

Public Comments
on the U.S. Commission on Ocean Policy's Preliminary Report

Topic Area: Fish/Fisheries

Comments Submitted by:

- B. Dale Lloyd, Post Falls, Idaho
- Becky Hellman, Lopez Island, Washington
- Brandon Franz, Olympia, Washington
- Echota Keller, Redmond, Washington
- Emil Kraft, Seattle, Washington
- Lisa Unger, Port Angeles, Washington
- Kaaren Donnelly, Spokane, Washington
- Ronald Monson, Renton, Washington
- Barbara Larson, Bothell, Washington
- Lynn Ledgerwood, Olympia, Washington
- Adam Cornelius, Anacortes, Washington
- Sharon Knowles, Seattle, Washington
- Christopher Young, University Place, Washington
- Eric VanderWaal, Maple Valley, Washington
- Julie Remmerde, Vancouver, Washington
- Mary Peete, Bellingham, Washington
- Judy Johnson, University Place, Washington
- Ivy Sacks, Vashon, Washington
- Gale K. Vick, Gulf of Alaska Coastal Communities Coalition
- Katharine Parsons, Waterbird Conservation Council & Manomet Center for Conservation Sciences
- Ken Hinman, National Coalition for Marine Conservation
- Eric C. Schwaab, International Association of Fish & Wildlife Agencies
- Phaedra Doukakis, The Pew Institute for Ocean Science
- William J. Snape, III, Defenders of Wildlife
- Kelly Malsch, Defenders of Wildlife
- David Godfrey, Caribbean Conservation Corporation
- Caroline Becket, Blue Mounds, Wisconsin
- Frank Sandner, Blue Mounds, Wisconsin
- Mason Weinrich, Whale Center of New England
- Peter Van Tuyn, Anchorage, Alaska
- J. David Whitaker
- Peter Leipzig, Fishermen's Marketing Association
- Robert Ovetz, Save the Leatherback Campaign
- Gerald Winegrad, American Bird Conservancy, National Audubon Society, The Waterbird Society, Pacific Seabird Group, and Defenders of Wildlife
- Richard B. Allen, Wakefield, Rhode Island
- Susan Carmel, Seattle, Washington
- Matt Rand, Marine Fish Campaign National Environmental Trust
- Doug Wood, Fox Island, Washington
- Bruce and Karen Taft, Bainbridge Island, Washington
- Steve Rogers, Vancouver, Washington
- Nelson Hauke, Seattle, Washington

- Sandra Wood, Fox Island, Washington
- Frank Retherford, Olympia, Washington
- Patrice Belzer, Oroville, Washington
- Carol Burns, Seattle, Washington
- David Griffin, Seattle, Washington
- John Kraus, Underwood, Washington
- Jeanne O'Dea, Seattle, Washington
- Steffen Fanger, Seattle, Washington
- Douglas O'Malley, NJPIRG Clean Water Advocate
- Nancy Matlock, Seattle, Washington
- Dale Riston, Rainier, Washington
- David Loud, Seattle, Washington
- Daniel Eisenberg, Seattle, Washington
- Guila Muir, Seattle, Washington
- Jill Leversee, Seattle, Washington
- Jeanne Eisenberg, Seattle, Washington
- Denise Doyle, Lopez, Washington
- Robin Loor, Seattle, Washington
- Kelley Parker, Seattle, Washington
- Pamela M. Engler, Seattle, Washington
- Tania Gonzales Maxfield, Olympia, Washington
- Julie O'Donnell, Kent, Washington
- Bryan Freeman Childs, Seattle, Washington
- Perry Callas, Camas, Washington
- Leanne Adcox, North Bend, Washington
- Jane Shofer, Seattle, Washington
- Sarah Lovejoy, Shoreline, Washington
- Philip Chanen, Seattle, Washington
- Anne Bjornstad, Mountlake Terrace, Washington
- Cindy Raven, Shoreline, Washington
- Greg Lukens, Olympia, Washington
- Jackson Higgins, Bellingham, Washington
- Mary Ann Osenbaugh, Seattle, Washington
- Jean Thomas, Lake Forest Park, Washington
- Brad Chamberlain, Seattle, Washington
- Molly Ayre-Svingen, Bellingham, Washington
- Barbara Bruell, Sammamish, Washington
- Clinton Chapman, Seattle, Washington
- Ray Abrahamson, Spokane, Washington
- Chris Neumann, Bellingham, Washington
- Julie Glover, Clinton, Washington
- Ruth Petzold, Palm Beach Gardens, Florida
- Greg Rielly, Everett, Washington
- Douglas M. Beckmann, Norfolk, Virginia.
- Barbara Bengston, Kent, Washington
- Carrie Clark, Seattle, Washington
- Yolanda Graham, Bellingham, Washington
- Cara Ballman, Seattle, Washington
- Brooke Tufte, Edgewood, Washington
- Melissa Young, Chattaroy, Washington
- Vincent Lalonde, Bellingham, Washington
- Christy Bates, Seattle, Washington
- Carla Kelly, Woodland, Washington
- Rick Langen, New Lisbon, Wisconsin
- Glenna Foreman, Burien, Washington
- Sandra Karlsvik, Fox Island, Washington

- Jessie McKenna, Seattle, Washington
- Fraser Wilkinson, Bellingham, Washington
- Michael Kovacs, SeaTac, Washington
- Susan Sena, Seattle, Washington
- Diane Lagerstedt, Bellevue, Washington
- Sandra VanderVen, Seattle, Washington
- Robert Mueller, Kenmore, Washington
- Larry Mahlis, Seattle, Washington
- Nia Giler, Seattle, Washington
- Darlene Townsend, Spokane, Washington
- Louise Stonington, Seattle, Washington
- Louis A. Fine, Bellingham, Washington
- Mike Harburg, Olympia, Washington
- Beth Call, Walla Walla, Washington
- Elizabeth Barger, Summertown, Tennessee
- Dolores Geer, Clinton, Washington
- Judith Alexander, Seattle, Washington
- Paul Talbert, Seattle, Washington
- Molly Oberbillig, Olympia, Washington
- Craig Garric, Seattle, Washington
- Dorres Foster, Anacortes, Washington
- Midge Brenner, Seattle, Washington
- Jim Johansen, Lynnwood, Washington
- Jim Minick, Lyle, Washington
- Marilyn Tolan, Fox Island, Washington
- Tim Dugaw, Seattle, Washington
- Michael Potter, Kenmore, Washington
- Jim Delvin, Des Moines, Washington
- Carmela Micheli, Gig Harbor, Washington
- Sandra Hoffelt Olson, Langley, Washington
- Lisa Messinger, Seattle, Washington
- Dorothy Swarts, Mercer Island, Washington
- Megan Dunning, Chicago, Illinois
- David Hillman, Port Townsend, Washington
- Eric Jensen, Seattle, Washington
- Lyndal Balliet, Kirkland, Washington
- Ruth Dasche, Vashon, Washington
- Tim Dunnigan, Bothell, Washington
- Kyle Haines, Klamath Falls, Oregon
- Roger Hudson, Seattle, Washington
- Alyssa Krafft, Olympia, Washington
- Marcella Layden, Olympia, Washington
- Marcianne Allen, Shelton, Washington
- Frances Daniels, Yelm, Washington
- Julie Rodgers, Kenmore, Washington
- Catherine DeBlasio, Seattle, Washington
- Judy Cashman, Seattle, Washington
- Dave Gamrath, Seattle, Washington
- Carol Nelson, Seattle, Washington
- Risë Stevens, Renton, Washington
- Denese LaClair, Shelton, Washington
- Kristin Haverlock, Edmonds, Washington
- Ann O. Jackson, Bellevue, Washington
- Cynthia Cascante, Vancouver, Washington
- Douglas K. Vernon, Bend, Oregon
- Darlene Hickman, Seattle, Washington

- Sally Armbricht, Charleston, West Virginia
- Kathryn Beck, Bellingham, Washington
- Dharma Buford, Seattle, Washington
- Jacob Mans, Seattle, Washington
- Floyd Rollefstad, Bellevue, Washington
- Traci Livingston, Seattle, Washington
- Kathleen Allen, Seattle, Washington
- Michael King, Seattle, Washington
- Gale Ballard
- Don and Norma Boswell, Richland, Washington
- Renee' Schenck, Tacoma, Washington
- Robert Jensen, Lacey, Washington
- Cheryl Carp, Seattle, Washington
- Sarah Bodnar, Tacoma, Washington
- Ardith Cole, Port Townsend, Washington
- Thomas Quickstad, Bellevue, Washington
- Mike Shaw, Mukilteo, Washington
- Jean Mohr, Seattle, Washington
- Marilyn Albert, Bellevue, Washington
- Diane Shaughnessy, Auburn, Washington
- Kris Towns-von Stauber, Shoreline, Washington
- Eileen Weintraub, Seattle, Washington
- Briana Armstrong, Duvall, Washington
- John S. Morris, Seattle, Washington
- Anna Kramer, Tumwater, Washington
- Chad Hoover, Seattle, Washington
- Trisha Conner, Orangevale, California
- Ed Depicolzuane, Seattle, Washington
- Marneen Laffoon, Spokane, Washington
- Susan Manning, Tacoma, Washington
- Eldon Ball, Seattle, Washington
- Julie Enevoldsen, Seattle, Washington
- Clara Klug, Port Townsend, Washington
- Dion Kerr, Beaverton, Oregon
- Gillian Schultz, Seattle, Washington
- Rick Armstrong, Renton, Washington
- Jason Cook, Bellevue, Washington
- Serene Munroe, Seattle, Washington
- Toni Bistodeau, Seattle, Washington
- Shreffler Dave, Sequim, Washington
- Judah Joy Easley, Duvall, Washington
- Teresa Tipton, Seattle, Washington
- Seana Blake, Washougal, Washington
- Robyn Nelson, Woodinville, Washington
- Solar Richard Thompson, Tacoma, Washington
- Natalie Smith, Seattle, Washington
- Beth Brasch, Spokane, Washington
- Connie Boitano, Seattle, Washington
- Gwen Stubbs, Seattle, Washington
- Ruthe Rugh, Bothell, Washington
- Irene Mills, Portland, Oregon
- Patricia Schreiner, Fordland, Missouri
- Cat Taylor, San Francisco, California
- Nate Thompson, Seattle, Washington
- Brooke Bell, Tumwater, Washington
- Susan Holmes Lipsky, Seattle, Washington

- Gale Lurie, Seattle, Washington
- Markthor MacFarlane, Rochester, Washington
- Peter Rimbos, Maple Valley, Washington
- Shane Austin, Olympia, Washington
- Patricia Doran, Seattle, Washington
- Melissa Hanbey, Shoreline, Washington
- Laura Tyler, Seattle, Washington
- Bonnie Bledsoe, Seattle, Washington
- Madelaine Moir, Sequim, Washington
- Stephen Thomas, Seattle, Washington
- Peter Rimbey, Seattle, Washington
- Atul Deshmane, Bellingham, Washington
- Raymond Vinzant, Juneau, Alaska
- Mistee Vinzant, Juneau, Alaska
- Forrest Miller, Vashon, Washington
- Helen Balaski, Port Angeles, Washington
- J. Water, Bellevue, Washington
- Randi Rinear, Puyallup, Washington
- Justin Verre, MountLake Terrace, Washington
- Kate Sheffield, Sequim, Washington
- Shae Savoy, Seattle, Washington
- Hugh McLarty, Vashon, Washington
- Brian K. Porter, East Sound, Washington
- David McDonald, Seattle, Washington
- Susan O'Brien, Port Townsend, Washington
- Sylvia Starr, North Bend, Washington
- Heather Crumbaker, Vancouver, Washington
- Alexander Jagiello, Vancouver, Washington
- Mike Bielel, Redmond, Washington
- Karen Hiller, Kelso, Washington
- Melinda Bonasera, Bainbridge Island, Washington
- Evelyn Vetere, Port Townsend, Washington
- Aileen Taylor, Chewelah, Washington
- Kelly McDonald, Seattle, Washington
- Richard Bergner, Anacortes, Washington
- Caroline Garland, Anacortes, Washington
- Adam Wallas, Seattle, Washington
- Emily Woodson, Mercer Island, Washington
- Howard Pellett, Anacortes, Washington
- Ben Howe, Shoreline, Washington
- Walter Kloefkorn, Springdale, Washington
- Steven Lovelace, Wilkeson, Washington
- Candace Jagel, Bainbridge Island, Washington
- Daniel Barshis, Leavenworth, Washington
- Daniel Landin, Olympia, Washington
- S. Ray, Yelm, Washington
- Paula Dawson, Seattle, Washington
- John Devoy, Olympia, Washington
- Doug Hagen, Seattle, Washington
- Ray Maddux, Shoreline, Washington
- Tho Speidel, Spokane, Washington
- Roxanne Hubbard, Enumclaw, Washington
- Michelle Keating, Vancouver, Washington
- Jora Rehm-Lorber, Olympia, Washington
- Anne Daletski, Camano Island, Washington
- Stonewall Bird, Mount Vernon, Washington

- Nancy Wickward, Shoreline, Washington
- Bill Leyrer, Seattle, Washington
- Lynn Wyckoff, Brier, Washington
- Zenda Boss-Hall, Clyde Hill, Washington
- Jody Suhrbier, Olympia, Washington
- Dave Woodruff, Port Ludlow, Washington
- Amy McRory, Seattle, Washington
- Randy Hale, Seattle, Washington
- Sidne Kneeland, Vancouver, Washington
- Max McCain, Seattle, Washington
- Nan Bentley, Seattle, Washington
- Seonaidh Davenport, Seattle, Washington
- Mona Lee, Seattle, Washington
- Thomas Sheehan, Seattle, Washington
- Wilhelmina Peragine, Seattle, Washington
- Katie Kennedy, Seattle, Washington
- Robert McBride, Edmonds, Washington
- Barbara Brevik, Snohomish, Washington
- Jennifer Corio Vancouver, Washington
- Alfredo Quarto, Port Angeles, Washington
- Susan Marett, Port Townsend, Washington
- David Paul, Clatskanie, Oregon
- Katherine Kaufman, Seattle, Washington
- Nancy Spiri, Yelm, Washington
- Janine VanSanden, Seattle, Washington
- Christina Serkowski, Seattle, Washington
- Bridget McKenna, Seattle, Washington
- Susan Hoffman, Seattle, Washington
- Connie Brennand, Bellevue, Washington
- Gina Yuasa, Kirkland, Washington
- Char Pinegar, Everett, Washington
- Jeffrey Staebler, Bellevue, Washington
- Marti McKenna, Seattle, Washington
- Angela Clifford, Everett, Washington
- Adina Hamel, Up, Washington
- Michael Hamel, Up, Washington
- Amaka Enetanya, Seattle, Washington
- Linda York, Seattle, Washington
- Walt Enterline, Seattle, Washington
- Caroline White, Olympia, Washington
- Mark Dawson, Bainbridge Island, Washington
- Ed Keith, Vancouver, Washington
- Ruthann Roka, Venice, Florida
- Adam Wallas, Seattle, Washington
- Katherine Babiak, New York, New York
- Adam Wallas, Seattle, Washington
- Mary Stack, Lummi Island, Washington
- Rose Lagerberg, Seattle, Washington
- Josephine Maurer, Seattle, Washington
- Margaret Malone, Bellevue, Washington
- Carol Watts, Seattle, Washington
- Sylvia Haven, Seattle, Washington
- Lea Hermanspann, Kirkland, Washington
- Gary Oaksford, Bellingham, Washington
- Brian Levin, Camano Island, Washington
- Judith Hill, Seattle, Washington

- Jerolyn Coen, Port Angeles, Washington
- Richard Boucher, Tacoma, Washington
- Tanya Barnett, Seattle, Washington
- Greg Lange, Edmonds, Washington
- Sarah K. Benson, Vancouver, Washington
- Carmen Chism, Maple Valley, Washington
- Matt Jones, Seattle, Washington
- Cynthia Edwards, Shoreline, Washington
- Judd Lawson, Seattle, Washington
- Terry Towers, Arlington, Washington
- Gwyn Garrison, Ardmore, Pennsylvania
- Ann Michel, Seattle, Washington
- Eric Bone, Seattle, Washington
- Dick Allen, Wakefield, Rhode Island
- Joseph Gordon, National Environmental Trust
- David Stetler, Bothell, Washington
- Michael Goldberg, Edmonds, Washington
- Sandra Reed, Seattle, Washington
- Richard B. Allen, Wakefield, Rhode Island
- Asila Ghoul, Santa Cruz, California
- Mark Muhich, Sierra Club Galveston Group
- Richard B. Allen, Fishery Conservation Consulting
- Karla Armenti, Bedford, New Hampshire
- Rodolphe Streichenberger, Marine Forests Society
- Philip J. Johansen
- David Boyd, Key Largo, Florida
- Marc Stettner, North East Hook Fisherman's Association
- Bob Jones, Southeastern Fisheries Association
- B. Sahau, Florham Park, New Jersey
- Jim Gilmore, At Sea Processors Association
- Dale Beasley, Columbia River Crab Fisherman's Association
- Larry B. Simpson, Gulf States Marine Fisheries Commission
- Mark Schaffel, Pacific Coast Shellfish Growers

Comment Submitted by B Dale Lloyd, Post Falls, Idaho

July 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Becky Hellman, Lopez Island, Washington

July 10, 2004

I live on an Washington State island, I see the amount of fish for sale in the market, yet it is often NOT bought. I am concerned that free enterprise is going to run our world into extinction, leaving my son nothing of which our generation enjoys.

I am part Cherokee, and my heart hurts for the Orcas, that search for food and worry how the bottom paint on boats, the spillages, and containers lost at sea. It hurts the ocean's eco systems.

My hope is that this bill will be a step in the right direction to protect our home planet, with saner human management.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Brandon Franz, Olympia, Washington

June 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Echota Keller, Redmond, Washington

June 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Emil Kraft, Seattle, Washington

June 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Lisa Unger, Port Angeles, Washington

June 17, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kaaren Donnelly, Spokane, Washington

June 16, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ronald Monson, Renton, Washington

June 12, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Barbara Larson, Bothell, Washington

June 11, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Lynn Ledgerwood, Olympia, Washington

June 11, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Adam Cornelius, Anacortes, Washington

June 9, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sharon Knowles, Seattle, Washington

June 9, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Christopher Young, University Place, Washington

June 7, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Eric VanderWaal, Maple Valley, Washington

June 6, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Julie Remmerde, Vancouver, Washington

June 6, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mary Peete, Bellingham, Washington

June 6, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judy Johnson, University Place, Washington

June 6, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ivy Sacks, Vashon, Washington

June 5, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gale K. Vick, Executive Director, Gulf of Alaska Coastal Communities Coalition (GOAC3)

June 3, 2004

U.S. Commission on Ocean Policy
1120 20th St., NW – Suite 200 North
Washington, D.C. 20036
FAX: (202)418-3475

Dear U.S. Commission on Ocean Policy:

The Gulf of Alaska Coastal Communities Coalition (GOAC3)¹ a private 501(c)6 non-profit community-based organization, was incorporated in 1998 as a vehicle for stabilizing the economies of our small Gulf of Alaska coastal communities by bringing back or increasing sustainable fisheries effort that was lost to negative impacts of certain regulatory and rationalization actions. To that end, we have worked toward – and gained – some major initiatives in protecting and advancing our community economics. These include (but are not limited to):

- Passage of Amendment #66 to the Halibut and Sablefish program to allow 42 eligible Gulf of Alaska Communities to purchase quota share and lease to community residents, effective June 1, 2004
- Passage of an amendment to the Halibut and Sablefish program which will allow eligible Gulf of Alaska Communities to receive initial issuance of halibut charter IFQs, expected to be in proposed rule within a few months
- Items for analysis to provide for initial issuance of community quotas in the pending rationalization of groundfish in the North Pacific
- Creation of a Kodiak Island Local Area Management Plan (LAMP) and the promotion of several other LAMPs within the Gulf of Alaska to address local concerns and gear conflicts, as well as protecting near-shore waters
- Promotion of the Alaska Coastal Communities Observer System (ACCOS), a proposed stakeholder observation system that we believe will aid considerably in promoting the use of Local and Traditional Knowledge, education, concern and awareness over near-shore environmental issues and cooperative working relationships with stakeholders and agency managers

We are doing this through the stakeholder processes at the North Pacific Fishery Management Council, as well as our State of Alaska and other avenues. It is this stakeholder process, established by the Magnuson-Stevens Fishery Conservation and Management Act, that we seek to enhance and protect. Like our much more established counter-parts in the Bering Sea-Aleutian Islands, the six Community Development Quota groups, we want to ensure that in *all* areas of fisheries management there is a strong stakeholder process that allows organizations such as ourselves to petition for the changes that we need at a very local level.

This is our *primary* concern as we comment on the U.S. Commission on Oceans Policy (USCOP) preliminary report of 2004.

¹ The Coalition is inclusive of all members of represented Gulf of Alaska communities, regardless of race or political and social affiliation.

Because the USCOP report is so extensive, our comments will be limited to a few of the recommendations, but our concerns, of course, are with almost all of them. Alaska, because it represents a majority of the U.S. fishing effort and because fishing is first in our state in employment and second in gross income, and because we have been consistently recognized as “doing things right”, is especially concerned that needed changes in other parts of the country do not override the North Pacific’s ability to improve on what we have rather than making dramatic changes that could – forgive the pun – bring us into some seriously uncharted waters. While we have plenty of our own internal problems, we appreciate the “up close and personal” approach that we have to management of the North Pacific. We need partnerships with Washington but program development and decision making really should stay regionally. We do, however, have recommendations for increased local participation.

To summarize:

1. We want the integrity of the regional fishery management councils (RFMCs) to remain as well as support for the RFMCs as the appropriate mechanism to bring local stakeholders together to develop the unique approaches that work within that RFMC jurisdiction.
2. We want increased stakeholder participation within the RFMC and a strengthened National Standard #8, recognizing the full value and worth of fishing-dependent communities
3. *We would oppose creating an overriding structure that would cause all commerce to be bogged down and stakeholder concerns and participation negated.* In other words, we recommend using extreme caution when adding layers of management. The current Council process takes a long time (as it should) and costs not only the managers but the stakeholders thousands, if not millions, of dollars to effectively participate in. It is for this reason that the regional Council process should carry reasonable assurances that there will *not* be an added layer government that could negate all that investment of time, money and effort. To prevent this, all necessary federal inter-action should occur within the RFMC process and the RFMC recommendations should not be subject to any other federal board or agency other than the agency general counsel and Secretary’s review.
4. We would like to see increased opportunity for improved use of science, a greater role of incorporating Local and Traditional Knowledge (LTK) utilizing data gathered from such programs as our proposed ACCOS (Alaska Coastal Community Observer System) program
5. We definitely want any rationalization program to include initial participation for coastal communities and programs with sufficient use caps to prevent any consolidation which would pre-empt community options
6. We encourage funding to provide for one joint fisheries-dependent community symposium per year, eventually to be expanded to North America and then other nations.

These are a few of our concerns. We are attaching specific responses to some of the USCOP recommendations. Our responses are noted in red after each recommendation. If this is not available in color, the responses should still be easy to identify.

Thank you for your time and consideration.

Cc: GOAC3 Board of Directors and Technical Team
Governor Frank Murkowski, State of Alaska

Senator Ted Stevens, Alaska
Senator Lisa Murkowski, Alaska
Congressman Don Young, Alaska

WHAT IS THE GULF OF ALASKA?

A. DESCRIPTION OF AREA

The Gulf of Alaska is basically a big arc, a narrow rim of coast line and islands that extends *approximately* from 130° east long. to about 160° west long., and 55° south lat. to 62° north lat.

A 1986 NOAA report² described the Gulf of Alaska as inclusive of the “southern coast of most of the Aleutian Island, the coast and offshore islands south of the Alaska Peninsula (including Shumagin and Kodiak Island groups), Cook Inlet, Prince William Sound, and the Alexander Archipelago. The area of the Gulf continental shelf is estimated to be the equivalent of 12.5% of the total continental shelf of the United States.”

The Gulf of Alaska is considered almost exclusively maritime. There are few “connecting” road systems; most of the communities are accessible only by water or air. Access is further restricted by mercurial weather patterns. It is not uncommon to be “weathered in or out” of an area. These same weather patterns can make both water and air travel very risky.

The economies of small Gulf of Alaska communities has also been primarily maritime. There may be a vast body of water separating the extreme ends of the Gulf, but the small Gulf communities share a commonality in being “fisheries dependent communities” in the most real sense of the term.

The Gulf of Alaska contains over 40 viable communities.³ Of those, approximately 34 (thirty-four) can be considered “small, rural, coastal communities,” which are under 2500 in population, at tidewater and not connected to a major community by a road system.”

The larger ports of Kodiak, Sitka, Juneau, Petersburg, Ketchikan, Cordova, Seward, Homer, Valdez have economic infrastructures based on fish processing, government, timber tourism, gold and oil. The smaller communities, due to economies of scale, are much more limited. The

² Prepared by Donald W. Hood and Stephen Zimmerman

³“Viable” is defined by communities which have a governing body. This number may vary slightly depending on inclusion of logging communities or communities on the periphery of what is traditionally considered the Gulf.

traditional dependency on fishing has formed both the economies and the culture.⁴ When the fishing situation varies even slightly, it can have enormous impacts on small communities, impacts that they often cannot buffer.

⁴ The general ethnic mix of the Gulf of Alaska includes Alutiiq, Aleut, Athabascan, Eyak, Tlingit, Haida, Tsimshian, white, African-American, Scandinavian, Russian, Filipino, Hispanic, and a mixture of Asian cultures. This combines large indigenous populations with relative “newcomers”, most of whom have relocated to GOA communities within the last 100 years. In both traditional and later commercial applications, fishing has been the mainstay for both communities and individuals.

NOTE: GOAC3 RESPONSES ARE DIRECTLY FOLLOWING THE SPECIFIC USCOP RECOMMENDATION

Recommendation 4–1. Congress should establish a National Ocean Council, and a nonfederal Presidential Council of Advisors on Ocean Policy, within the Executive Office of the President to provide enhanced federal leadership and coordination for the ocean and coasts. While Congress works to establish these components in law, the President should begin immediately to implement an integrated national ocean policy by creating them through an Executive Order, and by appointing an Assistant to the President to chair the Council. Recommendation 4–2. The National Ocean Council (NOC) should provide high-level attention to ocean and coastal issues, develop and guide the implementation of appropriate national goals and policies, and coordinate the many federal departments and agencies with ocean and coastal responsibilities. The NOC should be chaired by an Assistant to the President and composed of cabinet secretaries of departments and directors of independent agencies with relevant ocean- and coastal-related responsibilities.

GOAC3 RESPONSE: We highly recommend the integration of increased National Standards under the Magnuson-Stevens Fishery Conservation Management Act into any management policy. We also recommend the maximum regional stakeholder participation in this process, specifically representation from coastal community coalitions.

Recommendation 4–3. The National Ocean Council (NOC) should adopt the principle of ecosystem-based management and assist federal agencies in moving toward an ecosystem-based management approach.

GOAC3 RESPONSE: We are, along with many, unsure what “ecosystems-based management” really means in total. The North Pacific Fishery Management Council has long adopted “ecosystems consideration” into its fishery management,

but we all understand that a lack of sufficient data hinders our understanding of our ecosystems. As we move forward with increased science and data collection, including socio-economic data, I think this will give us a greater comfort level. We are cautious because too often the lack of data has charged our small boat fisheries with “guilty until proven innocent” and that is certainly not a way to approach management.

The NPFMC has striven to fulfill the recommendations of the National Research Council regarding eco-systems management and has, by most accounts, done a very good job. We, as coastal communities, would like to play our part in recognizing eco-systems warning signs, relaying observations, becoming more knowledgeable without our communities, forming partnerships with agencies to procure more information.

Our further caution is to create clear goals for eco-systems management that

- **Recognize different regional approaches to ecosystems management and allow successful approaches to expand rather than make significant changes in approach because other regions require this**
- **Include stakeholder information, particularly local and traditional knowledge (LTK)**

Recommendation 4–5. The Presidential Council of Advisors on Ocean Policy, a formal structure for input from individuals and organizations outside the federal government, should advise the President on ocean and coastal policy matters. This Council should be composed of a representative selection of nonfederal individuals appointed by the President who are knowledgeable about, and experienced in, ocean and coastal issues.

GOAC3 RESPONSE: Ensure that Alaska’s coastal community groups (both the Bering Sea-Aleutian Islands and the Gulf of Alaska) are specifically included in this group. Why? Because we represent, by far, the largest majority of fishing-dependent communities in the country and because we have the most at risk.

Recommendation 4–7. Congress, working with the National Ocean Council (NOC), should amend the National Oceanographic Partnership Act (NOPA) to integrate ocean observing, operations, facilities, and education into its marine research mission. A strengthened and enhanced National Ocean Research Leadership Council should be redesignated as the Committee on Ocean Science, Education, Technology, and Operations (COSETO). NOPA amendments should specify that COSETO reports to the NOC and is chaired by the director of the Office of Science and Technology Policy.

GOAC3 RESPONSE: Incorporate ACCOS⁴-type programs.

Recommendation 4–9. The National Ocean Council should review all existing ocean-related councils and commissions and make recommendations about their ongoing utility and reporting structure. Recommendation 4–10. The National Ocean Council should develop a flexible and voluntary process for the creation of regional ocean councils working closely with Congress, the Presidential Council of Advisors on Ocean Policy, state, territorial, tribal, and local leaders, and representatives from the private sector, nongovernmental organizations, and academia. Recommendation 5–1. State, territorial, tribal, and local governments and nongovernmental participants should use the broad, flexible process developed through the National Ocean Council to begin the establishment of regional ocean councils.

GOAC3 RESPONSE: We would oppose creating an overriding structure that would cause all commerce to be bogged down and stakeholder concerns and participation negated. In other words, we recommend using extreme caution when adding layers of management. The current Council process takes a long time (as it should) and costs not only the managers but the stakeholders thousands, if not millions, of dollars to effectively participate in. It is for this reason that the regional Council process should carry reasonable assurances that there will *not* be an added layer government that could negate all that investment of time, money and effort. To prevent this, all necessary federal inter-action should occur within the RFMC process and the RFMC recommendations should not be subject to any other federal board or agency other than the agency general counsel and Secretary’s review.

We do, however, strongly agree with the necessity of review council and commissions processes and we definitely agree with advisory that includes an expanded stakeholder participation.

Recommendation 5–2. Congress should establish regional ocean information programs throughout the nation to improve coordination and set regional priorities for research, data collection, science-based information products, and outreach activities in support of improved ocean and coastal management. The regional ocean information programs should be established immediately, independent of the voluntary, and potentially more complicated, process of establishing regional ocean councils. Recommendation 5–5. Congress should establish regional boards to administer the regional ocean information programs. Each regional board should include a broad range of stakeholders, develop a regional plan to be submitted to the National Ocean Council, and oversee the regional ocean observing systems. Program priorities should be carried out primarily through a grants process.

GOAC3 RESPONSE: Incorporate ACCOS⁴-type programs.

Recommendation 5–6. The National Ocean Council should ensure that adequate support is provided for both the research and observing components of the regional ocean information programs.

GOAC3 RESPONSE: Strongly concur.

Recommendation 6–4. Regional ocean councils, or other appropriate regional entities, should actively solicit stakeholder participation and lead the design and implementation of marine protected areas. The design and implementation should be conducted pursuant to the goals, guidelines, and uniform process developed by the National Ocean Council.

GOAC3 RESPONSE: Stakeholder participation is particularly critical here. This cannot be expressed strongly enough. The State of Alaska already has many MPA-areas (state and federal.) Alaska law is different than any other state in that we are constitutionally mandated to protect our natural resources. We are, however, often threatened by “Outside” interests that are more interested in the political mileage they receive than in the reality of a good stakeholder process. We highly recommend the use of Local Area Management Plans (LAMPs) already in existence in the Gulf of Alaska to provide for perhaps the best mechanism possible to pull all agencies and stakeholders together in determining both the necessity of and parameters for MPAs.

Recommendation 8–2. Congress should provide funding for the operation of a new National Ocean Council (NOC) Office on Ocean Education (Ocean.ED), and for implementation of related programs, as a line item in the National Oceanic and Atmospheric Administration (NOAA) budget, to be spent at the direction of the NOC. NOAA should develop a streamlined process for distributing Ocean.ED funds to other federal and nonfederal entities as approved by the NOC Recommendation 8–3. The National Oceanic and Atmospheric Administration, National Science Foundation, Office of Naval Research, and National Aeronautics and Space Administration should strengthen their support of both formal and informal ocean-related education, including appropriate assessments and evaluation of these efforts. Recommendation 8–4. Ocean.ED should lead the development of a framework for evaluating and assessing the effectiveness of ocean-related education programs, ocean-based K–12 professional development programs, best practices for incorporating ocean-based examples into K–12 education, and public education programs. Recommendation 8–6. Ocean.ED, working with state and local education authorities and the research community, should coordinate the development and adoption of ocean-related materials and examples that meet existing education standards. Recommendation 8–7. Ocean.ED, working with academic institutions and local school districts, should help establish stronger and more effective relationships between the research and education communities to expand professional development opportunities for teachers and teacher educators. The National Oceanic and Atmospheric Administration, National Science Foundation, the U.S. Navy, and National Aeronautics and Space Administration should support these efforts by providing secure and stable funding. Recommendation 8–8. Ocean.ED should promote partnerships among school districts, institutions of higher learning, aquariums,

science centers, museums, and private laboratories to develop more opportunities for students to explore the marine environment, both through virtual means and hands-on field, laboratory, and at-sea experiences. Ocean.ED should ensure that ocean-based educational programs and materials acknowledge cultural differences and other aspects of human diversity, resulting in programs that expose students and teachers from all cultures and backgrounds to ocean issues.... Recommendation 8–9. The National Oceanic and Atmospheric Administration, National Science Foundation, and Office of Naval Research should support colleges and universities in promoting introductory marine science courses to expose students, including non-science majors, to these subjects. Recommendation 8–10. Ocean.ED should guide and promote the development of the nation’s ocean-related workforce.

GOAC3 RESPONSE: Incorporate ACCOS⁴-type programs. This is perhaps the best mechanism for incorporating K-12+ education in ocean observing and can be easily expanded to promote increased oceans interest.

Recommendation 8–11. The National Oceanic and Atmospheric Administration and the U.S. Department of Labor should establish a national ocean workforce database and compile an annual report for the National Ocean Council on trends in ocean-related human resource development and needs. This effort should include an information clearinghouse to facilitate career decisions, provide access to career guidance, and enable employers, guidance counselors, and others to develop effective strategies to attract students to ocean related careers. Ocean.ED should organize an ocean workforce summit every five years to address the alignment of ocean education with workforce needs.

GOAC3 RESPONSE: Recommended

Recommendation 8–12. The National Oceanic and Atmospheric Administration should establish a national ocean education and training program, patterned after the National Institutes of Health model, within its Office of Education and Sustainable Development to provide diverse, innovative ocean-related education opportunities at the undergraduate, graduate, and postdoctoral levels.

GOAC3 RESPONSE: Recommended with the added note that both undergraduate and graduate programs should have specific grounding in socio-economics. We even recommend entire new study programs on the socio-economics of fisheries dependent communities and their participatory role in created healthier oceans.

Recommendation 8–15. The National Oceanic and Atmospheric Administration, National Science Foundation, Office of Naval Research, and National Aeronautics and Space Administration should encourage and increase the participation of traditionally underrepresented and underserved groups in the ocean-related workforce. Ocean.ED should facilitate collaboration between these agencies and institutions of higher learning to ensure that the appropriate mix of programs and opportunities exists to provide

underrepresented and underserved groups ample access to and support for pursuing ocean-related graduate education.

GOAC3 RESPONSE: Utilizing an ACCOS-type program could help facilitate recruiting from our coastal communities.

Recommendation 8–16. Ocean.ED, working with other appropriate entities, should enhance existing and establish new mechanisms for developing and delivering relevant, accessible information and outreach programs to enhance community education.

GOAC3 RESPONSE: Utilizing an ACCOS-type program would work very well here.

Recommendation 9–2. Congress should consolidate area-based coastal management programs in a strengthened National Oceanic and Atmospheric Administration (NOAA), capitalizing on the strengths of each program. At a minimum, this consolidation should include the Coastal Zone Management, National Estuarine Research Reserve System, and National Marine Sanctuary programs currently administered by NOAA and additional programs administered by other agencies, including the Coastal Barrier Resources System, the National Estuary Program, and the U.S. Fish and Wildlife Service Coastal Program.

GOAC3 RESPONSE: Stakeholder participation is particularly critical here also. We highly recommend the use of Local Area Management Plans (LAMPs) already in existence in the Gulf of Alaska to provide for perhaps the best mechanism possible to pull all agencies and stakeholders together in determining area-based coastal management needs.

Recommendation 11–2. The National Ocean Council should develop national goals for ocean and coastal habitat conservation and restoration efforts and should ensure coordination among all related federal activities. The regional ocean councils and regional ocean information programs should determine habitat conservation and restoration needs and set regional goals and priorities that are consistent with the national goals.

GOAC3 RESPONSE: Utilizing both an ACCOS-type program and Local Area Management Plans would work very well here.

Recommendation 17–3. The National Ocean Council, working with the Aquatic Nuisance Species Task Force and the National Invasive Species Council, should coordinate public

education and outreach efforts on aquatic invasive species, with the aim of increasing public awareness about the importance of prevention.

GOAC3 RESPONSE: The Alaska Coastal Community Observer System (ACCOS) was actually designed, in part, because of invasive species, particularly Atlantic salmon and Chinese mitten crabs in the Gulf of Alaska. It is not been applied yet so we do not know the efficiency of the program but the design is to incorporate stakeholders, including fishermen, sports and commercial, subsistence users, teachers and students and even tourists, in a comprehensive two-way observational and reporting system.

Recommendation 17–5. The National Ocean Council should review, coordinate, and streamline the current proliferation of federal, regional, and state programs for managing marine invasive species. Coordinated plans should be implemented to develop risk assessment and management approaches for intentional and unintentional species introductions that minimize the potential of invasions at the lowest cost.

