



Via PFMC E-Portal

06/03/2024

Pacific Fishery Management Council  
Supplementary Public Comment

### **Comment on F5: Fixed Gear Marking and Entanglement Risk Reduction – Final Action**

The Center for Biological Diversity (Center) asks that the Pacific Fishery Management Council (Council) strengthens its Groundfish Management plan by implementing entanglement risk reduction measures that significantly reduce risk of harm to marine species.

Gear marking is an important step in identifying the origin of fishing gear involved in entanglements. The Center supports the Council adopting the following gear marking actions for management measures, and bolded those alternatives that *are not* the preliminary preferred alternative (PPA):

- Buoy Marking: Alternative 1, Suboption b
  - Cattle-ear tag on each buoy, with vessel identification information
- Gear Specific marking: Alternative 1
  - A. **Portion of line marked: vertical line and surface line (2)**
  - B. Distance: at least top 20 fathoms (2)
  - C. Method of Marking: Manufactured line (1)
  - D. Transition period from temporary to manufactured line: No transition, manufactured line required upon implementation (1)

The Council's entanglement reduction measures, however, do not go far enough to protect marine species from harm. The Surface Gear Requirement's PPA that would provide for a voluntary change by fishermen to use surface gear on only one end of their groundline, rather than at both ends as is currently required, is only effective if there is widespread action taken by participants in groundfish fisheries. Voluntary management actions are inherently limited in their ability to consistently control and manage entanglement risk.

Furthermore, establishing a requirement for *any* surface gear on the end of a groundline, restricts the opportunity for pop-up ("on-demand") fishing gear to be tested, authorized, and implemented in commercial groundfish fisheries. Significant investments have been made to advance on-demand (or "pop-up") fishing systems to address entanglement risk in commercial fisheries. Yet, entanglements in fixed gear fisheries continue to harm and kill protected marine species in fisheries across the

Pacific. The clearest way to eliminate entanglement risk while allowing fishing to continue is to remove persistent vertical lines and surface gear from the water.

The Center for Biological Diversity petitioned in 2021 for regulations that transition trap/pot fisheries that frequently or occasionally entangle marine mammals (i.e. Category I and II fisheries under the Marine Mammal Protection Act) to pop-up gear.<sup>1</sup> The WA/OR/CA sablefish pot fishery is one of those fisheries because it is listed as Category II. Thus, to facilitate the transition to pop-up gear, we suggest the following language that does not require surface gear be adopted in the fishery management plan amendment and in proposed regulations:

- Buoys are not required to be used, but, if used, each buoy must display identifying information so as to be easily distinguished, located, and identified.<sup>2</sup>

The Council must strengthen its entanglement risk reduction measures to prioritize the protection of marine life and support the advancement and use of pop-up fishing gear.

Sincerely,

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Attachments:

Pop up Gear Fact Sheet:

[https://www.biologicaldiversity.org/species/mammals/North Atlantic right whale/pdfs/popup\\_gear\\_fact\\_sheet\\_2\\_26\\_24.pdf](https://www.biologicaldiversity.org/species/mammals/North_Atlantic_right_whale/pdfs/popup_gear_fact_sheet_2_26_24.pdf)

Petition to Require Transition to Ropeless Fishing, Center for Biological Diversity, Petitioner, Filed with Gina Raimondo, in her official capacity as Secretary (dated Dec. 9, 2021), available at <https://www.biologicaldiversity.org/campaigns/fisheries/pdfs/2021-12-Center-Ropeless-Petition.pdf>

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<sup>1</sup> Please see attached, also available at <https://www.biologicaldiversity.org/campaigns/fisheries/pdfs/2021-12-Center-Ropeless-Petition.pdf>

<sup>2</sup> 50 CFR 622.177(a)(2). [https://www.ecfr.gov/current/title-50/part-622#p-622.177\(a\)\(2\)](https://www.ecfr.gov/current/title-50/part-622#p-622.177(a)(2)).