

Lummi Nation Fishing Gear Loss Forum
January 30, 2008
Meeting Summary

Approximately 34 people gathered at the Silver Reef Hotel and Casino from 9:00 A.M. to 3:30 P.M. for the first Lummi Nation Fishing Gear Loss Forum. A participants list with contact information is attached to this report.

Scott McCreery, BP Cherry Point Refinery Environmental Project Manager, welcomed the participants, provided background information and identified goals for the Forum. Merle Jefferson, Sr., Lummi Nation Natural Resources Executive Director, also welcomed the group and provided his perspective for the day. Elden Hillaire, Lummi Nation Natural Resources and Fisheries Commission Chairman, led a Lummi traditional prayer. Tom Cowan, facilitator for the Forum, described the desired objectives for the Forum and walked through the agenda.

There were four morning presentations for the purposes of educating participants and increasing awareness of concerns regarding industrial dock operations, U.S. Coast Guard vessel traffic management, Lummi fishing practices and economic and environmental impacts from fishing gear losses. Except for the Coast Guard, slideshows accompanied the presentations and will be provided to all participants electronically.

Captain Craig Lee, Northwest Port Captain with BP Shipping, described a representative industrial vessel operation at a Cherry Point facility. He explained tanker history, vessel traffic flow and bridge team management. Craig described vessel, crew and cargo safety issues, navigating with a pilot and the Automatic Identification System. Questions and discussion followed and participants described other transit operations. It was noted that 90% of vessel traffic calling on Cherry Point facilities use Rosario Strait rather than Haro Strait.

Joni Slagle, BP Cherry Point Refinery Dock Supervisor, described typical industrial dock operations, using the BP dock as a reference example. Safety is a primary consideration. Joni described the frequency and timing of shipping traffic and oil transfers. During questions and discussion, other industrial representatives described their dock and transit operations.

Lieutenant Commander Diana Wickman, Chief, Waterways Management Division, U.S. Coast Guard Sector Seattle, explained the rules governing commercial vessel traffic to and from the Cherry Point reach. She described Federal Shipping Lanes, the “do not impede” Rule 10 of the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS) and provided a Vessel Traffic Service (VTS) example. LCDR Wickman emphasized that communications is the key to safe operations and suggested establishing a system where fishermen could call to learn when vessels were scheduled to arrive and depart the industrial facilities. Specific vessel routes and problems were discussed and there was agreement that making routes work for both fishermen and industrial operations is a good objective. Merle Jefferson, Sr., Lummi Nation Natural Resources Executive Director; Elden Hillaire, Lummi Nation Natural Resources and Fisheries Commission Chairman; Cliff Cultee, Lummi Natural Resources Commission Secretary; and Alan Chapman, Lummi Nation Harvest Manager, described the significance of tribal fishing; treaty-protected fishing rights; Lummi fishing

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practices and the economic and cultural value of fishing to the Lummi Nation. They described the history of the Lummi Nation, provided specific monetary values of fishing and described how Lummi manages its fisheries. They provided information regarding the causes and locations of gear losses, the quantity of gear losses due to commercial vessels and the costs associated with those losses. The Lummi presentation concluded with suggesting actions that could be taken by both fishermen and industrial operations to reduce the loss of fishing gear.

Ginny Broadhurst, Director, Northwest Straits Commission, described the environmental and economic impacts of derelict fishing gear. She described the Northwest Straits Initiative and its Derelict Fishing Gear Removal Program. Ginny noted that there are an estimated 14,000 derelict crab pots in Puget Sound and she explained the use of escape cord for crab pots and how derelict pots continue to fish, sometimes for years.

At 12:15 P.M., the group broke for lunch, but continued to informally discuss the issues brought out in the morning sessions.

The afternoon session started with a summary by Tom Cowan of the results of 23 discussions conducted with key participants prior to the Forum. The purpose of the discussions was to identify factors that result in gear losses and identify potential solutions. From the discussions, tugs and barges were identified as the primary cause of gear losses. The two main themes expressed for reducing the incidence of gear losses were more predictable vessel routes and improved communication. The written summary is attached.