Recommendation 17–7. The National Ocean Council should coordinate the development and implementation of an interagency plan for research and monitoring to understand and prevent aquatic species invasions. Research and monitoring should focus on gathering baseline taxonomic information, identifying invasive pathogens and vectors of introduction, understanding the human dimensions behind species introductions, and developing new options for minimizing invasions. Recommendation 18–2. The National Ocean Council should re-establish an interagency marine debris committee, co-chaired by the U.S. Environmental Protection Agency and National Oceanic and Atmospheric Administration. The committee should work to expand and better coordinate national and international marine debris efforts, including public outreach and education, monitoring and identification, research, and partnerships with local government, community groups, and industry.

GOAC3 RESPONSE: CONCUR.

Recommendation 19–1 Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Councils (RFMCs) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSCs), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

GOAC3 RESPONSE: We concur but note that the North Pacific Fishery Management Council already utilizes their SSC findings as part of the decision-making process. We do, however, recommend incorporating additional socio-economic considerations.

Recommendation 19–2. Scientific and Statistical Committees (SSCs) should be required to supply Regional Fishery Management Councils with the scientific information necessary to make fishery management decisions. Such information could include reports on stock status and health, socioeconomic impacts of management measures, sustainability of fishing practices, and habitat status. In particular, the SSCs should determine allowable biological catch based on the best scientific information available to them. Recommendation 19–3. Each Regional Fishery Management Council should be required to set harvest limits at or below the allowable biological catch determined by its Scientific and Statistical Committee. The councils should begin immediately to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act. . . . Recommendation 19–4. The National Marine Fisheries Service, working with the Regional Fishery Management Councils and the interstate fisheries commissions, should develop a process for independent review of the scientific information generated by the Scientific and Statistical Committees in all regions. This process should include three procedures: a standard review, an enhanced review, and an expedited review.

GOAC3 RESPONSE: Strongly concur.

Recommendation 19–7. The Regional Fishery Management Councils and their Scientific and Statistical Committees should develop an annual, prioritized list of management information needs and provide it to the National Marine Fisheries Service (NMFS). NMFS should incorporate these needs to the maximum extent possible in designing its research, analysis, and data collection programs.

GOAC3 RESPONSE: Work with the affected coastal communities more!

Recommendation 19–9. Congress should increase support for an expanded, regionally-based cooperative research program in the National Oceanic and Atmospheric Administration (NOAA) that coordinates and funds collaborative projects among scientists and commercial and recreational fishermen. NOAA should develop a process for external evaluation and ranking of all cooperative research proposals to ensure the most worthwhile projects are funded, the most capable performers are undertaking the research, and the information produced is both scientifically credible and useful to managers.

GOAC3 RESPONSE: Strongly concur. Again – review the ACCOS format for potential use here.

Recommendation 19–12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

GOAC3 RESPONSE: Strongly concur WITH the addition of a guaranteed representative of fishing-dependent communities.

Recommendation 19–13. Congress should give the Administrator of the National Oceanic and Atmospheric Administration responsibility for appointing Regional Fishery Management Council members with the goal of creating councils that are knowledgeable, fair, and reflect a broad range of interests.

GOAC3 RESPONSE: concur.

Recommendation 19–14. The National Marine Fisheries Service (NMFS) should require all newly appointed Regional Fishery Management Council (RFMC) members to complete a training course within six months of their appointment. NMFS should contract with an external organization to develop and implement this training course. Members who have not completed the training may participate in RFMC meetings, but may not vote.

GOAC3 RESPONSE: Concur – again with the a recommendation that training include a good understanding of the socio-economics of impacted communities.

Recommendation 19–15. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to affirm that fishery managers are authorized to institute dedicated access privileges. Congress should direct the National Marine Fisheries Service to issue national guidelines for dedicated access privileges that allow for regional flexibility in implementation. Every federal, interstate, and state fishery management entity should consider the potential benefits of adopting such programs.

GOAC3 RESPONSE: We definitely recommend

- any rationalization program to include initial participation for coastal communities *and* community options (with caps) to purchase additional quota shares

- programs with sufficient use caps to prevent any consolidation which would preempt community options

-
- provisions for periodic reviews

 - specifying the biological, social and economic goals of any proposed plan, specifically considering the socio-economic impacts of the plan on fisheries-dependent communities *not in isolation but within the context of traditional use*

 - specific consultation process with all stakeholders

Recommendation 19–25. The National Oceanic and Atmospheric Administration, working with the U.S. Fish and Wildlife Service and the U.S. Department of State, should design a National Plan of Action for the United States that implements, and is consistent with, the International Plans of Action adopted by the United Nations Food and Agriculture Organization and its 1995 Code of Conduct for Responsible Fisheries. This National Plan should stress the importance of reducing bycatch of endangered species and marine mammals.

GOAC3 RESPONSE: concur.

Recommendation 22–2. The National Oceanic and Atmospheric Administration’s new Office of Sustainable Marine Aquaculture should be responsible for developing a comprehensive, environmentally-sound permitting, leasing, and regulatory program for marine aquaculture.

... Recommendation 22–3. Congress should increase funding for expanded marine aquaculture research, development, training, extension, and technology transfer programs in the National Oceanic and Atmospheric Administration (NOAA). NOAA’s new Office of Sustainable Marine Aquaculture should set priorities for the research and technology programs, in close collaboration with academic, business, and other stakeholders.

GOAC3 RESPONSE: The State of Alaska statutorily prohibited the aquaculture of finfish in the 1970’s. It turned out to be a wise decision as the impacts of salmon farms around the world seem to become more dramatic every day.

Not all species that could be raised as aquaculture are the same of course, but the lessons of salmon farm impacts should give us all deep pause. Twenty years ago, the people opposed to finfish farms were accused of over-reacting on all their dire predictions. Now, there predictions have been actualized. The lesson? Before we jump into wholesale aquaculture – as many are promoting, maybe we should have small 20-year “test sites” so that we know what impacts might occur before there is so much industrialized aquaculture going on that we are entrenched.

In Alaska, within state waters, we are encouraging shellfish mariculture as there are some long-standing proven results.

Recommendation 25–1. Congress should double the federal ocean and coastal research budget over the next five years, from the 2004 level of approximately \$650 million to \$1.3 billion per year. A portion of these new funds should be used to support research directed by the regional information collection programs, enlarge the National Sea Grant College Program, and support other high priority research areas described throughout this report.

ii) Office on Ocean Observing (Ocean.US)

Recommendation 26–2. Ocean.US, with National Ocean Council (NOC) oversight, should be responsible for planning the national Integrated Ocean Observing System (IOOS). The National Oceanic and Atmospheric Administration should be the lead federal agency for implementing and operating the IOOS, with extensive interagency coordination and subject to NOC approval.

Recommendation 26–4. Ocean.US should proactively seek input from coastal and ocean communities to build cross-sector support for the national Integrated Ocean Observing System and develop consensus about operational requirements.

GOAC3 RESPONSE: This is an ideal application for the Alaska Coastal Community Observer System (ACCOS)

Recommendation 26–9. Congress should fund the Integrated Ocean Observing System (IOOS) as a line item in the National Oceanic and Atmospheric Administration (NOAA) budget, to be spent subject to National Ocean Council direction and approval. IOOS funds should be appropriated without fiscal year limitation. NOAA should develop a streamlined process for distributing IOOS funds to other federal and non-federal partners.

GOAC3 RESPONSE: Concur.

Recommendation 28–1. Congress should amend the National Oceanographic Partnership Act to establish a federal interagency planning organization for ocean and coastal data and information management to be called Ocean.IT. Ocean.IT should consist of representatives from all federal agencies involved in ocean data and information management, be supported by a small office, and report to the National Ocean Council's Committee on Ocean Science, Education, Technology, and Operations.

GOAC3 RESPONSE: Concur, but consider also utilizing a national ACCOS-type system.

The GOA encompasses International Pacific Halibut Commission (IPHC) Areas 2C, 3A and 3B and federal groundfish reporting areas 610-650. Primary commercially fished species include five species of salmon, halibut, sablefish, walleye pollock, Pacific cod, various rockfish, herring, and various small fisheries such as mackerel, squid, sculpin, arrowtooth flounder, Capelin, etc.

Comment Submitted by Katharine Parsons, Chair, Waterbird Conservation Council & Senior Scientist, Manomet Center for Conservation Sciences

June 4, 2004

These comments on the preliminary report of the U.S. Commission on Ocean Policy (Commission) are submitted on behalf of the Waterbird Conservation Council, the body responsible for coordinating, supporting, and communicating the implementation of the North American Waterbird Conservation Plan (NAWCP). NAWCP is the product of Waterbird Conservation for the Americas, an independent partnership of individuals and public and private institutions having interest and responsibility for conservation of waterbirds and their habitats in the Americas. Published in 2002, NAWCP provides a continental-scale framework for the conservation and management of 210 species of waterbirds, including pelagic seabirds, coastal waterbirds, wading birds, and marshbirds utilizing habitats throughout North America, Central America, the islands and pelagic waters of the Caribbean Sea and western Atlantic, the U.S.-associated Pacific Islands and pelagic waters of the Pacific. The Commission's recommendations on ocean policy will have significant ramifications for the health of marine waterbirds and their habitats.

However, though the preliminary report of the U.S. Commission on Ocean Policy appears to be a very comprehensive report, it is almost entirely lacking a discussion of waterbirds, particularly the many species of pelagic seabirds that are wholly dependent on ocean habitats. Moreover, we found no mention of several programs and policies which currently exist to conserve marine waterbirds, including those of the members of the Waterbird Conservation for the Americas initiative, the programs by the U.S. Fish and Wildlife Service under the mandates of the Migratory Bird Treaty Act (the primary U.S. law granting birds federal protection), and the United Nation's FAO International Plan of Action for the Reduction of Incidental Seabird Mortality in Longline Fisheries. Any comprehensive national ocean policy should address the needs of marine waterbirds. They rely on and are critical parts of the ecosystems that the Commission recommends as the basis for ocean and coastal resource management.

Pelagic seabirds, such as albatrosses, petrels, shearwaters, skuas, kittiwakes, puffins, boobies, murres, spend almost their entire lives at sea, flying or swimming long distances in search of food and returning to land only to breed. Many of these species are threatened with extinction by human-associated activities or impacts on oceans and oceanic islands. The NAWCP ranks species by conservation concern. The highest category of concern is Highly Imperiled and all 11 species in that category are pelagic seabirds, including Ashy Storm-Petrel, Newell's Shearwater, Townsend's Shearwater, Black-capped Petrel, Hawaiian Petrel, Black-footed Albatross, Audubon's Shearwater, Band-rumped Storm-Petrel, Phoenix Petrel, Tahiti Petrel, and Polynesian Storm-Petrel. Several other seabirds are ranked as High Concern, including Bermuda Petrel, Black-vented Shearwater, Craveri's Murrelet, Kittlitz's Murrelet, Least Storm-Petrel, Xantus's Murrelet, Black Storm-Petrel, Christmas Shearwater, Pink-footed Shearwater, Ancient Murrelet, Laysan Albatross, Marbled Murrelet, Short-tailed Albatross, and Herald Petrel. Also of High Concern are a number of coastal waterbirds, which, though less reliant on the open oceans than pelagic seabirds, utilize the interface between land and sea and are thus affected by ocean health. These include Brandt's Cormorant, Black Skimmer, Blue-footed booby, Blue-gray Noddy, Aleutian Tern, Pelagic Cormorant, Red-legged Kittiwake, Ross's Gull, Bridled Tern, Brown Booby, Gull-billed Tern, Masked Booby, Roseate Tern, and White-tailed Tropicbird, among others.

We recommend that the Commission address the major threats facing marine waterbirds and their habitats, including:

- mortality from longlines, gillnets, and other gear used in fisheries around the world
- negative effects from fisheries due to altered prey availability or habitat alterations (such as from sea bottom trawling)
- light impacts from vessels, platforms, coastal development
- the devastating impacts of introduced mammalian and other predators on critical

breeding islands

□□□□the serious impacts from other invasive species, such as exotic plants or herbivores which destroy native vegetation and habitat;

□□□□contamination of lands and waters by pesticides, fertilizers, metals, industrial chemicals, and especially oil

□□□□debris ingestion, such as plastics, and entanglement in discarded fishing lines and nets

Mortality Associated with Fisheries

The impact of fisheries on waterbirds should be addressed in all fishery management policies and programs; fishing nations should implement existing international agreements and enact new agreements that require conserving seabird populations as essential goals and outcomes of all fisheries programs. Spurred by increasing evidence of global declines in seabird populations, particularly albatrosses, the United Nations Food and Agriculture Organization (FAO) agreed on a voluntary International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA) in 1999. It suggests that nations conducting longline fisheries or in whose waters longline fisheries operate, should develop and enact national plans of action for reducing bycatch of seabirds to levels that do not affect regional population size, distribution, or demography. The efforts made to date by the U.S. (the 2000 *U.S. National Plan of Action to Reduce the Bycatch of Seabirds in Longline Fisheries*) should be highlighted, recognizing that there is still a need for a similar plan for U.S. gillnet fisheries. Nations that have not yet developed national plans of action should do so; moreover, high seas fisheries should be brought under international regulation due to the potential of significant cumulative impacts to far-ranging seabirds.

Bycatch reduction should be achieved through development and deployment of multifaceted mitigating measures, and outreach, education, and training programs within the affected fisheries and consumer groups. For example, paired streamer (tori or bird scaring) lines, for example, have been documented to virtually eliminate all albatross and almost all other seabird mortality in research on board Alaskan longline vessels. Other avoidance measures that can be effectively used include: thawing bait to make it sink faster, side-setting, using weighted lines to make them sink faster, and using an underwater setting tube.

Effective data collection and monitoring programs must be enacted to include regular reporting on mortality due to fisheries, and collection of data on the population status and trends of colonies and regional populations of affected species, thereby allowing for a better understanding of the quantitative impacts of fisheries. Many nations' fishing fleets do not employ observers or, when they do, may not record seabird bycatch. U.S. observer programs are incomplete.

The take of targeted fish species or nontarget bycatch species eaten by waterbirds should not be permitted to reduce fish stocks to levels incapable of sustaining bird populations. Fishing operations that adversely affect sea bottom habitat that supports prey of seabirds and coastal waterbirds should be altered to reduce or eliminate the impact. We believe that where possible, seabird and other waterbird conservation action should work in partnership with fishery industries and sport anglers to effect conservation action.

Light Impacts

Lights in close proximity to colonies can affect nesting waterbirds. Squid fisheries using lights at night and lights on oil platforms at sea attract seabirds, such as storm petrels and murrelets, disrupting their natural behaviors. The bright lights of coastal developments can also disorient waterbirds in coastal and inland habitat. The effects of lights on waterbirds need to be better understood and regulatory programs, to reduce the adverse effects of lights both on the water and on the shore need to be developed, implemented, and enforced.

Introduced Predators and Invasive Species

Exotic and invasive species can be particularly detrimental to waterbird habitat, especially on islands. Introduced predators can depress or even eliminate populations. Herbivores and exotic

plants can degrade habitat quality or even eliminate use of sites by waterbirds. Insects, such as fire ants, can kill nesting waterbirds and serve as disease vectors. As a general policy, invasive exotic plants and animals should be eliminated in waterbird habitat.

Contaminants Including Oil

Pesticides, fertilizers, biocides, metals, and industrial chemicals have added large nutrient and toxic burdens to freshwater and coastal estuaries and open oceans, and have affected waterbird individuals and populations. Oil is a major environmental threat to oceanic, coastal, and inland species, especially along major shipping transportation corridors. Oil may be released during platform construction, drilling in wetlands and offshore, shipping and spillage, and chronic, low-level seepage from surface runoff or subsurface sources. Waterbirds are commonly injured by oil spills, chronic oil discharge in bilge water, and hazardous material releases. Birds affected annually can number in the hundreds of thousands in some areas. Injuries can lead directly to mortality or have indirect effects through habitat degradation, reduced reproductive success, or contaminated food supplies. As upper trophic level feeders, waterbirds rely on healthy aquatic environments to provide the food base necessary for reproduction, migration and general maintenance.

The effects of contaminants should be better understood, especially implications at the population level, contamination sources, pathways to the birds, sub-lethal effects and synergistic effects. Oil effects on waterbirds should be minimized through increased enforcement of shipping activities, safe operational procedures, spill clean up, and when effective, rehabilitation of oiled birds. Every effort to eliminate threats to seabirds should be made in policies and requirements for offshore petroleum leasing and operations. Where threats to seabirds cannot be eliminated, such threats should be mitigated. Contaminant loads and their effects, well as death and morbidity from oiling in waterbirds, need to be monitored.

Debris Ingestion and Entanglement

Waterbirds, especially seabirds, ingest materials and debris as a natural consequence of foraging; also, waterbirds are caught in discarded fishing line, nets and other waste. Debris posing a threat to waterbirds should be removed as possible and further dumping of debris, used line, and nets should be prohibited and the prohibition enforced by all authorities. Widespread, internationally supported education campaigns should be developed and implemented to inform ocean industries, especially the cruise industry, of the need to eliminate ocean dumping of materials that result in seabird mortality. A specific international educational campaign should also be targeted at the sport and commercial fishing industries in order to eliminate in water disposal of persistent fishing line, nets and traps, and non-persistent lines, nets and traps should be developed.

We agree with the Commission's recommendations that federal ocean programs be better coordinated. The Waterbird Conservation Council suggests that the U.S. Fish and Wildlife Service needs to be explicitly included in discussions of federal involvement, as seabirds are the trust responsibility of this agency, and it oversees numerous programs and projects aimed at addressing the threats above. We also support the recommendation that ocean policy draw on the advice of scientists, industry, state, tribal and local governments, and we offer the members of the Waterbird Conservation Council as advisors. Through the Council, and our international network of collaborating professionals (scientists, managers, policy-makers, and educators), we offer scientific and technical information, communications expertise, threats and solutions analysis, and international linkages throughout the Americas. (Please see <http://www.waterbirdconservation.org> for information on the initiative's structure.) Finally, we support the Commission's recommendations regarding ocean education to cultivate a societal ocean stewardship ethic, and suggest that seabirds, due to their charisma, visibility, and role as indicator species, can be effective tools for teaching about the marine environment and its conservation issues.

Thank you for reviewing our comments. I would welcome the opportunity to discuss these

suggestions with the Commission and staff and would be glad to provide additional information to meet your needs.

June 4, 2004

The Massachusetts Fishermen's Partnership (MFP) respectfully submits the following comments on the preliminary report by the US Commission on Ocean Policy.

The MFP is an umbrella organization of 17 commercial fishing associations representing all gear and geographic sectors of the Massachusetts fishing industry. The organization was created to promote the common interests and economic viability of commercial fishermen and fishing families. The MFP is sponsor of the Fishing Partnership Health Plan, which provides comprehensive healthcare coverage for almost 2000 members in the fishing community. The MFP's Collaborative Research Program establishes research partnerships among fishermen and scientists to promote improved knowledge and understanding through research in a variety of disciplines.

The MFP applauds the Commission's focus on an ecosystem approach and the research required to develop this policy shift. The MFP strongly endorses the Commission's recommendations to double federal investment in oceans research, including funding the establishment of an Integrated Ocean Observing System. The MFP especially urges the Commission to further elaborate how to improve oceans and fisheries science through collaborative research as an essential first step towards achieving sensible reform in fisheries management.

The MFP promotes the following positions:

- Suspend all offshore renewable energy projects in the pipeline until a regulatory framework is in place;
- Protect traditional water-dependent permissible uses that serve the public interest;
- Establish a permitting process for offshore development that fairly considers the economic and environmental costs and benefits of a proposed project;
- Enact National Standards to govern management approaches utilizing dedicated access privileges that check consolidation, protect communities,
- require that they support sustainable fisheries, and require approval by a super majority before they can be implemented;
- Establish an independent process to ensure that all National Standards are rigorously enforced in all regulations;
- Establish criteria for "best scientific information available" that is linked with independent peer review and especially the participation of fishermen;
- Fund collaborative research to adequate levels and ensure that fishermen are involved in the research process;
- Definitions describing conditions of fish stocks must clearly separate stocks that are declining due to causes other than fishing;
- By-catch and discarded fish are not the same and should not be treated as the same;
- Adequate observer coverage for higher confidence in assessments must be provided;
- Fishery regulations should minimize adverse social and economic impacts to fishing communities by including input from community-based social science while protecting the ongoing sustainability of fish stocks;
- Support a pilot program for one fishery ecosystem plan from each region provided the effort is adequately funded, based on a scientific framework that has been developed involving fishermen through collaborative research, and a reasonable amount of time is allowed for effective plans to be created;

- Disadvantages to US fishermen in relation to foreign imports as a result of conservation and management should be minimized;
- Members of fishery management councils should be more accountable to fishermen and people in the fishing communities.

It is critical that a comprehensive ecosystem-based approach is developed that builds a sound scientific foundation with the continuous involvement of fishermen to bridge the current lack of consensus on marine environmental well-being. In addition, appropriate ocean uses must be delineated in a rational manner that considers the human component of biodiversity as an essential factor in its management.

The MFP is well positioned within the commercial fishing industry to serve as a liaison and is willing to assist as the Commission moves forward. It is our sincere hope that ecosystem-based collaborative research will be one of the primary tools used to help succor the ocean and its potential to sustain a variety of permissible uses.

Comment Submitted by Ken Hinman, President, National Coalition for Marine Conservation

June 4, 2004

I am submitting the following comments on the United States Commission on Ocean Policy's Preliminary Report on behalf of the National Coalition for Marine Conservation (NCMC). The NCMC is an independent, non-profit organization founded in 1973 by conservation-minded fishermen. We are dedicated to conserving ocean fish and their environment for the benefit of all Americans, present and future.

We would like to comment on two aspects of your Report and its recommendations for Achieving Sustainable Fisheries: 1) Separating Scientific and Management Decisions; and 2) Moving Toward an Ecosystem-Based Management Approach.

Separating Scientific and Management Decisions

We strongly endorse the concept of segregating science-based conservation decisions, namely the setting of total allowable catches, from other, allocated-based management decisions, such as determining who may catch the fish, where, when and by what means. Councils composed mostly of working fishermen and their representatives (80 percent of regional council members represent fishing interests and nearly two-thirds have a direct financial stake in the fisheries they regulate⁵) are well suited to provide advice on fishing and fisheries management. But, as you correctly point out, "(s)ocial, economic and political considerations have often led the councils to downplay the best available scientific information, resulting in overfishing and the slow recovery of overfished stocks."

Conflict of interest on the councils has been a nagging problem ever since the Magnuson Fishery Conservation and Management Act created the council system nearly three decades ago. It's the proverbial "fox in the hen house." It's not good resource management to have fishermen regulating themselves (albeit within certain guidelines) when those regulations can affect their income. Or that of their peers. It's a recipe for overfishing. The record shows it. One-third of our fish stocks are depleted and overfishing is still plaguing two-thirds of these fisheries.⁶

We support the USCOP's recommendation for insulating decisions regarding how many fish can be sustainably harvested (the assessment decisions) from political and economic pressures. When this reform was first proposed, in the so-called "Calio Study" in 1986⁷, my organization declared that "separating conservation and allocation decisions...if successful, could be the single most important achievement in the history of marine resource management." We still feel that way. And we are hopeful that Congress will give this badly needed reform serious consideration in the upcoming reauthorization of the Magnuson Act.⁸

We disagreed then with the NOAA Study's recommendation that the conservation decision be given to the National Marine Fisheries Service (NMFS), and we still feel that would be a mistake. Because NMFS is responsible for approving, implementing and enforcing regulations

⁵ Eagle, J. et al. Taking Stock of the Regional Fishery Management Councils. 2003.

⁶ Eagle et al.

⁷ NOAA Fishery Management Study, 1986.

⁸ The fact that the Pew Oceans Commission made a similar recommendation underscores the logic of and the broad-based support for separation.

based on assessment decisions, they would become judge, jury and executioner. The political conflict inherent in putting the agency in such a position should be obvious.

We urged “more thorough consideration to other possible arrangements for assuring that conservation based on scientific principle is given top priority in the setting of acceptable catch levels” and made a recommendation then that mirrors the USCOP’s today. “For instance,” we wrote, “the Councils own scientific advisory committees (the SSCs), which incorporate the expertise of the NMFS research centers, state and university biologists, and Council staff, could be formalized as the conservation decision-makers and their recommendations on acceptable biological catches made binding on the Councils.”

Of course, the critical elements here are re-configuring the SSCs in accordance with strict conflict of interest requirements, as set out in the USCOP report, and prohibiting the councils from increasing allowable catches above the level set by the scientific body (although they could be more conservative in order to meet plan objectives).

Precisely how best to insulate the biological decisions from politics is a fair subject for debate, once the concept of separating these decisions from other, allocation-based management is accepted. We are convinced that, if the science bodies are structured correctly and properly insulated, this reform will have far-reaching benefits, including the following:

- It would protect the quality and credibility of peer-reviewed scientific decisions by removing social and economic considerations from the process of setting allowable catches.
- It would minimize conflicts of interest on the regional councils - at least as they relate to setting total allowable catch, the most critical conservation decision - without substantially revamping council membership.⁹
- It uses existing management bodies, instead of creating new layers of bureaucracy, since it means a shifting of responsibilities within the current structure.
- It streamlines the decision-making process, making it simpler and more efficient at both ends. With the fish taken care of first, the councils can take care of the business of “managing” fishermen and fishing.

In summary, separating conservation and allocation in the management process is a simple and straightforward way of addressing the age-old conflict between sustaining fish populations and maintaining catches. Instead of taking the fox out of the hen house, you remove the chickens!

Moving Toward an Ecosystem-Based Management Approach

Protecting science from politics is also vital to successfully managing our fisheries through an ecosystem-based approach. The need to insulate science-based decisions from allocation pressures is, if anything, even more pronounced as we try to balance the needs of interdependent predators and prey, which is by its very nature more complex, more

⁹ Here we should point out we whole-heartedly support the USCOP’s recommendation to broaden council representation to include a fairer balance of interests among commercial and recreational users and the non-fishing public.

uncertain, and more dependent on sound scientific advice founded in the precautionary approach than single-species conservation. The trade-offs that must be considered, and thus the potential for conflicts of interest, will involve not just fishermen competing within the same fishery, but all those fishermen competing for fish within the same food web.

We heartily endorse the USCOP's urging of fishery managers to move toward a broader ecosystem-based approach that more fully considers interactions among species and their habitat. However, we are disappointed the commission does not make a specific recommendation for changes to the Magnuson Act that would facilitate such a move.

The NMFS Ecosystems Principles Advisory Panel (EPAP), of which I was a member, recommended that a first step toward an ecosystem-based approach was to amend existing FMPs to consider predator-prey interactions. (Minimizing bycatch and protecting essential habitat, while also critical to an ecosystem-based approach, are not enough.) The USCOP report states that fishery managers will have to take into account the impact of fisheries and fishing regulations on food webs, but you do not say how this is to be done or even that it must be done.

The NMFS EPAP recommended that Fishery Ecosystem Plan's be developed for all major regions of the coast. NOAA's Chesapeake Bay Office recently completed a Fishery Ecosystem Plan for the Chesapeake Bay¹⁰, the nation's largest estuary, demonstrating not only that such a plan could be developed, but providing a workable model for other plans as well.

We urge the USCOP to conclude the section of its report entitled "Linking Fisheries Management with other Regional Concerns" with a new Recommendation 19-21: "Congress should amend the Magnuson Act to require NOAA Fisheries and the RFMCs to develop a Fishery Ecosystem Plan (FEP) for major marine ecosystems in each region to serve as an umbrella document to support ecosystem-based approaches in individual fishery management plans (FMPs). Each FEP should include goals, principles and recommended actions with which each FMP must be consistent."

Thank you for considering our views on these two important issues. We look forward to future opportunities to work with the U.S. Commission on Ocean Policy on implementing improvements in the way we manage and use our precious ocean resources.

¹⁰ Fisheries Ecosystem Planning for Cheapeake Bay. Chesapeake Fisheries Ecosystem Plan Technical Advisory Panel. NOAA Chesapeake Bay Office. February 2004.

***Comment Submitted by David Cupka, South Atlantic Fishery Management Council
Chairman***

June 3, 2004

On behalf of the South Atlantic Fishery Management Council I want to thank you for the opportunity to comment on the Preliminary Report of the U.S. Commission on Ocean Policy. We commend the Commission for their hard work and on the valuable content of the report as it relates to managing our marine fisheries resources. The report presents recommendations that have the potential for greatly improving our Nation's ocean policy.

Following are our specific comments:

I. Executive Summary

The vision for the future is excellent and begins with "Ecosystem-based Management". It is interesting to note that the South Atlantic Council is itself headed in that direction. Much of our Council's work during 2004, 2005 and beyond will be addressing ecosystem-based management in a holistic approach rather than on a FMP by FMP basis as in the past.

Strong science is certainly a need no one would argue with. Considerable time, money and agency resources have been spent over the past 5-7 years on the East Coast to meet our information needs. The Atlantic Coastal Cooperative Statistics Program (ACCSP) is a co-operative program among Federal and State partners to create a plan for fishery dependent data collection and data management. The program plan has been approved with an estimated annual cost of \$50 million. Yet little has been done to fully implement this program. We would strongly urge the Commission to recommend such programs in addition to \$138 - \$650 million-dollar programs for a national Integrated Ocean Observing System.

Creation of an Ocean Policy Trust Fund seems like a good beginning. If indeed the oceans provide as much economic benefit as indicated on page xi, investing a \$3.2 billion annually seems like a good investment to ensure the continued generation of these economic benefits.

II. Setting the Nation's Sights (Chapter 3)

The guiding principles identified are excellent. Sustainability, stewardship, ocean-land-atmosphere connections, ecosystem-based management, multiple use management, preservation of marine biodiversity, best available science and information, adaptive management, understanding laws and clear decisions, participatory governance, timeliness, accountability and international responsibility are all necessary components of effective ocean management. The South Atlantic Council has been working in a number of these areas since 1976. Some like ecosystem-based management are more recent. Precautionary and adaptive management are hallmarks of the South Atlantic Council. We certainly embrace these principles and look forward to integrating them into our fishery ecosystem plan.

III. Coordinating Management in Federal Waters (including MPAs) (Chapter 6)

1. Recommendation 6-1 requires Congress to ensure that each current and foreseeable use of federal waters is administered by a lead federal agency. This is a good recommendation.
2. Recommendation 6-2 requires Congress to establish a coordinated, ecosystem-based offshore management regime that sets forth guiding principles for the balanced coordination of all offshore uses. This is a good recommendation but should be based on the ecosystem plans developed by the RFMCs.
3. Recommendation 6-3 requires the National Ocean Council develop national goals and guidelines leading to a uniform process for the effective design and implementation of marine protected areas. This is unnecessary. MPAs are a management tool that should be available to each RFMC to use as necessary. The last thing we need is one size fits all guidance on the use

of MPAs. MPAs should be an integral part of each ecosystem plan. This is the approach being taken by the South Atlantic Council.

4. Recommendation 6-4 requires regional ocean councils, or other appropriate regional entities, to actively solicit stakeholder participation and lead the design and implementation of marine protected areas. The South Atlantic Council is doing this; Amendment 14 to our Snapper Grouper FMP will evaluate a number of MPAs for our deepwater snapper/grouper species. Such stakeholder participation should be at the RFMC level and not the ocean council level. This appears to be recognized in the recommendation itself.

IV. Conserving and Restoring Coastal Habitat (Chapter 11)

The four recommendations listed are good ones. The South Atlantic Council has prohibited a number of fishing gears and activities that damage habitat. The Council's Habitat Plan and Comprehensive Habitat Amendment outline the habitat considered essential to species under management.

V. Managing Sediments and Shorelines (Chapter 12)

The South Atlantic Council has established policies addressing sediments. The Council routinely comments on projects that generate sediment that may negatively impact fishery resources and habitat. Federal agencies are required to respond to comments provided by the Council. This review and commenting role will only increase under ecosystem-based management. The five recommendations in this chapter are good ones. The Councils should be involved in development of a national strategy for managing sediments on a regional basis (recommendation 12-1).

VI. Achieving Sustainable Fisheries (Chapter 19)

1. Recommendation 19-1 requires Councils and commissions to rely on their SSCs and to incorporate SSC findings and advice into the decision-making process. We agree and do rely on the advice of our SSC in making management decisions. We have already begun the process of expanding the role of the SSC based on the recommendations in the Ocean Commission's Preliminary Report.

We believe the current process our Council uses to appoint SSC members works well and would not want to have NOAA make appointments. We have structured our SSC to have a scientist from each state agency on the SSC to ensure each State Director that the Council's actions are based on the best available science. Further, we ensure adequate balance across disciplines (e.g., biologists, economists, social scientists and population modelers).

We do have some concern about excluding scientists "if he or she is formally or financially affiliated with any harvesting or processing sector". What about scientists formally or financially affiliated with charitable foundations or recreational organizations? Such exclusions limit the pool of potential candidates to serve on the SSC.

While we understand the concern about rotating members, we have found it difficult to find and keep qualified members. It would be a shame to lose a qualified individual that wanted to continue just because of term limits.

We agree that SSC members should be paid. This will be essential to them fully achieving the goals identified by the Oceans Commission. They will have significant work to do and more responsibility under the Commission's recommendations.

Additionally, the Commission may want to consider a recommendation to provide compensation to the Council's advisory panel members.

2. Recommendation 19-2 indicates that "SSCs should be required to supply RFMCs with the scientific information necessary to make fishery management decisions...In particular, the SSC should determine allowable biological catch based on the best scientific information available to them".

This is basically the job of the NMFS as specified by the Magnuson-Stevens Act. The SSC reviews information and certifies that it is the best available science. Expanding the role of the SSC to include determining allowable biological catch (ABC) is fine but this should be a standard output of all stock assessments. In the southeast we have implemented the SEDAR process whereby a Data Workshop, Assessment Workshop and then Review Workshop are held.

Output from this process goes to the SSC. The South Atlantic Council has expanded the role of the SSC to certify the assessment and the ABC, if one is contained in the stock assessment.

3. Recommendation 19-3 requires each RFMC to set harvest limits at or below the ABC. We agree this should be done. The South Atlantic Council has an excellent record of setting TACs below the upper end of ABC. The Ocean Commission should clarify that their recommendation is that harvest limits be set below the upper end of the ABC range.

4. Recommendation 19-4 requires establishment of a peer review process. The Ocean Commission should clarify their intent. The SSC should be the final reviewers of the peer-reviewed science. In the southeast region the SSC reviews the assessment and the Review Workshop (peer review) report to certify the assessment is based on the best scientific information available and develops management advice (e.g., certifies the ABC, recommends measures to achieve the catch, rebuilding timeframes, etc.). The Council is then limited by the upper end of the ABC provided in the assessment and "certified" by the SSC. There is no need for further peer review beyond the SSC.

The Ocean Commission's suggestion for an annual "standard review" equates with our stock assessment update. This assessment will not go through the full SEDAR process but would be reviewed by the SSC. Requiring assessments annually may be too frequent due to limited resources and not necessary for all species. We are currently conducting such updates each 2-3 years. The "enhanced review" equates to our full SEDAR process. The "expedited review" only involving independent reviewers such as the CIE would be useful for situations like our recent king mackerel assessment.

5. Recommendation 19-5 requires each RFMC to set a deadline for its SSC to determine ABC. If the deadline cannot be met, the NMFS Regional Science Director should set the ABC. Use of allowable biological catch (ABC) is necessary for quota-based management. We currently use such an approach in our mackerel management plan. We also have quotas for snowy grouper and golden tilefish but NMFS has been unable thus far to provide us with an ABC for these two species. These two are currently undergoing a SEDAR assessment so we may have something in the near future.

The discussion in the Ocean Commission's report indicates (page 224) that there are two possible sources of delay in getting an ABC: "SSC difficulties in reaching agreement on allowable biological catch and RFMC delays in submitting management plans to NOAA for approval". This is not true in the South Atlantic. Generally, the lack of an ABC comes from not having an up-to-date assessment. Because data are so lacking for many species, NMFS has simply been unable to provide an assessment with an ABC.

6. Recommendation 19-6 requires all fishing to cease until the Council produces a FMP. Development of a FMP or amendment takes a long time due to the significant amount of public involvement built into the process as well as NEPA considerations. However, we agree that some deadline should be set. Given the need to address NEPA, a framework or amendment takes at least 6-9 months to complete.

7. Recommendation 19-7 requires the RFMCs and their SSCs to develop an annual, prioritized list of management information needs and provide it to NMFS. The South Atlantic Council has done this for years and has worked with NMFS to develop annual operations plans.

8. Recommendation 19-8 requires all saltwater anglers to purchase licenses to improve in-season data collection on recreational fishing. The South Atlantic Council has considered this in the past. Concern has been expressed on the part of NMFS that they can't handle that volume of permits. A license was suggested during development of ACCSP but was too politically controversial at the time. Perhaps with the Ocean Commission's recommendation the issue can now be reconsidered. The funds generated should be used solely to improve our recreational fisheries.

9. Recommendation 19-9 addresses cooperative research. This has worked well in the southeast and should be funded at a higher level.

10. Recommendation 19-10 requires expanding the Atlantic Coastal Fisheries Cooperative Management Act to the Gulf and Pacific, and requiring that all interstate management plans should adhere to the national standards and federal guidelines implementing these standards. We concur with this recommendation only when it applies to multi-jurisdictional State/Federal FMPs.

11. Recommendation 19-11 requires one lead authority on multi-jurisdictional FMPs. A process for having input from the other bodies should be developed (e.g., voting at the committee level similar to the process used by the South Atlantic Council for joint plans). Determining lead based on level of landings is probably as good as any other method for commercial fisheries, however, consideration should also be given to catch and release levels and other factors in the recreational fisheries. Allowing the RFMCs to make a decision about which body should have the lead first is a good addition.

12. Recommendation 19-12 requires governors to submit a broad slate of candidates including at least two representatives each from the commercial fishing industry, the recreational fishing sector and the general public. We would suggest changing the "general public" category to be "environmental/general public".

13. Recommendation 19-13 proposes that Congress give the NOAA Administrator responsibility for making RFMC appointments. Appointing Council members is a political process and whoever is doing the appointing will be subject to political influence. "Balance of interests" means different things to different people. Recreational fishing is more prevalent in the SAFMC's area but does this mean there should be more recreational Council members? In our opinion, the process would work better if we had one recreational, one commercial, and one environmental/general public seat from each state as well as the state marine fisheries director.

14. Recommendation 19-14 requires new Council members receive training prior to being able to vote. Certainly the training is necessary and should be provided by NMFS/NOAA at no cost to the individual Councils. We agree with having the training done by external organizations. We would suggest the training be completed as soon as possible after appointment but we are not in agreement with preventing a member from voting until such training takes place. Current training schedules do not occur frequently enough and this could delay a Council from conducting business.

