council and NMFS will be required to take additional action to prevent a fishery from developing within 90 days of being notified of an intent to target an unmanaged forage stock, each time such notification is received. If the Council and NMFS take action within 90 days, a new FMP or FMP amendment is required within one year to maintain the harvest prohibition. Therefore, from a workload perspective, this option actually requires more work to achieve the objective of preventing new fisheries from developing on currently unmanaged forage species.

Since the Council is ultimately required to add any species for which it intends to place a harvest prohibition into an FMP, amendments to the list of allowable fisheries is a repetitive step that does not offer meaningful, long-term protections to forage species. As this is an inappropriate means to accomplish the objective of protecting unmanaged forage species, we urge the Council and the EPDT to focus analysis on protection mechanisms that involve an FMP amendment. The Council has already indicated the CPS FMP is the appropriate FMP for protecting forage species, yet we are open to this path or other options such as an omnibus FMP amendment or Ecosystem FMP. What is

needed in June is a clearly articulated motion stating it is the Council's objective to protect unmanaged forage species, and to decide on and initiate a concrete pathway and process to accomplish this objective.

Therefore, we ask the Council to schedule an "Action Item" for the June meeting and request any additional analysis by the EPDT to accomplish the following:

- Formally adopt an objective statement to protect unmanaged forage species within a Council FMP;
- Select a preliminary list of unmanaged forage species for inclusion in such an action;
- Initiate an FMP amendment process intended to meet the Council's objective.

The Council and NMFS protected krill on the basis of "preserving key trophic relationships between fished and unfished elements of the food web in order to maintain the integrity of the ecosystem and to minimize the risk of irreversible adverse impacts on managed fish stocks and other living marine resources from adverse impacts."⁸ The Council has deliberated and asked for more information on extending this protection to other forage species for over 5 years now, and it is time to move forward with a clear FMP amendment process.

Ultimately, precautionary management of forage species would represent a tangible ecosystem-based management approach that would benefit existing commercial and recreational fisheries and wildlife without harming stakeholders.

Sincerely,



Ben Enticknap
Pacific Project Manager

¹ Foley et al. 2010. Guiding ecological principles for marine spatial planning. *Marine Policy* 34(5): 955-966.

² Pikitch et al 2004. Ecosystem-Based Fishery Management. *Science* 305:346-347

³ Block et al. 2011. Tracking apex marine predator movements in a dynamic ocean. *Nature* doi:10.1038/nature10082.

⁴ Smith et al. 2011. *Science*. Impacts of fishing low-trophic level species on marine ecosystems. 10.1126/science.1209395. 21 July 2011.

⁵ PFMC 2011. November Meeting Agenda Item H.2.a Attachment 1. Draft Pacific Coast Fishery Ecosystem Plan for the U.S. Portion of the California Current Large Marine Ecosystem. Appendix A.

⁶ PFMC 2011. November Meeting Agenda Item H.2.a Attachment 1. Draft Pacific Coast Fishery Ecosystem Plan for the U.S. Portion of the California Current Large Marine Ecosystem. Appendix A.

⁷ PFMC 2011. November 2011 Meeting Decision Document, p. 5.

⁸ PFMC 2008. Management of Krill as an Essential Component of the California Current Ecosystem. Amendment 12 to the Coastal Pelagic Species Fishery Management Plan. Environmental Assessment. February 2008, at page 1.

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Mr. Dan Wolford, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, #101
Portland, OR 97220

RE: Agenda Item H.5 - Workload Planning & Protecting Unmanaged Forage Species

Dear Chairman Wolford and Council Members,

Following the Pacific Fishery Management Council's (Council) scheduling discussion in March, we are writing to request that the Council incorporate the issue of protecting unmanaged forage species into its long-range planning.

In particular, we request that the Council schedule the June 2012 Ecosystem-Based Management agenda item as an "action item" in order to consider formally adopting the goal of protecting unmanaged forage species from directed fishing. At that point, the Council's relevant advisory bodies can begin the scoping process to analyze the various options available to bring this vital component of the food web into the Council's management framework.

The Council's discussion on this issue in March reflected a degree of uncertainty as to where this issue should be housed. To date it has been tasked to the Ecosystem Plan Development Team, as protection of the food web and the conservation of forage species is a broadly recognized goal of ecosystem-based fishery management.¹ However, the Council's motion under the Ecosystem-Based Management agenda item in June 2011 stated:

"Additional management measures for forage fish species, if any, would be considered through the Coastal Pelagic Species (CPS) FMP, as the Council deems appropriate."²

While we agree that the justification and reasoning for protecting forage species is ecosystem-based, the Council's Fishery Ecosystem Plan (FEP) is an inappropriate vehicle because without regulatory authority it lacks the ability to enact conservation and management measures. Furthermore, the timeline for establishing a fully developed FEP remains unclear and is inconsistent with the need to take action now, before capital is invested in developing new fisheries.

¹ For example see: 1) Amendments 36 and 39 to the GOA and BSAI Groundfish FMPs. [Fed Reg 63, No 51, March 17, 1998](#). 2) PFMC 2008. [Amendment 12](#) to the [CPS FMP](#). 3) PFMC 1998. [CPS FMP](#), Goals and Objectives, Page1-4.

² [June PFMC Meeting, Motion 20, #3](#) (Agenda Item H.1.d, Page 48)

The status quo should be unacceptable to any reasonable observer of fisheries management. As you've heard from us before, the Council's List of Allowable Fisheries (List) includes a broad Non-Fishery Management Plan (FMP) Category which currently allows new fisheries on unmanaged species to start up without Council approval. Furthermore, even if the List were updated to exclude specific species or fisheries, new fisheries may still proceed after notification and a 90-day waiting period unless the Council is able to compel the National Marine Fisheries Service to take emergency regulatory action.

Permanent protections for unmanaged forage species must be housed in an FMP with the regulatory authority to enact conservation and management measures. That is the only way to bring these unmanaged forage species into the Council's jurisdiction, thereby ensuring that before any new fisheries begin, the appropriate science is conducted to make certain that any such fishery could be sustainable and not harm the marine ecosystem or other valuable fisheries.

Regardless, before the appropriate management mechanisms can be identified, the Council must take action to adopt the goal of protecting unmanaged forage species from directed fishing for the sake of ensuring a healthy marine ecosystem. Item 1 under the June 24, 2012 Ecosystem-Based Management agenda item titled, "Consideration of Forage Fish Management Issues" is the appropriate time and place to take such action.

Thank you for the opportunity to participate in this public process and share our concerns regarding ecosystem-based management and the protection of the California Current forage base. We look forward to working with the Council and all stakeholders to maintain healthy oceans and sustainable fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Marx", written in a cursive style.

Steve Marx
Pew Environment Group