The main agenda item for the day followed with a robust discussion between all participants regarding concerns and possible solutions for reducing Lummi fishing gear losses. There was considerable discussion regarding both fishery and industrial vessel actions that contribute to gear losses and proposed solutions. The following bullets attempt to capture the highlights of the discussions:

- After discussing geographic locations and the logistics of anchoring, it appeared there was consensus that improving predictable anchoring areas for tugs and barges should and could be accomplished.
- Both Lummi and commercial operators expressed interest in establishing specific transit lanes extending from the federally designated shipping lanes to the industrial piers. These transit lanes would consolidate industrial vessel traffic and leave the other marine areas remaining available for fishing with minimal – if any - commercial vessel traffic interference. As a first step, Lummi agreed to propose potential traffic lane locations.
- Participants agreed that identifying and establishing transit lanes should be accomplished by agreement, not by law.
- Improved scheduling of arrivals would allow tug and barge operators to follow a direct route toward docks and reduce the amount of travelling in large circles or figure eights while waiting for dock space.
- Improved communications between fishermen and vessel operators by cell phone or VHF radio would help the situation. It was also suggested that a system could be established

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where fishermen could call the USCG VTS to find out the general timing of scheduled vessel arrivals and departures from the Cherry Point industrial facilities .

- Any work group formed for reducing gear losses needs to include other operators that were not in attendance at this Forum.
- Participating in the Harbor Safety Committee is a good way to be involved in common issues. Lummi expressed interest in attending these meetings.

Building on the discussion points captured above, the final agenda item of the day was to specifically identify an action plan and next steps. The following action items were agreed to by the participants.

1. **Establish a working group to develop preferred transit routes to the Cherry Point industrial facilities.** The goal is to have a proposal distributed to all interested parties by April 1, 2008. Implementation of alternate transit routes should be accomplished by agreement between parties rather than by law. Participants will include Lummi, BP, ConocoPhillips, Intalco, Seaspan International/Council of Marine Carriers, Crowley Tug, Foss Tug, Puget Sound Pilots, USCG VTS, and American Waterways Operators. It was also recognized that other tug companies that were not participating in the Forum need to be invited to participate in this project and that the Harbor Safety Committee be kept informed of the group's efforts. The working group's proposal would address the following issues:
 - Cherry Point Transit Routes
 - Holding areas/tug moorages
 - Light tug anchorage
 - Vessel movement communications plan

This group may also work toward input to the USCG regarding future changes to the existing Vendovi Island commercial anchorages.

2. **An education and outreach plan should be developed.** Participants and timing were not decided and will be developed.
3. **A derelict fishing gear removal project should be considered for the Cherry Point area.** Ginny Broadhurst, Merle Jefferson and Cliff Cultee agreed to work on this.

The meeting concluded at 3:30 P.M. with agreement that this had been a productive day and well worth the time.