15. Recommendation 19-15 affirms that RFMCs are authorized to institute dedicated access privileges. The Council strongly agrees that this should be a tool in management to be used on a case-by-case basis. We would urge that the guidelines developed be broad operating guidelines with lots of regional flexibility. Fees will be highly dependent on the level of landings and health of each fishery. The Ocean Commission should clarify what it means by "These user fees should be used to support ecosystem-based management."

16. Recommendation 19-16 requires the repeal of a number of Federal programs that encourage overcapitalization in fisheries. We agree with repealing the federal programs that promote overcapitalization; this is not an appropriate role for the federal government. Reducing vessel and effort capacity should be done through FMPs developed by the RFMCs. Buyouts should be funded by those that benefit as long as the fishery is sufficiently profitable. Many of our fisheries are small volume and would not be able to support a buyout program. In addition, if existing Federal programs have generated the excess capacity, then the Federal Government should be responsible for the funding to correct this mistake.

17. Recommendation 19-17 requires Congress to increase funding for Joint Enforcement Agreements. The South Atlantic Council has a long history of supporting increased funding for law enforcement. The joint agreements have worked very well and we strongly support increased funding. Lack of adequate enforcement of existing regulations is a comment heard at every public meeting and hearing.

The South Atlantic Council is on record strongly supporting increased penalties for major resource violations. This should include suspension and revocation of permits, especially in dedicated access fisheries.

18. Recommendation 19-18 requires NMFS and U.S. Coast Guard to strengthen cooperative enforcement efforts. This is a good suggestion.

19. Recommendation 19-19 requires significant expansion of VMS use. The South Atlantic Council has required use of VMS in the rock shrimp fishery and has had some discussions about requiring VMS on all fishing vessels (recreational and commercial) in the EEZ. As costs decline this should be considered. The issue of funding for purchase of these units should be addressed. Currently requiring two-way VMS units would put a large burden on some of our commercial fishermen.

20. Recommendation 19-20 designates the U.S. Coast Guard as lead in managing the integration of the VMS database into the larger maritime database. NMFS has already invested considerable resources in developing a VMS infrastructure and is coordinating at the highest levels with the Coast Guard on VMS activities. We prefer this responsibility be maintained within NMFS.

21. Recommendation 19-21 requires NMFS to change EFH designation from species-by-species to multispecies and ultimately an ecosystem-based approach. The South Atlantic Council has a rich history of habitat protection and we concur with this recommendation.

22. Recommendation 19-22 requires development of regional bycatch reduction plans that include data to estimate bycatch. This is an area where the South Atlantic Council has expended lots of time and energy. The Council dedicated significant staff resources to help in the development of ACCSP. This includes a detailed methodology to estimate bycatch. What is lacking is funding and the will to implement this program. The Council is currently working with NMFS to implement ACCSP bycatch provisions. This effort will require additional funding and a commitment on behalf of NMFS to fully implement ACCSP.

VII. Protecting Marine Mammals and Endangered Marine Species (Chapter 20)

1. Recommendation 20-1 indicates Congress should amend the MMPA to require the Marine Mammal Commission to coordinate with all relevant federal agencies through the National Ocean Council, while remaining independent. The South Atlantic Council considers marine mammals and endangered marine species as an integral part of ecosystem-based management.

2. Recommendation 20-2 indicates Congress should amend the MMPA to place the protection of all marine mammals within the jurisdiction of NOAA. The Ocean Commission should clarify whether the marine mammals currently under jurisdiction of the USFWS would remain under their jurisdiction or become solely under NOAA jurisdiction. It seems that improved coordination could resolve some of the concerns, but if these species are transferred, then the expertise resident in the USFWS should not be lost to the process.

3. Recommendation 20-3 requires that the National Ocean Council should improve coordination between NMFS and USFWS. Increased collaboration and integration are always laudable goals. We support increased coordination with some clarification of the role remaining for the USFWS if number 20-2 is implemented.

4. Recommendation 20-4 indicates Congress should amend the MMPA to require NOAA to more clearly specify categories of activities that are allowed without a permit, those that require a permit and those that are not prohibited. This is certainly something that should be done but it hardly seems to require amending the MMPA. This is simply something NOAA should be directed to accomplish.

5. Recommendation 20-5 indicates Congress should amend the MMPA to revise the definition of harassment to cover only activities that meaningfully disrupt behavior and that are significant to the survival and reproduction of marine mammals. This should be done using the recommendations of the 2000 National Research Council (NRC) report and the NRC study currently underway.

6. Recommendation 20-6 requires NMFS and USFWS to implement programmatic permitting for activities that affect marine mammals, wherever possible. The proposed National Ocean Council should create an interagency team to recommend activities appropriate, inappropriate and potentially appropriate pending additional scientific information. In addition, enforcement efforts should be strengthened and the adequacy of penalties reviewed.

This is a much better approach to the current case-by-case permit review. Certainly, additional enforcement and adequate penalties are necessary.

7. Recommendation 20-7 requires NOAA and US DOI to promote and expanded research, technology and engineering program. This is a good suggestion. This will become more of a necessity as marine mammal and endangered marine species population levels increase.

8. Recommendation 20-8 requires Congress to expand federal funding for research into ocean acoustics and the potential impacts of noise on marine mammals. This is a good recommendation but should add military activities to the list of sources of noise. The role of research in the military should be clarified.

9. Applying Ecosystem-Based Management Principles - This is the most important aspect of this issue. Once you move to ecosystem-based management, then there can only be so many individuals of any one species within the food chain. What is most needed is a mechanism for the public to determine just how many individuals of each marine mammal and endangered marine species should be supported given that we want to harvest some resources. This is critical to future activities especially since as these populations increase, the number of interactions will increase. The Ocean Commission should revisit this issue and provide a recommendation that goals be developed to determine the "optimal" population levels for marine mammals and endangered marine species given that we will continue with human activities (e.g., commercial and recreational fishing, commercial transport, military testing, etc.) in the future.

VIII. Preserving Coral Reefs and Other Coral Communities (Chapter 21)

On page 263 the statement about the MSFCMA is not entirely correct. The Councils can and have managed coral long before EFH came along. The South Atlantic and Gulf of Mexico Councils prohibited all harvest of corals (with a very limited exception for soft corals under a quota) in 1982. We have extensive management in place that is based on the life history characteristics of corals as well as for EFH-related reasons.

1. Recommendation 21-1 requires Congress to pass, and provide sustained funding for, a Coral Protection and Management Act that covers research, protection and restoration of coral ecosystems. Why are we separating coral for special treatment? If one moves to ecosystem-based management, then all species need to have adequate research. The Councils need no additional authority to effectively manage corals. Granted corals are important but so are seagrasses and other habitats.

2. Recommendation 21-2 requires Congress to codify and strengthen the US Coral Reef Task Force and place it under the oversight of the National Ocean Council. Why do we need this task force? Again if we move to ecosystem-based management, corals will be an important component of the ecosystem and will be managed by the RFMCs. The problems this task force creates is clearly demonstrated by one of the subpoints under this recommendation: "the task force should coordinate the development of regional ecosystem-based plans to address the impacts of nonpoint source pollution, fishing, and other activities on coral reef resources." The South Atlantic Council's Fishery Ecosystem Plan (FEP) and Comprehensive Amendment includes coral as an important component of our ecosystem. The FEP will amend our Coral FMP to address the impacts of nonpoint source pollution, fishing and other activities on coral reef resources. Having the task force developing another ecosystem-based plan is redundant, duplicative and will only lead to increased confusion. The Ocean Commission should revisit this issue and consider recommending eliminating the Coral Reef Task Force. The last sub-recommendation further demonstrates this duplication of effort: "the National Oceanic and Atmospheric Administration, in consultation with Regional Fishery Management Councils, should implement any task force recommendation for reducing the effects of fishing on corals." The South Atlantic Council has done this through a number of gear prohibitions and area designations. We continue to address the impacts of fishing gear as research results on distribution of corals becomes known.

3. Recommendation 21-3 requires NOAA to develop national standards-and promote international standards-to ensure that coral reef resources that are collected, imported, or marketed are harvested in a sustainable manner. This is a good recommendation. NOAA may want to look at the South Atlantic Council's live rock aquaculture program as a viable mechanism to supplying the market demand for live corals in the aquarium trade.

4. Recommendation 21-4 requires the US Coral Reef Task Force to identify critical research and data needs related to coral reef ecosystems. Again this is redundant. The Councils' Coral FMPs list critical research and data needs; what is needed is the necessary funding for NOAA/NMFS and others to conduct the research and collect these data already identified.

IX. Modernizing Ocean Data and Information Systems (Chapter 28)

The recommendations seem to be good ones. What is needed in the short-term on the Atlantic Coast is for all partners to use ACCSP for our fishery-dependent data. All partners have approved the program, now we need to fully implement the program. Also in the short-term, the

South Atlantic Council has partnered with Florida Marine Research Institute to construct coral, habitat and ecosystem databases, readily accessible on the web. There needs to be some coordination on the federal side to ensure this system is not being duplicated. The bottom line is that we all need access to the data necessary for effective management both now and even more so under ecosystem-based management.

Again, I would like to express our appreciation for the opportunity to comment on the Commission's Preliminary Report. If you have any questions please contact me or our Executive Director Bob Mahood.

Comment Submitted by Robin Rousu, Seattle, Washington

June 4, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans.

Our oceans are one of our most valuable natural resources and the economic viability of our coastal towns depends on the long term sustainability of our fisheries.

Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

***Comment Submitted by Eric C. Schwaab, Resource Director, Resource Director,
International Association of Fish & Wildlife Agencies***

June 4, 2004

The International Association of Fish and Wildlife Agencies (IAFWA) appreciates the opportunity to comment on the Preliminary Report of the U.S. Commission on Ocean Policy. IAFWA is an association of public agencies responsible for management of fish and wildlife resources across North America. Our membership includes all 50 state fish and wildlife agencies. All of our state members have management authority over native fish stocks within their jurisdictional boundaries and most have authority over other elements under consideration such as non native species introductions, aquaculture activities and other coastal land use considerations.

While many state agencies are commenting directly through their respective governors, we wanted to provide additional input regarding several broad issues of concern that are of general interest to our Association. Our comments are not intended to supercede those of individual State Fish and Wildlife Agencies, but are intended to complement and amplify those contributions.

The Association strongly supports the efforts of the Ocean Commission to address the complex and extensive issues that are currently affecting our coastal and ocean resources. We recognize the need for new approaches to fishery management, habitat conservation and public use and education to address current threats to health and sustainability of coastal and ocean resources. We applaud and stand ready to assist efforts to implement programs and policies aimed at more efficient and effective coastal and ocean management.

Generally, we have three main areas of concern. First, the critical role that state fish and wildlife agencies have played and will continue to play in the management of coastal and ocean fish and wildlife resources requires greater emphasis and attention. At the broadest scale, the Preliminary Report places heaviest emphasis on the roles and responsibilities of federal agencies, and most particularly NOAA, in relation to fishery management efforts. Effective fisheries governance is a true partnership among state and federal authorities. The jurisdictional responsibilities of the states, their conservation successes and interstate efforts should be considered on a level playing field with federal agencies and Councils. State fisheries agencies have been at the helm or intimately involved in some of the most notable conservation success stories of recent decades. Their contributions deserve prominent attention and consideration as this effort moves forward.

In addition, given the coastal and watershed development pressures that currently challenge our coasts and oceans, the true effects of land management activities, not just in coastal areas but across the entire continent, deserve greater attention. The Preliminary Report largely under represents the role of current inland land management challenges in posing threats to coastal and ocean resources. The states are more intimately familiar with watershed impacts to coastal and ocean resources and have extensive experience in managing within the context of those impacts.

Recognizing the current serious threat to fish resources brought about by declining habitat health, at our annual meeting last fall, members of our Association overwhelmingly voted to help lead a national fish habitat initiative aimed at arresting and reversing habitat declines. Relevant coastal examples, many within state waters, could be analyzed in much greater detail so as to illustrate the problems and more specifically suggest appropriate courses of corrective action to address declining quality and quantity of fish habitat.

Finally, sound scientific and statistical information will be critical to improved management of coastal and ocean resources. The states strongly endorse efforts to improve the collection,

analysis and dissemination of information. Central to such efforts will be adequate funding directed at appropriate priorities. The states are ready and willing to assist in that process.

In addition to the general comments noted above, we offer the following specific comments regarding sections of the report:

Recommendation 9-2 Consolidation of federal coastal programs

Any effort to consolidate these programs should 1) recognize the unique strengths that each current agency brings to coastal conservation, 2) fully involve states and other partners in an evaluation of the particular strengths of each agency program prior to implementation, 3) include mechanisms to continue to involve all relevant agencies in coastal program implementation to maximize value and ensure effective coordination of ongoing federal agency involvement, and 4) include mechanisms to ensure that consolidations of programs results in stable or increased funding to states and other partners.

Furthermore, full consideration should be given to increasing coordination of multi agency involvement through a cabinet level governance effort as an alternative to consolidation programs within one particular agency.

Recommendation 9-3 Other relevant federal programs

This section should recognize and include the tremendous potential of other federal programs to have positive watershed impacts. USDA conservation programs, which are addressed elsewhere in the report are currently utilized extensively to protect and enhance watershed health. Improved coordination, targeting and exploitation of the full potential of USDA and related conservation incentive programs should be addressed in the context of this chapter.

Recommendation 9-4 Support for watershed initiatives

Watershed based management is one of the most important and challenging aspects of future protection and enhancement of our oceans and coastal areas. Given the importance of this topic, this recommendation is inadequate. One opportunity for improvement might exist through thorough evaluation of existing large scale watershed efforts. Evaluation could yield important information to enhance future efforts. Goal setting and progress measurement are key elements for inclusion in this evaluation.

Finally, as noted elsewhere in the report, inland states not included in current coastal management programs have tremendous effect on coastal and ocean resources. This section of the report should address mechanisms to enhance participation and inclusion of inland states in watershed efforts to protect and enhance coastal and ocean areas.

Recommendation 14-14 Atmospheric deposition

This recommendation says that various governments should “explore regional approaches for managing atmospheric deposition...” This seems to be a relatively weak statement when we know the sources and what is needed to clean those sources. We should also look globally with the State Department working to reduce emissions in China and other developing countries. None of the recommendations for the Department of State appear to get at cleaning up the air in foreign countries. If we are to be effective in addressing mercury levels in water, greenhouse gases (sea level rise), and acid rain, we must also think on a global scale. The recommendation should specifically include increased international communication and cooperation in reducing toxic emissions.

Recommendation 19-1 Scientific and Statistical Committee (SSC) membership

It is appropriate to “compensate” SSC members, however it should go beyond just compensating for their time attending meetings, unless it is understood that as much as half of their time is likely to be spent on regional fishery issues, if they are to function as described in Chapter 19. States are challenged to retain stock assessment experts at least in part because the pay scale for states generally does not compete effectively with the federal scale. With the current budget problems, states generally can not afford the luxury of having a person on staff who spends a large portion of his or her time with the Council unless that is a created, co-funded position.

A person who is on state agency (or University) staff and is state-funded, has an over-riding responsibility to the state and its work. That person will not have adequate time devote to the Council – certainly not enough to do what the Commission has proposed. A co-funded position would provide a valuable stock assessment person for the states’ use and would provide a pool of experts for regional work (that would also help bring local state knowledge) thus creating a highly qualified regional assessment team as prescribed by the Commission.

Recommendation 19-8 recreational licensing requirements

The licensing of marine anglers is a divisive issue. A marine recreational fishing license may be of value for data collection and fishery management purposes but the issue should be addressed in dialogue with the NMFS, state agencies and the states’ citizens, and perhaps through interstate marine fishery commissions, but not as a federal mandate.

The states have extensive experience with implementation and utilization of recreational licensing provisions. The coastal states also have primary jurisdiction over the vast majority of salt water recreational fishing activity. Any saltwater recreational licensing program pursued should be initiated under the leadership and auspices of coastal states.

Recreational licensing should be discussed and undertaken with clear and defensible objectives and only through full consultation with affected user groups. It is misleading to suggest that current shortcomings in the collection of recreational catch statistics can be rectified through implementation of a licensing provision. More accurate and timely recreational catch statistics will be achieved primarily through increases in the number and frequency of angler intercept or other detailed activity surveys.

Current Marine Recreational Fisheries Statistics Survey (MRFSS) telephone surveys are used to assess overall participation rates. Angler intercepts are utilized to assess detailed catch activity. Availability of angler data bases through coastal licensing provisions will potentially expedite the initial assessment of participation, but the more expensive and time consuming element of the survey, detailed and regular creel and activity surveys, must still be enhanced if more accurate and timely recreational catch statistics are to result. This will require additional funding.

Recommendation 19-10 Interstate management plan conformance to standards of the Magnuson Act

Fishery management plans of the interstate fishery commissions should not be required to adhere to the national standards of the Magnuson-Stevens Act, or to the federal guidelines implementing those standards. Many of the process-oriented difficulties associated with Magnuson Act plans can be attributed to the inflexibility of the federal guidelines.

Prior to congressional imposition of Magnuson Act national standards on interstate fishery management plans, the Ocean Council and the Advisory Council should undertake a careful and thorough comparison for the relative timeliness, effectiveness and efficiency of federal plans to those developed by the interstate commissions. In comparison to federal actions, interstate plans have in many cases demonstrated an ability to more efficiently and effectively achieve conservation success and fair allocation of resources. Additionally, the interstate actions have been subject to considerably fewer court-based challenges and delays. The Oceans Commission

should investigate carefully the operations and performance of the interstate commissions prior to suggesting that they conform to national standards contained in the Magnuson Act.

Recommendation 19-11 Designated management authority

While having a single management entity responsible for each plan would be desirable in many cases, this might be a burden on the Congress that they might not wish to take on. Marine resource managers are best suited to determine which management body should manage a particular fishery. More emphasis should be put on encouraging existing management authorities (councils, interstate commissions, the NMFS) to determine which body would be best suited to develop a particular plan. In the case where the bodies strongly feel a joint process is appropriate, they should be free to do so.

Virtually everything in the ocean “crosses administrative boundaries” in some manner, even if it’s only localized larval transport wash at boundaries. This could even apply to oysters and clam larvae. For some species, even under those conditions, inter-jurisdictional management may not be appropriate. Perhaps the phrase “significant portions” of a fish stock should be inserted. This could be malleable in that a small number but representing most of the spawners could be deemed significant, or a large percentage of total number of larvae or juveniles could be significant.

Recommendation 19-22 Bycatch

Bycatch plans should look at promoting and developing new harvest techniques that reduce bycatch mortality; perhaps this is inherent and understood. Also, a good plan should examine current utilization of bycatch by wildlife and how the absence of bycatch could affect dependent populations. For instance, how much do sea birds depend upon shrimp bycatch? There is documentation that some bird species in the North Atlantic incurred significant population increases when trawl fisheries began. Additionally, marine mammals, particularly dolphin, feed to a large degree on bycatch, as do coastal sharks. A realistic assessment of these connected impacts should be included in any good assessment.

Thank you again for the opportunity to comment. Please feel free to call on us if we can be of further assistance.

Comment Submitted by David Godfrey, Executive Director and Gary Appelson, Advocacy Coordinator, Caribbean Conservation Corporation

June 3, 2004

The U.S. Commission on Ocean Policy Preliminary Report is a comprehensive and important document. However, we are very concerned over the lack of attention given to marine turtles. It is clear from the correspondence our organization has received from Commissioners and their staff that the Preliminary Report “inadvertently” overlooked marine turtles. It is now the responsibility of the Governors of the southeastern coastal states and the conservation community to ensure that the Final Report fully addresses the conservation needs of marine turtles. This is especially important for Florida and other coastal states with turtle nesting beaches that have invested extensive resources to ensure that people and marine turtles can coexist and share our beaches. The federal government should support these state efforts.

Specifically the report provides only a token mention of marine turtles and ignores the threats they face and the conservation measures needed to ensure their long-term survival. Chapter 20 of the Report, Protecting Marine Mammals and Endangered Species, is almost entirely devoted to marine mammals and includes only a brief and inaccurate reference to marine turtles. The report states that “the threats to endangered marine species such as marine turtles...are myriad and not easily categorized” (page 252). In fact there is an extensive record on the threats to marine turtles, and much of it is easily available, clearly documented, and easily categorized. The state of Florida annually documents the number of marine turtle hatchlings disoriented due to beachfront lighting and provides detailed reports on the thousands of marine turtles killed each year. Florida’s annual stranding report documents probable causes. Offshore commercial fishing is often cited. The Florida Fish and Wildlife Conservation Commission could very easily provide this information to the Ocean Commission. Other southeastern states monitoring their nesting beaches could do the same. I would be happy to supply the commission with dozens of newspaper stories from the past several years that report on the high levels of sea turtle standings that correspond with high levels of shrimping activity each year.

Several recent peer reviewed journal articles have documented the extensive take of sea turtles by a variety of commercial fisheries. The most recent appears in *Ecology Letters* (2004. 7:221-231), *Quantifying the effects of fisheries on threatened species: the impact of pelagic longlines on loggerhead and leatherback sea turtles*. At the very least the Commission should reference this type of research in its Final Report. The Commission’s failure to address the extensive take of turtles by a variety of commercial fisheries is distressing. Leatherback turtles and loggerheads in the Pacific are being ignored into extinction. The Commission’s Final Report should address the need to reduce this mortality.

The Loggerhead Sea Turtle Recovery Team, administered through the US Fish and Wildlife Service and the National Marine Fisheries Service, has produced a very extensive and sophisticated “threat matrix” categorizing the many threats to loggerhead sea turtles. It even breaks the threats down according to life stages. This document can be accessed by contacting the marine turtle coordinators for each agency. Dr Alan Bolten at the Archie Carr Center for Sea Turtle Research at the University of Florida could also provide information on this document.

Chapter 22 of the Report, Managing Sediment and Shorelines, discusses coastal management issues with emphasis on beach nourishment. Incredibly, Chapter 22 makes no reference to how coastal management policies can impact marine turtles. There is no mention of the need to ensure protection of marine turtle nesting beaches and off shore reef systems used extensively by marine turtles for foraging and refuge. Florida has embarked on a long-term program of beach nourishment. It is leading the nation in developing regional sediment management strategies and renourishment guidelines to ensure that large ocean dredge and fill projects do not harm marine turtle habitats and our coastal environment. The Final Report should highlight the need for a

strong regulatory framework to minimize negative impacts to essential marine turtle habitats and other coastal environments resulting from poorly designed renourishment projects.

Florida permits coastal armoring to protect upland structures only under extreme conditions and works to ensure that sea walls are used as a last resort and do not cause a “take” of marine turtles. Florida, relying on scientific research, recognizes that coastal armoring can increase coastal erosion and can harm marine turtle nesting beaches. The Final Report should highlight the harmful impacts of coastal armoring to the beach/dune system and to marine turtle nesting beaches.

The Preliminary Report focuses almost exclusively on federal activities. Section 6 of the Endangered Species Act allows for cooperation with the states for the conservation of endangered and threatened species. The ESA authorizes cooperative agreements when the state maintains “adequate and active programs.” Florida’s Marine Turtle Protection Program relies on sound research to support policy decisions. However, it also includes necessary and extensive monitoring of marine turtle nesting beaches and comprehensive education and outreach components. North Carolina, Georgia and South Carolina also have important sea turtle protection programs and invest heavily in monitoring and protecting their nesting beaches. The states are in the best position to protect marine turtles on the nesting beaches. Congress should expand federal funding for species protection for states that have cooperative agreements with the USFWS and NMFS under Section 6 of the ESA. The Final Report should recognize the critical role the states play in marine turtle recovery efforts.

In conclusion, we recommend that the Ocean Commission reconsider its emphasis on marine turtles to more accurately reflect their importance already recognized by the international community, the states committed to protecting marine turtles and their nesting beaches, and the general public.

Background information on the Caribbean Conservation Corporation

The Caribbean Conservation Corporation (CCC), based in Gainesville, Florida, is the oldest sea turtle research and conservation group in the world, founded by legendary sea turtle expert Dr. Archie Carr and others in 1959. During the past 40 years, CCC has unlocked many of the mysteries surrounding sea turtle biology and life history. CCC is well known for its sea turtle monitoring, research and protection program at Tortuguero, Costa Rica. Begun by Dr. Carr in the mid-1950s, this program is now the longest-running study of its kind in the world. The research takes place out of CCC's John H. Phipps Biological Field Station.

To address the many threats facing sea turtles and their habitats in the U.S., especially in Florida, CCC launched the Sea Turtle Survival League program in 1993. In the ten years since its formation, the STSL program has become the most effective voice for sea turtle conservation and education in Florida. In Florida, CCC was instrumental in the designation by Congress of one of the most important of Florida's nesting beaches, a 20-mile stretch on Florida's central east coast, as the Archie Carr National Wildlife Refuge.

CCC led the successful campaign to establish the Florida Sea Turtle Specialty License Plate, which now provides a steady source of funding for the state's Marine Turtle Protection Program. In 2003 the Florida Legislature transferred the management of the Sea Turtle License Plate Grants Program to the CCC. The grants program distributes between \$200,000 and \$300,000 to researchers, educators, and conservation organizations involved in sea turtle work in Florida.

CCC's conservation education programs distribute materials throughout Florida, concentrating on coastal counties. Teachers are invited to register on-line to receive CCC's free 40-page Educator's Guide, which includes useful background information, student worksheets and classroom activities.

For more information, visit the CCC website at www.cccturtle.org.

Comment Submitted by Phaedra Doukakis, Ph.D.

June 4, 2004

The challenge ahead is to ensure that these changes are implemented; we cannot let this opportunity for significant change pass us by. This is unique time in history, where after almost 35 years, a comprehensive effort to review and improve ocean and coastal management is being made. The considerable symmetry between this USCOP effort and the one made by the Pew Oceans Commission creates a consensus for the implementation of such recommendations. As the USCOP noted: unfortunately, we are beginning to love our oceans to death. We must reverse this destructive trend and seize the moment to make meaningful efforts to change ocean policy so that it reflects true stewardship and results in truly sustainable oceans and resources for current and future generations.

Thank you for the opportunity to comment.

NOTE: The above comments reflect those of the individuals and not necessarily those of the Pew Institute for Ocean Science or the Pew Charitable Trusts.

Comment Submitted by William J. Snape, III, General Counsel, Defenders of Wildlife and Kelly Malsch, International Associate, Defenders of Wildlife

June 4, 2004

On behalf of Defenders of Wildlife, we would like to submit these comments on the Preliminary Report of the U.S. Commission on Ocean Policy. We believe that this report is a significant and much-needed step in the right direction towards a more responsible ocean policy for the United States. Defenders hopes that this report will spur increased federal and state-level attention and action towards the conservation of our ocean resources.

The report did an excellent job at illuminating the many threats facing our oceans today, including overfishing, bycatch, marine pollution, invasive species, and others. The sheer volume of information in this report is a testament to the complex nature of managing the oceans due to the innumerable competing interests and uses of the ocean and the difficulties inherent in attempting to please all the stakeholders involved. The reality is that if we really want to safeguard our oceans for the future, then we must put the ocean's interest before all others. The past has shown us that the oceans themselves must be given a voice, because when economic interests alone are allowed to govern our decision-making it will only lead us on the path of over-exploitation and destruction that we have found ourselves on. We can see consequences of this policy, or lack thereof, on a day to day basis as the Tragedy of the Commons plays out before our very eyes.

We strongly agree with the Commission's assessment, that "major changes are urgently needed" and that these changes "need to start now, while it is still possible to reverse distressing declines, seize exciting opportunities, and sustain the oceans and their valuable assets for future generations" (Executive Summary, xi-xii). As the report states, this calls for significant increases in credible scientific data, an improved national and local decision-making process, better coordination between the existing management framework, and public education on the importance of our oceans and the need to protect them. Defenders agrees that science, education, and improved management, all with a keen eye towards resource health, should be embraced and promoted rapidly.

Sustainable Fisheries

Sustainable fisheries are essential to ocean health. It is our belief that the key components needed to achieve sustainable fisheries are 1.) a substantial reduction or elimination of bycatch from fisheries and 2.) the cessation of the heavy overfishing that has become the norm in fisheries across the globe. Both these issues stem from the same problem: there are too many vessels catching too many fish. The unchecked capacity of modern vessels is not giving stocks the time they need to recover. This overcapacity and overfishing has led to the documented boom and bust cycles of fisheries across the globe. As each new area becomes bereft of fish, the large longliners, purse-seiners and trawlers move on to the next stretch of ocean continuing the cycle a rapid exploitation until the populations collapse. This pattern was seen with the collapse of Atlantic cod and the serial extirpation of orange roughy and Patagonian toothfish.

Defenders strongly believes that overfishing and overcapacity are destroying our ocean resources and must be stopped immediately. The number of vessels, the capacity of these vessels, and the fish and bycatch they are allowed to catch should be strictly limited to a level that is scientifically shown to maintain a healthy stock. Hard measures must be taken in order to replenish our oceans, and that begins with quotas on fishing and more stringent monitoring and management regimes for other uses.

Need for Increased Scientific Data

Improved science is crucial to take the necessary steps towards conservation. The Commission correctly points out that the data on our marine resources is woefully inadequate. For instance, it was only recently realized, thanks to the report published in *Nature* by Myers and Worm, that the number of large predatory fish in our world's oceans has been reduced by 90% over the last 50 years. This is shocking that the rate of overfishing was this high, and we had no real knowledge that it was this damaging until this report was released. This is simply an example of the shortcomings that exist in the world of ocean science, in part due to the inherent difficulties of assessing ocean resources, but in large part due to inadequate investment and the lack of political will by our government. In the report, the Commission acknowledges the many gaps in ocean science, and recommends that scientific research significantly increase in order to better assess the status of our resources and the steps needed to sustain them. We hope that this report will give the U.S. government increased impetus to invest in our ocean's future. However, in the interim, we do not want fisheries managers to wait for perfect science. Research should be increased, but in instances where there is insufficient data, the precautionary principle should be applied.

The proliferation of science starts with the fishermen, and, as such, fishermen fishing within U.S. waters should be required to report their catch of target and non-target species. Only with a systematic scheme of data-collection from the fishermen themselves can we begin to truly assess the effects our actions are having on the oceans.

In addition to a general increase of science into fish stocks and marine resources across the board, we believe that the proposed new management scheme, discussed below, should include independent scientific entities for evaluating data on marine species abundance, the effects of overfishing on target and non-target species and their habitats, assessing the harm induced by other non-fishing human interactions on habitats and ecosystems by in our oceans (fishing, maritime trade, oil and gas exploration...etc.), and establishing absolute upper limits to the amount of fish that can be caught. With science-based conservation measures, depletion of fish populations, in due time, could conceivably recover to more sustainable levels. While there will invariably be considerable political pressure from fishermen and other stakeholders that use these resources to ignore the science and continue heavy use, in the end the scientific recommendations will need to be heeded.

Responsible Ocean Management

Our organization believes that the conservation of our world's marine resources needs to be at the forefront of all management decisions governing our oceans. Better communication and cooperation between each of the regional, state and federal fisheries agencies and other agencies that govern actions in the ocean (oil and gas exploration, trade, cruise ships, etc.) is integral and crucial to this goal.

While we agree with the premise and see the benefits of establishing a more-centralized management and advisory scheme for the management of our marine resources, Defenders is concerned that the proposed scheme for the National Ocean Council is lacking the strong conservation element needed for such a council to adequately manage the oceans in a responsible manner. We are hard-pressed to see how the ensuing Council, composed of all the cabinet secretaries and independent agency directors, and the subsidiary body of nonfederal entities that would provide "a formal structure for nonfederal input" would be different from the current scheme where fishing and trade interests run the show, other than that the new scheme would make them more efficient in their decision making and effectiveness by having them all in one room. Along this vein, we strongly urge the Commission to recommend the establishment of a standardized system to ensure that the members of this Council, if established, be required to gauge the best interest of the ocean resources, by getting the best scientific data available from scientific experts that work directly on the issues at question, when making decisions. Without

this sort of required scientific input, as described above, we feel that this type of management scheme would be ineffective.

The same holds true for the other conciliatory bodies that the Commission recommends establishing on the regional and state levels. Sound scientific principles must be present in every step of the decision-making process regarding the use of our marine resources. Our oceans have been managed far too long on the principle of overexploitation, whether that be through fishing, oil and gas exploitation, maritime trade or the like. If each of these stakeholders continue to get an equal say, then the voice of the ocean will invariably be out-voted 100 to one as it has in the past. The Commission has done an impressive job at laying out a great many of the threats to our oceans, but if science continues to take a back-seat to economic interests, then it will all be for naught.

As part of its management recommendations, the report also strongly advocates for an ecosystem-based scheme for the management of our oceans. Defenders agrees with this idea in theory, but in practice we would want the Commission and resource managers to ensure that short-comings in data does not make an ecosystem approach more harmful than an existing single-species approach. For instance, in the Eastern Tropical Pacific, for a number of years in the 1990's the tuna fishery was largely managed with a careful eye on the dolphin stocks and how the fishery was affecting the recovery of those species. In recent years, however, there has been a noticeable shift in the management scheme towards a more "ecosystem approach". In doing so, they are relying on data that is oftentimes inadequate as it comes from fishermen with an interest in continuing to fish. Contrarily, the data on the dolphins, comes from observers whose job it is to record the number of dolphins per set. If the fishery were still more focused on the recovery of the dolphin stocks, then conceivably there would have been more impetus for them to reduce the level of fishing since it has been shown that the dolphin stocks are not recovering. In reality, however, fishing has intensified greatly in recent years, despite declines in certain stocks. Fishing nations can justify their continued pressure on the ecosystem by stating lack of data and showing that some tuna stocks appear to be doing quite well. Thus, while the ecosystem approach offers a management system that could prove fruitful and lead to a higher standard of environmental stewardship, we want to point out that in cases where data is lacking, the single-species approach might prove to be a very important tool. This is especially true for large predators and other keystone species in marine ecosystems that are oftentimes better studied and serve as indicators on the health of the entire ecosystem.

Conclusion

As stated above, we believe capacity reduction, reduction of catch and bycatch, and increases in scientific studies and data collection would be hugely instrumental in assessing the status of fish stocks, sharks and other marine life. Additionally, a more cooperative approach is needed to fully understand the marine resources and what the real effect of fishing and other human activities is having on the marine environment.

Time and time again the scientists are saying that the stocks are overfished and that the effort is harming the marine resource, but this advice is largely being ignored in favor of economic considerations. We have come to the point, however, where this cannot continue. Conservation must be made our country's first priority if we want to continue to use and enjoy the ocean well into the future.

We appreciate this opportunity to comment on the Preliminary Report of the U.S. Commission on Ocean Policy.

Comment Submitted by Jan Wilson, Shoreline, Washington

June 4, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Renee Kopulos, North Aurora, Illinois

June 3, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Caroline Beckett & Frank Sandner, Blue Mounds, Wisconsin

June 3, 2004

We are grateful for the work of the US Commission on Ocean Policy for completing its preliminary report to identify the multiple problems and potential solutions that decision makers should begin to address now. We are encouraged by the draft report recommendations. Your report, and the recent Pew Ocean Commissions report, documents the crisis facing our oceans and the wildlife they support. [We thank our Congressman Kind for his interest in this report and for his efforts to protect ecosystem and waters of the Upper Mississippi.](#)

We've chosen to focus on part VI, Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources, specifically on marine wildlife, fisheries and the management recommendations. We hope that the Commission and decision makers will take steps now to enact the solutions outlined below.

ECOSYSTEM BASED MANAGEMENT

OUR RECOMMENDATION:

We should establish conservation of ocean ecosystems as the primary responsibility of fisheries management. [The health of the species depends on the health of the ecosystem. Species have evolved according to the habitats they live in and are unable to adapt to major changes.](#)

COMMISSION RECOMMENDATION:

No where in the report does it specify that ecosystem management should be applied as the primary responsibility of fisheries management.

CONFLICT OF INTEREST

OUR RECOMMENDATION:

Conflicts of interest within the council systems need to be more fully addressed in both the Fishery Management Councils and the Scientific Statistical Committees (SSC). To enhance the credibility of future science decisions and allocation decisions both members of the Fishery Management Councils and the SSCs need to be held to the most rigorous conflict of interest standards followed by the government.

SSC members should not be appointed by the Fishery Management Fishery Management Councils and should be appointed by the Secretary of Commerce from a list of nominees obtained from the Councils and should include public solicitation. [The fox should not be guarding the henhouse.](#)

COMMISSION RECOMMENDATION:

Recommendation 19-1. Congress should amend the Magnuson Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Fishery Management Councils (RFMCs) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSCs), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

Recommendation 19-3. Each Regional Fishery Management Council should be required to set catch limits below the allowable biological catch determined by its Scientific and Statistical Committee. The Fishery Management Councils should begin immediately to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act.

REBUILD OVERFISHED FISH POPULATIONS

OUR RECOMMENDATION:

Our Fishery Management Councils need to rebuild all overfished fish populations by developing management plans, based on allowable catch limits, determined by the SSC, that will rebuild fish populations, where biologically possible, within ten years. (deleted phrase redundant with previous sentence)The Fishery Management Councils would then be allowed to set catch limits below those levels in developing management plans including a buffer to allow for the inherent uncertainties in marine science. The Fishery Management Councils should set the catch limits, but develop the plans implementing the SSCs determined catch limits. If the Fishery Management Council wants to develop a management plan to hasten the pace of fish population recovery, they should have the ability to develop management plans that are below the SSC catch limits, but not above.

To utilize the precautionary approach, fishery managers need to provide for a margin for error in case the Scientists are wrong. [They should err on the side of caution, in order to avoid harvesting the "seed corn"--i.e. the breeding stock, which may have happened already with such species as Atlantic cod and Chilean sea bass.](#)

COMMISSION RECOMMENDATION:

Recommendation 19–12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

PROTECT THE HABITAT

OUR RECOMMENDATION:

Fishing gear needs to be improved to limit the impact left on the ocean floor. Where there is scientific information that indicates that ocean dragging fishing practices would not harm a significant portion of habitat, special zones can be created where this practice can continue, in any other areas bottom dragging fishing should not continue. [Ocean dragging destroys sea life habitat, as well as suitable nurseries for most living sea creatures.](#)

COMMISSION RECOMMENDATION:

Recommendation 19–21. The National Marine Fisheries Service (NMFS) should change the designation of essential fish habitat from a species-by-species to a multi species approach and, ultimately, to an ecosystem-based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. NMFS should work with other management entities to

protect essential fish habitat when such areas fall outside their jurisdiction.

