Pacific Marine Conservation Council
Statement on
reducing yellowtail bycatch in the shoreside whiting fishery

My name is Bob Eaton. I am Executive Director of the Pacific Marine Conservation Council.
We support the Council and industry goal of reducing yellowtail overages in the shoreside whiting fleet and believe that can best be done by:
1) holding the fleet accountable
2) holding accountable processors permitted to receive unsorted whiting
3) having contracts backed by the full force of state legal enforcement
4) having the Council set a fleet-wide numerical expectation against which actual overages will be measured.

The task, as we understand it, is to reduce overages of the twelve or so highest vessels which may have been illegally targeting yellowtail during whiting trips and to tighten regulations for processors who may have been encouraging, accepting and profiting from higher numbers of overages.

We strongly urge the Council to take decisive steps to reduce yellowtail overages for 2000 by adopting meaningful and measurable standards – adopting a vessel overage rate of 10kg/mt and an expected total overage amount of 350,000 kg. This would be a one-year trial not intended to set a precedent in the numbers, just in approach.

Regarding the individual vessel rate, I draw your attention to the attached chart.
- The fleet-wide average over the past four years is under 6 kg/mt.
- 64% of the fleet currently fishes under 6 kg/mt.
- 70% of the fleet fishes under 7 kg/mt
The industry recommended 12 kg/mt, as twice the fleet average, seems liberal. We suggest you give a more conservative message and adopt a lower number, and recommend 10 kg/mt.

The Council is also urged to adopt a overage number that allows the fishery, the public and you to know what success will look like. This would not be a cap – just a statement of Council expectation against which actual overage numbers could be compared for end of the season analysis.

In 1999, overages totaled about 480,000 kg. To reduce overages, a number smaller than 480,000 kg is necessary. The four-year, 1995-1999 average is 392,000 kg which represents the status quo. Adopting an expectation below 392,000 kg would indicate you expect better than status quo performance. We recommend the Council adopt 350,000 kg as an expectation. An expectation number is critical.
We are not trying to be punitive in our recommendations, but rather to set up expectations that move beyond status quo and hold the fleet and processors accountable to targets.

We fully support the following suggestions of the industry and the State of Oregon.

1) Mandatory state-held meeting which all vessel owners and skippers must attend prior to receiving their vessel’s EFP at which reasons for yellowtail overage reduction are clearly stated.

2) A mandatory state/processor agreement with legal authority by the state to pull the permit.

3) A mandatory processor/vessel agreement in place before the EFP is issued

4) A bycatch rate checkpoint review at 25%, 50% and 80% of whiting landings

5) An off-the-water penalty of one day per point over for vessels exceeding the bycatch rate at checkpoint time.

6) Processors provide real-time bycatch information to the vessel skipper, with the information publicly posted at the processing plant.

In addition, we offer the following recommendations:

A) At the mandatory meeting the state provide a handout to be posted on the vessel.

B) Also at the meeting explain clearly the challenge to be faced in 2001 in avoiding widow rockfish.

C) Vessels be encouraged to utilize communications to alert one another to yellowtail hotspots as a means of avoidance.

D) The Council adopt an overage bycatch rate and a number that specifies the expected fleet-wide overage amount.

We are concerned that initiating an individual bycatch rate may not reduce bycatch, but it most certainly will institutionalize it.

We are equally concerned that managing yellowtail as a percentage of whiting catch is biologically flawed. Whiting have greater reproductive capacity and grow more rapidly than the yellowtail and other rockfishes with which they sometimes school. To include them both in a common ratio does not recognize the differences in life history. For instance, as whiting abundance and harvest increase so would the yellowtail bycatch if the bycatch ratio remained the same. That does not provide protection for yellowtail. Better criteria will need to be adopted for future years.

A third area of concern is based on the need to actually reduce bycatch as mandated in the reauthorized Magnuson-Stevens Act. The majority of the fleet manages to fish very cleanly, so it is important to hold the remainder of the fleet to a high standard. The fleet average vessel overage for the season is about 6kg/mt. The industry recommendation is to establish a 12 kg/mt overage cap. We agree that should encourage the higher vessels to fish cleaner. What is important is how much the Council wants overages reduced.

A fourth concern area is the impact an early-in-the-season take of yellowtail as whiting bycatch has on later-in-the-year yellowtail directed fisheries. The potential for
whiting fleet bycatch to close targeted yellowtail fisheries should be viewed as unacceptable. It puts target fisheries at unnecessary economic risk. In addition, according to testimony given this Council last year, the introduction of bycatch yellowtail into the marketplace adversely affected targeted yellowtail prices.

Thank you for the opportunity to testify today on this issue.
Yellowtail bycatch for the whiting fleet

(Summary: ODF data)

<table>
<thead>
<tr>
<th>Year</th>
<th># vessels</th>
<th>Fleet average</th>
<th># vessels under 7kg/mt</th>
<th>% of fleet</th>
<th># vessels under 6kg/mt</th>
<th>% of fleet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>37</td>
<td>6.54 kg/mt</td>
<td>24</td>
<td>65%</td>
<td>21</td>
<td>57%</td>
</tr>
<tr>
<td>1997</td>
<td>37</td>
<td>2.98 kg/mt</td>
<td>33</td>
<td>89%</td>
<td>31</td>
<td>84%</td>
</tr>
<tr>
<td>1998</td>
<td>35</td>
<td>6.09 kg/mt</td>
<td>23</td>
<td>66%</td>
<td>22</td>
<td>63%</td>
</tr>
<tr>
<td>1999</td>
<td>36</td>
<td>6.69 kg/mt</td>
<td>22</td>
<td>61%</td>
<td>19</td>
<td>53%</td>
</tr>
<tr>
<td>AVERAGES</td>
<td>36</td>
<td>5.58 kg/mt</td>
<td>25.5</td>
<td>70.25%</td>
<td>23.25</td>
<td>64.25%</td>
</tr>
</tbody>
</table>

Based on four year averages, nearly 65% of the fleet fishes under a 6 kg/mt rate. That is without bycatch reduction incentives.