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<u>Participant</u>	<u>Representing</u>	<u>Address</u>	<u>Email</u>	<u>Phone</u>
LCDR Diana Wickman	US Coast Guard	1519 Alaskan Way South Seattle, WA 98134 15400 NW Greenbrier Pkway Parkside Bldg. A400	Diana.J.Wickman@uscg.mil	206.510.7887
Karen Hays	Alaska Tanker Co.	Beaverton, OR 97006 P.O Box 937	Karen.Hays@aktanker.com	503.207.0073
Jim Schon	Alcoa Intalco Works	Ferndale, WA 98248 4519 Grandview Road	jim.schon@alcoa.com	360.384.7259
Scott McCreery	BP Cherry Point Refinery	Blaine, WA 98230 4519 Grandview Road	scott.mccreery@bp.com	360.371.1605
Travis Millhollin	BP Cherry Point Refinery	Blaine, WA 98230 4519 Grandview Road	Travis.Millhollin@bp.com	360.371.1238
Joni Slagle	BP Cherry Point Refinery	Blaine, WA 98230 4519 Grandview Road	slagjl@bp.com	360.371.1374
Capt. Craig Lee	BP Shipping	Blaine, WA 98230 Post Office Box 8	LeeCW@bp.com	360.371.1212
Tim Johnson	ConocoPhillips	Ferndale, WA 98248 Post Office Box 8	tim.d.johnson@conocophillips.com	360.384.8368
Jay Pederson	ConocoPhillips	Ferndale, WA 98248 200-1575 West Georgia St.	Jay.Pederson@conocophillips.com	360.380.7136
Capt. Phillip Nelson	Council Marine Carriers	Vancouver, BC, Canada V6C2V3 1102 W Massachusetts St.	pnelson@comc.cc	604.687.9677
Scott Craig	Crowley Maritime	Seattle, WA 98134 3299 Center Road	scott.craig@crowley.com	206.332.8215
Tom Cowan	facilitator	Lopez, WA 98261 660 West Ewing St.	tomcowan@centurytel.net	360.468.2191
Steve Kimmel	Foss Maritime	Seattle, WA 98119 660 West Ewing St.	stevek@foss.com	206.270.4815
Capt. Dave Corrie	Foss Maritime	Seattle, WA 98119 2616 Kwina Road	dcorrie@foss.com	425.239.6089
Merle Jefferson	Lummi Nation	Bellingham, WA 98226 2616 Kwina Road	merlej@lummi-nsn.gov	360.384.2225
Elden Hillaire	Lummi Nation	Bellingham, WA 98226 2616 Kwina Road	EldenH@lummi-nsn.gov	360.384.2368
Terry Hillaire	Lummi Nation	Bellingham, WA 98226		360.815.4832

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<u>Participant</u>	<u>Representing</u>	<u>Address</u>	<u>Email</u>	<u>Phone</u>
Cliff Cultee	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	cliffc@lummi-nsn.gov	360.815.4833
Bob Finkbonner	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		360.410.1783
Bernie Finkbonner	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		360.303.4055
Gordon Wilson	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		
Jim Wilson	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		
Dana Wilson	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		360.961.7295
Jeremy Freimund	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	jeremyf@lummi-nsn.gov	360.384.2212
Leroy Deardorff	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	leroyd@lummi-nsn.gov	360.384.2272
Randy Kinley	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	randyk@lummi-nsn.gov	
Alan Chapman	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	alanc@lummi-nsn.gov	360.384.2202
Richard Jefferson	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	richardj@lummi-nsn.gov	360.384.2307
Chris Phair	Lummi Nation	2616 Kwina Road Bellingham, WA 98226	chrisp@lummi-nsn.gov	360.815.7639
William Revey, Jr.	Lummi Nation	2616 Kwina Road Bellingham, WA 98226		360.393.4821
Ginny Broadhurst	NW Straits Commission	10441 Bayview Edison Rd. Mt. Vernon, WA 98273	broadhurst@nwstraits.org	360.428.1085
Jeff Shaw	Polar Tanker Co.	P.O. Box 8 Ferndale, WA 98248	jeffrey.p.shaw@conocophillips.com	360.380.7167
Capt. Del MacKenzie	Puget Sound Pilots	101 Stewart St., Suite 900 Seattle, WA 98101	president@pugetsoundpilots.org	206.728.6400
Capt. Randy Johnstone	Seaspan International	10 Pemberton Ave. N. Vancouver, BC, Canada V7P2R1	RJohnstone@Seaspan.com	604.984.1651

Lummi Nation Fishing Gear Loss Forum Summary of Interviews

Using an interview format, Tom Cowan held conversations with 23 key Forum participants, including commercial maritime operators, regulators, the Lummi Fisheries and Natural Resources Commission and other Lummi officials and fishermen. The purposes of the discussions were to document perspectives and expectations prior to the Forum. This summary of those interviews was presented at the Forum.

Three questions were asked to the Lummi representatives only. Two were about types and quantities of fishing gear lost in Cherry Point reach and the replacement and opportunity costs associated with those losses. Lummi reported that their biggest concern is lost crab pots rather than nets or shrimp pots. Lummi presenters are responsible for describing details at the Forum; however, it is clear from the responses that a significant number of crab pots are lost annually by most fishermen. There is also a substantial replacement cost and since it sometimes takes a week or more to replace the lost gear, there is a considerable opportunity cost due to the inability to fish the lost pots. The third question asked was about losses from non-industrial activities. Poaching and bad weather cause a relatively small amount of crab pot losses.