BYCATCH AND PROMOTION OF ECOLOGICALLY SUSTAINABLE FISHING PRACTICES

OUR RECOMMENDATION:

Bycatch monitoring should be approved before fishing is allowed. Development of these plans would require increased observer coverage in most fisheries to gather data to establish baselines for any fishery where that data is not currently available. NMFS needs to be required to implement these bycatch plans, not just develop them. In addition NMFS needs to lead a new national effort to develop new fishing gear that reduces bycatch. [Millions of fish and other wildlife, often creatures that are federally listed as endangered and threatened, like sea turtles, whales and dolphins, are killed and wasted as bycatch.](#)

COMMISSION RECOMMENDATION:

Recommendation 19–22. The National Marine Fisheries Service (NMFS) and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. Implementation of these plans will require NMFS to expand current efforts to collect data on bycatch, not only of commercially important species, but on all species captured by commercial and recreational fishermen. The selective use of observers should remain an important component of these efforts.

Comment Submitted by Mason Weinrich, Executive Director, Whale Center of New England

June 2, 2004

The Whale Center of New England ("The Whale Center") is pleased to submit comments on the Preliminary report of the U.S. Oceans Commission.

The Whale Center, now in its 25th year, is dedicated to the scientific study of marine mammals and their environment, especially in New England, and also engages in conservation of and education about marine mammals. Our long-term research programs on endangered humpback, fin, and right whales, among other cetaceans, have resulted in the publication of over 25 peer reviewed papers in a wide variety of journals. Whale Center staff have also been appointed members of, or technical advisors to, a variety of key management teams, including the Atlantic Large Whale Take Reduction Team, the Northeast Large Whale Recovery Plan Implementation Team (including its ship strike sub-committee), and the Stellwagen Bank national Marine Sanctuary Citizen's Advisory Council, among others. Because of our familiarity with marine mammals and their management, we would like to offer comments on those areas which touch on our expertise.

First, we want to commend the Oceans Commission on the depth and scope of its preliminary report. It is obvious that a tremendous amount of work and thought went into deriving what appears to be a very solid plan. If it were enacted, the oceans of both the U.S. coast and the world would benefit accordingly. We especially support the re-organization and consolidation of NOAA and other agencies to create a more comprehensive single management agency, as detailed for the national Ocean Council. We especially support this activity if it is coupled with a clear vision statement that favors marine conservation through ecosystem management. Currently NOAA often finds itself in conflict between its stated goals of supporting sustainable fisheries and conserving endangered species, especially when the two come in conflict (e.g. the issue of marine mammal entanglements), and we support any actions which would alleviate this and other similar conflicts.

We also generally support the goals of chapter 19, "Achieving Sustainable Fisheries." However, we would encourage the Commission to expand the discussion to include competition between fisheries and marine predators. As ground fish populations are protected in order to allow them to recover from over-exploitation, we are concerned that fisheries effort will be shifted into high-volume fisheries for forage fish, such as herring, mackerel, and other related species. These fisheries almost always require large catches for the fishermen to make a profit, because they are paid so little for the same volume of catch when compared with their previous target species. Combined with the imprecise science through which the overall stock size of forage fish is estimated, these fisheries are unusually vulnerable to overfishing, with a resulting crash in the targeted stock. For instance, we are unaware of any sustainable herring fishery around the world that has been sustained for more than a brief period before the target population became severely depleted. Since forage fish play such a key role in the ocean ecosystem, providing food for marine mammals, ground fish, and other marine predators, these fisheries need to be approached with extreme caution. There is a brief discussion of such ideas on page 259 regarding the role of prey availability in the decline of Stellar Sea Lions, but we would like to see some consideration of these concepts in the section that deals with the fisheries themselves.

Regarding the suggestions made in section 20, regarding marine mammals and other endangered marine species, we note the following comments on each recommendation:

Recommendation 20-1 (p. 253): We agree that the Marine Mammal Commission (MMC) does an excellent job of coordinating with agencies as an independent body, and it may provide a model which is appropriate for other non-mammalian endangered or threatened marine species. However, we feel that rather than creating other similar agencies, the jurisdiction of the existing

MMC should be expanded to encompass the other species of concern. Creating additional bodies would contradict the spirit of streamlining marine management, while expanding the abilities of the existing body would support the kind of holistic ecosystem management that is favored throughout the document. However, in this case, the existing body would need additional resources and expertise to successfully take on the additional burden.

Recommendation 20-2 (p. 254): We agree with this conditional upon the provision that the National Ocean Council discussed above is created, and it is allocated the necessary resources to deal with the additional burdens of managing species currently under the jurisdiction of the Fish & Wildlife Service. As stated above, in the current structure NOAA often has internal conflict, with differing guiding principles, that can leave marine mammal and fisheries management in conflict with each other. While the newly proposed agency would resolve that, we would not want to place additional species under the risk of such conflict. Further, some of the species that would be moved carry a heavy management burden (e.g. Florida manatees); currently NOAA struggles to be able to sustain levels of funding for those species that it is currently charged with managing. Hence, our support here is conditional on those problems being resolved prior to the unification of management under one agency. Assuming that these conditions are in place, we feel that unifying marine mammal management is consistent with the theme of unified ecosystem management for which the commission is striving.

Recommendation 20-4 (p. 254): While we agree with the suggestion, we note that the pre-ambble does not include “harassment” as a part of the definition of a “take” under the MMPA and the ESA (in addition to “death or injury”).

Recommendation 20-5 (p. 255): We suggest that this be removed. The revised definition, as suggested, is problematic. It may not often be apparent which behaviors are “significant to the survival and reproduction of marine mammals,” even after extensive scientific study. While we agree with the general spirit of the statement, its applicability in practice is questionable. Further, a revised legal definition of harassment is now being discussed in detail by academics, federal agencies, conservation groups, and others. We suggest that this discussion will likely produce a definition that is adequate, and will be more current than that provided by the Commission. Hence, the recommendation be removed from the report.

Recommendation 20-6 (p. 256): We agree with this action, and the stated steps that should be taken to implement it.

Recommendation 20-7 and 20-8 (p. 257): We strongly support recommendation 20-7. However, we do not necessarily agree that the U.S. Navy has a lowered responsibility of funding work in this arena. Many of the deaths of marine mammals that appear to be related to noise exposure have come from exposure to military sounds. We agree that other agencies should add to the funding base to increase the amount of knowledge and effort in this arena, but it should not come at the loss of Navy funding, as implied by the goal of “decreas(ing) the reliance on U.S. Navy research in this area.” If it is the intent of the Commission to state that they would rather have independent bodies conduct the actual research, than this should be clarified by encouraging the Navy to provide funds to independent researchers to conduct the desired study(s).

We also strongly commend the Commission for encouraging the application of eco-system based management to marine mammals, and would re-iterate the cautions above, regarding fishing for species on which marine mammals rely. Currently, the needs of marine mammals and other ocean predators are not well considered in fishery management. If they were, additional restrictions might be put on both total allowable catches and the amount that is taken from particular areas. In the northeast, for instance, we are starting to document cases where vessels fishing for herring are causing local displacement of baleen whales. In such cases, the whales may be able to find sufficient prey in other habitats. However, the additional cost of foraging and traveling between such locations may have a detrimental affect on the annual energy budget of an individual, especially if such displacement were to occur repeatedly.

We thank you for the opportunity to comment on the preliminary report, and wish you success in coming up with a final plan that can benefit our seas and the life that

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COURAGE WITHOUT CONVICTION: Cause for Chaos in U.S. Marine Fisheries Management

Peter Van Tuyn*

INTRODUCTION

Our oceans are in trouble. There is simply no doubt about it. Overfishing is reaching epidemic proportions worldwide. In the United States alone, at best, just over twenty percent of the nearly 1,000 federally-managed fish species are being fished in a sustainable manner.¹¹ Overfishing disasters are rampant throughout the United States, with marine life and fisheries-dependent human communities from New England to California feeling the pain.¹²

We are removing marine life from the oceans at alarming rates, including massive amounts of unintentional catch, also known as bycatch.¹³ Bycatch equates to an estimated twenty-five percent of the “overall global catch,” and many suspect that this is a conservative figure given the

* Mr. Van Tuyn is an attorney in Anchorage, Alaska. He has worked with Trustees for Alaska, a nonprofit, public interest, environmental law firm for over a decade representing conservation groups and others on marine conservation issues. Prior to working with Trustees, Mr. Van Tuyn was a trial attorney with the environment division of the U.S. Department of Justice, where he specialized in wildlife and marine resources litigation. He is also an adjunct professor in the Masters in Environmental Law Program at Vermont Law School, where he teaches a course entitled “Fisheries and the Oceans.”

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11. See PEW OCEANS COMM’N, AMERICA’S LIVING OCEANS: CHARTING A COURSE FOR SEA CHANGE 5 (2003) (detailing the existing crisis of our oceans due to government mismanagement), available at http://pewoceans.org/oceans/downloads/oceans_report.pdf, see also NAT’L OCEANIC & ATMOSPHERIC ADMIN., U.S. DEP’T OF COMMERCE, SUSTAINING AND REBUILDING • NOAA FISHERIES 2002 REPORT TO CONGRESS • THE STATUS OF THE U.S. FISHERIES, at ii (2003) (detailing “the state of our nation’s fisheries and the effectiveness of fisheries management”), available at http://www.nmfs.noaa.gov/sfa/statusoffisheries/cover_sos.pdf. The Pew Commission Report, *America’s Living Oceans*, supra, is available from its Website, at <http://pewoceans.org/oceans/index.asp> (last visited Feb. 29, 2004).

12. See Otto Pohl, *Challenge to Fishing: Keeping the Wrong Species Out of Its Huge Nets*, N.Y. TIMES, July 29, 2003, at F3; see also PEW OCEANS COMM’N, supra note 1, at 36 (discussing collapse of fisheries off of California); Peter Shelley et al., *The New England Fisheries Crisis: What Have we Learned?*, 9 TUL. ENVTL. L.J. 221, 221–25 (1996) (explaining the decline of fishery stocks in the northwest Atlantic and its effect on the local economy); Jonathan Finer, *Fishing and Ecology Clash in New England: Ocean’s Depleted Stocks Prompt Tough Decisions*, WASH. POST, Nov. 16, 2003, at A03 (detailing the economic costs on local communities of depletion of fisheries off the New England coast).

13. See 16 U.S.C. § 1802(2) (2000) (defining “bycatch” as “fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards”); see also Pew Oceans Comm’n, *Areas of Inquiry, Fishing* (providing further details on bycatch), at <http://www.pewoceans.org/inquiry/fishing/> (last visited Feb. 4, 2004).

lack of reliable information about actual fishery catches.¹⁴ Species killed as bycatch can no longer fill their predator-prey roles in the oceans.¹⁵ In fact, “[l]eading experts say that bycatch is one of the most significant environmental and economic problems affecting marine fisheries today.”¹⁶

Fishing practices, pollution, and other human-generated actions are also known to impact fish habitat and to threaten marine life in the oceans.¹⁷ Like the land on which we live, the ocean contains a large variety of habitats, from kelp forests to eelgrass meadows, from corals reefs to underwater mountains.¹⁸ Like their terrestrial counterparts, these habitats support an amazing diversity of life, providing food, shelter from predators, and a nursing ground for many species of fish and other marine life.¹⁹

“Habitat loss is the primary factor responsible for the rapid rate of species extinctions and the global decline in biodiversity that has been witnessed in the past one hundred years.”²⁰ Scientists have shown that commercial fishing boats using large bottom trawl nets fitted with chains, tires, and huge steel “doors” are particularly damaging to marine habitat.²¹ The huge nets—some can be as wide as 1,300 feet across their openings, which is large enough to engulf several commercial jet airliners—are dragged across the ocean floor to catch groundfish such as cod, rockfish, and sole.²² This fishing practice is generally called bottom trawling.²³

Habitat damage from this commercial fishing practice can impact entire ecosystems.

¹⁴. PEW OCEANS COMM’N, *supra* note 1, at 5, 42; Pew Oceans Comm’n, *Areas of Inquiry, Fishing*, *supra* note 3. According to the recent Pew Commission report, the United States “fail[s] to collect bycatch data in two-thirds of federally managed fisheries.” PEW OCEANS COMM’N, *supra* note 1, at 88.

¹⁵. See generally PEW OCEANS COMM’N, *supra* note 1, at 5.

¹⁶. *Id.* at 42.

¹⁷. *Id.* at 59–71 (detailing sources of pollution), 111 (recommending steps that should be taken to “regulate use of fishing gear that is destructive to marine habitats”).

¹⁸. See THE OCEAN CONSERVANCY, HEALTH OF THE OCEANS 59 (2002) (highlighting some of the components of the ocean eco-system), available at <http://www.oceanconservancy.org/dynamic/downloads/healthOceans.pdf>.

¹⁹. See, e.g., ALASKA MARINE CONSERVATION COUNCIL, LIVING MARINE HABITATS OF ALASKA (2003) (illustrating the diverse ecosystem supported by Alaska’s ocean floor).

²⁰. PAUL K. DAYTON ET AL., PEW OCEANS COMM’N, ECOLOGICAL EFFECTS OF FISHING IN MARINE ECOSYSTEMS OF THE UNITED STATES 24 (2002), available at http://www.pewoceans.org/reports/POC_Ecoeffcts_Rep2.pdf.

²¹. See MARINE CONSERVATION BIOLOGY INST. & AM. OCEANS CAMPAIGN, FACT SHEET: SEAFLOOR DESTRUCTION BY ROLLER AND ROCKHOPPER BOTTOM TRAWL GEAR (2002) [hereinafter MARINE CONSERVATION BIOLOGY INST.] (describing the destructive impact trawling has on the ocean floor), at <http://www.americanoseans.org/fish/ohpa-impacts.pdf>; BEN ENTICKNAP, ALASKA MARINE CONSERVATION COUNCIL, TRAWLING THE NORTH PACIFIC: UNDERSTANDING THE EFFECTS OF BOTTOM TRAWL FISHERIES ON ALASKA’S LIVING SEAFLOOR 1–2 (2002), available at http://www.akmarine.org/publications/rep_trawl_2002.pdf.

²². Pohl, *supra* note 2, at F3; see also ENTICKNAP, *supra* note 11, at 1–2 (describing the effects of bottom trawling on benthic communities).

²³. MARINE CONSERVATION BIOLOGY INST., *supra* note 11. For a detailed description of trawling gear, see NAT’L RESEARCH COUNCIL, EFFECTS OF TRAWLING AND DREDGING ON SEAFLOOR HABITAT 14–17 (2002).

“Thousands of square kilometers of benthic habitat and invertebrate communities have been obliterated by trawling.”²⁴ In fact, recent data reveal that trawlers have dragged their nets over approximately 385,000 square kilometers of the continental shelf or slope.²⁵

So far, the path traveled by people trying to solve the ocean crisis has been a circuitous one. The effort to protect fish habitat in the North Pacific from destructive fishing practices is an instructive and timely example of the difficulties in implementing meaningful solutions to the problems that face our oceans. Fishery managers and politicians boldly use whatever means necessary to delay and undercut legally-required habitat protections.

The moral of the story detailed below is one for all to hear: what we need is a new vision for managing human interactions with the sea. No longer should we see the oceans solely as suppliers of protein for people. The United States must embrace an ocean conservation ethic much like we have a land conservation ethic.²⁶ As we value our national parks and wildlife refuges, so too should we value the special places that are in our other public lands—the oceans. As we use holistic-planning to manage human use of terrestrial areas, so too should we use such planning to manage human interactions with the oceans.²⁷ In this way, we can protect all that is unique, irreplaceable, and economically valuable, for generations to come.

I. ADRIFT AND HEADED FOR THE REEF

As the fishing practice of trawling spread throughout marine waters, humans started to realize the potentially destructive nature of the practice and, in turn, started to formulate regulatory solutions. In Southeast Alaska, for example, where there is a vibrant and diverse non-trawling fishing culture, North Pacific fishery managers banned trawling.²⁸ In other parts of the North Pacific, fishery managers put some areas that were important to crab fishers off limits to trawls because dragging huge and heavy nets across the ocean floor posed serious threats to the economically important crab population.²⁹

²⁴. THE MARINE FISH CONSERVATION NETWORK, BODY OF EVIDENCE: THE FRAGILE STATE OF AMERICA’S OCEANS – A REVIEW OF RECENT SCIENCE AND A FRAMEWORK FOR RECOVERY 6 (2004) (quoting Paul K. Dayton, *Reversal of the Burden of Proof in Fisheries Management*, SCIENCE, Feb. 6, 1998, at 821).

²⁵. NAT’L RESEARCH COUNCIL, *supra* note 13, at 37; *see also* THE MARINE FISH CONSERVATION NETWORK, *supra* note 14, at 6.

²⁶. PEW OCEANS COMM’N, *supra* note 1, at 9. Guideposts for our land conservation ethic were espoused by Aldo Leopold in _____ when he challenged us to rethink our relationship to the land, writing: “The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.” ALDO LEOPOLD, A SAND COUNTY ALMANAC 204 (1989).

²⁷. *See* PEW OCEANS COMM’N, *supra* note 1, at vii (stating that the “root cause of this [ocean] crisis is a failure of both perspective and governance”).

²⁸. NAT’L MARINE FISHERIES SERVICE ALASKA REGION, U.S. DEP’T OF COMMERCE, ALASKA GROUND FISH FISHERIES: DRAFT PROGRAMMATIC SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT, at ES-21 fig.ES-2 (2003) [hereinafter ALASKA GROUND FISH FISHERIES DPSEIS], *available at* http://www.fakr.noaa.gov/sustainablefisheries/seis/draft0903/Exec_sum.pdf.

²⁹. *See* E-mail from David Witherell, Nat’l Marine Fisheries Serv. (NMFS), to Cindy Hartmann et al., NMFS, Re. Essential Fish Habitat (EFH) Fishing Threats Comments! 1 (Mar. 11, 1998), *in* Admin. R. Doc., A281, Am. Oceans Campaign v.

North Pacific fishery managers, however, have rejected habitat protections where the benefit to doing so cannot be expressed in direct economic terms; and they have done this despite the ever-increasing body of scientific information detailing the long-term destructive nature of trawling on marine habitats.³⁰ Historically, this was due in large part to a lack of legal mandates to protect habitat and to the unique decision making structure of fishery management in the United States—where industry dominated “regional fishery management councils” are empowered to craft regulations for their own industry.³¹ The National Marine Fisheries Service (NMFS), which sits essentially adjacent to the management councils, is legally handicapped when it comes to crafting, promulgating, and implementing fishery management regulations.³² Thus, NMFS is unable to offer the federal oversight necessary to police the decision-making process for improper influence.³³

II. STEAMING TO WASHINGTON

In the mid-1990s, marine conservationists descended *en masse* on Washington, D.C. to ensure that their voices were heard by Congress as it stood poised to reauthorize the Magnuson Fishery Conservation and Management Act.³⁴ After years of frustration, the conservationists had

Daley, 183 F. Supp. 2d 1 (D.D.C. 2000) (No. 99-CV-982) [hereinafter Am. Oceans Campaign Admin. R.]; *see also* ALASKA GROUND FISH FISHERIES DPSEIS, *supra* note 20, at ES-21 fig.ES-2 (highlighting areas in the North Pacific that restrict trawling).

³⁰. MARINE CONSERVATION BIOLOGY INST., *supra* note 11.

³¹. *See* 16 U.S.C. § 1852(h) (2000) (authorizing Regional Fishery Management Councils to prepare “a fishery management plan” for fisheries that “require[] conservation and management”); *see also* JOSH EAGLE ET AL., TAKING STOCK OF THE REGIONAL FISHERY MANAGEMENT COUNCILS 21 (2003) (noting that the “councils are dominated by fishing industry representatives and, as a result, do not enjoy the diversity of perspective necessary for good decision-making”), *available at* http://www.pewtrust.com/pdf/pew_science_taking_stock.pdf; Teresa M. Cloutier, *Conflicts of Interest on Regional Fishery Management Councils: Corruption or Cooperative Management?*, 2 OCEAN & COASTAL L.J. 101, 102, 132 n.176 (1996) (discussing allegations of improper industry influence in management decisions and outlining the process and roles of interested parties in proposing regulations).

³². *See* 16 U.S.C. §§ 1852 (establishing regional fishery management councils and decisionmaking structure), 1854 (establishing procedures for review of fishery management plans or plan amendments by the Secretary); *see also* JOSH EAGLE ET AL., *supra* note 23, at 32 (reporting that while “in theory [NMFS] enjoys the authority to oversee the councils, the procedures established by the Magnuson-Stevens Act make it difficult for NMFS to execute this authority effectively”).

³³. In 2003, one group of researchers determined that NMFS disapproved of “only one in every 250 measures” and concluded that NMFS deferential approach to the regional councils does not adequately remedy “concerns” about management decisions. EAGLE ET AL., *supra* note 23, at 21, 32.

³⁴. Magnuson Fishery Conservation Act of 1976, Pub. L. No. 94-265, 90 Stat. 331 (1976) (codified as amended at 16 U.S.C. §§ 1801–1883 (2000)). The Magnuson Fishery Conservation Act was originally entitled the Fishery Conservation and Management Act of 1976, but was renamed, as named *supra*, in 1980. American Fisheries Promotion Act, Pub. L. No. 96-561 Title II § 238(a), 94 Stat. 3275, 3287, 3300 (1980).

been unable to achieve positive change through the existing administrative processes. The goal was to amend this fundamental fishery management law with substantive legal mandates to deal with the alarming level of overfishing, bycatch, and habitat damage plaguing U.S. fisheries.³⁵

These activists did their job well. Congress made many new conservation-oriented findings when it passed the Sustainable Fisheries Act of 1996 (SFA).³⁶ These findings included the following, which were aimed at fish habitat:

Certain stocks of fish have declined to the point where their survival is threatened, and other stocks of fish have been so substantially reduced in number that they could become similarly threatened as a consequence of . . . direct and indirect habitat losses which have resulted in a diminished capacity to support existing fishing levels.

. . . .
. . . .

A national program for the conservation and management of the fishery resources of the United States is necessary . . . to facilitate long-term protection of essential fish habitats

. . . .
. . . .

One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.³⁷

Based on these findings, Congress declared that a new purpose of the Magnuson Act is “to promote the protection of essential fish habitat in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.”³⁸ Ironically, in light of the events described below, Congress also renamed the Magnuson Fishery Conservation Act as the Magnuson-Stevens Fishery Conservation and Management Act

³⁵ S. REP. NO. 104-276, at 1 (1996), *reprinted in* 1996 U.S.C.C.A.N. 4073, 4073–74. While marine conservationists were certainly concerned about the heavily tilted fishery management playing field, the primary focus of the reauthorization effort was on enacting substantive legal standards governing the decisions of the regional councils and NMFS. *Id.* See also Marian Macpherson, *Integrating Ecosystem Management Approaches into Federal Fishery Management Through the Magnuson-Stevens Fishery Conservation and Management Act*, 6 OCEAN & COASTAL L.J. 1, 12 (2001) (providing background on events leading up to the passage of the Sustainable Fisheries Act of 1996).

³⁶ Sustainable Fisheries Act of 1996, Pub. L. No. 104-297, 110 Stat. 3559 (1996) (codified at scattered sections of 16 U.S.C.). The SFA reauthorized and amended the Magnuson Fishery Conservation Act and was the source of the new conservation-minded provisions. Macpherson, *supra* note 27, at 12 (“the SFA represented a true paradigm shift away from viewing fish as a resource for extraction to fish as a component of a larger ecological system”).

³⁷ 16 U.S.C. § 1801(a)(2), (6), (9).

³⁸ 16 U.S.C. § 1801(b)(7).

(Magnuson-Stevens Act) to honor Alaska’s long-time Senator Ted Stevens.³⁹

In order to implement the new system, Congress mandated that fishery managers include provisions within all fishery management plans that “describe and identify essential fish habitat [EFH] for the fishery based on the guidelines established by the Secretary under [the Act], minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat[.]”⁴⁰ This is the “action standard” that the regional councils and NMFS must meet. Aware of the fishery managers’ historic proclivity for delay, Congress also gave the Councils two years to submit EFH amendments for fishery management plans to NMFS.⁴¹

The definition of “essential fish habitat” delineates the scope of habitat protections under the Magnuson-Stevens Act.⁴² Congress defined this term expansively as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity.”⁴³ Notably, Congress also broadly defined the term “fish” to include “finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.”⁴⁴

III. FISH HAVE NO SAFE HARBORS

Despite congressional passage of this new landmark conservation law, EFH provisions have wallowed in the decisionmaking process in most of the eight fishery management regions in the country, repeatedly bouncing back-and-forth between the Councils and NMFS.⁴⁵ As a result, the councils have not instituted any meaningful amendments on EFH.⁴⁶ The North Pacific Council is no different.⁴⁷

In the North Pacific, NMFS focused almost exclusively on the designation and description of EFH, while deferring detailed consideration of the impacts of fishing on habitat—as well as measures to mitigate those impacts—until some undetermined second-stage to take place after the 1998 statutory deadline.⁴⁸ NMFS was clearly aware of its obligation under the law to assess

³⁹. Department of Commerce and Related Agencies Appropriations Act, 1997, Pub. L. No. 104-208 § 211(a) & (b), 110 Stat. 3009-32, 3009-41 (1996).

⁴⁰. 16 U.S.C. § 1853(a)(7).

⁴¹. SFA, § 303(b), 16 U.S.C. § 1853 note (2000). Section 303(b) reads: “Not later than 24 months after the date of enactment of this Act, each Regional Fishery Management Council shall submit to the Secretary of Commerce amendments to each fishery management plan under its authority to comply with the amendments made in subsection (a) of [section 1853].” Recall that the SFA was enacted on October 11, 1996. SFA, Pub. L. No. 104-297, 110 Stat. 3559, 3559 (1996).

⁴². 16 U.S.C. § 1802(10) (2000).

⁴³. 16 U.S.C. § 1802(10).

⁴⁴. 16 U.S.C. § 1802(12).

⁴⁵. *See Am. Oceans Campaign v. Daly*, 183 F. Supp. 2d 1, 5–9 (D.D.C. 2000) (explaining EFH implementation activities in five fishery management councils).

⁴⁶. *Id.* at 5 (stating that “none [of the councils] adopted measures that would restrict fishing gear . . . to minimize adverse effects of fishing related activities on EFH”).

⁴⁷. *Id.* at 8–9.

⁴⁸. *Id.* at 8. “The NPFMC [North Pacific Fishery Management Council] decided early on to defer consideration of fishing gear assessment and management measures until completion of the identification of EFHs.” *Id.*

the impacts of fishing on habitat, and to take action to reduce those impacts.⁴⁹

The Alaska Region of NMFS, however, in close consultation with the North Pacific Council, made a deliberate decision to craft a two-stage process in which they would not attempt to comply with the provisions of the SFA requiring fish management plans (FMPs) to minimize the impact of fishing gear on EFH within the statutory deadline.⁵⁰ The North Pacific Council staffer on NMFS's EFH Team wrote the following description of the process:

I will (again) strongly advise the core team against recommending additional measures (in addition to the sitka [sic] reserve) at this time to minimize potential impacts of fishing gear. Our game plan, as laid out in the action memo and tasking plan, was approved by the Council and has gone through the public review process. In that tasking plan, we clearly spelled out that this was a two-phase process; first to identify EFH, then after to amend the FMP to minimize effects to the extent practicable.⁵¹

The "tasking plan" explains this decision with alarming candor:

While the Magnuson-Stevens Act requires that FMPs include management measures that minimize adverse effects [of fishing] to the extent practicable, adding management measures is going to require considerable economic work. Therefore, it could be argued . . . that those measures will not be proposed in this first go around on EFH by October 1998, but must wait until after the EFH has been identified and approved by the Council. We simply will not have time to draft highly contentious regulatory or plan amendments on something as controversial as trawling in the [Bering Sea] in time for approval for June 1998. And it should not be done anyway, until all the information on what really constitutes EFH is compiled.⁵²

This decision was in all likelihood a product of the North Pacific Council's attitude towards EFH. From the beginning, NMFS staffers got the message from the Council that habitat was not a priority,⁵³ that it did not believe it had "any work to do in implementing EFH,"⁵⁴ and that the

⁴⁹. See, e.g., Essential Fish Habitat Amendment: Updated Tasking Plan 1, 7 (June 26, 1997), in Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A138 ("the Magnuson-Stevens Act requires that FMPs include management measures that minimize adverse effects [of fishing] to the extent practicable."); see also *infra* notes ___-___ and accompanying text.

⁵⁰. E-mail from David Witherell, NMFS, to Cindy Hartmann et al., NMFS, Re. EFH Fishing Threats Comments! 1 (Mar. 11, 1998), in Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A281; see also 16 U.S.C. § 1853(a)(7) (2000) (pertaining to EFH requirements).

⁵¹. E-mail from David Witherell, NMFS, to Cindy Hartmann et al., NMFS, Re. EFH Fishing Threats Comments! 1 (Mar. 11, 1998), in Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A281.

⁵². Essential Fish Habitat Amendment, Updated Tasking Plan 1, 7 (June 26, 1997), in Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A138.

⁵³. E-mail from Cindy Hartmann, NMFS, to Lowell Fritz et al., NMFS, Re. Meeting Report with NPFMC 1-2 (Nov. 14, 1996), in Am. Oceans Campaign Admin. R.,

measures taken prior to passage of the SFA amendments largely satisfied its obligations to protect habitat from the impacts of fishing.⁵⁵

Following this decision, staffers from NMFS Headquarters noted the importance of regulating the effects of bottom trawl gear on habitat:

First let me say that this is one of the most politically important parts of EFH. There is a great deal of interest in this section in the environmental community and on the Hill. I have personally listened to Senator Ted Stevens, Chairman of the Senate Appropriations [sic] Committee, go on for 10 minutes on this. He said that this is why Congress passed EFH.⁵⁶

Despite this overt acknowledgement, when the initial plan came out, the analysis of fishing impacts was very general, and proposed no new measures to reduce the impact of fishing on habitat.⁵⁷ Numerous public parties sent comments critiquing the plan to the Alaska regional office of NMFS, pointing out that it was deficient in proposing new measures to reduce the impact of fishing on habitat.⁵⁸

When asked at a public meeting why NMFS was not taking measures to protect EFH in the FMP amendment, NMFS staff defended their decision by claiming that “the actual mandate by

supra note 21, at Doc., A85 (“Habitat has not been a strong management issue for this Council.”).

⁵⁴. Memorandum from Steve Zimmerman, Chief, Protected Res. Mgmt. Div. NMFS, to Steve Pennoyer, NMFS Adm’r, Alaska Region, Re. Budget and Staffing Proposal to Implement EFH and NHP 4 (Jan. 8, 1996 [sic] (should read 1997)), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A103.

⁵⁵. E-mail from David Witherell, NMFS, to Cindy Hartmann et al., NMFS, Re. EFH Fishing Threat Comments! 1 (Mar. 11, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A281 (writing that the Northern Pacific Fisheries Council “had implemented the EFH concept well before it ever became part of the [Magnuson-Stevens Act]”).

⁵⁶. E-mail from Lee Crockett, NMFS–6, to Russell Bellmer, National Oceanic and Atmospheric Administration (NOAA), Re. Comments of drafts threats section 3 (Mar. 6, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A279. This particular statement also serves to emphasize the central role played by Senator Stevens in the habitat protection provisions of the SFA. *Id.*

⁵⁷. Essential Fish Habitat Amendment: Updated Tasking Plan 1, 7 (June 26, 1997), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A138.

⁵⁸. *See, e.g.*, Letter from Mason D. Bryant, President, Alaska Chapter, American Fisheries Society, to Steven Pennoyer, Adm’r, Alaska Region NMFS 1, 2 (Apr. 27, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A341 (detailing their concern with the lack of information on “threats from fishing and non-fishing activities” and habitat protection)); E-mail from Nina Mollett, NMFS, to Lori Gravel, NMFS 1 (June 16, 1999), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A571 (submitting late comments of The Marine Fish Conservation Network & American Oceans Campaign to Sue Salvesson, NMFS, outlining concerns that the environmental assessment fails to protect against adverse impacts to fish habitat)).

Congress doesn't call for proactive measures per se at this time."⁵⁹ Subsequently, one member of the public disagreed with this conclusion, explaining that the law does in fact call for protective measures within the statutory period.⁶⁰ In the course of further questioning, a NMFS staffer explained the two-step process described above and admitted that neither NMFS nor the Council intended to comply with the law's mandate within the statutory period.⁶¹

A NMFS staffer from Headquarters noted the absence of any analysis regarding the impacts on habitat from fishing gear and the necessity for instituting protective measures:

Unless an analysis is presented here or previously in the amendment and referred to, it would be difficult for anyone to evaluate the validity of the statement that the need for other protective measures, in addition to the Sitka closure, was not demonstrated from a review of the best scientific information available during development of the EFH FMP.⁶²

Despite these comments, the document changed very little and the version that went to the Secretary for approval contained no new measures to minimize the effects of fishing on habitat. NMFS Headquarters summarily approved the amendment.⁶³

IV. HARD PORT IN THE JUDICIARY

This recitation of how the EFH mandate had (or rather, had not) been implemented in the North Pacific illustrates the extremes to which NMFS and the Councils will go to avoid their legal duties. Marine conservationists, exhausted by the administrative shenanigans, next went to court for relief. The plaintiffs, a collaboration of environmental groups, filed their lawsuit in the United

⁵⁹. Questions and Responses at the NMFS Public Meeting on the EFH Draft Recommendations, Anchorage Hilton, Anchorage, Alaska 1, 43 (Apr. 22, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A338.

⁶⁰. *Id.* at 44.

⁶¹. *Id.* at 45–46.

⁶². E-mail from James Thomas, NMFS–1, to Stephen Waste et al., NMFS, Re. Review of Amendments 1 (Apr. 27, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A342, at 1; *see also* E-mail and attached memorandum from James Burgess, NMFS, to Steven Pennoyer et al., NMFS regarding F/HC Comments on Alaska Regional Draft Report on the Identification and Description of EFH for the FMPs of the NPFMC (May 1, 1998), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A348, at 4 (“[t]he detailed summary of [habitat protections] already in place needs to be balanced with more explanation of new measures.”)).

⁶³. Notice of Approval of Amendments for Addressing EFH Requirements, 64 Fed. Reg. 20,216, 20,216 (Apr. 26, 1999) (noting that the NMFS Regional Administrator for Alaska approved the EFH amendments on January 20, 1999); Memorandum from Garry F. Mayer, Office of Habitat Conservation, NMFS, to Rolland A. Schmitt, Assistant Adm'r for Fisheries, NMFS, Re. F/HC Comments on the NPFMC EFH Amendments 1, 1 (Jan. 19, 1999), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A535; Memorandum from Steven Pennoyer, Administrator, Alaska Region NMFS, to Rolland A. Schmitt, Assistant Adm'r for Fisheries, NMFS, Re. Approval of EFH Amendments to North Pacific Fishery Management Council FMPs 1 (Jan. 20, 1999), *in* Am. Oceans Campaign Admin. R., *supra* note 21, at Doc., A539.

States District Court for the District of Columbia against NMFS for failing to implement the essential fish habitat provisions of the Magnuson-Stevens Act.⁶⁴

The plaintiffs alleged that NMFS was approving EFH fishery management plan amendments that did not comply with the Magnuson-Stevens Act.⁶⁵ The plaintiffs also contended that NMFS was violating the National Environmental Policy Act (NEPA) by approving these amendments without conducting adequate environmental impact analyses.⁶⁶

In deciding the first claim, the court stated that “[p]laintiffs [were] correct that the [Magnuson-Stevens Act] prohibits the two-step approach that [some of the councils] adopted.”⁶⁷ Yet, in spite of this holding on the meaning of the law, the court upheld the Agency’s actions by deferring to the Agency’s protestations that it had “limited scientific information” and already had protective measures in place.⁶⁸

At the same time, the court did find that NMFS was in violation of NEPA, stating that:

It does not appear that NMFS took a “hard look” at the problem with respect to any of the [environmental assessments (EAs)]. There is no substantive discussion of how fishing practices and gear may damage corals, disrupt fish habitat, and destroy benthic life that helps support healthy fish population. . . . There is only a minimal or vague discussion of the actual environmental consequences and impacts on the designated EFHs. In several of the EAs, NMFS simply states that no data is available, and therefore it cannot assess the environmental impact. Several EAs merely note that further action is deferred to future amendments.⁶⁹

The court then ordered the Agency to prepare new environmental impact assessments for the EFH amendments.⁷⁰

Conservationists (or at least their attorneys, of whom the author was one) were certainly perplexed at how the court could reach a ruling against them on the substantive Magnuson-Stevens Act claim and in their favor on the more procedural NEPA claim using, what was in essence, the same rather egregious set of facts. The split ruling also made appeal options more difficult.⁷¹ Nevertheless, faced with the reality of initiating comprehensive EFH-related NEPA

⁶⁴. *Am. Oceans Campaign v. Daley*, 183 F. Supp. 2d 1, 9 (D.D.C. 2000).

⁶⁵. *Id.*

⁶⁶. *See id.* (noting that plaintiffs’ “second claim is that the [defendants] violated the National Environmental Policy Act (NEPA) by performing limited, inadequate Environmental Assessments (‘EA’) for each of the Amendments, rather than full Environmental Impact Statements (‘EIS’)”); *see also* National Environmental Policy Act of 1969 § 102, 42 U.S.C. § 4332(d)(C) (2000).

⁶⁷. *Am. Oceans Campaign*, 183 F. Supp. 2d at 15 n.5.

⁶⁸. *Id.*

⁶⁹. *Id.* at 20.

⁷⁰. *Id.* at 21.

⁷¹. *See* FED. R. CIV. P. 54(b) (2000) (stating that in the absence of an “express determination” of a final judgment as to one or more the claims an “order or other decision . . . which adjudicated fewer than all of the claims . . . shall not terminate the action as to any of the claims or parties”). Note that the United States Courts of Appeals only “have jurisdiction of appeals from . . . *final* decisions of the district courts of the United States.” 28 U.S.C. § 1291 (2000) (emphasis added).

processes throughout the country under the court's order, NMFS agreed to a specific nation-wide EFH amendment implementation schedule, which aimed for final decisions to be made in 2004.⁷²

V. ADJUST COURSE BACK TO THE AGENCY

The court's order requires NMFS to correct its earlier missteps. Under the schedule stipulated to by the parties and approved by the court,⁷³ however, NMFS will not comply with the EFH provisions of the SFA until at least six years after the statutory deadline.⁷⁴ All the while, habitat destruction continues.

After some initial bickering, it publicly appeared that the Alaska region of NMFS and the North Pacific Fisheries Council were finally going to take seriously their legal obligations. First, on June 6, 2001 NMFS initiated an environmental impact statement (EIS) process for an EFH amendment.⁷⁵ Second, on January 10, 2002, NMFS published a range of six alternatives and requested public comment on those alternatives.⁷⁶ Third, in January of 2004, NMFS published the *Draft Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska* and requested comments.⁷⁷

Fishery managers identified six alternatives.⁷⁸ Alternative one proposed to continue the status quo, meaning that no additional measures would be implemented to minimize the effects of fishing on EFH.⁷⁹ In contrast, alternative six defined the opposite end of the spectrum, proposing

⁷². See Joint Stipulation & Order at Attach.1 (Dec. 17, 2001), *Am. Oceans Campaign v. Evans*, 183 F. Supp. 2d 1 (D.D.C. 2001) (No. 99-982 GK) (setting forth the schedule for EFH environmental impact statements).

⁷³. *Id.* at 3 (“NMFS will prepare the EISs pursuant to this Joint Stipulation and Order in accordance with the schedule attached hereto as Attachment 1.”).

⁷⁴. Recall that the SFA required the Councils to submit amendments to their FMPs to comply with the new provisions in section 1853(a) by October of 1998, SFA, § 303(b), 16 U.S.C. § 1853 note (2000), and that the schedule agreed to by the parties pursuant to the courts decision in *Am. Oceans Campaign* requires NMFS to issue a final EFH EIS in 2004. Joint Stipulation & Order at Attach.1 (Dec. 17, 2001), *Am. Oceans Campaign v. Evans*, 183 F. Supp. 2d 1 (D.D.C. 2001) (No. 99-982 GK).

⁷⁵. Notice of Intent to Prepare a Supplemental EIS, 66 Fed. Reg. 30,396, 30,397 (June 6, 2001).

⁷⁶. Notice of Preliminary Alternative Approached for EFH and Habitat Areas of Concern for Groundfish Fisheries of the Bering Sea and Aleutian Islands Area and the Gulf of Alaska, 67 Fed. Reg. 1325, 1325–26 (Jan. 10, 2002).

⁷⁷. Notice of Availability of EISs, 69 Fed. Reg. 2593, 2594 (Jan. 16, 2004); NMFS, U.S. DEP'T OF COMMERCE, DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR ESSENTIAL FISH HABITAT IDENTIFICATION AND CONSERVATION IN ALASKA, at ES-1 (2004) [hereinafter NMFS, DEIS FOR ALASKA EFH]. The entire Draft Environmental Impact Statement (DEIS) can be viewed and downloaded from the NMFS Alaska Region Website. See Alaska Region, NMFS, Alaska Essential Fish Habitat Identification and Conservation, at <http://www.fakr.noaa.gov/habitat/seis/efheis.htm> (last visited Jan. 17, 2004).

⁷⁸. NMFS, DEIS FOR ALASKA EFH, *supra* note 72, at ES-6 to -8. The DEIS lists only six alternatives, but there are actually seven different alternatives as Alternative 5 is divided into two alternatives, 5A and 5B. *Id.* at ES-7.

⁷⁹. *Id.* at ES-6, 2-51.

to close substantial portions of marine waters to all gear that touches the bottom, including bottom trawl gear, pelagic (mid-water) trawl gear that actually touches the bottom (a not uncommon occurrence), pots, longlines, and dredges.⁸⁰ The remaining alternatives fell somewhere in between these two.⁸¹ Marine conservationists generally supported Alternative 5B,⁸² which proposes to close areas where, for example, there is high bycatch of coral and sponge at the same time as there is low-catch per unit effort of target fish species.⁸³

VI. RIDERS AND THE STORM

Senator Stevens then stepped back into the picture. He added four North Pacific fisheries-related “riders” onto the fiscal year 2004 spending bill for the Departments of Commerce, Justice, and State.⁸⁴ These riders included one that would have prohibited NMFS from spending any money in the North Pacific to implement the habitat protection provisions of the Magnuson-Stevens Act:

MARINE DESIGNATION CLARIFICATION. None of the funds appropriated under this Act or any other Act hereafter enacted may be used to implement 16 U.S.C. Sections 1853(a)(7) and 1855(b) and Executive Order 13158 with respect to any fisheries under the jurisdiction of the North Pacific Council, until the Magnuson-Stevens Fishery Conservation and Management Act is reauthorized.⁸⁵

The habitat rider went directly against Senator Stevens’s oft-stated support for the regional fishery management council administrative system. It was, after all, Senator Stevens, together with Senators Kerry and Murkowski, who introduced the Sustainable Fisheries Act in the Senate and then later introduced an amendment that supplied the language for the provision on EFH.⁸⁶

⁸⁰ *Id.* at ES-8, 2-57.

⁸¹ *See id.* at ES-6 to -7, 2-51 to -57 (providing details of Alternatives 2 through 5).

⁸² *See, e.g.,* Alaska Marine Conservation Council, *Essential Fish Habitat: North Pacific Fishery Managers Vote Against Curtailing Bottom Trawling in Essential Fish Habitat* (n.d.) (supporting Alternative 5B), available at <http://www.akmarine.org/ourwork/efh.shtml> (last visited Jan. 22, 2004); Press Release, Oceana, Oceana’s Aleutian Coral Protection Proposal Adopted by North Pacific Fisheries Council (Apr. 9, 2003) (supporting Alternative 5B), available at <http://www.oceana.org/index.cfm?sectionID=10&fuseaction=35.detail&pressreleaseID=91>.

⁸³ NMFS, DEIS FOR ALASKA EFH, *supra* note 72, at ES-7, 2-55 to 57.

⁸⁴ S. 1585, 108th Cong. §§ 901–904 (2003).

⁸⁵ *Id.* § 902; *see also* Executive Order No. 13158, 3 C.F.R. 273, 273–76 (2001), *reprinted in* 16 U.S.C.A. § 1431 notes (West Supp. 200_) (pertaining to Marine Protected Areas).

⁸⁶ Senators Stevens, Kerry, and Murkowski introduced the Sustainable Fisheries Act in the Senate on January 4, 1995. S. REP. NO. 104-276, at 4 (1996), *reprinted in* 1996 U.S.C.C.A.N. 4073, _____. On September 18, 1996, Senator Stevens, together with Senator Kerry, proposed Amendment No. 5382, which, in part, substituted the proposed language on essential fish habitat in the bill as introduced on January 4, 1995 with the language that subsequently became section 1853(a)(7). *Compare* 142 CONG. REC. S10844, S10848 (Sept. 18, 1996), *with* 16 U.S.C. § 1853(7) (2000); *see also* 142

More recently, in response to the May 2003 release of the Pew Oceans Commission Report entitled *America's Living Oceans*,⁸⁷ Senator Stevens stated that he was "very troubled by the apparent attacks on the Council system."⁸⁸

There has of course been a great deal of speculation as to why the Senator inserted the habitat rider, and the other three fisheries related riders, in what was seen as a "must-pass spending bill."⁸⁹ Senator Stevens himself was generally silent on why he took this rather drastic action.⁹⁰

Senator Stevens' silence, however, did not go "unheard" by the North Pacific Council. In October 2003, the Council chose Alternative 1—the status quo alternative—as its preferred alternative for minimizing the effects of fishing on EFH.⁹¹ And, as if the Council's preliminary decision not to do anything to protect EFH was not enough, it went further and asserted that it would like to *decrease* the amount of area designated as EFH in the North Pacific.⁹² Stevens thereafter dropped his EFH rider from the appropriations bills, stating that he was "satisfied with the direction the agency was taking - allowing bottom trawling and other fishing to continue as is."⁹³ His withdrawal of the rider in this context and with these comments suggests that his intent in pursuing the rider was to strong-arm the agency into doing nothing to protect EFH.

As troubling is the possibility that Senator Stevens' fisheries-related riders mark his desire to roll back progress made by the marine conservationists in 1996. Senator Stevens sits on the

CONG. REC. S10907, S10907 (Sept. 19, 1996) (confirming request made by Senator Stevens to print a summary of Amendment No. 5382 in the record and setting forth brief background on EFH).

⁸⁷. See PEW OCEANS COMM'N, *supra* note 1, at ___ (calling for the protection of EFH and sustainable fishing practices).

⁸⁸. Press Release, Senator Stevens, Stevens Comments on Pew Ocean Commission Report (June 4, 2003), *available at* <http://stevens.senate.gov/pr060403.htm>. See also text accompanying *supra* note 50.

⁸⁹. For example, the fact that the Senator's son, the Majority Leader in the Alaskan state Senate, works for some of the interests that stand to gain if the riders were to pass into law has not gone unnoticed. See Hal Bernton, *Crab Group Hires Son of Alaska Senator*, SEATTLE TIMES, Oct. 15, 2003, at B4 (discussing Alaska State Senator Ben Stevens' relationship with the North Pacific Crab Association); Charles Pope, *Alaska's 'SOB' Just May Get Crab Bill Passed*, SEATTLE POST-INTELLIGENCER, Oct. 29, 2003, at A13 (noting that Senator Stevens' son "is a lobbyist for the North Pacific Crab Association, which is largely underwritten by big processing companies based in Seattle"); *Crab Cartels: Stevens Pushes Plan that Gives Processors Too Much Market Power*, ANCHORAGE DAILY NEWS, Sept. 16, 2003, at B-4.

⁹⁰. See, e.g., Marty Coyne, *Stevens Pushing for Controversial Fish Habitat Language*, ENV'T & ENERGY DAILY (Oct. 22, 2003) (noting that Senator Stevens has not commented on the issue), *available at* 10/22/03 EEP-EED art. 4 (Westlaw).

⁹¹. NORTH PACIFIC FISHERY MGMT. COUNCIL, NEWS & NOTES 3 (Oct. 2003), *available at* <http://www.fakr.noaa.gov/npfmc/newsletters/1003news.pdf>; see also Associated Press, *NMFS Takes Testimony on Proposed Trawling Policy*, ANCHORAGE DAILY NEWS, Jan. 16, 2004 (reporting the Council's decision to stick with existing restrictions), *at* 1/17/04 APWIRES 03:00:44 (Westlaw).

⁹². Associated Press, *NMFS Takes Testimony on Proposed Trawling Policy*, *supra* note 87.

⁹³. *Id.*

U.S. Senate Commerce Committee, which has jurisdiction over fishery management. He has already expressed his strong interest in presiding over the reauthorization of the Magnuson-Stevens Act under his watch.⁹⁴ In the center of the reauthorization debate, Stevens would be well positioned to lead more direct attacks on the important conservation gains of the SFA.

Consequently, over seven years after the passage of the Sustainable Fisheries Act and five years after Congress mandated that EFH-specific amendments be included within FMPs, no such amendments have taken place in the North Pacific.⁹⁵

VII. A MAP FOR THE FUTURE

This story of the continuing destruction of sensitive marine habitats in the North Pacific is but one example of the difficulties of preserving marine ecosystems. Significant change in the management system is clearly necessary.

The first actions, unfortunately, likely will require significant defensive work to preserve the conservation mandates of the 1996 SFA. Given Senator Stevens' recent anti-conservation actions, and stated intent to revisit some of the seminal decisions made in 1996,⁹⁶ a significant battle can be expected when Congress takes up the reauthorization of the Magnuson-Stevens Act.

And yet, we cannot be satisfied with merely defending previous legislative gains when the situation on and in the water continues to devolve.⁹⁷ As Americans, we must stand up now, before it truly is too late, and say "no more" to government-sanctioned harm to our oceans. We must commit to a new vision for managing human interactions with our oceans.

In 1969, the Stratton Commission undertook the first comprehensive review of U.S. ocean policy.⁹⁸ Its recommendations provided the seeds for a new framework of laws designed to ensure the "full and wise use of the marine environment."⁹⁹ These laws we now know as the Magnuson-Stevens Act,¹⁰⁰ Marine Mammal Protection Act,¹⁰¹ Coastal Zone Management Act¹⁰² and others, which aimed to deal with the marine ecosystem on issue-specific bases.¹⁰³

⁹⁴. Press Release, Senator Stevens, Senator Stevens' Statement Key Note Address to the "Managing Our Nation's Fisheries" Conference (Nov. 14, 2003) [hereinafter Senator Stevens Key Note Address], *available at* <http://www.stevens.senate.gov/pr111403.htm>.

⁹⁵. See discussion *supra* Parts V–VI.

⁹⁶. Senator Stevens Key Note Address, *supra* note 91 ("I am hopeful that we will start a national review of the Magnuson/Stevens Act.").

⁹⁷. PEW OCEANS COMM'N, *supra* note 1, at v ("America's Oceans are in crisis and the stakes could not be higher."). For a more detailed discussion of the evidence supporting the Commission's conclusion and a discussion of threats to the ocean's health, see PEW OCEANS COMM'N, *supra* note 1, v–viii, 35–72.

⁹⁸. COMM'N ON MARINE SCIENCE, ENG'G & RES., OUR NATION AND THE SEA: A PLAN FOR NATIONAL ACTION (1969) [hereinafter OUR NATION AND THE SEA], *at* <http://www.lib.noaa.gov/edocs/stratton/title.html>.

⁹⁹. PEW OCEANS COMM'N, *supra* note 1, at vii (quoting OUR NATION AND THE SEA, *supra* note at 96, 230).

¹⁰⁰. Magnuson-Stevens Act, 16 U.S.C. §§ 1801–1883 (2000).

¹⁰¹. Marine Mammal Protection Act of 1972, 16 U.S.C. §§ 1361–1407 (2000).

¹⁰². Coastal Zone Management Act of 1972, 16 U.S.C. §§ 1451–1465 (2000).

¹⁰³. PEW OCEANS COMM'N, *supra* note 1, at vii, 7.

Over thirty years after the Stratton Commission report, the Pew Oceans Commission was created to once again conduct a comprehensive review of U.S. ocean policy.¹⁰⁴ The Commission was formed in recognition of the new problems facing us today “to identify policies and practices necessary to restore and protect living marine resources in [the United States].”¹⁰⁵ The Pew Commission spent years gathering data on the problems facing a healthy and diverse marine environment.¹⁰⁶ In the end, it concluded that the United States “needs to ensure healthy, productive, and resilient marine ecosystems for present and future generations.”¹⁰⁷

To do this, the Pew Commission felt that we must: “[C]hange our perspective and extend an ethic of stewardship and responsibility toward the oceans. . . . [W]e must treat our oceans as a public trust. . . . National ocean policy and governance must be realigned to reflect and apply principles of ecosystem health and integrity, sustainability and precaution.”¹⁰⁸

The Pew Commission also came to the conclusion that the United States must develop new institutions to govern our relationship with the oceans.¹⁰⁹ Consequently, it recommended that the United States:

1. Enact a National Oceans Policy Act to protect, maintain, and restore the health, integrity, resilience, and productivity of our oceans.
2. Establish regional ocean ecosystem councils to develop and implement enforceable regional ocean governance plans.
3. Establish a national system of fully protected marine reserves.
4. Establish an independent national oceans agency.
5. Establish a permanent federal interagency oceans council.¹¹⁰

Congress also recognized that Americans were demanding a wholesale reevaluation of U.S. ocean policy.¹¹¹ In response, it passed a bill to empower the President to put together a U.S. Commission on Ocean Policy to conduct an investigation and make recommendations.¹¹² The goal of the Commission’s work is to “ensure [that] our national ocean policy is coordinated, effective, and sustainable for future generations.”¹¹³

¹⁰⁴. *Id.* at viii.

¹⁰⁵. *Id.* at viii, ix.

¹⁰⁶. *See id.* at 9 (noting that the Commission was formed in 2000 and detailing its research strategy).

¹⁰⁷. *Id.* at ix. Notably, the Pew Commission also recognized that “in the long term, economic sustainability depends on ecological sustainability.” *Id.* at ix–x.

¹⁰⁸. *Id.* at x.

¹⁰⁹. *Id.*

¹¹⁰. *Id.* at x–xi.

¹¹¹. On March 29, 2000, Senator Hollings (D-S.C.) introduced the Oceans Act of 2000, S. 2327, 106th Cong. (2000), to create a national ocean commission to evaluate existing ocean management institutions and laws and to make recommendations regarding national ocean policy. 146 CONG. REC. S1912 (Mar. 29, 2000). In introducing the bill, Senator Hollings recognized a critical problem, stating, “the oceans are integral to our lives but we are not putting a priority on finding ways to learn more about them, and what they may hold for our future.” *Id.* at S1913.

¹¹². Oceans Act of 2000, Pub. L. No. 106-256, 114 Stat. 644 (2000) (codified as amended at 33 U.S.C.A. § 857–19 note (West Supp. 200_)).

¹¹³. 146 CONG. REC. S1912 (Mar. 29, 2000).

Members of the U.S. Commission recently stated that they will also recommend “a fairly bold shift in the way we do ocean management across the country. We’re talking about an eco-region approach.”¹¹⁴ Similar to the Pew Commission, the U.S. Commission will call for a change from single-species focused management to one which takes the entire ecosystem into account.¹¹⁵ Notably, given the different political origins of each commission, the U.S. Commission largely agreed with the findings of the Pew Commission. As U.S. Commission member and former Administrator of the U.S. Environmental Protection Agency stated, “[f]acts are facts, and we’re operating under the same set.”¹¹⁶ A preliminary report from the U.S. Commission is due out on April 20, 2004.¹¹⁷

Hopefully, the combined weight of these two reports will provide the necessary momentum for congressional action that will begin to restore the vitality of our oceans.

CONCLUSION

Decisions about fishery management must be based on sound science and made according to set administrative procedures. Chaos results when decisionmakers disregard these two critical components. In effect, the checks-and-balances that lead to rational decisionmaking are replaced by non-uniform and well-insulated (at least from the general public) administrative and legislative action. This type of chaos was exemplified by the actions taken by NMFS, the North Pacific Council, and Senator Stevens in the story relayed above. In almost every step of the North Pacific EFH process, conflicts of interest and partisan “don’t mess with my fish” bickering, have prevented systematic, science-based, precautionary management.

A new ocean ethic expressing our overarching stewardship responsibility to protect the public trust that is our oceans would provide a foundation for saving our oceans from such dangerous and short-sighted decisionmaking.¹¹⁸ The oceans are, after all, “integral to our lives.”¹¹⁹ A revamped management regime structured to ensure that, among other things, fishery management decisions will be made consistent with this ethic is also necessary. This is the only method by which we can “preserve the ecological benefits that we require as a species and our moral obligation as the stewards of our planet.”¹²⁰

Let us work hard to ensure that we take these actions quickly, and let us hope that it is not already too late.

¹¹⁴ Welch, Experts: Oceans in Peril, Anchorage Daily News at A-1 (February 17, 2004) (quoting Marc Hershman, U.S. Commission member).

¹¹⁵ Llanos, Oceans in crisis, will Bush step up?: His expert advise landmark changes in upcoming report, MSNBC (March 15, 2004) <http://msnbc.msn.com/id/4327538/> (visited March 18, 2004).

¹¹⁶ Welch, Experts: Oceans in Peril at A-6.

¹¹⁷ See Press Statement, U.S. Commission on Ocean Policy (March 10, 2004) http://www.oceancommission.gov/newsnotices/mar10_04.html (visited March 18, 2004).

¹¹⁸ *Id.* at x, 99.

¹¹⁹ 146 CONG. REC. S1912 (Mar. 29, 2000) (statement of Senator Hollings).

¹²⁰ PEW OCEANS COMM’N, *supra* note 1, at 98.

Comment Submitted by J. David Whitaker

June 3, 2004

Recommendation 12-4. This appears to be a good idea. It is unclear if the statement “modify its current authorization and funding processes to encourage the USACE to monitor outcomes,” take some steps toward reducing the Corps current incentives to build, and gives them greater incentive to monitor effects more? The Corps offices currently make their money (for salaries, etc.) from construction projects which inspires them to build more. If this takes steps to reduce that incentive, then that is very good.

Recommendation 13-5. This recommendation indicates that DOT “should periodically assess and prioritize the nation’s future needs for ports and intermodal transportation capacity...” This is an excellent proposal which hopefully would counter the runaway enlargements of neighboring ports that are in competition for the same business. This would be better if it were more direct and state: “expansion or maintenance of existing and new ports will be allowed only if projects fit within regional and national plans that are based upon efficiency and minimizing cost to the tax payers.”

Recommendations 14-11 and 14-12. These do not appear to offer any real incentives to local governments such as not providing highway or other infrastructure funds, or denying flood insurance when not complying with BMPs for wise development.

Recommendation 14-14. This recommendation says that various governments should “explore regional approaches for managing atmospheric deposition...” This seems to be a relatively weak statement when we know the sources and what is needed to clean those sources. We should also look globally with the State Dept. working to reduce emissions in China and other developing countries. None of the recommendations for the Department of State recommendations appear to get at cleaning up the air in foreign countries. If we are to be effective in addressing mercury levels in water, greenhouse gases (sea level rise), and acid rain, we must also think on a global scale. The recommendation should specifically include increased international communication and cooperation in reducing toxic emissions. Chapter 15 mentions monitoring water quality, which is fine, but it is a given that water and air quality will continue to degrade, and we already know a great deal about sources and remedies.

Recommendation 16-11. This doesn’t sound good enough. What about extra taxes on fuel for recreational boats to encourage fuel efficiency? There are some measures in place now to require fuel efficiency in the outboard engine industry. The text suggests some environmentalists want a faster cleanup through “incentives” but no examples of incentives are offered. This would be much stronger with some examples of incentives.

Recommendation 19-1. It is appropriate to “compensate” SSC members, however it should go beyond just compensating for their time attending meetings, unless it’s understood that as much as half of their time is likely to be spent on regional fishery issues, if they are to function as described in Chapter 19. States do not have, or are having trouble keeping good stock assessment folks, probably because the pay scale for states vs. the federal is so poor. With the current budget problems, states cannot afford the luxury of having a person on staff who spends a large portion of his or her time with the Council unless that is a created, co-funded position. A person who is on state (or University) staff and state-funded, has an over-riding responsibility to the state and its work. That person will not have adequate time devote to the Council – certainly not enough to do what the Commission has proposed. A co-funded position would provide a valuable stock assessment person for the states’ use and would provide a pool of experts for regional work (that would also help bring local state knowledge) thus creating a highly qualified regional assessment team as prescribed by the Commission.

Recommendation 19-2. Seems a good plan provided there are qualified folks on the SSC (See 19-1 comments). The results will only be as good as the data available – this requires good abundance, distribution, life history, size structure and stock identification data. Nothing will improve until good basic data exist for all the species of concern.

Recommendation 19-3. Sounds good. Would suggest that the Council have the flexibility to react quicker as more is learned about species of concern, i.e., if ABCs are found to not make sense based upon newly acquired data, the Councils should be able to move quickly to make corrections.

Recommendation 19-4. This sounds pretty good. I have a concern about “a standard review, undertaken annually by regional scientists to ensure that the correct data and models are being used.” This appears to me to be too frequent unless it’s just cursory to see that the latest techniques are being employed. There aren’t many experts of that sort in all regions, and if this is done too often, it will soon become a rubber stamp process. Perhaps once every 2 to 4 years would be better.

Recommendation 19-5. Would the SSCs would be given reasonable deadlines. Again, if the SSC is to do this work, it would be a drop-what-you’re-doing demand and could be very difficult for state or University members, unless they are co-funded people who have dedicated time to do SSC work.

Recommendation 19-6. How can NMFS review a plan that has not been presented? Would this shut down multi-species fisheries if a one or two species is proving difficult? Maybe this should say the Council has six (or some number) months to develop a plan once an ABC has been provided. This would be more tangible and clear.

Recommendation 19-7. This sounds good. It would likely mean development of long-term assessment programs which would probably only be tweaked annually. Other more short-term studies would also be suggested as specific questions arise.

Recommendation 19-8. Would suggest that “shore-based and boating” be inserted to “all saltwater anglers.” This would help states get the necessary legislation. Does “priority” refer to targeting better in-season data collection.

Recommendation 19-9. This looks good. Key aspects of cooperative research, as stated, are the work must be “scientifically credible and useful to managers.” Exploratory and innovative work should not be defined simply as using recreational and commercial folks as “assessment sampling platforms.” Develop of new harvesting techniques should be included in which new methods are tried which might reduce release mortality or bycatch.

Recommendation 19-10. Good proposal

Recommendation 19-11. Virtually everything in the ocean “crosses administrative boundaries” in some manner, even if it’s only localized larval transport swash at boundaries. This could even apply to oysters and clam larvae. For some species, such as blue crab on the east coast, there is some very limited movement between states, but inter-jurisdictional management for that species may not be appropriate. Perhaps the phrase “significant portions” of a fish stock should be inserted. This could be malleable in that a small number but representing most of the spawners could be deemed significant, or a large percentage of total number of larvae or juveniles could be significant. This should be done in a manner that makes sense. Needs a lot of thought.

Recommendation 19-12. Good, about time.

Recommendation 19-13. Good.

Recommendation 19-14. Good.

Recommendation 19-15. Looks good.

Recommendation 19-16. Appears to be a good idea. Not clear if the bullets suggest priority to fisheries that provide some sort of limited access or effective control of fishing effort/investment.

Recommendation 19-17. Agree.

Recommendation 19-18. Agree.

Recommendation 19-19. Conceptually sounds good. May be too big of a project to take on when charter boats are included. This would certainly be useful for marine protected areas.

Recommendation 19-20. There is concern that the Coast Guard would not have the resources to dedicate, and that fishery stuff would take a distant back seat to other CG duties and responsibilities

Recommendation 19-21. Some clarification of essential fish habitats is badly needed. This is a good step.

Recommendation 19-22. Bycatch plans should look at promoting and developing new harvest techniques that reduce bycatch mortality; perhaps this is inherent and understood. Also, a good plan should examine current utilization of bycatch by wildlife and how that absence of bycatch could affect dependent populations. For instance, how much do sea birds depend upon shrimp bycatch? There is documentation that some bird species in the North Atlantic had significant population increases when trawl fisheries began. Additionally, marine mammals, particularly dolphin, feed to a large degree on bycatch, as do coastal sharks. A realistic assessment of these connected impacts should be in any good assessment.

Recommendation 19-23. Does “other incentives” include banning imports of illegally caught products although the World Court has not looked favorably upon such unilateral actions. However, reducing the availability of a ready market would certainly be an effective tool.

Recommendation 19-24. agree

Recommendation 19-25. agree

Recommendation 19-26. agree

Recommendation 20-3. Sounds good but needs some meat. Right now we have both agencies at the table in FERC reviews. Would seem that only one need be there providing a single voice.

Recommendation 24-4. Does this have something to do with fuel efficient cars and heating of homes. If so, this is a good move in terms of reducing green house gases.

What seems to be missing:

There appears to be no mention of any reforms to the current permitting system – specifically with regard to the Corps of Engineers and its permitting and review of permits for projects from which local Corps offices benefit. The Corps offices get operating money from charging time to building projects within the region. This encourages building projects as a way of maintaining and paying staff. There is the perception that this incentive may influence the cost/benefit analysis of these projects.

It would probably be appropriate for the Corps to get out of the permitting business and put it into the hands of EPA, and to properly fund EPA with enough staff to fulfill its mission. There is a perception that Corps environmental permitting staff may be ignored when large projects are promoted by the engineers.

There is some mention in the text of needs for international cooperation in reducing of airborne pollutants, but no recommendations specifically call for such. This should be part of a comprehensive ocean policy.

Comment Submitted by Peter Leipzig, Executive Director, Fishermen's Marketing Association

June 3, 2004

The Fishermen's Marketing Association represents commercial groundfish and shrimp trawlers in Washington, Oregon, and California and we support the use of Individual Fishermen's Quotas. We wish to provide some focused comments on the Dedicated Access Privileges section of Chapter 19: Achieving Sustainable Fisheries.

We believe that Dedicated Access Privileges (DVA's) are, and will become more so in the future, an important fisheries management tool. Management measures that improve safety, provide a better business planning environment, reduce bycatch and wastage, facilitate better marketing opportunities, and lead to increase economic yield from the resource are good management measures. DVA's can provide all of these benefits.

We agree with Recommendation 19-15, however, development and implementation of a DVA should not be required to wait until the National Marine Fisheries Service(NMFS) issues National Guidelines for DVA's. Progress in this area was halted in 1996 with the Congressional prohibition on new programs. With that expiration of the prohibition, those programs currently under development by Regional Fishery Management Councils should be allowed to continue without the imposition of ex post facto regulations or guidelines.

For the most part the list of minimum guidelines that the report presents as bullets provides adequate flexibility. However, bullet three presents an internal conflict that needs to be clarified. This point is suggesting that quota shares be assigned "for a limited period of time" to do three things: 1) reduce confusion concerning public ownership, 2) provide flexibility to managers, and 3) provide stability to fishermen for investment decisions. Limited duration of quota share does not lead to investment stability. Limited duration leads to investment instability. We believe that guidelines that require programs to make clear that quota shares are not transferring ownership of the resource and that the issuance of shares could be suspended or revoked, addresses the other concerns of this bullet without requiring limited duration.

Lastly, the last bullet would require that a referendum be held by all permitted fishermen. It is not clear whether the suggested referendum would need to pass or if it is simply an advisor vote prior to final Council action. Additionally, the scope of the pool of potential voters is not clear. "All permitted commercial fishermen" is a very large group of people, many of which have no involvement in a potential DVA fishery. Those issues aside, we do not understand why the enactment of a DVA should be subjected to a referendum. Other fishery management measures are not put-up for a vote of fishermen. If the season, catch quota, or other management measures had to be approved via a referendum we are confident that little management would exist.

Thank you for this opportunity to provide comments on this important report and hope that the issues we have raised can be addressed in the final report. If clarification or questions arise please feel free to contact me.

Comment Submitted by Robert Ovetz, PhD, Save the Leatherback Campaign Coordinator

June 2, 2004

We are encouraged by the Commission's urgent call for reforms of US fisheries and ocean policy based on ecosystem-based management principles and ratification of the United Nations Convention on Law of the Sea. However, we are concerned that attention to reforming the fishery management councils is woefully inadequate and, in the case of sea turtle conservation, longline fishing, bycatch, and human health nearly non-existent. We are also alarmed that suggested reforms to the Marine Mammal Protection Act are dangerous and destructive. Lastly, we are also surprised that the report does not recommend that the US accede to the Convention on the Conservation of Migratory Species of Wild Animals which would be invaluable for protecting sea turtles and other endangered marine species.

Our comments on the report take the form of numbered comments for recommended changes related to each of these issues in the order in which they appear in the report.

Chapter 19: Achieving Sustainable Fisheries

Comment #1 € End exemptions from federal conflict of interest laws for fisheries management councils

Your report correctly identifies serious problems with the Regional Fishery Management Councils (RFMCs) and the need for urgent reform. However, the proposed reforms would not result in fundamental reforms of the RFMCs because they fail to adequately address the RFMCs exemption from federal conflict of interest laws. The MagnusonStevens Fishery Conservation and Management Act and related statutes must be amended to end the exemption of the RFMCs from the 1972 Federal Advisory Committee Act. Simply training new RFMC members regarding the Administrative Procedures Act is not enough as long as they continue to receive a blanket exemption to laws prohibiting conflicts of interest. Without ending the exemption, RFMC members will never be held legally accountable for their conflicts of interest and poor management decisions that may be based more on financial interest than conservation.

Comment #2 € Specifically require that a certain number of RFMC seats be reserved for representatives of the conservation, consumer and scientific communities.

Recommendation 1912 recommends that governors recommend two members of the "general public" in its slate of recommendations for RFMC seats. This recommendation is not enough to ensure that representatives of the conservation, consumer and scientist communities be considered in a pool of candidates for RFMC seats. Their participation must be made mandatory. The "general public" is too vague and subject to continued abuse.

Comment #3 € RFMC members should be screened and trained for their knowledge in the precautionary principle, ecosystem-based management principles and other conservation issues.

Recommendation 1914 recommends that RFMC members receive training in "a variety of topics including: fishery science and basic stock assessment; social science and fishery economics; the legal requirements of the MagnusonStevens Fishery Conservation and Management Act, the National Environmental Policy Act, the Administrative Procedures Act, and other relevant laws or regulations; conflict of interest policies for RFMC members; and the public process involved in developing fishery management plans." (p. 232) Paradoxically, none of these require knowledge of or training in the precautionary principle or ecosystem-based management principles which the Commission recommends. In addition, unless the Commission recommends ending the exemption from federal conflict of interest laws, there will not be a "conflict of interest policies for RFMC members" to train them in.

Chapter 20: Protecting Marine Mammals and Endangered Marine Species

Comment #4 € Destructive fishing technologies such as longlining and gillnets should be banned in US waters.

Chapter 20 fails to adequately explore the threats to sea turtles and make sufficient recommendations concerning the urgent need to protect them. The failure to do so would undermine the Commission's objective of implementing an ecosystem-based fisheries management and ocean conservation.

Your report suggests that ³the threats to endangered marine species such as sea turtles and sea birds are myriad and not easily categorized.² (p. 252) However, this is incorrect. There is a vast body of scientific research into the problem of bycatch of protected and endangered marine species which has been undertaken by scientists both inside and outside NOAA Fisheries as well as in international Regional Fisheries Management Organizations. This research has pointed towards the impact of longline fishing on sea turtles and has led to court mandated closures of fishing areas.

Recent studies in the scientific journal *Nature* and a report by the Pew Charitable Trusts warn that the 100 million year old Pacific leatherback sea turtle's female nesting population has declined by about 97% over the past 23 years. A new study in the scientific journal *Ecology Letters* indicates that about 50,000 leatherbacks are caught on longlines each year worldwide and between 1,000-3,200 are killed each year as ³bycatch² by longline fishing in the Pacific alone, primarily for tuna and swordfish. Copies of these two influential studies have been attached to this letter. Indeed, longline fishing is considered to be the primary threat to the continued survival of the leatherback turtle. It is clear that the leatherback cannot continue to sustain this level of mortality and it is expected to go extinct in the Pacific within 5 to 20 years if this decline cannot be reversed.

These threats held enough weight to be used as the basis for federal legal action. A federal court banned longlining for swordfish and imposed a time area closure on longlining for tuna around Hawai'i in 1999 based on NOAA Fisheries (then the National Marine Fisheries Service) data about the bycatch of leatherback and loggerhead sea turtles and other protected species. NOAA Fisheries banned longlining on the US West Coast in February 2004 in response to the problem of bycatch of sea turtles. Simply because there may be multiple factors in the decline of species does not mean that we cannot take action to the threats that have been identified, such as longline fishing.

Comment #5 € Standardizing and speeding up the permitting process for activities that affect marine mammals will weaken the Marine Mammal Protection Act.

Recommendation 205 that the Marine Mammal Protection Act (MMPA) should be amended so as ³revise the definition of harassment to cover only activities that meaningfully disrupt behaviors that are significant to the survival and reproduction of marine mammals² would result in a flurry of new permit applications. ³What is meaningful² is too vague a standard for determining the life and death of already threatened and endangered marine mammals. Our knowledge of marine mammals grows daily with new knowledge about mating, reproduction, socialization, migration and other critical characteristics of these species.

Recommendation 206 that ³more resource intensive case-by-case permitting should be reserved for unique activities or where circumstances indicate a greater likelihood of harm to marine mammals² would also result in a flurry of new permit applications as the standards of protection from ³harassment² becomes weakened. Combined with the continuing RFMC exemption from federal conflict of interest laws, and cut-backs in resources and funding for government oversight,

the potential for abuse of the MMPA would grow exponentially putting these species at further unnecessary risk.

Furthermore, the ³programmatic permitting² called for in Recommendation 206 would further expose the MMPA to rampant abuse by transforming the permitting process from requiring careful scientific research into an automated system based on vague and limited definitions of harassment.

Chapter 23: Connecting the Oceans and Human Health

Comment #6 € More attention needs to be devoted to preventing the human consumption of contaminated seafood.

Fundamental to any report on the state of our ocean is the impact on human health. Although the title to chapter 23, ³Connecting the Oceans and Human Health,² suggests a substantial attention focused on human health, in fact the bulk of the chapter is concerned with transforming the ocean into a golden grab bag for the pharmaceutical industry. This is underscored by a comparison of the number of pages actually attributed to bioprospecting for new pharmaceuticals derived from marine life (5 pages) and those devoted to contaminated seafood (1/2 pages). Considering the wide-spread concern of both US and foreign consumers about high levels of methylmercury in swordfish, tuna and shark as well as PCBs in farmed salmon, this chapter fails to adequately address the need for reforms that can protect consumers from being poisoned by seafood.

Comment #7 € Swordfish, tuna, shark and other large predatory species should be labeled nationwide for their risk of mercury poisoning.

The US should adapt the successful model of California's Proposition 65 which requires that supermarkets clearly post health warnings about the danger of methylmercury poisoning to pregnant, expectant and nursing women and children from consuming swordfish, tuna, shark and other species into a nationwide law.

Chapter 29: Advancing International Ocean Science and Policy

Comment #8 € The US should accede to and amend the United Nations Convention on Law of the Sea.

We are encouraged by Recommendation 291. The United States should accede to the United Nations Convention on the Law of the Sea. UNCLOS is critical to ocean conservation efforts but needs to be updated to developments that have taken place since it came into force. Once it accedes, the US should amend Annex I to include sea turtles as highly migratory species accorded the protection of the convention.

Comment #9 € The US should accede to the Convention on the Conservation of Migratory Species of Wild Animals and initiate negotiations for a memorandum of understanding between relevant nations to protect and conserve sea turtles in the Pacific Ocean.

The Convention on the Conservation of Migratory Species of Wild Animals is an invaluable treaty for the international cooperation of countries in their efforts to protect and conserve highly migratory marine species such as sea turtles.

June 2, 2004

I. SEABIRD CONSERVATION SHOULD BE INCLUDED IN THE OCEAN POLICY REPORT.

Seabirds are wholly dependent on the oceans and near coastal areas. Of all the groups of birds on earth, albatrosses and petrels are perhaps the most threatened. All twenty-one albatross species are now considered to be globally threatened, facing some risk of extinction, mainly due to longline fishing. Many other species of petrels, shearwaters, and other seabirds are also globally listed as threatened with extinction. Populations of many of these birds are undergoing alarming decreases. The U.S. National Ocean Policy should consider the conservation of seabirds as an integral part of the Ocean Policy and address the conservation of seabirds. Seabirds rely on and live over and on the Earth's oceans.