There were also two questions that were asked to the commercial operators only. These were about the level of awareness about tribal fishing gear losses from commercial activity in Cherry Point Reach and also specifically about losses due to the responders operations. Most, but not all, are aware that crab pots are lost to vessel/crab pot interactions, several were not aware that it was a problem, and none of the commercial operators interviewed were aware of the size of the problem. No operators interviewed filed incident reports on vessel/pot interactions, but some said they file an incident report for vessel/net interactions.

The remainder of the questions were asked to all interviewed participants. Regarding the cause of most fishing gear losses, tugs and barges running over crab pot gear was identified as the primary cause of gear loss. It was reported that a major reason for this is that tugs often do not travel a direct route incoming toward docks, rather they sometimes travel in large circles or figure eights. The apparent reason is that they have to wait for dock space to become available. It was stated that sometimes there are five or more tugs waiting to get into a dock that only has space for one or two vessels. Another concern is tugs not anchoring in designated areas, especially when the weather is bad. Operators noted that when pots are deployed without any pattern or in close clusters, they are often difficult to see and avoid. It was also noted that large vessel/crab pot interactions became more of a concern in the closer vicinity of the docks.

Regarding geographic specific areas along Cherry Point reach where occurrence of gear losses may be concentrated, most responders said that losses occur generally within the entire Usual and Accustomed fishing area, or they were unaware of specific areas. Several responders identified the area north and south of Alden Bank to the docks at Cherry Point as having a higher incidence of vessel/crab pot interactions.

Regarding time of year losses, October and November are a more significant concern, because there is more crab fishing occurring and because fall fishing is more economically important.

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There was broad discussion regarding actions that could be taken by fishermen and/or commercial vessels that would decrease the incidence of gear losses from commercial vessel traffic. The two main themes expressed were about predictable vessel routes and improved communication.

Regarding predictable vessel routes, both Lummi and commercial operators expressed interest in establishing specific transit lanes that are within the federally designated shipping lanes. These reduced transit lanes may avoid as much as 90% of the designated shipping lane that would then remain available for fishing purposes without commercial vessel traffic. It was suggested that coordinates could be imported electronically to on-board charts making it easier for vessels to travel within these transit lanes. Fishermen with GPS could avoid fishing in these transit lanes. A sector light system that was previously used in Tacoma to successfully control vessel traffic may also be available for use at Cherry Point. It was pointed out that International Collision Regulations, Rule 10, requires a traffic separation scheme, which is not being followed.

Additionally, establishing agreed upon vessel lanes in areas that are outside of the federally designated shipping lanes would reduce vessel/crab pot interactions. Commercial vessel routes currently are unpredictable because pilots make individual decisions on their transit route, which is often based on convenience. Hale Passage was cited as an example of an area that could be avoided by agreement. In a program led by the Washington Sea Grant Program, just such transit lanes were established along the Washington Coast in cooperation with the Makah Tribe. Likewise, informal towboat lanes are used in the Columbia River and were also done informally a number of years ago for transit and moorage near Bellingham.

Lummi also recommended that tow bridles should not be used as an anchor and that barges should stay out of Lummi Bay. Impacts could be reduced if there was a system for reporting and better access provided to the tangles of pots that are dragged in by tugs and end up near or on commercial docks.

Regarding improved communication, knowing when and where entering and exiting vessels were transiting would help enable crab fishermen to avoid the area. Likewise, if pilots were better aware of location and timing of fishermen, they could be better prepared to minimize interactions. This was done successfully with gill netters in the Duwamish River area. Suggestions included a request by Lummi for the names and cell phone numbers of the pilots. Additionally, pilots also always monitor Channel 13. Another idea was to establish a point of contact at each facility where fishermen could find schedules for incoming or outgoing traffic via radio or cell phone 24/7.

Finally, regarding any expanded government role in limiting gear loss, better shipping lane enforcement was suggested by Lummi, which could be accomplished if transponders were installed to record vessel locations. Also, improved communication and education were also mentioned and it was recommended that the Lummi Nation begin to participate in the regular Harbor Safety Committee bimonthly meetings that address issues like these.