Albatrosses are the largest of seabirds, with a wing span reaching more than 10' and a body mass exceeding 26 pounds. All species of albatross lay a single egg, several species breed only every second year, and most take ten years to reach sexual maturity. They have very long life spans, with some individuals living to over 60 years of age. But many are now being killed on longline fishing hooks on the world's oceans and, as a result the birds are no longer getting the chance to repopulate. Albatrosses have one of the lowest reproductive rates of any bird. The killing of an adult means that its mate will not nest for at least another year, and if a chick is being reared, that the chick will likely die. Their low productivity means Albatrosses may take many decades to recover from a population crash.

II. ALBATROSSES AND OTHER SEABIRDS ARE THREATENED WITH EXTINCTION BY OCEAN LONGLINE FISHERIES.

Mortality from longline fishing hooks is the single most serious threat to albatrosses and many species of petrels and shearwaters. The albatrosses and other seabirds try to eat the bait on longline hooks, especially during line setting, and get snagged, dragged down, and drowned. All twenty-one albatross species are now considered to be globally threatened, facing some risk of extinction.

Sixty-five species of seabirds have been recorded as killed in longline fisheries, 29 of which are listed as Globally Threatened by the IUCN/WCU. For a complete list of species: http://www.abcbirds.org/policy/seabird_report.PDF. Albatrosses are particularly vulnerable to longline mortality.

Meanwhile, longline fleets are expanding rapidly around the globe, as declines of albatrosses and other seabirds accelerate. Alaskan longliners set over 270 million hooks in 2002 and over 25 million hooks were set in the Hawaii-based longline fishery. Over one billion hooks are set globally in the world's oceans for demersal and pelagic longline fisheries.

Over 100,000 albatrosses are killed annually in longline fisheries on the world's oceans and hundreds of thousands of other seabirds die on longline hooks. Most all of these albatrosses were listed because of mortality in longline fisheries. Please go to: <http://www.savethealbatross.org.za> for more data and information.

III. REQUIRED USE OF SEABIRD MITIGATION/AVOIDANCE MEASURES WOULD RESOLVE LONGLINE MORTALITY PROBLEM.

The Ocean Policy Report should include a call for all longlining nations to require that mitigation measures are deployed where seabird bycatch occurs. Fortunately, there are cost-effective solutions to the problem of seabird bycatch. For example, a two-year NMFS/FWS funded research project to test various deterrents on Alaskan longliners showed paired streamer lines virtually eliminated all albatross and other seabird mortality, with the exception of one species of shearwater.

The Alaska study recommended that the paired streamer lines be required on all Alaskan longliners and all other bottom fishing longliners throughout the world's oceans. These lines do not diminish catch of target species (in fact, they can increase catch slightly), do not increase other types of bycatch, nor do they affect crew safety. The researchers also recommended that offal discharge over lines during setting be prohibited, that logs be kept on bycatch rates, and that development of weighted lines be supported. Other avoidance measures that can be effectively used include: thawing bait to make it sink faster, side-setting of lines, using weighted lines to make them sink faster, and using an underwater setting tube. These solutions can be a win-win proposition as fishermen benefit from the reduced cost of lost bait and catch more fish instead of seabirds.

Recent research on board Hawaiian longliners in the pelagic fishery documents the effectiveness of using side setting along with a streamer line, and at least 60 grams of weights at least one meter from each hook. Albatross and other seabird take can be nearly eliminated with these safe, inexpensive measures without decreasing fishing efficiency. The measures tested and recommended by the researchers in 2002 would eliminate all or at least 98-99% of albatross mortality.

IV. ALL LONGLINING NATIONS SHOULD BE ENCOURAGED TO IMPLEMENT THE FAO'S INTERNATIONAL PLAN OF ACTION FOR REDUCING INCIDENTAL CATCH OF SEABIRDS.

The Report should include a call for all longlining nations to implement the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA). Each nation should assess its longline fisheries for seabird bycatch and then draft a national plan of action for eliminating/reducing bycatch. The goal should be to eliminate albatross and other seabird mortality in U.S. and all longline fisheries.

Unfortunately, few nations have acted to effectively assess seabird mortality in longline fisheries and to require seabird avoidance measures to eliminate or significantly reduce seabird mortality.

Spurred by increasing evidence of global declines in seabird populations, particularly albatrosses, the United Nations Food and Agriculture Organization (FAO) acted on the seabird bycatch issue. In February 1999, the FAO Committee on Fisheries agreed on a voluntary International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA). This plan calls for each nation to assess its longline fisheries and, if it determines there is a problem, to adopt and begin implementing a National Plan of Action to reduce seabird bycatch. The IPOA incorporates technical guidelines for nations to reduce their seabird bycatch. However, participation is voluntary and only a few countries have met the original February 2001 due date for submitting complete plans to the FAO. The U.S., Japan, New Zealand, South Africa, and the Falkland Islands/Malvinas Islands have adopted National Plans of Action for Seabirds.

V. THREATS TO SEABIRDS FROM INTRODUCED MAMMALIAN PREDATORS AND OTHER SPECIES ON CRITICAL BREEDING ISLANDS MUST BE ADDRESSED.

The devastating impacts of introduced mammalian and other predators on seabirds on critical islands, where seabirds and other waterbirds breed and nest, should be addressed. The serious impacts from other invasive species, including plants, goats, and pigs destroying necessary

native vegetation and habitat also should be addressed. Marine islands are critical to the conservation of biodiversity because they are rich in endemic species, provide critical habitat for seabirds, pinnipeds, and sea turtles and are important stopover points for migratory birds. However, about 70% of recorded animal extinctions have occurred on islands, and most of these are due to the direct and indirect impacts of introduced mammals.

Rats, cats, foxes, mice, mongooses, and other non-native predators have eliminated some seabird species by predation on eggs, chicks and adults on breeding islands. **The Ocean Policy should include a recommendation for addressing such predators in a comprehensive policy.** Ocean islands are critical breeding sites for seabirds and serve as critical stopover, breeding, and feeding sites for neotropical migratory birds. Island ecosystems across the world's oceans, including around North America, present great conservation opportunities. This makes islands a tremendous conservation opportunity because introduced mammals can be removed from islands after which island ecosystems can recover. Additionally, introduced species can often be eradicated without significant economic conflict.

VI. SEABIRD/WATERBIRD KILLING IN ANCHORED GILL NETS SHOULD BE RESOLVED.

Anchored gill nets are killing thousands of diving birds. In the U.S. near shore Atlantic ocean coastal waters (less than 1,000 meters from shore, generally) and in coastal bays and rivers in many other countries. In the U.S. such species as Mergansers, Loons, Canvasbacks, Ruddy Ducks, Scaups, and Northern Gannets and other divers are killed. This problem exists in other gill net fisheries around the U.S. and globally. The divers search for fish or other prey items and get caught and drown in the mesh of the gill nets. A 1999 U.S. FWS study, conducted by and authored by Douglas J. Forsell of the U.S. FWS Chesapeake Bay Field Office in Annapolis, documented an estimated 2,387 diving birds drowned from February through April 1998 in anchored gill nets from NJ south to VA. The Ocean Policy should discuss this issue and recommend solutions.

VII. THE OCEAN POLICY SHOULD ADDRESS OTHER THREATS TO SEABIRDS AND WATERBIRDS.

We recommend that the Commission include in the Ocean Policy Report a discussion of these other ocean related threats to seabirds and other waterbirds:

- a) Deterioration of nest-site habitat by development and other changes. Nearly three-quarters of seabirds and other colonial nesting waterbirds are nest-site specialists with relatively inflexible habitat requirements;
- b) Hunting and human disturbance at nest sites;
- c) Contamination of the oceans and island and coastal breeding areas with oil and plastics;
- d) Light impacts, for example at the proposed LNG facility off Islas Los Coronados, Baja California;
- e) Contaminants, such as lead-based paint on Sand Island at Midway NWR that kills an estimated 1,000+ Laysan Albatross chicks yearly; and
- f) Depletion of prey species, such as surface feeding/dwelling fish, squid, and other prey species.

Thank you for considering these comments.

Gerald W. Winegrad, Vice President for Policy American Bird Conservancy 1834 Jefferson Place,
NW Washington, DC 20036 202-452-1535 VISIT OUR WEB SITE AT
<<http://www.abcbirds.org>>

Comment Submitted by Susan Carmel, Seattle, Washington

June 1, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Richard B. Allen, Wakefield, Rhode Island

June 1, 2004

I am writing to express my concern about the second paragraph from the bottom of page 234 of your preliminary report. I am concerned about this paragraph for a number of reasons. First, I view the shrinkage in the surf clam fleet to be a sign of success of the ITQ program, not a drawback. The fleet was heavily overcapitalized and boats were only allowed to operate for two six-hour periods per calendar quarter, as a means to keep the catch within the total allowable catch. The maintenance on this bloated fleet represented a sizable loss of potential benefits from the surf clam fishery. The reduction in fleet size helped to achieve the objective of the Magnuson Act to "obtain the greatest overall benefits to the Nation from our fishery resources." Almost every fishery in the U.S. has had to, or will need to, undergo a reduction in fleet size. In the case of the surf clam fleet, the people in the industry paid for the reduction in the fleet, compared to taxpayer supported "buyback" programs in other fisheries.

My second objection concerns the pejorative implication of the statement that many fishermen decided to simply sell their share of the harvest to outside investors. I don't believe that those who bought harvest shares in the surf clam fishery were actually "outside investors." But I don't know either what is wrong with outside investors. I don't know how you define "owner-operator," but I do know that there are still a number of very successful individuals who own surf clam vessels and are actively involved in their operation. The evolution of the surf clam industry may have been enabled by the ITQ program, but it is not clear that we have seen any equilibrium state as yet. Some of the largest holdings of quota shares have actually been broken up and acquired by "owner-operators."

You indicate that the largest holders of fishing quotas were a bank and an accounting firm. You fail to explain that it was necessary for these institutions to assume "ownership" of the quota shares because there was no lien registry that would provide lenders with security for loans given to fishermen to acquire quota shares. The widespread opposition to giving quota shares the status of secure property rights works against the desire to provide entry into fisheries for young, independent fishermen. People in that position need to get a loan to acquire business assets, including quota shares. If those assets are not secure, and can not be pledged as security for a loan, the people who most need a loan to acquire them will not be able to get a loan. You should explain that the bank and the accounting firm were listed as the owners of the quota shares because that was the only way they could hold the quota shares as security for loans given to those who actually utilized the quota.

Crewmembers, including captains, on commercial fishing boats are traditionally paid a share of the catch. You create a negative connotation when you say that "this turned the working fishermen into the equivalent of sharecroppers." I'm not sure why it is so different from the situation that already existed for many fishermen. In any fleet of fishing boats with more than one person on board, the majority of the working fishermen are not owners, but work on a share of the catch.

Your endnote number 13 indicates that the information in the previous paragraph was obtained from Fishing Grounds. I searched Fishing Grounds without finding any of the information in your paragraph. I would appreciate it if you could provide me with a more specific reference. I don't doubt that some critic of ITQs would make the statement concerning sharecroppers, but I would question whether your slant would be that of many observers. The surf clam ITQ program has been evaluated positively by the National Marine Fisheries Service. I would consider it responsible on your part to include those positive reviews.

The surf clam/ocean quahog ITQ plan was the subject of intense demagoguery by opponents of ITQs. This demagoguery used characteristics of the surf clam fishery that pre-dated ITQs as an indication that ITQs were bad, particularly the vertically integrated nature of the industry. They

also assumed that all of the changes that took place in the surf clam industry were the result of ITQs. Your report lends support to this inaccurate position.

Thank you for your consideration of my comments.

June 1, 2004



Conserve Our Ocean Legacy comments on the U.S. Commission on Ocean Policy Report:

The campaign to Conserve Our Ocean Legacy (COOL) is a broad national effort to educate the public about the problems facing our oceans and to build support for ocean and fish conservation. The COOL Campaign is a joint project between the National Environmental Trust and the state Public Interest Research Groups (PIRG). The COOL campaign has over 350 organizations, businesses and public officials in 35 states that have endorsed the campaign's petition calling on our nation's leaders to conserve our ocean legacy. For a copy of the petition and a full list of supporters please visit: www.oceanlegacy.org.

We commend the U.S. Commission on Ocean Policy (USCOP) for completing its preliminary report and are encouraged by the draft recommendations. Furthermore, we praise the Commission for raising the profile of the important crises facing our oceans. While we agree with many of your findings, we believe that your recommendations need to be significantly strengthened. While your recommendations are a good start, they are not yet strong enough to ensure reversal of the crisis that our oceans are currently facing nor are they bold enough to establish a healthy ocean for generations to come.

Overall, we are pleased with your overarching theme that ocean management must be based on an ecosystem-wide approach. However, despite your intent, it is not clear that this approach is to be used throughout the report. For clarity, it would be helpful to reiterate this overall premise within each chapter and/or section.

We are concerned, as well, about your use of the 'precautionary approach'. This approach, versus the precautionary principle, sets a dangerously high threshold for when to exercise precaution. Due to the precarious state of our oceans, especially our fisheries, we suggest that it be made clear that management decisions should always err on the side of caution, versus exploitation. Once "serious or irreversible damage" has occurred, it is too late for precaution. We urge the Commission to adopt a stricter precautionary approach in all management decisions and plans, in order to prevent the potential for further having to act in a defensive crisis mode. For fisheries, the U.S. has already agreed to utilize the precautionary approach through its ratification of the UN Convention on Highly Migratory Species and Straddling Fish Stocks and the recommendations here should, at a minimum, be consistent with that already established standard.

The most basic and fundamental goal of all ocean management systems, including the national ocean policy, should be the protection and restoration of our marine ecosystems. To this end, we strongly urge the Commission to explicitly support the bipartisan

congressional offshore oil and gas leasing moratorium that currently protects most of our fragile coastal waters. If you are interested in gaining the support of the coastal governors for your recommended changes, this action would be warmly received by all but a very few. The continuation of this moratorium on offshore drilling activities should be an integral part of any plan to restore our oceans' health. While we recognize that this is, indeed, an issue for Congress, your draft report does include other specific legislative recommendations and we ask that you expand that list to include the continuation of the offshore moratorium. Given the Commission's call for the Ocean Policy Trust Fund and the proposed use of offshore revenues to support this fund, this explicit stated support for the moratorium is particularly crucial.

Beyond the overall concerns mentioned above, our comments will focus on part VI, "Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources", specifically on the marine wildlife, fisheries and management recommendations. An overarching concern with your recommendations is the lack of hard targets and timetables to achieve the necessary changes for the protection and restoration of our marine resources, both living and nonliving. We would urge you to look at addressing this in your final report.

Current fishery management law is based on a 30 year-old hypothesis from the last ocean commission that predicted oceanfish catches could increase from the level, at that time, of 60 million metric tons to 440 million metric tons. As your report points out, that hypothesis was incorrect and, in fact, 80-100 million metric tons of fish appears to have been the peak. Since that time, our fisheries management policies have exploited our ocean resources (in this case, fish) to the maximum extent possible. That policy has been at the cost of healthy fisheries and vibrant ocean ecosystems.

Most importantly, our nation must shift focus from the view that our oceanfish are just a commodity to be exploited to the maximum extent possible, to that of a view of conservation of a national treasure first and commodity second. We must establish the conservation of ocean ecosystems as the primary responsibility of fisheries management. If we continue to manage our ocean wildlife as only a commodity, we will continue to degrade our oceans and witness further and continuing collapses of fish populations and other ocean wildlife.

Recommendation 19–1. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Councils (RFMCs) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSCs), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

We suggest that the following text be added to this recommendation:

To ensure a strengthened SSC, each RFMC should nominate candidates for service on its SSC. Nominees will typically be scientists with strong technical credentials and experience, selected from federal or state governments or academia. A provision should be made for self-nomination by qualified scientists and nomination by interested parties that are not members of the RFMC. Private-sector scientists who are technically qualified may also be nominated if they meet the conflict of interest internal requirements.

Conflict of Interest:

Your report correctly identifies that our ocean fish populations are in serious decline, in large part due to systemic overfishing that continues to take place due to management decisions that do not follow scientific advice. The report also identifies that there is sufficient scientific evidence (some of the best fishery science in the world) to make informed management decisions, yet overfishing is allowed to continue. For example, 36% of known commercial fish stocks are overfished and approximately 20% of fisheries are both overfished and overfishing continues. Conflicts of interest have exasperated the problems with our current management system. A recent report, authored by the director of the Stanford Fisheries Policy Project, found that more than 60% of all appointed council members had a direct financial interest in the fisheries they manage.

Conflicts of interest within the council systems need to be more fully addressed in both the RFMCs and the SSCs. To enhance the credibility of future science and allocation decisions, members of both the RFMCs and SSCs must be held to the most rigorous conflict of interest standards followed by government and all other regulatory bodies.

Recommendation 19-3. Each Regional Fishery Management Council should be required to set catch limits below the allowable biological catch determined by its Scientific and Statistical Committee. The Fishery Management Councils should begin immediately to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act.

If the precautionary approach is to apply throughout the entirety of the report, it would mandate that catch quotas be set below the recommended allowable biological catch to allow for potential scientific error. Therefore, this recommendation should be amended to read “*set catch limits below*”, not “*at or below*”, the limits set by the SSCs.

Rebuild Overfished Fish Populations:

U.S. marine fish populations are at historic lows. Our nation has so grossly mismanaged fisheries in the past that we have lost once important commercial fish stocks such as Atlantic Salmon and Atlantic Halibut forever. Atlantic Salmon and Halibut populations will not return to healthy levels in the foreseeable future and are now considered endangered or threatened species. There are many other fish populations that are facing the same course, yet the current management system not only continues to allow overfishing, but also continues to develop management plans that permit this to occur.

Our RFMCs and SSCs must rebuild all overfished populations by developing management plans that are based off catch limits determined by the SSCs. These plans should rebuild fish populations within no more than ten years. Specifically, the SSCs should develop catch limits with the target of rebuilding overfished fish populations to healthy levels within ten years or less. The RFMCs should then follow the prescribed catch limits in developing management plans. The RFMCs should follow the precautionary approach by developing the fish management plans implementing below the SSCs’ determined catch limits. If the RFMC wants to develop a management plan to hasten the pace of fish population recovery, they should have the ability to develop management plans that are below the SSC catch limits, but not above.

Recommendation 19–5. Each Regional Fishery Management Council should set a deadline for its Scientific and Statistical Committee (SSC) to determine allowable biological catch. If the SSC does not meet that deadline, the National Marine Fisheries Service Regional Science Director should set the allowable biological catch for that fishery.

This recommendation should be amended to read “ ... set an annual deadline for its Scientific and Statistical Committee (SSC) to determine allowable biological catch for each fishery under its jurisdiction. This deadline must take into account the time required, prior to the start of the fishing season, for the Council to approve and submit a plan to NMFS and for NMFS to review and approve the plan. If the SSC does not meet that deadline...”

While the suggested additions above might be implied, it has been our experience that if such recommendations are not explicitly stated, they will not happen.

Recommendation 19–12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

Diverse Management for All Interests:

Our current RFMCs are dominated by individuals that have direct interest in the short-term commercial value of catching fish and ocean wildlife. For example, there is only one council member, out of 144 members nationwide, that represents a conservation group. The selection of both council members and SSC members must be transparent, diverse, fair, and balanced. In particular, the RFMCs need to be reformulated with the aforementioned criteria and should represent all interests. Without balanced representation, management decisions will continue to reflect the short-term commercial interests of fisheries and not the long-term health of ocean ecosystems. While council members should continue to be selected by the Secretary of Commerce, there should be a requirement to balance representation on each council by both the commercial and sports fishing industries, conservationists, and the public. The lists of candidates that the Governors must submit should also reflect the above balance of interests. While we agree with the USCOP recommendation that the SCC members should be appointed by the Secretary and not by the RFMCs, it must be made clear that the public, in addition to the RFMCs, can nominate scientists to these panels, as well.

Recommendation 19–21. The National Marine Fisheries Service (NMFS) should change the designation of essential fish habitat from a species-by-species to a multi species approach and, ultimately, to an ecosystem-based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. NMFS should work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction.

Protect Habitat:

We are cutting down the rain forest of the ocean and limiting the ocean’s ability to repair itself and restore fish populations. Every year, fishing gear such as bottom trawls and dredges scrape the ocean floor, ruining essential fish habitat and micro-ecosystems. The ocean floor is made up of

many essential habitats from coral gardens to kelp and oyster beds. These ocean wildlife habitats can be destroyed by just one pass of destructive fishing gear. In certain areas such as New England's Georges Bank, where fish populations have been severely declined, bottom trawlers and dredges drag every square inch of the ocean floor up to four times each year, having devastating impacts on the habitat. Fishing gear needs to be improved to limit the impact and human fingerprint left on the ocean floor. Where there is scientific information that indicates that ocean dragging fishing practices would not harm a significant portion of habitat, special zones can be created where this practice can continue, any other areas bottom dragging fishing should not continue.

Recommendation 19–22. The National Marine Fisheries Service (NMFS) and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. Implementation of these plans will require NMFS to expand current efforts to collect data on bycatch, not only of commercially important species, but on all species captured by commercial and recreational fishermen. The selective use of observers should remain an important component of these efforts.

The recommendation should be amended to read “*develop and implement regional bycatch reduction plans*” to clarify that the mandate of NMFS and the RFMCs is to not only develop bycatch reduction plans, but to implement them as well. The word “*selective*” in the last sentence of the recommendation should be stricken for a greater clarity of recognition by the RFMCs that observers are an important part of implementing bycatch reduction plans. Furthermore, because this last sentence says “*should*”, and not “*shall*”, it would not require all plans to include observers.

Bycatch and Promotion of Ecologically Sustainable Fishing Practices:

Bycatch monitoring should be approved before fishing is allowed. Development of these plans would require increased observer coverage in most fisheries to gather data in order to establish baselines for any fishery where that data is not currently available. In addition, NOAA must lead a national effort to develop new fishing gear that reduces bycatch.

Thank you for the opportunity to submit comments on your draft report. We hope that our suggestions are helpful and will be incorporated into the final version of your report. If you have any questions related to our comments or you would like additional information on the COOL campaign, please visit our website at www.OceanLegacy.org or contact:

Matt Rand
Director, Marine Fish Campaign
National Environmental Trust
1200 18th Street, NW
Washington, DC 20036
202-887-8841, mrands@net.org

Buffy Baumann
Oceans Advocate
U.S. Public Interest Research Group
202-546-9707
bbaumann@pirg.org

Comment Submitted by Doug Wood, Fox Island, Washington

May 31, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Bruce and Karen Taft, Bainbridge Is., Washington

May 31, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Steve Rogers, Vancouver, Washington

May 31, 2004

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Comment Submitted by Nelson Hauke, Seattle, Washington

May 30, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sandra Wood, Fox Island, Washington

May 30, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Frank Retherford, Olympia, Washington

May 29, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Patrice Belzer, Oroville, Washington

May 29, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carol Burns, Seattle, Washington

May 29, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by David Griffin, Seattle, Washington

May 29, 2003

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by John Kraus, Underwood, Washington

May 29, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

The number of square miles of ocean bottom destroyed daily by bottom trawling is truly mind boggling. Please help curb this irresponsible practice.

Comment Submitted by Jeanne O'Dea, Seattle, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Steffen Fanger, Seattle, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

*Comment Submitted by Douglas O'Malley, New Jersey Public Interest Research Group,
Clean Water Advocate*

May 28, 2004

Our oceans are in a state of crisis. We are grateful for the work of the US Commission on Ocean Policy for completing its preliminary report to identify the multiple problems and potential solutions that decision makers should begin to address now. We are encouraged by the draft report recommendations. Your report, and the recent Pew Ocean Commissions report, documents the crisis facing our oceans and the wildlife they support.

Our comments are focused on part VI, Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources, specifically on marine wildlife, fisheries and the management recommendations. We hope that the Commission and decision makers will begin to act now towards the solutions outlined below.

ECOSYSTEM BASED MANAGEMENT

OUR RECOMMENDATION:

We should establish conservation of ocean ecosystems as the primary responsibility of fisheries management.

COMMISSION RECOMMENDATION:

Nowhere in the report does it specify that ecosystem management should be applied as the primary responsibility of fisheries management.

CONFLICT OF INTEREST

OUR RECOMMENDATION:

Conflicts of interest within the council systems need to be more fully addressed in both the Fishery Management Councils and the Scientific Statistical Committees (SSC). To enhance the credibility of future science decisions and allocation decisions both members of the Fishery Management Councils and the SSC's need to be held to the most rigorous conflict of interest standards followed by the government.

SSC members should not be appointed by the Fishery Management Fishery Management Councils and should be appointed by the Secretary of Commerce from a list of nominees obtained from the Councils and should include public solicitation.

COMMISSION RECOMMENDATION:

Recommendation 19-1. Congress should amend the Magnuson-Stevens Fishery Conservation and Management Act and related statutes to require Regional Fishery Management Fishery Management Councils (RFMC's) and interstate fisheries commissions to rely on their Scientific and Statistical Committees (SSC's), incorporating SSC findings and advice into the decision-making process. In keeping with this stronger role, SSC members should meet more stringent scientific and conflict of interest requirements, and receive compensation.

Recommendation 19-3. Each Regional Fishery Management Council should be required to set catch limits below the allowable biological catch determined by its Scientific and Statistical Committee. The Fishery Management Fishery Management Councils should begin immediately

to follow this practice, which need to be codified at the next opportunity in amendments to the Magnuson–Stevens Fishery Conservation and Management Act.

REBUILD OVERFISHED FISH POPULATIONS

OUR RECOMMENDATION:

Our Fishery Management Councils need to rebuild all overfished fish populations by developing management plans, based on allowable catch limits, determined by the SSC, that will rebuild fish populations, where biologically possible, within ten years. (deleted phrase redundant with previous sentence)The Fishery Management Councils would then be allowed to set catch limits below those levels in developing management plans including a buffer to allow for the inherent uncertainties in marine science. . The Fishery Management Councils should set the catch limits, but develop the plans implementing the SSC's determined catch limits. If the Fishery Management Council wants to develop a management plan to hasten the pace of fish population recovery, they should have the ability to develop management plans that are below the SSC catch limits, but not above.

To utilize the precautionary approach, fishery managers need to provide for a margin for error in case the Scientists are wrong.

COMMISSION RECOMMENDATION:

Recommendation 19–12. Congress should amend the Magnuson–Stevens Fishery Conservation and Management Act to require governors to submit a broad slate of candidates for each vacancy of an appointed Regional Fishery Management Council seat. The slate should include at least two representatives each from the commercial fishing industry, the recreational fishing sector, and the general public.

PROTECT THE HABITAT

OUR RECOMMENDATION:

Fishing gear needs to be improved to limit the impact left on the ocean floor. Where there is scientific information that indicates that ocean dragging fishing practices would not harm a significant portion of habitat, special zones can be created where this practice can continue, in any other areas bottom dragging fishing should not continue.

COMMISSION RECOMMENDATION:

Recommendation 19–21. The National Marine Fisheries Service (NMFS) should change the designation of essential fish habitat from a species-by-species to a multi species approach and, ultimately, to an ecosystem-based approach. The approach should draw upon existing efforts to identify important habitats and locate optimum-sized areas to protect vulnerable life-history stages of commercially important species. NMFS should work with other management entities to protect essential fish habitat when such areas fall outside their jurisdiction.

BYCATCH AND PROMOTION OF ECOLOGICALLY SUSTAINABLE FISHING PRACTICES

OUR RECOMMENDATION:

Bycatch monitoring should be approved before fishing is allowed. Development of these plans would require increased observer coverage in most fisheries to gather data to establish baselines for any fishery where that data is not currently available. NMFS needs to be required to implement these bycatch plans, not just develop them. In addition NMFS needs to lead a new national effort to develop new fishing gear that reduces bycatch.

COMMISSION RECOMMENDATION:

Recommendation 19–22. The National Marine Fisheries Service (NMFS) and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. Implementation of these plans will require NMFS to expand current efforts to collect data on bycatch, not only of commercially important species, but on all species captured by commercial and recreational fishermen. The selective use of observers should remain an important component of these efforts.

Comment Submitted by Nancy Matlock, Seattle, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

I am a scuba diver, a conservationist and a kindergarten teacher. I have tried to teach my kindergarteners about the interconnectedness of life so that they may, in turn, care for "Mother Earth." Thank you for considering their futures.

Comment Submitted by Dale Riston, Rainier, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by David Loud, Seattle, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Daniel Eisenberg, Seattle, Washington

May 28, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Guila Muir, Seattle, Washington

May 27, 2004

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Comment Submitted by Jill Leverage, Seattle, Washington

May 27, 2004

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Comment Submitted by Jeanne Eisenberg, Seattle, Washington

May 27, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Denise Doyle, Lopez, Washington

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Comment Submitted by Robin Loor, Seattle, Washington

May 27, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kelley Parker, Seattle, Washington

May 27, 2004

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Comment Submitted by Pamela M. Engler, Seattle, Washington

May 27, 2004

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Comment Submitted by Tania Gonzales Maxfield, Olympia, Washington

May 26, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Julie O'Donnell, Kent, Washington

May 26, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Bryan Freeman Childs, Seattle, Washington

May 26, 2004

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Comment Submitted by Perry Callas, Camas, Washington

May 26, 2004

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Comment Submitted by Leanne Adcox, North Bend, Washington

May 26, 2004

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Comment Submitted by Jane Shofer, Seattle, Washington

May 26, 2004

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Comment Submitted by Sarah Lovejoy, Shoreline, Washington

May 26, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Philip Chanen, Seattle, Washington

May 26, 2004

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Comment Submitted by Anne Bjornstad, Mountlake Terrace, Washington

May 26, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. As the daughter of a past marketing director of the National Marine Fisheries in the state of Alaska, I grew up hearing about sustainability issues for both the fishermen's livelihood and the multiple aquatic species impacted by that livelihood. It was of great concern 30 years ago and the problem has only worsened in that time. Immediate strong action is required to protect what remains of our global stock. Please be bold. I fear what another 30 years of conservative action will leave us with.

Comment Submitted by Cindy Raven, Shoreline, Washington

May 26, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top

priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Greg Lukens, Olympia, Washington

May 26, 2004

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Comment Submitted by Jackson Higgins, Bellingham, Washington

May 26, 2004

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Comment Submitted by Mary Ann Osenbaugh, Seattle, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jean Thomas, Lake Forest Park, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Brad Chamberlain, Seattle, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Ocean conservation is not only important to environmentalists and those

creatures that live in the ocean. It is also important to fishers who want to create a sustainable economy rather than making a quick buck now and finding another way to make money later.

Comment Submitted by Molly Ayre-Svingen, Bellingham, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Barbara Bruell, Sammamish, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Clinton Chapman, Seattle, Washington

May 25, 2004

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Comment Submitted by Ray Abrahamson, Spokane, Washington

May 25, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Chris Neumann, Bellingham, Washington

May 25, 2004

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Comment Submitted by Julie Glover, Clinton, Washington

May 25, 2004

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Comment Submitted by Ruth Petzold, Palm Beach Gardens, Florida

May 24 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Greg Rielly, Everett, Washington

May 24 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Douglas M. Beckmann, Norfolk, Virginia

May 24, 2004

In general the report is commendable, particularly the discussion and recommendations for

- ecosystem based fisheries,
- broader fishery council membership,
- separation of assessment and allocation decisions in fisheries management,
- establishing deadlines for determining allowable biological catch
- improving fishery enforcement, *and*
- reducing overcapitalization of fishing fleets.

The above listed recommendations deserve strong support and should receive priority in implementation.

However, some recommendations can be improved by being more explicit with respect to fisheries bycatch. The report acknowledges the seriousness and magnitude of bycatch on many species and on ecosystems. Recommendation 19-22 states that the NMFS and Regional Fishery Management Councils should develop regional bycatch reduction plans that address broad ecosystem impacts of bycatch. This recommendation can and should be strengthened by coupling it with recommendations 19-2 and 19-3. Recommendations 19-2 and 19-3, respectively, state that Scientific and Statistical Committees (SSCs) should determine allowable biological catch and that Regional Fishery Management Councils should be required to set harvest limits at or below the allowed biological catch determined by the SSCs.

Improved efforts towards reducing bycatch can be made by:

- Explicitly stating in Recommendation 19-22 (or in a new recommendation) that bycatch of marine mammals, sea turtles and sea birds, shall be considered in bycatch reduction plans, and
- Explicitly stating in Recommendation 19-2 (or in a new recommendation) that bycatch must be considered when the SSCs determine allowable biological catch.

It is anticipated that bycatch estimates will be developed based on observer data, and that the estimated bycatch will be count towards the allowable biological catch.

As stated in the report, the oceans are a public resource deserving of good stewardship. Revamped ocean policy per the report's recommendations will go a long way to restoring our oceans to health and ensuring their continued health for many generations to come.

Thank you for you work and for your consideration of these comments.

Comment Submitted by Barbara Bengston, Kent, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carrie Clark, Seattle, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kimberly Stewart, Seattle, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Yolanda Graham, Bellingham, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Cara Ballman, Seattle, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Brooke Tufte, Edgewood, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kamilia Dunsky, Redmond, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Please refuse to compromise on the health of our oceans, and on our future. Our oceans deserve the strongest conservation protections.

Comment Submitted by Melissa Young, Chattaroy, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Vincent Lalonde, Bellingham, Washington

May 24, 2004

I'm writing to ask you to please do all you can to protect bio-diversity and conserve the health of the oceans. I am willing to sacrifice economic gain in our community and in my personal life to try and reverse the damage that we have been creating in the biosphere. Please keep in mind the future lives of people and other species and do what you can not to give way to short term gains at their expense. Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Christy Bates, Seattle, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carla Kelly, Woodland, Washington

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Rick Langen, New Lisbon, Wisconsin

May 24, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Glenna Foreman, Burien, Washington

May 24, 2004

I am a resident of Burien, and I am concerned about the pollution of our oceans. They are full of life that needs to be protected, and are a great carbon-repository that helps combat global warming. We need to put limits on the fishing that is acceptable to make sure this valuable resource is not lost forever, and hopefully striking a balance in the need for food fish and the need for life undersea.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sandra Karlsvik, Fox Island, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jessie McKenna, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Fraser Wilkinson, Bellingham, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Michael Kovacs, SeaTac, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan Sena, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Diane Lagerstedt, Bellevue, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sandra VanderVen, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Robert Mueller, Kenmore, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Larry Mahlis, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Nia Giler, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Darlene Townsend, Spokane, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Louise Stonington, Seattle, Washington

May 23, 2004

We cannot gamble the future of our oceans' resources. Please take measures to strengthen protection for all species in the seas, and not on the basis of a compromise, but on the basis of protective action if there is any measureable chance that lack of protection will result in serious harm. The destructive practice of bottom trawling, which destroys, as it were, the goose that lays the golden egg, must be curtailed or eliminated. Mankind cannot create new species, we can only protect their habitat and our access to the food we need.

Comment Submitted by Michele LaFontaine, Tacoma, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mike Harburg, Olympia, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Louis A. Fine, Bellingham, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Beth Call, Walla Walla, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Elizabeth Barger, Summertown, Tennessee

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dolores Geer, Clinton, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judith Alexander, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Paul Talbert, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Molly Oberbillig, Olympia, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans.
As a resident of a coastal state, I am particularly concerned. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted Craig Garric, Seattle, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dorres Foster, Anacortes, Washington

May 23, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Midge Brenner, Seattle, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jim Johansen, Lynnwood, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jim Minick, Lyle, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Marilyn Tolan, Fox Island, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

The life of the oceans are the base for all life on earth. We must preserve the health of our oceans.

Comment Submitted by Michael Potter, Kenmore, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Tim Dugaw, Seattle, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jim Delvin, Des Moines, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carmela Micheli, Gig Harbor, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sandra Hoffelt Olson, Langley, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Lisa Messinger, Seattle, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dorothy Swarts, Mercer Island, Washington

May 22, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Megan Dunning, Chicago, Illinois

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by David Hillman, Port Townsend, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Eric Jensen, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Lyndal Balliet, Kirkland, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for our oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management in recognition of the fact that we cannot create new oceans, we must protect what we have. Please realize what an important impact conservation and education can have.

Comment Submitted by Ruth Dasche, Vashon, Washington

May 21, 2004

We only have the ocean we have. We don't get a chance to throw this one away and order up a fresh one, and there aren't any Hollywood surgeons to re-construct the oceans that exist. WE, WE are the ones responsible for the mess we have now, and WE are the ones who must repair the damage WE have done.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Tim Dunnigan, Bothell, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kyle Haines, Klamath Falls, Oregon

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Roger Hudson, Seattle, Washington

May 21, 2004

I am writing as the Executive Director of Earth Ministry to thank you for the work and time you put into producing an important plan of management for America's oceans.

Earth Ministry is a Christian, environmental non-profit in Seattle and has about 1500 members and works with 108 congregations located in the State of Washington

Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Alyssa Krafft, Olympia, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. We need to make sweeping changes in the way we treat our oceans, and the policy of this commission will decide what kinds of changes will be made.

Comment Submitted by Marcella Layden, Olympia, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Frances Daniels, Yelm, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Julie Rodgers, Kenmore, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judy Cashman, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Darlene Hickman, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

We need to preserve our oceans for our future needs and for generations to come.

Comment Submitted by Marcianne Allen, Shelton, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted Denese LaClair, Shelton, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Catherine DeBlasio, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dave Gamrath, Seattle, Washington

May 21, 2004

Please always remember, conservation needs to remain as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carol Nelson, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

I believe that maintaining the diversity of life in our oceans is essential to our ability to maintain the health of the ocean, our fishing industry.

Comment Submitted by Risë Stevens, Renton, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Overharvesting of our fisheries and pollution from cruise liners and tankers has had a major impact on the health of our oceans and shores. Please strengthen the limitations on dumping refuse and overharvesting. Foreign fleets are coming within the 200 mile boundary and wreaking havoc as well. The waste from by-catch is appalling.

Comment Submitted by Kristin Haverlock, Edmonds, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ann O. Jackson, Bellevue, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Sincerely,

Ann O. Jackson

Grandmother to 4 grandsons whom I will want to look in the eye and say I asked those like you, charged with wise management, to set conservation and protection as a guiding principle! Ann Jackson

Comment Submitted by Cynthia Cascante, Vancouver, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Douglas K. Vernon, Bend, Oregon

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sally Armbricht, Charleston, West Virginia

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kathryn Beck, Bellingham, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dharma Buford, Seattle, Washington

May 21, 2004

I am a mother and I am very concerned for the future of our earth and its oceans not just for myself, but also for future generations. I appreciate the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. The ocean is a whole different world, one intricately tied to ours. Please do everything to see that it is preserved and protected for now and for the future.

Comment Submitted by Jacob Mans, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Floyd Rollefstad, Bellevue, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted Traci Livingston, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kathleen Allen, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Michael King, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. It is the right thing to do and you have the responsibility to make it happen.

Comment Submitted by Gale Ballard, Private Citizen

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. The simple question is.....what do you want for your own children and grandchildren?

Comment Submitted by Don and Norma Boswell, Richland, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Renee' Schenck, Tacoma, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Robert Jensen, Lacey, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. We cannot afford to allow waste of our rapidly delining and invaluable natural resources. Please take this important step on behalf of the public interest and on behalf of future generations.

Comment Submitted by Cheryl Carp, Seattle, Washington

May 21, 2004

As a resident of Washington State and of the planet-I know the importance of conservation in preserving our oceans. This is our job as stewards of this place. As a mother, I want my son and my son's son's to be able to live, work and play near the ocean as a stable, clean, supportive ecosystem.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sarah Bodnar, Tacoma, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ardith Cole, Port Townsend, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Thomas Quickstad, Bellevue, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mike Shaw, Mukilteo, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jean Mohr, Seattle, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Marilyn Albert, Bellevue, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Diane Shaughnessy, Auburn, Washington

May 21, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kris Towns-von Stauber, Shoreline, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Eileen Weintraub, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Briana Armstrong, Duvall, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by John S. Morris, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Anna Kramer, Tumwater, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Chad Hoover, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Oceanic life needs caring people like you to stand up and put an end to needless destruction brought upon them. Thank you.

Comment Submitted by Trisha Conner, Orangevale, California

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ed Depicolzuane, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Protection of our oceans dwindling resouces is paramount!

Comment Submitted by Marneen Laffoon, Spokane, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan Manning, Tacoma, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Eldon Ball, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

To save the oceans, we need a human population policy. World population has more than doubled since 1960 & U.S. population has nearly doubled since 1950. This is the main cause of overfishing, pollution, oceanfront development, etc. We should give free birth control to everyone on earth!

Comment Submitted by Julie Enevoldsen, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans! Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Conservation and preservation of ocean habitat is crucial to help maintain the increasingly fragile balance of Earth's ecosystems. We need to err on the side of caution; we pay a vastly greater price for not doing enough to protect the oceans than any cost of taking more care than turns out to be necessary.

Comment Submitted by Clara Klug, Port Townsend, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dion Kerr, Beaverton, Oregon

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gillian Schultz, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Rick Armstrong, Renton, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Thank you for your time.

Comment Submitted by Jason Cook, Bellevue, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Serene Munroe, Seattle, Washington

May 20, 2004

The ocean habitat is vital to maintain the fish as a food source for generations to come. I want to take this opportunity to thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Toni Bistodeau, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Shreffler Dave, Sequim, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judah Joy Easley, Duvall, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Teresa Tipton, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Seana Blake, Washougal, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Robyn Nelson, Woodinville, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Our future generations will thank you.

Comment Submitted by Solar Richard Thompson, Tacoma, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Natalie Smith, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Beth Brasch, Spokane, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Connie Boitano, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gwen Stubbs, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ruthe Rugh, Bothell, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Irene Mills, Portland, Oregon

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Paul Kreemer, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Patricia Schreiner, Fordland, Missouri

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Cat Taylor, San Francisco, California

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Nate Thompson, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Brooke Bell, Tumwater, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. I call on you to look at the the sustainability of the current fishing regulations and to assess the overall health of our oceans. Thank You.

Comment Submitted by Angel Muehlenkamp, Summerville, South Carolina

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan Holmes Lipsky, Seattle, Washington

I live on Puget Sound in Washington and work hard with local native planting programs to clean up rivers and creeks that feed into our larger waterways. My efforts are only part of what is needed. Please help by reducing over-fishing, uncontrolled coastal development, and pollution through the Ocean Policy.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gale Lurie, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Markthor MacFarlane, Rochester, Washington

May 20, 2004

We are in an era where it is becoming obvious to even the lay person that our environment worldwide is showing drastic stress signs and what are we doing about it. I expect officials regulating pollution, quality control standards, ecological balance and enforcement of EPA 'type' laws to be bold about making and enforcing change.

There are far too many softies out there and I would like to see some of you with a strong spine to make serious stands on these issues. We need positive change for the environment. We need to make hard sacrifices. We need corporations of all sizes to make these sacrifices. 100% participation...mandatory!! This is not just for the general public. I think we need to enforce large enterprises to follow suit. Enough of cutting deals!!! It has been going on too long and we must have more responsible decision making. CLEAN IT UP!

For those of you who are working hard at making change on behalf of the environment and not business commend you. The work and time you put into producing an important plan of management for America's oceans is extremely important. Please further strengthen the report by establishing conservation and enforcement of these conservation measures as the top priority in fisheries management. We need to go all the way and not make partial cosmetic changes whether we are discussing the limitation of bottom trawling, advocating the precautionary principles or other oceanic protection issues.

Thank you for your time and consideration.

Comment Submitted by Peter Rimbos, Maple Valley, Washington

May 20, 2004

I am writing to you today to express my thanks for the work and time you put into producing a comprehensive management plan for America's oceans.

I request that you please further strengthen the report by establishing conservation as the top priority in fisheries management and further limiting bottom trawling.

In addition, I request your report advocate use of the precautionary principle that the European Union has so wisely adopted to guide its decisions on protecting our shared environment.

Thank you again for your good work.

Comment Submitted by Shane Austin, Olympia, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Patricia Doran, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Melissa Hanbey, Shoreline, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Laura Tyler, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Bonnie Bledsoe, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Madelaine Moir, Sequim, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Stephen Thomas, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. We have to take the long view here or there will be nothing left for the children and grandchild we claim to prize so highly.

Comment Submitted by Peter Rimbey, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Atul Deshmane, Bellingham, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Raymond Vinzant, Juneau, Alaska

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mistee Vinzant, Juneau, Alaska

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Forrest Miller, Vashon, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Helen Balaski, Port Angeles, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by J. Water, Bellevue, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Randi Rinear, Puyallup, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Justin Verre, MountLake Terrace, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kate Sheffield, Sequim, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Shae Savoy, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Hugh McLarty, Vashon, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

I realize this is a 'form letter', but I couldn't think of a better way to say that. As I'm sure you are well aware, any proposal to limit the consumption or profitable destruction of a natural resource is met with both heartfelt and well-funded opposition. Any recommendation you make will be diluted and compromised - so there is no point in diluting or compromising it yourselves. Take the most uncompromising position that good science and good husbandry will allow. The lesson I take from the history of Puget Sound is that "balancing the needs of man and the environment" means "destroying the environment more slowly."

Comment Submitted by Brian K. Porter, East Sound, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. We can see from what has happened in the Atlantic just what damage can be done. We need to act now!

Comment Submitted by David McDonald, Seattle, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan O'Brien, Port Townsend, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sylvia Starr, North Bend, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. My cardiologist told me recently that he does not recommend cod liver oil as the pollution in the oceans impacts the quality of the liver in all fish negatively.

Comment Submitted by Heather Crumbaker, Vancouver, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Alexander Jagiello, Vancouver, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mike Bielel, Redmond, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Karen Hiller, Kelso, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Seth Rolland, Port Townsend, Washington

May 20, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Melinda Bonasera, Bainbridge Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Evelyn Vetere, Port Townsend, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Aileen Taylor, Chewelah, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Kelly McDonald, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. Water is quite possibly the most valuable thing we have on this planet. If we destroy our oceans, we have nothing. The vast majority of the population knows this but if just too lazy and selfish to do anything about it. Please be smart and save the one thing we have left that we have not completely destroyed.

Comment Submitted by Richard Bergner, Anacortes, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Caroline Garland, Anacortes, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

We have long used our oceans as garbage dumps from which we also eat. Doesn't make sense, does it?

Comment Submitted by Adam Wallas, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Emily Woodson, Mercer Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Howard Pellett, Anacortes, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ben Howe, Shoreline, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. As a leading world power we need to set an example. Let the United States become known as the nation that will take responsibility for the future.

Comment Submitted by Walter Kloefkorn, Springdale, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Steven Lovelace, Wilkeson, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Candace Jagel, Bainbridge Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Daniel Barshis, Leavenworth, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Daniel Landin, Olympia, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

The Bottom Trawling issue is VERY SERIOUS. Sea floor habitat is not actually seen by the people involved in this activity. We are not even aware of the damage being done, and we are also not aware of the potential effects to myriad species, or our culture. I believe we should lean our policy not toward any political party, but to the health of our planet and our culture.

Comment Submitted by S. Ray, Yelm, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Paula Dawson, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Ocean health is critical for life on Earth. Help preserve it for future generations.

Comment Submitted by John Devoy, Olympia, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Doug Hagen, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. I know that you understand the need to protect the health of the oceans. Strong laws are needed to do this.

Comment Submitted by Ray Maddux, Shoreline, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Tho Speidel, Spokane, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Roxanne Hubbard, Enumclaw, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Michelle Keating, Vancouver, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jora Rehm-Lorber, Olympia, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Anne Daletski, Camano Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Stonewall Bird, Mount Vernon, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Nancy Wickward, Shoreline, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Please improve the our oceans to the highest extent possible...we, in the NorthWest, treasure our salmon, water and environment.

Comment Submitted by Bill Leyrer, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Lynn Wyckoff, Brier, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Zenda Boss-Hall, Clyde Hill, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jody Suhrbier, Olympia, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dave Woodruff, Port Ludlow, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Amy McRory, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Randy Hale, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sidne Kneeland, Vancouver, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

I will just reiterate what I stated before by saying the United States and the coastal states, in particular, should be very aware of the reputation they have to the rest of the country and the rest of the world. The legacy of over-fishing and contaminating our resources will live long past the time we are gone. Think and act to stop overuse and underaction.

Comment Submitted by Max McCain, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Nan Bentley, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Seonaidh Davenport, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mona Lee, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Thomas Sheehan, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Wilhelmina Peragine, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Katie Kennedy, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Robert McBride, Edmonds, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Barbara Brevik, Snohomish, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. I am increasingly concerned about the safety of our food supply, due to polluted oceans. We ALL need to focus on conservation and environmental issues.

Comment Submitted by Jennifer Corio Vancouver, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Alfredo Quarto, Port Angeles, Washington

May 19, 2004

We are urgently needing to take remedial action now to save our oceans and the coastal regions from further degradation. Restoring these regions to health is another great task and challenge for us all.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan Marett, Port Townsend, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by David Paul, Clatskanie, Oregon

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Katherine Kaufman, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Nancy Spiri, Yelm, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Janine VanSanden, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Christina Serkowski, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Bridget McKenna, Seattle, Washington

May 19, 2004

It is impossible to overstate the importance of healthy oceans to the survival of life on our planet.

I would like to thank you for the work and time you put into producing an important plan of management for America's oceans, and ask you to further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Susan Hoffman, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Connie Brennand, Bellevue, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gina Yuasa, Kirkland, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Char Pinegar, Everett, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jeffrey Staebler, Bellevue, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Marti McKenna, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Angela Clifford, Everett, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Adina Hamel, Up, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Michael Hamel, Up, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Amaka Enetanya, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Linda York, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Walt Enterline, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Caroline White, Olympia, Washington

May 19, 2004

Our oceans need as much help as we can give them! Thank you for the work and time you put into producing an important plan of management for America's oceans. Please strengthen your report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mark Dawson, Bainbridge Island, Washington

May 19, 2004

Thanks for producing an important plan of management for America's oceans. However, considering the evidence of the declining health of our oceans more must be done! This is not a time to worry about being too cautious. Please strengthen the report by establishing conservation in fisheries management as the top priority and by further limiting bottom trawling.

Comment Submitted by Ed Keith, Vancouver, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ruthann Roka, Venice, Florida

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted Adam Wallas, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Katherine Babiak, New York, New York

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Adam Wallas, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Mary Stack, Lummi Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling which leaves a barren ocean floor, and advocating the precautionary principle.

Comment Submitted by Rose Lagerberg, Seattle, Washington

May 19, 2004

First of all, oceans deserve the strongest conservation protections. Our earth is in big trouble if this is not dealt with NOW.

I would like to thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Josephine Maurer, Seattle, Washington

May 19, 2004

Thank you for the diligent work and time you put into producing an important and vital plan of management for America's oceans. Please further strengthen the report by establishing conservation as the TOP Priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Margaret Malone, Bellevue, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carol Watts, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sylvia Haven, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans.

Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling.

It is important to advocate the precautionary principle.

Comment Submitted by Lea Hermanspann, Kirkland, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gary Oaksford, Bellingham, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Brian Levin, Camano Island, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judith Hill, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Jerolyn Coen, Port Angeles, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Richard Boucher, Tacoma, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Tanya Barnett, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Greg Lange, Edmonds, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sarah K. Benson, Vancouver, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Carmen Chism, Maple Valley, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Matt Jones, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Cynthia Edwards, Shoreline, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Judd Lawson, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle. We are beyond unsustainable fishing practices. We must act responsibly to save and manage what is left.

Comment Submitted by Terry Towers, Arlington, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Gwyn Garrison, Ardmore, Pennsylvania

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Ann Michel, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Eric Bone, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Dick Allen, Wakefield, Rhode Island

May 19, 2004

ITQ Referenda Requirement Makes Fishermen Judges in their Own Cause In his 1999 book titled *Development as Freedom*, Nobel Prize winner Amartya Sen considered the usefulness of voting rules in coming to a social decision on economic matters. Sen concludes that: "majority rule ... would be a nonstarter as a mechanism for resolving economic disputes." Sen elaborates on the case made by James Madison in *The Federalist Papers* #10 that "no man is allowed to be a judge in his own cause.... With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time." Madison made the point that a direct vote on economic matters is likely to mean that "measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority." Madison also recognized the likelihood that the public good would be disregarded in the conflicts of rival parties. Sen considers the likely result of majority (or super-majority) voting rules in the case of a cake being divided among three persons, assuming that each person votes to maximize her own share of the cake (he notes that this assumption simplifies the example, but nothing fundamental depends on it): "Take any division of the cake among the three. We can always bring about a "majority improvement" by taking a part of any one person's share and then dividing it between the other two. This way of "improving" the social outcome would work - given that the social judgment is by majority rule - even if the person thus victimized happens to be the poorest of the three. Indeed, we can continue taking away more and more of the share of the poorest person and dividing the loot between the richer two - all the time making a majority improvement. This process of "improvement" can go on until the poorest has no cake left to be taken away. What a wonderful chain, in the majoritarian perspective, of social betterment!" Sen argues that an informational base that considers only the preference rankings of those receiving shares is inadequate for making informed judgments about welfare economics problems. Sen and Madison seem to agree that: "when a majority is included in a faction, the form of popular government ... enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens." These considerations are critical to the question of whether or not to require a referendum of fishery participants to approve the allocation of fishing quotas. Fishery production can be characterized by the 80-20 rule - 20% of the fishermen catch 80% of the fish. The 80% who catch 20%, however, have expectations that they could and would catch more if the "greed" of the highly productive minority could be controlled. Given the opportunity to vote on the allocation of quotas, we can expect the majority of less productive fishermen to impose that control on those who have been more productive, without regard for either the public good or the rights of the minority. There is no reason to expect that a fishing quota allocation program that would be approved by a majority of fishery participants would also obtain the greatest overall benefits to the Nation from our fishery resources, as the law requires. Information other than the preferences of the potential recipients of quota shares is needed to guide a public policy decision of this nature. Referenda on fishing quota systems should be a nonstarter for anyone concerned about the equity and public interest issues connected to this important decision.

Comment Submitted by Joseph Gordon, National Coordinator, Marine Conservation Education Program, National Environmental Trust

May 19, 2004

The oceans are in crisis. Thank you for the opportunity to make comments on the US Commission on Ocean Policy preliminary report. The USCOP report and the Pew Ocean Commission report both document a crisis in our living oceans, and the scientific debate about the magnitude of the problem should be over. The important debate should now be how we can restore oceans. USCOP's report has identified many of the most important problems with U.S. ocean management, and offered some potential solutions. Unfortunately, these solutions fall short of what's needed to save our oceans for future generations.

I have worked on environmental issues for 5 years as an advocate and door-to-door organizer, and I'm currently an organizer for the Conserve Our Ocean Legacy Campaign (www.oceanlegacy.org). I've also just received a Master's Degree in public policy (environmental policy concentration) from the University of Maryland College Park, School of Public Affairs.

My comments will focus on "part VI, Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources"; specifically marine wildlife, fisheries and management recommendations. The Commission and decision makers should replace the current language with stronger recommendations such as:

Ecosystem Based Management

Actual policies must reflect the language of the report, and the scope of the crisis. The government should establish conservation of ocean ecosystems as the primary responsibility of fisheries management, and make economic decisions secondary.

Conflict Of Interest

Any governing body that oversees fisheries and ocean management should be held to the most rigorous conflict of interest standards followed by the government. Decisions should be made by a group that represents a full range of unbiased interests, including conservationists, and encourage public participation.

Rebuild Overfished Fish Populations

Fishery Management Councils need to rebuild all fish populations as soon as possible, beginning with those that are already determined to be overfished. Catch levels should be held below the level where more fish are taken than can be naturally replaced; including a margin for error that reflects scientific uncertainty.

Habitat Protection

The best available fishing technology should be required to limit the impact of fishing activities on the ocean floor. A bottom dragging technology ban should be enforced immediately, and the burden of scientific proof should shift to fishing companies to find special zones where they can prove ocean dragging fishing practices would not harm valuable marine habitat. Pollution levels should also be measured for all known hazardous substances throughout America's oceans. Where ambient levels are found to be dangerous or unsustainable, restrictions should be established based on precautionary science and enforced.

Bycatch and Ecologically Sustainable Fishing Practices

The federal government should lead a new national effort to develop and promote fishing gear that reduces the tragic inefficiency of fishing technology, particularly high levels of unintended catch. Fishermen should be required, with support from government observers and technology, to gather data to establish baselines for any fishery where that data is not currently available. The responsible government agency needs to be required to implement bycatch plans as soon as

possible, not just develop them. Highly inefficient and destructive fishing methods should be banned.

Marine Mammal Protection

Congress should amend the definition of harassment of marine mammals to reflect the recommendations of a 2000 report on marine mammal harassment by the National Research Council, with one significant addition. The definition suggested by the NRC defines harassment as any act that has the potential to cause meaningful disruption of biologically significant activities. As long as the term “meaningful” is clearly defined, this is an acceptable definition. The recommendation of the US Commission on Ocean Policy would significantly weaken the current definition.

Sustainable Marine Aquaculture

The federal government should impose a moratorium on commercial open ocean aquaculture until Congress adopts comprehensive aquaculture laws that clearly define a lead agency for issuing permits, set mandatory citing and environmental standards, require compliance with our environmental laws such as NEPA , ESA, and MMPA, and prohibit farming of genetically engineered or non-native species. Furthermore, US aquaculture policy should promote small-scale, herbivorous finfish species raised in closed, land based systems.

Thank you for your time and for considering these comments.

Comment Submitted by David Stetler, Bothell, Washington

May 19, 2004

As a Washington state citizen, I am deeply concerned with the health of our oceans and the resultant impact on recreational and industrial opportunities.

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Michael Goldberg, Edmonds, Washington

May 18, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Sandra Reed, Seattle, Washington

May 19, 2004

Thank you for the work and time you put into producing an important plan of management for America's oceans. Please further strengthen the report by establishing conservation as the top priority in fisheries management, further limiting bottom trawling, and advocating the precautionary principle.

Comment Submitted by Richard B. Allen, Wakefield, Rhode Island

May 18, 2004

Shortly after submitting my earlier comments on the Commission's preliminary report, I discovered another persuasive argument against the Commission's proposal to require referenda on fishing quota systems. In his 1999 book titled *Development as Freedom*, Nobel prize winner Amartya Sen states that "a majority rule - whether or not consistent - would be a nonstarter as a mechanism for resolving economic disputes." He uses an example of dividing a cake among three persons. In this case, the majority can always gain by dividing the minority share among the majority. Sen concludes that the majority decision procedure is "clearly quite inadequate for making informed judgments about welfare economic problems." Sen argues that acceptable social rules require the consideration of much more information than is provided by the preference rankings of the persons who will obtain the shares.

Comment Submitted by Asila Ghoul, Santa Cruz, California

May 17, 2004

The issue of habitat degradation and alteration as a result of destructive fishing gear is an important issue for marine conservation, and is one that has been ignored by the US Oceans Commission Report. The Pew Report goes into great detail in its recommendations concerning destructive fishing gear. It addresses: bottom trawls and dredges, and how they damage the physical structure of the marine habitat as they scrape along the sea floor; the damage to benthic invertebrates and their habitat with one pass of a dredge; seamount, sponge reef and oyster bed destruction from bottom trawling; and lastly, sediment alteration as a result of bottom trawling and subsequent negative effects on the entire ecosystem.

The Pew Report addresses mechanized harvesting such as bottom trawling and other destructive fishing gear as major causes of decreases in habitat complexity, changes in species composition, abundance, diversity and productivity in our oceans.

The US Oceans Commission Report has failed to address any of these issues, as well as any sort of regulation of the use of fishing gear that is destructive to marine habitats. The final report by the US Oceans Commission should include a gear modification and/or conversion program. Fishing gear use should be subject to zoning programs. The use of bottom trawling and dredging devices should be allowed *if and only if* scientific information shows it will not result in significant alteration or destruction of habitats, or reduce biodiversity. Lastly, marine zones deemed vulnerable or those not currently being used, should be closed permanently.

The issue of bycatch is one that is heavily emphasized in the Pew Report, yet touched on very briefly in the US Oceans Commission Report. The US Oceans Commission Report leaves out the Pew recommendation for bycatch monitoring and minimization plans to be approved *before* fishing resumes. It ignores the goal of bycatch levels approaching zero. It also leaves out the recommendation for fishermen to be able to keep bycatch, within reason, instead of being forced to waste or discard fish just because their fishery is targeting another species. The US Oceans Commission final report should include these recommendations, as well as recognize bycatch as a significant and important issue for a functional ecosystem. The final report should create a plan to reduce bycatch, not just of commercially important species, but ecologically important ones as well.

Comment Submitted by Mark Muhich, Chairperson, Sierra Club Galveston Group

May 15, 2004

The policies of the United States regarding the health and future of our oceans are under-funded, too fragmented, without a coordinated scientific approach, and without a long term goal for sustainable fisheries in the waters of the US.

The sheer scale of the adjacent oceans of the US and the influence these waters exert on our society has been neglected by the US public and ignored by the US Congress. Given that the US Exclusive Economic Zone for US waters exceeds in area, 1.4 times the land mass of the continental US, more than 4.15 million square miles of federal waters, it behooves us to devote many more support resources to the understanding, protection and development of our vital marine environment.

A Suggested Policy

- 1) In accordance with the recently published Pew Ocean Research Project, NOAA should adopt a more holistic, eco-system-based research approach to managing our oceans' resources.
 - a. Recognize that eco-system based research is fundamental to the preservation of fisheries stocks in US waters.
 - b. Fund monitoring of ecological and economic value of off-shore fish stock resources
 - c. Scrutinize more rigorously the environmental impact of human activity and coastal development on our fisheries and marine environment
 1. hypoxia
 2. petroleum drilling activities
 3. heavy metal pollution from coal powered generation plants, military exercises, and drilling activity
 4. take a "precautionary approach" to assessing total allowable catch, TAC, in all fish stocks.
- 2) Specific the Gulf of Mexico
 - a. establish ecological zones for economic activities that will preserve the essential fish and marine habitats in the Gulf
 - b. identify crucial nesting, incubation and spawning areas, especially in estuarine systems that must be preserved at all costs
 - c. closing estuarine bays to commercial fisheries
 - d. creating marine preserves in sensitive and essential fish habitat that are crucial to the propagation and continuance of fish stocks in the Gulf
- 2) Eco-System science and monitoring, the CRUCIAL component
 - a. NOAA and NMFS need much greater financial resources to establish basic data on the fisheries of the US and the bio-systems that sustain them.
 - b. A deeper understanding of the interrelationship between fishing stocks, coastal development, commercial and recreational fishing pressures, water pollution, and long term global climate changes must be elevated to the highest priority.

1. significant policy decisions about TAC, habitat destruction, and water quality are being made without long term data bases.
 2. only long term commitments in terms of funding and policy commitment can establish a continuity of investigation that will yield reliable and usable data for preserving our oceans.
- c. a Cabinet level position, Secretary of Oceans must be created to ensure that more emphasis is devoted to the health of our oceans and that marine management policy is not fragmented within a myriad of governmental regulatory bodies, as is the case today.
- d. Eco-system research will be the key to conserving the vast health and wealth of the oceans of the US which comprise an area 1.5 times the land area of the US.
1. Double the federal funding of eco-system laboratories in the US.
 2. Expand the scale and scope of the NMFS lab in Galveston to investigate eco-systems in the Gulf of Mexico.
 3. Direct the NMFS lab in Galveston to begin a twenty year long quantitative research into the bio-mass and energy requirements for the Gulf food chain, from benthic to top level predators.
 4. Endow a research chair, in collaboration with Texas A&M University at Galveston and NMFS Galveston lab to quantify the essential contribution bays and estuarine environments play in the Gulf of Mexico eco-system.
 5. Promulgate more efficient and enforceable regulations to protect and preserve bay and estuarine habitats.
 6. Amend the Magnuson- Stevens Fisheries Management Act to include and protect eco-system structures that support essential fishing stocks in US waters.

In conclusion.

The prior and existing fisheries management policies of the US though well intended, have failed. The great majority of fishing stocks in domestic waters are either stressed, over-fished or threatened. The piece-meal, fragmented approach to regulating commercial and recreational fishing has ignored the intricate dependency of one fish stock upon another, and has neglected the underlying support for these fisheries, the health of our US waters.

We need a different, more comprehensive approach to protecting our oceans and the creatures that inhabit them. We must emphasize the research and understanding of eco-systems, and long term quantitative data in order to explain the web of life in our waters.

The NMFS lab in Galveston is uniquely suited to provide such research in the Gulf of Mexico. Its scientists and staff are of world class stature. The NMFS lab has an invaluable association with Texas A&M University in Galveston, which specializes in marine and maritime sciences. The survival and well being of the Gulf of Mexico eco-system would be best understood and protected by creating a Gulf of Mexico Eco-System Laboratory in Galveston TX.

Comment Submitted by Richard B. Allen Fishery Conservation Consulting

May 13, 2004

I am writing to provide you with my views on the preliminary report of the U.S. Commission on Ocean Policy.

My interest lies primarily in the portions of the report that relate to fishery management. I have been a commercial fisherman for 40 years and have been an active participant in the fishery conservation and management system for more than 30 years. I have an Associate Degree in Fisheries and Marine Technology, a Bachelor of Science Degree in Natural Resources, and a Master of Marine Affairs degree, all from the University of Rhode Island. In 1998 my conservation efforts were recognized by the Pew Fellows Program in Marine Conservation when I was one of ten individuals from around the world who were chosen to receive the prestigious Pew Fellowship in Marine Conservation. I also provide conservation consulting services to the fishing industry and the conservation community. From the mid-1980s through the mid-1990s I served as a member of the New England Fishery Management Council and as a commissioner on the Atlantic States Marine Fisheries Commission.

I am disappointed that your preliminary report emphasizes symptoms rather than the root cause of fishery management failures. It is my opinion that this is the result of your singular emphasis on the biological productivity of fisheries rather than the economic forces that determine the fate of a fishery. This is the same mistake that has led to serious overfishing despite adequate biological science.

Your report refers to a 2002 National Research Council report that concluded that most cases of overfishing came about because the RFMCs disregarded or downplayed valid scientific information when setting harvest guidelines. You also point out that neither NMFS nor the Secretary of Commerce used their authority to prevent the RFMCs from taking such actions. You do not report that members of Congress often blocked the efforts of the councils and NMFS to enact more conservative rules. And you fail completely to explain why the fishing industry, the councils, NMFS, the Secretary of Commerce and Members of Congress would disregard or downplay scientific information that was intended to sustain viable fisheries and prevent the fishery collapses that we have witnessed.

If the Commission does not clearly illuminate the root cause of fishery failures and make a strong recommendation concerning the elimination of that root cause, none of the Commission's recommendations will have the desired result.

Fishery failures occur as a result of economic forces that control the fishery when catch shares are not formally allocated and fishermen are competing on the fishing grounds and in the management arena for a larger share of the available catch. Dedicated access privileges are formally allocated catch shares that eliminate the "race for fish" and are essential to "obtain the greatest overall benefits to the Nation from our fishery resources," as is required by the Magnuson-Stevens Act. Transferability of catch shares is essential to allow fishermen to adjust to changes in the total allowable catch, rather than waging a political battle to exceed the biologically acceptable catch.

As has been proven by the North Pacific Council, the usual biological results of competition for catch shares can be avoided when policy-makers display sufficient political will. But pleading for political will is a risky basis for biologically effective fishery management. Experience in the North Pacific also demonstrates that biological success does not assure that the potential economic benefits to the Nation will be realized. Those economic benefits can only be realized through dedicated access privileges.

The Commission recognizes that dedicated access privileges "provide substantial benefits in addition to ending the race for fish," but it fails to place the proper emphasis on this fundamental structural problem in most of our fisheries. Fishery managers should not only be authorized to institute dedicated access privileges and urged to consider their potential benefits - they should be strongly encouraged to develop and implement dedicated access privileges. Dedicated access privileges eliminate almost all of the fishery management problems that are identified in your report. The reason why the industry, councils, NMFS, the Secretary of Commerce, and Members of Congress disregarded or downplayed scientific advice is because fishermen and fishery managers were working in conflict, rather than cooperatively. And the reason that they were in conflict is because the fishermen were competing for catch shares. The basic principles of fishery bio-economics demonstrate both the biological and economic results of that competition. The political implications are similarly easy to discern.

Your report points out that dedicated access privileges "allow fishermen and managers to work cooperatively instead of in conflict." The implication is that fishermen who have dedicated access privileges have incentives that align their interests with the interests of the public owners of the resource. They then have the same objectives as the fishery managers who are charged with responsibility for public trust resources. When that is the case, no one will want to disregard scientific advice, there will be no need to separate science from allocation, there will be no need to change the makeup of the councils to protect the public interest, etc etc. All of the problems that led to our fishery failures go away with the establishment of dedicated access privileges, and all of the recommendations that the Commission has made to address those problems become moot. For that reason, dedicated access privileges should be highlighted as the first and most important of your recommendations to achieve sustainable fisheries.

Although I am pleased that the Commission endorsed dedicated access privileges, I am concerned that the Commission's suggested national guidelines may make such programs unattractive and ineffective. Current law contains national standards for fishery management programs, specifically including programs that would be considered dedicated access privileges. The existing standards recognize the diversity of our fisheries from state to state and region to region. The divergent requirements of differing fisheries is the reason that the existing national standards have not been further specified - further specification of national guidelines is more likely to detract from the usefulness of fishery management programs than it is to improve them.

In particular, the assignment of quota shares for a limited period of time takes away from the incentives that would otherwise lead fishery participants to invest in the long-term enhancement of fish stocks. The law is clear concerning public ownership of living marine resources. The law also makes clear the indefinite, rather than permanent, nature of dedicated access privileges. There is no need to compromise the effectiveness of dedicated access privileges solely for the purpose of reducing confusion.

The Commission's recommendation for a referendum among all permitted fishermen is troublesome for the reasons explained in detail by James Madison in The Federalist Papers #10. Madison wrote that: "no man can be a judge in his own case." Asking permitted fishermen to vote on a fishery management plan that allocates catch shares is tantamount to making each of them a judge in their own case. Depending on whether voting is weighted by production, we might expect the "tyranny of the majority" to place the minority of highly productive fishermen at a disadvantage. A favorable vote of the majority of less productive fishermen might require the plan to redistribute catch shares from more productive fishermen to less productive fishermen. This has been typical in other forms of fishery management that have required broad support for approval. This phenomenon is sometimes called the "dumbing down of the fishery" because the rules pull the most efficient and highly productive fishermen down to the level of the least efficient producers. Requiring the approval of fishermen for a fishery management plan contradicts everything that has been learned and said about the failure of the current fishery management system. If there is a concern about council members having a conflict of interest, certainly fishermen voting on their catch shares have a conflict of interest. After fishermen have dedicated

access privileges their interests will coincide with the interests of the public resource owners, not before.

I urge the Commission to recognize that the existing national standards in the Magnuson-Stevens Fishery Conservation and Management Act are appropriate and sufficient to guide the regional fishery management councils in the development of dedicated access privileges, and that additional constraints may reduce the effectiveness of this potentially valuable tool.

Whereas a Commission recommendation to establish dedicated access privileges will not be sufficient to accomplish that objective in the short term, the Commission should make additional recommendations that will lead toward that objective.

The Oceans Commission should make a clear statement that:

* The widespread failure of our fishery management system to achieve any reasonable set of objectives is the result of ignoring the accumulated body of research and knowledge known as fishery bio-economics. It would be false to assume that improved understanding of, and adherence to, the biological sciences related to fisheries will lead to effective fishery management without an equal commitment to economics.

The Commission should also recommend that:

* Federal and state governments should recognize that effective fishery management involves the regulation of the economic activity of fishing, not the management of fish. As such, the science of fishery economics should be raised to a predominant position in the design of fishery management programs, rather than being used solely as an after-the-fact analytical tool. Expertise in fishery economics should be a required qualification for persons being considered for policy-making positions in the fishery management system.

Whereas economics is defined as the study of the allocation of scarce resources among competing users, and the Commission recognizes allocation as one of the two basic elements of fishery management, the Commission should emphasize the importance of economics and economists in the design of fishery management programs. There is a very clear and simple reason why fishery economists are likely to be more effective as fishery managers than are fishery biologists - a fishery biologist can perform his duties as a biologist without any knowledge of fishery economics, but the reverse is not true. A fishery economist must have an understanding of fishery population dynamics in order to construct the production functions upon which the science of fishery economics is built. While it is true that some fishery biologists have acquired a working knowledge of fishery economics, they are exceptional in my experience. I attribute the failure of fishery management systems around the world primarily to the preponderance of biologists as fishery managers and their lack of understanding of fishery bio-economics. The Commission could help to cure this widespread problem by explaining the need for fishery policy to be based on sound economic principles as well as sound biological science.

The Stratton Commission's report on "Our Nation and the Sea" does a good job of explaining how the initial success of biologically oriented regulations can encourage unnecessary fishing effort and erode both biological and economic gains. It also points out that "many measures employed in fisheries management...achieve their conservation objectives by increasing the costs of operation and thereby, hopefully, decreasing the incentive to fish." The report notes the "economic absurdity of deliberately imposing higher costs on the fishing fleets" and the resentments that such regulations provoke. This "economic absurdity" describes the route that U.S. fishery management has followed during the past thirty years, guided by biologists who have no understanding of the fundamental economic principles that determine the effectiveness of fishery regulations. This economic absurdity is on display today in New Bedford, MA, where sea

scallop vessel owners are being forced to build new million dollar vessels at the same time that their existing vessels are sitting idle for months at a time. The rules allow these boat owners to build a new boat and fish more, but they can't fish more with their existing boats. This economic waste is as harmful to the public as is the depletion of fishery resources. The Commission could help to improve the fishery management system by pointing out that the development of fishery management systems that conserve fishery resources while achieving sound economic objectives at the same time requires adherence to economic science as well as biology.

I am pleased to see the Commission's recommendation concerning training for new council members. Insufficient training in fishery management principles is a problem that goes beyond council members, however. Many individuals who work in the fishery management system do not have the multi-disciplinary training that is required for successful fishery management. I would therefore repeat my earlier recommendation that:

* The federal government and the states should establish programs through which the science of fishery bio-economics can be infused into the fishery management program through technical assistance, short courses for practicing fishery managers, and other professional improvement opportunities.

I appreciate your consideration of my views and I look forward to your final report.

Comment Submitted by Karla Armenti, Bedford, New Hampshire

May 13, 2004

Our oceans are in a state of crisis. We are grateful for the work of the US Commission on Ocean Policy for completing its preliminary report to identify the multiple problems and potential solutions that decision makers should begin to address now. We are encouraged by the draft report recommendations. Your report, and the recent Pew Ocean Commissions report, documents the crisis facing our oceans and the wildlife they support.

Our comments are focused on part VI, Ocean Value and Vitality: Enhancing the Use and Protection of Ocean Resources, specifically on marine wildlife, fisheries and the management recommendations. We hope that the Commission and decision makers will begin to act now towards the solutions outlined below.

ECOSYSTEM BASED MANAGEMENT

We should establish conservation of ocean ecosystems as the primary responsibility of fisheries management.

CONFLICT OF INTEREST

Conflicts of interest within the council systems need to be more fully addressed in both the Fishery Management Councils and the Scientific Statistical Committees (SSC). To enhance the creditability of future science decisions and allocation decisions both members of the Fishery Management Councils and the SSC 's need to be held to the most rigorous conflict of interest standards followed by the government. SCC members should not be appointed by the Fishery Management Councils and should be appointed by the Secretary of Commerce from a list of nominees obtained from the Councils and should include public

REBUILD OVERFISHED FISH POPULATIONS

OUR RECOMMENDATION:

Our Fishery Management Councils need to rebuild all over fished fish populations by developing management plans, based on allowable catch limits, determined by the SSC, that will rebuild fish populations, where biologically possible, within ten years. (deleted phrase redundant with previous sentence) The Fishery Management Councils would then be allowed to set catch limits below those levels in developing management plans including a buffer to allow for the inherent uncertainties in marine science. . The Fishery Management Councils should set the catch limits, but develop the plans implementing the SSC's determined catch limits. If the Fishery Management Council wants to develop a management plan to hasten the pace of fish population recovery, they should have the ability to develop management plans that are below the SSC catch limits, but not above. To utilize the precautionary approach, fishery managers need to provide for a margin for error in case the Scientists are wrong.

PROTECT THE HABITAT

Fishing gear needs to be improved to limit the impact left on the ocean floor. Where there is scientific information that indicates that ocean dragging fishing practices would not harm a significant portion of habitat, special zones can be created where this practice can continue, in any other areas bottom dragging fishing should not continue. BYCATCH AND PROMOTION OF ECOLOGICALLY SUSTAINABLE FISHING PRACTICES Bycatch monitoring should be approved before fishing is allowed. Development of these plans would require increased observer coverage in most fisheries to gather data to establish baselines for any fishery where that data is not currently available. NMFS needs to be required to implement these bycatch plans, not just

develop them. In addition NMFS needs to lead a new national effort to develop new fishing gear that reduces bycatch.

Comment Submitted by Rodolphe Streichenberger, President, Marine Forests Society

May 4, 2004

The US Commission on Ocean Policy should address the problem of overfishing - the so-called "tragedy of the commons" - by developing ways of ownership of marine resources.

Private rights to marine resources are ancient and have a long history of success. Today, these private rights can be seen in Alaska, New Zealand, Japan, England, Wales, and Iceland. They were the rule in pre-US Hawaii.

Marine communities, and private entities can be the best managers of marine resources when they are in charge of them, and have rights to the harvest.

The ways of creating beneficial ownership of marine resources are numerous. For example, they can be the following:

The rights to Individual Fishing Quotas (IFQs) which is the right to catch a specific percentage of the scientifically determined total available for fishing.

The rights to Individual Transferable Quotas (ITQs) which are IFQs which can be sold and transferred.

The exclusive rights to harvest the seaweed, shellfish, and fish on a marine area the production of which has been restored or developed by investing in artificial means such as artificial substrates, seeding, planting etc...

Other ways of developing private ownership of marine resources can be suggested.

Fishermen who will own IFQs, ITQs, or allotments of marine areas in which they invest will not overfish. At no cost to the government, they will greatly improve the quality and abundance of the US fishery. The lesson can be heard in many places around the world.

Comment Submitted by Philip J. Johansen, Private Citizen

May 1, 2004

I am disturbed by the idea of a salt water fishing license. it is well over \$100.00 to take a family on a 4 or 8 hour fishing boat. The additional fee of a license for everyone would drive the cost to an impossible height.

If there is to be a salt water license...I feel it should be COASTAL
People could use it in Florida, Maine, New Jersey etc..

Comment Submitted by David Boyd, Key Largo, Florida

April 30, 2004

lease consider the Ocean Commission's report, as well as last year's Pew Oceans Report, very carefully in formulating your future ocean policy. For many years, federal and state agencies have been charged with preventing overfishing, further loss of wetlands, reducing water borne pollution, etc. Their track record in acheiving these goals has been very poor.

Most fisheries agencies have their roots in commercial fisheries bureaus, the commerce department or similar backgrounds. It is emminently foreseeable that bureaucracies charged with promoting commercial exploitation of a resource will not be good stewards of conserving that resource. Reducing bycatch in the nations fisheries should be a major priority in formulating fisheries policy. In many cases, bycatch has historically accounted for as high as 40% of the mortality for a species. With so many species currently fished at, or exceeding, sustainable levels and so little accounting for this bycatch it is obvious that sustainable fisheries cannot be achieved until bycatch is brought under control.

The oceans are what make our planet unique. They have a major impact on our climate, our food production and our way of life. Let's try and treat them with a little more respect.

Comment Submitted by Marc Stettner, President, North East Hook Fisherman's Association

April 28, 2004

Thank you for adding our group to the list. I briefly reviewed some of the report on the web site and one recommendation which really should be implemented was how Fishery Council Members are selected. I know for a fact that the makeup of the NEFMC is not a fair representation of all fishermen who use the public resource. For example there are no sole private recreational fishermen on the Council. Two members are Partyboat owners but that is about as close as it gets representation of one of the largest user groups.

Formal written comments will be submitted in addition to the one above.

Comment Submitted by Bob Jones, Southeastern Fisheries Association

April 26, 2004

If Public Citizen is really going to work on pond raised shrimp as a consumer issue, I sure wish they would also look at the sale of seafood by sports fishermen through the backdoors of restaurants at the same time. In Florida it is rampant and is the most difficult kind of poaching to stop. I can't get the media interested one twit and some of the regulators just wish I would shut up, but I won't. One of these days you should look at this cancer on the sportfishing industry and expose the ramifications of this "white collar poaching."

Three things happen when the sportfishermen avoid the radar screen.

1. The fish they catch and sell under the cover of darkness are never counted in management equations.
2. The fish do not fall under any HACCP regulations and without being under the program the fish are considered to be from an unapproved source if caught by regulators.
3. The fishermen make lots of money and all of it is tax free. They pay nothing and are a blight on humanity. They are poachers and cheaters and I hope they are not teaching their children that it is okay to go over bag limits, fish out of season and sell for cash or barter for meals.

I am preaching to the choir I guess but I think you really ought to write something about recreational fishermen selling their catch.

I have copied some of the regulators in Florida that you might like to contact to get their opinion.

Comment Submitted by B. Sahau, Florham Park, New Jersey

April 24, 2004

The u.s. agencies we have right now are controlled by commercial fish profiteers, who operate like the mob, enriching themselves and caring not a fig for the general american public, its children and grandchildren.

They are decimating virtually every fish stock, they are anti-environmental, they are being sued right and left by people who recognize the harm they are doing, and all they care about are the economic profits of the commercial fish industry, while mass extinction of species is going on.

As part of my comments, I alert you to the Pew Foundation reports on ocean fishing and the councils that control quotas. The quotas are too high, no marine sanctuaries are ever established. The record of these self-enriching councils is very very poor.

The american public is getting fleeced by this industry. The american public has a right to expect better than this.



April 28, 2004

The Honorable Gary Locke
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

It was a pleasure speaking with you last week about the U.S. Commission on Ocean Policy's (USCOP's) preliminary report that was submitted recently to the nation's Governors for their comments.

By and large, the USCOP's recommendations for strengthening fisheries management reflect standard management practices for federal fisheries in the North Pacific. The At-Sea Processors Association (APA) is pleased to support many of the USCOP suggestions, including a number of the key recommendations in Chapter 19 of the USCOP report, *Achieving Sustainable Fisheries*. Among other things, this chapter affirms that the North Pacific Fishery Management Council has responsibly managed fishery resources in U.S. waters off Alaska. The states of Washington, Alaska and Oregon, which compose the Council, deserve credit for protecting marine resources and ensuring sustainability of the fisheries. In the case of Washington State, the Washington Department of Fish & Wildlife managers and scientists, who serve on the Council and on key advisory committees, cooperate fully with federal and state fishery managers, scientists and a broad range of stakeholders in adopting a precautionary, ecosystem-based approach to fisheries management.

Given the State of Washington's leadership on sustainable fisheries, your comments to the Commission will carry great weight. Please consider the following views in preparing your response.

**The Governor's Comments Should Support Commission Recommendations
Enhancing the Role of Scientific and Statistical Committees (SSCs) with the Caveat
that Authority for Appointing SSC Members Should Remain in the Region.**

The USCOP proposes amending the nation's principal fisheries law, the Magnuson-Stevens Act, to provide that each regional fishery management council set harvest limits at or below the acceptable biological catch (ABC) level determined by its SSC. (See USCOP Recommendation 19-3.) In the North Pacific, the regional council



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has followed the advice of its SSC in setting catch levels, and as a result of good scientific information and conservative harvest recommendations, groundfish stocks are abundant and fished at a sustainable level. APA supports changing the law to require councils to set total allowable catch (TAC) levels at or below the ABC determined by the SSC.

The **USCOP's Recommendation 19-1** also suggests several key changes pertaining to the composition of SSCs. The USCOP appropriately notes that SSC members will typically be "scientists with strong technical credentials and experience, selected from federal or state governments or academia." The Commission also finds that private sector scientists could be qualified, but states that such persons should not be appointed if they are "formally or financially affiliated with any harvesting or processing sector." APA agrees, but we believe that the conflict of interest concern stated by the USCOP is too narrow. We do not believe that private sector scientists affiliated *with any stakeholder group* should be permitted to serve on any council, and we ask you to propose a broader conflict of interest recommendation to the Commission.

The USCOP also recommends that regional councils nominate SSC members but that the NOAA Administrator "approve" SSC appointees. Current law directs each council to appoint SSC members and makes no provision for NOAA to override the councils' decisions. APA does *not* support the USCOP's recommendation that final decision making authority for SSC appointments be shifted out of the region and to Washington, D.C. where such decisions could become politicized. It is vitally important that SSC members have biological, economic, social or other scientific expertise regarding the fisheries in the region. Therefore, final decision making on the appointment of qualified SSC members should remain in the region where there is a better understanding of the issues and the expertise needed to address management concerns. Using the broader conflict of interest criteria suggested above by APA and amending the USCOP's recommendation to read that SSC members be evaluated *by the relevant council* "through an independent review process designed by a credible, scientific organization," the continued appointment of qualified SSC members by the councils is appropriate.

APA endorses the USCOP's recommendation that SSC members be compensated for time spent on regional fishery management council business, but we do not see the need for the USCOP's proposal to "term-limit" SSC members. As long as respected, independent scientists are appointed to SSC positions, there is no reason to limit qualified individuals' participation on the panels.

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The North Pacific Council's SSC is highly regarded, dedicated and has established a long and admirable track record for conservation and management of marine resources. We believe that many of the USCOP's proposed changes will ensure that all SSCs are comprised of the such high-quality appointees as the North Pacific Council's SSC and that the advice of qualified scientists will be valued and relied upon as a matter of course in the decision making process.

The Governor's Comments Should Endorse the Use of Dedicated Access Privileges. Successful Implementation of Quota Share Programs for Halibut and Alaska Pollock Demonstrate That Dedicated Access Privileges Can Provide Conservation Benefits As Well As Economic and Social Stability for Fishing Industry Participants.

The USCOP echoes the findings of numerous other science and policy bodies that ending the race for fish enhances conservation and provides economic and social stability for fishing industry participants. The Commission correctly encourages fishery managers to employ dedicated access privileges, including quota share programs and fish harvesting cooperatives, emphasizing regional flexibility in promoting or creating such programs. APA members participate in two fish harvesting cooperatives in which eligible catcher/processor participants allocate the allowable catch on an individual company basis. Cooperative members have retired capacity from the fishery, established voluntary bycatch reduction programs, and are producing nearly 50 percent more products from every pound of fish harvested.

USCOP Recommendation 19-15 proposes national guidelines for dedicated access programs. Most of the Commission's comments, including providing for a referendum among stakeholders on a proposed dedicated access plan, are appropriate. However, the suggestion that quota shares be assigned for a limited time undermines much of the benefit of such market-based programs. The USCOP's recommendation is based on unwarranted concerns that the assignment of quota shares could create "confusion concerning public ownership of living marine resources." The Magnuson-Stevens Act states unequivocally that issuance of quota shares does not create any right or title to any fish before the fish is harvested. A mandatory "sunset" of quota share programs, or of quota shares issued under such programs, serves only to inhibit market forces and foster economic and social uncertainty. The Commission is working against its own goals of reducing excess capacity and providing economic and social stability by mandating uncertainty in the establishment of quota share-style programs.

The Governor's Comments Should Inform the Commission That Marine Resource Management in the North Pacific Incorporates a State-of-the-Art Ecosystem-based Approach.

The Commission calls on fishery managers to “begin to move toward a more ecosystem-based management approach.” While the USCOP provides numerous examples of the North Pacific Council’s exemplary record of fisheries management, the report falls short of recognizing the leadership role of the Council in creating a state-of-the-art approach to ecosystem-based management. We urge that your comments to the Commission clarify that federal and state fishery managers and scientists have already incorporated an ecosystem-based approach into managing marine resources in the North Pacific.

The USCOP identifies protection of Essential Fish Habitat (EFH) and bycatch reduction as two key elements of ecosystem-based management. The North Pacific Council has completed a comprehensive review of EFH and determined that fishing is not having more than a temporary or minimal impact on the environment. Moreover, the Council is moving forward to identify Habitat Areas of Particular Concern (HAPCs) to focus on sensitive habitat areas, which is consistent with **Recommendation 19-21** that calls for an ecosystem-based approach to implementing the EFH provisions of the Magnuson-Stevens Act.

The North Pacific Council’s EFH efforts complement an existing network of Marine Protected Areas (MPAs) implemented to achieve various management goals, including minimizing possible fishing impacts on marine mammals, protecting sensitive habitat and avoiding gear conflicts among fishermen. These MPAs cover over 130,000 square miles of ocean off Alaska—an area almost twice the size of the State of Washington.

With regard to bycatch reduction, the Council has developed dozens of bycatch reduction measures for the fisheries, including closing target fisheries if certain amounts of non-target species are caught. Consistent with **Recommendation 19-22**, a comprehensive fishery observer program is in effect to monitor bycatch of both commercial and non-commercial fish species as well as to conduct fishery dependent research.

In 1999, the National Research Council (NRC) identified key management measures that constitute an ecosystem-based management approach, including utilizing a precautionary approach to account for uncertainty; implementation of comprehensive

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monitoring and enforcement programs; establishment of MPAs to address specific management concerns; reducing overcapacity through implementation of dedicated access privileges; reducing bycatch and providing for broad stakeholder participation in the fishery management process. The North Pacific Council has taken a leadership role in each of these important areas. We believe that the Commission's final report should reflect the Council's commitment to an ecosystem-based approach, while supporting the USCOP's call for doubling the oceans budget to help better understand ecosystem components and interrelationships among species.

APA appreciates your consideration of these comments. I hope that they are helpful to you in preparing your response to the USCOP. Please do not hesitate to contact me at ph. (202) 661-3975, if you have any questions. Thank you for your continued support for Washington's seafood industry and your leadership on sustainable fisheries issues.

Sincerely,

Jim Gilmore
Director of Public Affairs



COLUMBIA RIVER
CRAB FISHERMAN'S ASSOC.
PO Box 461
Ilwaco, WA 98624

CRCFA
Commissioners:

Dale Beasley, President
PO Box 461
Ilwaco, WA 98624
Phone & Fax
(360) 642-3942
crabby@willapabay.org

Chris Doumit
PO Box 342
Cathlamet, WA 98612
(360) 795-0601
bristolpacfishcd@aol.com

Dwight Eager
PO Box 141
Chinook, WA 98614
(360) 777-8727
deager@pacifier.com

Rob Greenfield
PO Box 84
Chinook, WA 98614
(360) 777-8242
green@transport.com

Dan Oja
PO Box
Ilwaco, WA 98624
(360) 642-3753
minosawillapabay.org

Bill Rhodes
PO Box 2215
Gearhart, OR 97138
(503) 717-1068
crabber@pacifier.com

Kerry Suomela
PO Box 522
Ilwaco, WA 98624
(360) 642-3589
socross@willapabay.org

Honorable Governor Locke:
CC: Mr. Ron Shultz

5 May 2004

RE: **Response to Ocean Commission preliminary report**

Priority: Sustainable fishing communities

Fish need water rights!

Exempt Dungeness crab from national standards

Strengthen and finance CZMA, assure local variability

Interstate & International coordination is mandatory

Simplify & consolidate bureaucracy, do not add additional layers

IFQ – Just Say NO

Permanently reduce fishing capacity to sustainable levels

Improve public processes and transparency

Require MITIGATION replacement for lost ecosystem function

Re-visit; revise TMDL & sewage discharge pollution standards

Initiate Corps Reform – integrate functional collaboration

**Implement sustainable solutions to coastal erosion
with Regional Sediment**

**Management that addresses the environment on a NO
HARM basis**

Include small ports needs

**Make Ocean Observing Systems user friendly to the
public (taxpayers)**

CRCFA thanks you for the opportunity to express our views relative to the Governor's response to the Ocean Commission Report. We view this report as an extremely important historical event that will help guide the future of our national ocean treasure, and planet's lifeblood well into the future.

The Ocean Commission developed a good set of guiding principles that if followed will lead to an improved ocean stewardship ethic, a dire necessity.

This preliminary report is over-whelming, comprehensive, and allows inadequate time for meaningful public response to such a huge document.

Ocean policy development is a national obligation that needs to be exercised at the state level, similar to the implementation of the Coastal Zone Management Act that applies national interests and allows for flexibility and variability at the local level to the limits of the EEZ. Washington State Shoreline Master Program has a good start in the proper direction, adding additional layers of bureaucracy will only take away substantial

dollars needed for on the ground research and projects related to sustaining our oceans. CRCFA believes simplification and consolidation of existing programs, not initiating additional bureaucracy is going to be the key to how we can best achieve our primary goal to protect, preserve, and sustainable utilization of our nation's oceans for current and future generations. This is especially true in this time of tight budgets where not only the federal government but many states are awash in red ink. Adding bureaucracy will be counter-productive.

We can no longer exploit our environment utilizing the "least cost option" available. Past and present cumulative unrestrained growth has its limits, which leads to eventual excessive deterioration of our basic environmental support system. The health and abundance of the fish in our waterways are our advanced

warning system that biomagnifies our failings and point the way to successfully meeting future challenges. We need to examine fish, find the sources of carcinogen uptake, and correct the problems.

We are currently at a point in history where we must examine if a policy of “NO NET LOSS” of biologic function is appropriate. Certainly we must slow the rate of LOSS and take meaningful steps to strengthen our environmental laws while still maintaining reasonable levels of utilization – achieving sensible balance will still require deviation from business as usual and favor environmental aspects to balance past cumulative impacts reaching far inland without losing sight of sustaining coastal fishing communities as a priority.

Due to the extensive nature of this Ocean Commission report, CRCFA is going to limit our comments to those that directly affect our local fishing ports on the coast of Washington and Oregon.

CHAPTER 19:

ACHIEVING SUSTAINABLE FISHERIES

1. The Magnuson/Stevens Fishery Conservation and Management Act needs improvement with a thorough review analysis to understand why the nation has excessive FMP's which are not meeting the goals of the FCMA – provide **sustainable fisheries** and conservation of marine ecosystems on a sustained basis for the economic benefit of the nation and our fisheries, both recreational and commercial. Stop the failures; enhance the successes. Do not do a major overhaul. Additional layers of bureaucracy will not solve the problems.
 - a. **Improve the science:** the marine environment is not well understood. Involve cooperative research with the fishing fleet to increase the trust level between fishermen and the scientific communities, both will benefit.
 - b. **IFQ – Just Say NO** The obligation our government has to manage public trust natural resources is to maintain equal access, equal opportunity at participant levels the resource will sustain.
 - c. **NON-plan species** must also be protected. NOAA Fisheries has inadequately analyzed impacts to Dungeness crab from other agency actions. Rex sole, sand dabs, starry flounder, English sole, sand sole, rock sole, petrole sole, and a host of other valuable species are not adequately protected. They are not on the NOAA Fisheries list to protect, what is going on here anyway? Doesn't NOAA have an obligation to protect all sea life?
 - d. **MPA's** have a place similar to National Parks, to preserve critical and fundamentally significant local areas of interest, but as management tools will create more problems than they solve. MPA's must be approached slowly and thoroughly documented before moving aggressively ahead and only for enhancement of sustaining fishing communities. On the West Coast we have one of the largest MPA's in the world, it stretches from Mexico to Canada, is it doing its intended function???
 - e. **Fish need clean water rights** in both the ocean and anadromous habitats.
 - f. **Point & Non-point pollution** is killing not only our rivers but extending into our oceans. At the MCR, 15% of some juvenile flatfish species have cancerous tumors, the pathway to the carcinogens needs to be investigated and stopped. Biomagnifications of toxins increases lethal and sub-lethal effects which contribute to lower productivity not only to the target species but the entire food chain including humans. Recent EPA coastal report shows toxic biomagnifications in fish throughout the Columbia River.
 - g. In the past fisheries managers have perpetuated the idea that bigger is better. CRCFA disagrees. We believe that the smaller, inefficient fishing operations, spread the oceans bounty over a wider area of the coast and promotes conservation while providing greater employment. This bigger is better philosophy must change if our oceans' bounty is to be perpetuated for future generations. The Ocean Commission recognized that our oceans fisheries resources may have been at sustained yield before building our fishing fleets 25 years ago.
 - h. **Fleet Reductions** are a necessity. Over-capitalization needs to be addressed. We have proven beyond a shadow of a doubt, that bigger is not better. In buybacks the participants need to be removed, a major failure of past effects at fleet reduction.

STRONGLY

Recommendation 19–10. national standards to state fisheries – this will kill the Dungeness crab fishery - **OPPOSE**

- 2) Not all fisheries respond well to NATIONAL STANDARDS and Dungeness crab is that exception. Maintain and extend indefinitely the FCMA Dungeness crab provision which allows the States of Washington, Oregon, and California to manage the crab resource throughout the EEZ. The Tri-state meetings currently organizing may produce other recommended changes in the current legislative language relative to **state jurisdiction** of crab. Dungeness crab under state management has an exemplary record of sustainability and the last two years have been record production

years on the coasts of Washington, Oregon, and California after almost a hundred years of management – Adhering to National Standards would KILL the fishery.

- a. Advanced stock assessments are IMPOSSIBLE
- b. ABC is NOT able to be established
- c. In this case if it is not broken don't fix it. Dungeness crab management has withstood the test of time far better than the majority of fisheries management under National Standards and is much healthier.
- d. Dungeness crab has been before the Pacific Fisheries Management Council on two separate occasions and both times remanded back to state jurisdiction as the best management for the fishery without National Standards.

Recommend: permanent extension of state jurisdiction of Dungeness crab by the states of Washington, Oregon, and California

CRCFA is inherently against more and bigger bureaucracy. Fundamental management change may be necessary, however, CRCFA would caution this move and not take it lightly. Lack of dollars to get needed science, analysis, gear research, and other programs in place is as much responsible for fisheries failure as any other factor. Fisheries scientist, not fishermen, initiated daily trip limits, refused to place spawning ground closures, and did not investigate destructive fishing methods. Dollars have not been available for gear development that is more selective. Failed fisheries are not just the result of over zealous fisherman greed as some have portrayed the industry. One of the most successful conservation minded fisheries in the world, Dungeness crab, is essentially run by industry initiative in concert with state fisheries managers without national standards.

The shortcoming of the FCMA to provide sustainable fisheries is also seriously under mining the community infrastructure which maintains the fishing fleet. Marine stores, shipyards, electronic and refrigeration experts, fish processing plants, and other facilities are regularly being forced out of business as fisheries collapse. Special attention to fleet support infrastructure may be required as fisheries are re-building. Small ports are not receiving the landing tonnage they need to support US Army Corps of Engineers channel maintenance requirements.

The future of dredging is now!

Change is upon us and we must respond responsibly for the sake of future generations.

Ocean Disposal sites: Mouth of the Columbia River and Deepening Sediments

Our nation's basic attitude about dredging and disposal is in the process of change. No longer is close, cheap, quick & dirty, dump & run acceptable. The negative and often unintended consequences have to be considered as part of the cost of doing business. We have past the limit of exploitation without due consideration to preservation and rehabilitation of our environment. Our oceans and rivers can no longer be considered unrestrained dumps. Spoils can be assets if used properly.

- 1) Over mounding with resulting deterioration of navigational safety must be eliminated. Human health and safety must be the first consideration of conservative sediment placement.
- 2) Outside peer reviewed wave analysis that is calibrated to observed conditions is a necessity, especially at site E. Satellite observations may provide the broadest coverage available with an historical record already in place.
- 3) Baseline studies that accurately assess commercial resources (Dungeness crab and non-plan flatfish species) must be accomplished over time as a second requirement. Last summer's Crab survey in the ocean sites was a very, very small and inaccurate picture of the crab utilization of the ocean sites. In December CRCFA caught more crabs in one pot in the Deepwater site than the Corps survey caught in 48 pots in July, just as we predicted in the Ocean Disposal Taskforce meeting prior to the Corps survey.
- 4) Disposal site sizes must be based on reasonable and prudent demonstrated need for the current generation only. As proposed the sites are extreme excess and do not account for any other site capacity, or the fact that Benson Beach will soon accept a substantial amount of the MCR sediment. Adaptive management should dictate a vast reduction in size. If this simple example of adaptive

management cannot be effectuated, how will complex biologic functions be assessed and adapted after the dredging begins in the river?

- 5) Replacement mitigation for damages to habitat, resources, and use must occur concurrently with destruction. See Columbia River Dungeness Crab Mitigation Strategy and Navigational Safety Agreement previously submitted. NO mitigation, no dredging or disposal, simple.
- 6) Physical and biological monitoring that accurately reflects changes in baseline conditions in ecology and sediment characteristics needs to occur. Current proposed physical monitoring after 5 feet of deposition in two years is a complete farce. Monitoring will NEVER occur under these circumstances in the huge over-sized site.
- 7) The Deepwater site is several thousand feet into active and productive fishing grounds on the southern edge of the site and needs correction. The site needs to be restrained to the towlane.
- 8) The new RM 3 – 5 ocean disposal site has no NEPA process what so ever associated with it. NEPA, state and local guidelines need to be met. RM 3 – 5 is nothing more than a recycled ocean disposal site that will end up placing excess demand for sediments in site E and/or Benson Beach.
- 9) Historical examples of disastrous destruction to fisheries resources include Rice Island and Site B. Review should include what lead to these disasters (least cost option) and eliminate any repeats.
- 10) Process transparency needs improvement. CRCFA has requested a multitude of documents from EPA and the Corps which have not been received to make informed comments.
- 11) Past negative effects to coastal erosion need to be mitigated. With sea level rising at about 4 mm per year, we need to be proactive and place more sediment on the beach. Benson Beach is one sustainable solution we must pursue.

The days of the 800 pound gorilla tactics, “this is how we’ve always done it” are over.

Swinging the navigational servitude sword in broad swaths is no longer acceptable.

The “least cost to the Corps” policy is a cross that is too expensive for the taxpayer to bear.

CZMA must be fully integrated into the dredging process.

Collaborative efforts of the local, state, and federal agencies with full involvement of affected stakeholders will produce a much more acceptable dredging product.

The era of responsible, sustainable dredging that works to reverse the ecological damages of the last 225 years is upon us. Sediment is an asset that must embrace beneficial and sustainable solutions through the use of a more holistic management structure which uses cooperative interaction of local, state, and federal authorities and adequately protects ALL stakeholders effected by dredging. CZMA is a necessary tool that must be successfully integrated into the dredging process.

Vacillation of disposal alternatives at the Mouth of the Columbia presented in DEIS, EIS, FEIS, SEIS & now back to ocean with an incomplete EIS speaks volumes. The horrific effects of the disposal in the lower river, disproportionately penalizes the coast and must receive compensatory mitigation for damages that the law demands before water quality and consistency are approved.

What explanation for inconclusive sediment fate exists other than too much dirt, to little acceptable place to put it, and not enough common sense applied to the process.

USACE must increase efficiency of financial responsibility

Schedule several small channels in succession (Chinook, Ilwaco, Skipanon, Cathlamet, etc.) to minimize mobilization costs, increase yardage to decrease costs.

Fragmented costs inflated (Chinook estimate \$1.7 million @ \$7.00/yd) last dredging \$3.91/yd, when it was dredged at the same time as the Ilwaco channel.

Regional Port District for both large and small ports

Consider dedicated dredge for these channels and Benson Beach managed by regional port district using federal funds for federal authorized channels and projects

20" cutter head, 58' ladder

3-4000 cy / hr

hulled to withstand weather and sea conditions

~ \$1,000,000

small tug, anchors, & operating expenses

Far cheaper than current program

Think outside the box

Note: CRCFA attended the USACE environmental advisory board meeting in Portland, Oregon recently and was quite receptive to a lot of the proceedings. In a brief conversation with General Flowers, CRCFA informed him that we liked a lot of what he had to say but that the Corps, especially the Portland Corps, was a long, long way from getting the environmental program changes on the ground and operational. Corps reform cannot come completely from within. National policy must be dealt with at the local level, and any planning and development must include receptive input from the stakeholders affected by the development with full cooperation from local and state agencies. Environmental aspects of development need to be considered as an integral part of the "least cost option" through first avoiding environmental impacts, then minimizing, and after avoidance and minimization measures are in place, mitigate for unavoidable damages to no net loss of habitat function.

Some dredging activities need enhancement and your support at the Mouth of the Columbia to secure funding to make **BENSON BEACH** a sustainable alternate solution as a regular part of the Corps' MCR operations and maintenance budget at 2 mcu per year. The exact amount of funding required can be discussed with the Corps and Southwest Washington Communities representative, Pacific International Engineering, but is in the neighborhood of \$3,000,000, annually. It is important that the Governor include funding for the SW Washington Coastal Communities Group for the states proposed budget in the works this summer. The coastal group is a very strong advocate to abate our growing coastal erosion, and has brought an exceptional amount of federal dollars to our state over the years, in excess of \$80,000,000.

Change the dredging authorization at the **Ilwaco Entrance Channel** to extend to the fish receiving plants and fuel dock inside the rocked jetties to the 16 foot depth plus advanced maintenance requirements on a three year cycle. 5. Secure adequate and continuing funding for the **Chinook Entrance Channel** to maintain the 10 foot authorized depth plus advanced maintenance requirements which may exceed the usual 5 feet on the same three year cycle as the Ilwaco Channel. Coastal ports in general need to have their channels regularly maintained for safety of navigation. Another consideration may be the formation of a regional small ports district which is funded and does the dredging in all lower river ports with their own dredge, including the Benson Beach pump direct beach placement.

6. Secure funding to modify the US Army Corps of Engineer's dredge Essayons for both direct pump ashore and rainbow delivery to begin environmentally sensitive **sustainable disposal alternatives** which are currently being investigated and supported by the Lower Columbia Solutions Group which was started by the past Oregon Governor Kitzhaber. These modifications will advance the possibility of developing coast wide, sustainable dredge disposal solutions, that address coastal erosion without compromising our natural resources (Dungeness crab).

7. Continue to work on US Army **Corps Reform** (no matter how you term it) the "Least Cost Option" is often the most expensive possible, i.e. Rice Island which cost the taxpayers untold millions from an unintended consequence, avian predation of salmon smolts. Environmental concerns have to become a larger part of the Corps "least cost". We support the majority of the Corp Reform Networks positions including NO new large projects without associated "Corp Reform". Reform means a much more open process. The public needs access to information used to make decisions. Reform also includes replacement **MITIGATION** for damages to habitat function and natural resources even in the marine environment. Decisions are too

often made on assumptions that are overly optimistic with the predetermination that NO significant effect is associated with the project. Environmental investigations are often cursory at best and usually do not pass professional peer review.

8. Begin to examine a fleet **buyback** program in the Dungeness crab industry which is being considerably overcapitalized from encroachment from other failed federal fisheries. Ancient Indian treaties with the federal government are allocating up to 50% of the crab resource in part of Washington State. This treaty obligation has the potential to grow to eliminate two thirds of the Washington Coast to all non-tribal fishing.

9. Involve Goddard Space Flight Center in developing space monitoring of mound induced wave amplification in conjunction with local universities and/or other (Southwest Washington Communities Group) means of investigating mound induced wave amplification at West Coast river entrances with emphasis on the MCR. Goddard has a huge volume of **satellite information** that the public should have direct access, including but no limited to, developing it into a usable format:

- c. Sea Surface Temperature
- f. Sea Surface Chlorophyll
- g. Sea Surface fresh water anomalies, bubbles
- h. Sea Surface current gyres
- i. Wave and current interactions in several formats

10. The **Coastal Zone Management Act** is essential to protect local communities from global federal impacts. CRCFA fully supports CZM with interstate consistency. Many of our states are separated by rivers that enter the coastal zone which need bi-state coordination.

A word of caution is in order: As important as Homeland Security is – our individual liberties with right of privacy and our **civil liberties** must not be compromised. **Continuity of Congress** and **Presidential succession** must be guaranteed if another 9/11 disaster occurs and compromises a significant number of congressmen and/or the president. Current state regulations do not insure the required timely continuance of the best government in the world. Other complications of the Homeland Security Act are cropping up in local small fuel suppliers with lists of new regulations which are trying to turn fuel dock operators into a local police force, a difficult task. This needs review and if they are necessary, Federal assistance is needed for compliance.

Again, thank you for considering and protecting the needs of the fishing industry.

Sincerely,

Dale Beasley, CRCFA

May 14, 2004

The Honorable Gary Locke
Governor of Washington
State Capitol Building
Olympia, Washington 98504



Partners with Mother Nature.

I am writing this letter in regards to the recently released Preliminary Report and draft of recommendations from the U.S. Commission on Ocean Policy, which your office has received. As you know, the Commission has asked our nation's governors for comments on their recommendations before they publish the final report.

Many of the recommendations in the U.S. Commission report bear directly on the shellfish aquaculture industry. The Pacific Coast Shellfish Growers Association, which represents the interests of shellfish farmers on the U.S. West Coast, has prepared comments on these recommendations. We respectfully request that you give our comments due consideration and incorporate them into your response to the Commission.

The shellfish aquaculture industry in Washington is significant. We are the largest producer of farmed molluscan shellfish in the U.S. with an annual farm-gate value of \$76 million and growing. Our industry provides family-wage jobs in rural communities while also bringing critical "new" dollars into these areas. At the same time, our farmers work diligently to protect the health and well being of the sensitive marine areas in which they work. Given their dependence on the health of the marine ecosystem to produce their crops, they have a significant vested interest in maintaining and protecting these areas.

The shellfish aquaculture industry is unique, in that our economic health is directly tied to environmental health. Water quality degradation poses the greatest threat to the shellfish industry on the West Coast, but we are also facing serious challenges from an inadequate infrastructure at the federal and state levels that creates an uneven playing field in today's international marketplace. There is currently a \$7 billion federal seafood trade deficit. This deficit is second only to oil! Were appropriate support systems in place, the U.S. West Coast, and Washington in particular, is in a unique position to help offset this deficit.

The comments provided below are a synthesis of the various categories of issues found throughout the Commission recommendations.

Aquaculture in the Exclusive Economic Zone

Chapter 22 suggests that future marine aquaculture development be limited to the Exclusive Economic Zone where user conflicts and impacts can be minimized. Many of the states have vibrant, sustainable and environmentally responsible aquaculture industries currently located in nearshore waters. These industries are invaluable to rural coastal economies harmed by the declines

Pacific Coast Shellfish Growers Association

120 State Avenue NE PMB #142 ♦ Olympia, Washington 98501 ♦ (360) 754-2744 ♦ Fax 754-2743 ♦ E-mail: pcsga@pcsga.org

in wild fishery resources. With appropriate research and development support and facilitation for comprehensive aquaculture planning under the CZMA these industries can continue to thrive and expand. They are far better positioned to contribute to the immediate expansion of aquaculture production in the U.S. than offshore where the technology and permitting by in large have yet to be developed. Key to the survival of this nearshore aquaculture, particularly the shellfish industry, is implementing all of the recommendations contained in Chapter 14 regarding protecting and improving water quality.

Nonpoint source pollution:

Nonpoint pollution is insidious and one of the greatest threats facing the shellfish industry. The problems occurring right now in Hood Canal stand as a prime example of the effect of failing to control nonpoint pollution. Among the recommendations found in the Report is strengthening the ability of local watershed groups to address problems by providing them with adequate technical and financial support. On-the-ground local efforts, supported at every level, will be key to protecting and restoring this critical habitat. There is merit in the concept of combining the efforts of the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration in their respective jurisdictions over the Clean Water Act and the Coastal Zone Management Act to form a more cohesive, comprehensive approach to the nonpoint pollution problem. We also agree with the imposition of financial disincentives to motivate meaningful progress toward meeting existing water quality standards. (*Recommendations 14-9, 14-10, 14-8, 14-13*)

Upland wastewater:

Local communities need increased technical and financial assistance to improve septic, stormwater and treatment systems; and building codes, zoning ordinances and enforcement for stormwater and septic systems must be strengthened. (*Recommendations 14-1, 14-2, 14-3, 14-4, 14-6, 14-11, 14-12*)

Marine vessel wastewater discharges:

Uniform discharge standards and waste management procedures, combined with incentives for industry investment in treatment technologies and support for building more pump-out facilities are tangible ways to deal with these sources of pollution. Consolidating the Clean Vessel Act grant program to the EPA should be considered if it will result in administrative cost savings and a more comprehensive and effective program. (*Recommendations 16-5, 16-7, 16-8*)

Oil spill prevention:

Shellfish growing areas should be included in any risk-based analysis for oil spill prevention. (*Recommendations 16-12*)

Aquatic Nuisance Species:

Several recommendations on ballast water and Aquatic Nuisance Species management are found in the report. The existing Aquatic Nuisance Species Task Force should be reauthorized, with inclusion of both NOAA and the USDA. Efforts should be coordinated with the new Ocean Council, but redundant and duplicative efforts should be avoided. (*Recommendations 17-2, 17-3, 17-5*)

Ecosystem-based/Coordinated Management:

Several recommendations throughout the Report have to do with more coordination among and oversight of the various agencies that currently have jurisdiction over marine resources, including the establishment of a new National Ocean Policy and Presidential Council of Advisors, and a reorganization of the federal government to develop a more unified, ecosystem based management approach. In theory, this is a sound concept. Functions should be collapsed where possible and coordinated more efficiently, but caution should be exercised in establishing even more layers of bureaucracy.

(Recommendations 7-5, 4-3, 4-10, 9-3)

Coordinated Support for the Aquaculture Industry/Research and Development:

Several recommendations in the Commission report are related to implementing a national policy for expanding “environmentally and economically sustainable marine aquaculture.” The PCSGA fully concurs. The U.S. Department of Commerce goal to expand aquaculture five-fold by 2025 will never be realized without a coordinated policy, including a reasonable, logical permitting and regulatory environment. This goal will not be met without an in tandem infusion of financial support into research and development. Funding and expanding regionally-based cooperative research programs in NOAA and collaborative projects among scientists and the seafood industry is absolutely critical.

(Recommendations 19-12, 22-1, 22-3, 23-4, 24-1, 25-1, 22-2)

Industry Representation on Advisory Bodies:

Too often, decisions that directly affect the shellfish industry are being made in a vacuum with no input from growers. The report recommends that at least two representatives from the commercial fishing industry be included on the Regional Fishery Management Council. PCSGA recommends one of these seats be filled by a representative from the (shellfish) aquaculture industry.

(Recommendation 19-12, 4-10)

On behalf of Washington’s shellfish industry, thank you for your consideration of these important issues. If we can provide you with any additional information, please contact Robin Downey, PCSGA Executive Director, at 360-754-2744.

Sincerely,



Mark Schaffel
President, PCSGA