

STATUS OF GROUND FISH FISHERIES AND INSEASON ADJUSTMENTS

Situation: The Council set optimum yield (OY) levels and various management measures for the 2004 groundfish management season, with the understanding these management measures will likely need to be adjusted periodically through the year in order to attain, but not exceed, the OYs. Under this agenda, the Council will receive updates on appropriate groundfish fisheries and consider adopting inseason adjustments.

The California Department of Fish and Game (CDFG) will present information to the Council on the status of California recreational fisheries. The report will include a review of regulatory activities that have occurred since the November, 2003 Council meeting.

The Groundfish Management Team (GMT) will present information on the status of ongoing fisheries, and any need for management measure adjustments.

Preliminary results from the West Coast Groundfish Observer Program (WCGOP) and proposed bycatch modeling methodologies are scheduled for initial review by the Scientific and Statistical Committee (SSC) at this meeting (see Ancillary E, SSC Agenda). However, it is not expected that results of the reviewed bycatch models will be available for inseason management decision making at this Council meeting.

The Council is to consider advice from advisory bodies and the public on the status of ongoing fisheries and recommended inseason adjustments and adopt changes as necessary.

Council Action:

- 1. Consider information on the status of ongoing fisheries.**
- 2. Consider and adopt inseason adjustments as necessary.**

Reference Materials:

Exhibit E.4.b, CDFG News Release,: Recreational Lingcod Minimum Size and Bag Limits to Change.

1. Exhibit E.4.e, Public comments received by February 20, 2004.

Agenda Order:

- a. Agendum Overview
- b. CDFG Report on California Recreational Fisheries
- c. Report of the Groundfish Management Team
- d. Reports and Comments of Advisory Bodies
- e. Public Comment
- f. **Council Action:** Consider Inseason Adjustments in the 2004 Groundfish Fishery

Mike Burner
CDFG

PFMC
02/18/04

California Department of Fish and Game

News Release: For Immediate Release

February 20, 2004

Recreational Lingcod Minimum Size and Bag Limits to Change

Contacts: Tom Barnes, Marine Region, (858) 546-7167; Marci Yaremko, Marine Region, (805) 568-1220; Carrie Wilson, Marine Region, (831) 649-7191

To comply with new federal recreational fishing regulations expected to be effective April 1, 2004, the California Department of Fish and Game (DFG) is recommending an increase in the lingcod minimum size limit to 30 inches, and a reduction in the daily bag limit to one fish. The new regulation changes will apply to recreational anglers fishing for lingcod in all waters off California. The DFG will make this recommendation to the Fish and Game Commission at the Commission's March 4-5, 2004 meeting in Redding, when the Commission will consider taking emergency action to conform to the new federal regulations.

The regulation changes are necessary to ensure that catches of lingcod in California remain at or within the coastwide acceptable harvest levels. The lingcod stock off the coast of California, Oregon and Washington has been formally classified as overfished by the Pacific Fishery Management Council (PFMC), and is currently managed under a rebuilding plan to achieve recovery of the stock. A key element of the rebuilding plan is to constrain catches to levels that allow the stock to increase to a healthy level within a specified period of time. In 2002 and 2003, coastwide lingcod catches have well exceeded allowable levels needed to achieve rebuilding of the stock.

"While the Department is reluctant to make in-season changes to recreational size and bag limits, this was the only feasible way to keep catches within allowable levels short of prohibiting all take of lingcod," said Patty Wolf, DFG Marine Regional Manager. "This management approach continues to provide some fishing opportunity for lingcod throughout the remainder of the year, and allows those anglers who catch large fish to retain them."

The DFG anticipates by increasing the minimum size limit to 30 inches and reducing the allowable daily bag limit to one lingcod per person, California's lingcod catches will be held to the allotted amount for the recreational fishery. Current regulations allow two fish per person at a minimum size of 24 inches.

Public testimony will be allowed during the March 4-5 Fish and Game Commission meeting. The need for additional measures has been determined in part from new information on fishing during the last part of 2003 which was not available to managers when the current regulations were established prior to the start of the 2004 season.

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Subject: [Fwd: Ground Fisheries]
From: "PFMC Comments" <pfmc.comments@noaa.gov>
Date: Fri, 21 Nov 2003 08:22:59 -0800
To: John DeVore <John.DeVore@noaa.gov>
CC: Mike Burner <Mike.Burner@noaa.gov>

----- Original Message -----

Subject: Ground Fisheries
Date: Fri, 21 Nov 2003 04:10:02 EST
From: ThmWic@aol.com
To: pfmc.comments@noaa.gov

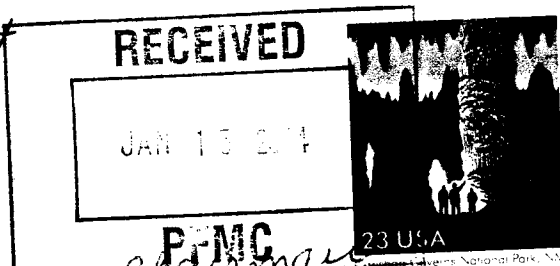
To whom it may concern;

I have been scuba diving off the Oregon coast for the last 10 years and have witnessed first hand, meaning, seen the drastic reduction in ground fish populations. I would support any and all restrictions that would ensure future generations with the same fishing opportunities I was afforded. In my opinion, commercial and charter fishing operations are the toughest on fish populations. Sport fisherman come to the coast, rent a hotel, eat dinners out, buy tackle at the local shop, get their boat serviced/repared in town....who supports the local economy more with the least impact on fish stocks??? I would support cutting the current catch level by half for sport fisherman, ensuring a future harvest.

Thomas Wick
Concerned citizen and local diver

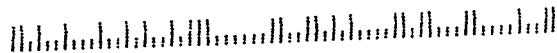
I think no. of trawlers allowed to fish should be cut by 50% this year + 10% every year thereafter.
I want many marine sanctuaries set up immediately where NO BOATS can travel - NONE - ZERO I want this part kept sacrosanct.
I want regional fishing councils to start having one environmentalist on the council. I am SICK of fish profiteers overfishing all our waters per Pew Report / Stanford University report. BSachau 15 Elm St Florence Park NJ 07932

DKT 120903 B
public comment
on Trawling.



Don Hansen, Chairman
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A Non-Profit Organization

January 21, 2004

Public Comment
Emergency Rule
and other issues

Pacific Fishery Management Council
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Dear Don Hansen, Don McIsaac, Council Staff and Councilors:

We are taking this opportunity to comment on The Emergency Rule fishers are currently working under for the start of the 2004 fishing season. A few other issues need to be addressed and we offer possible alternative solutions for some impracticable policies.

Emergency Rule

It is unfortunate that all of us have been nearsighted in viewing the future of the trawl fishery. The trawl fishermen were confident that the buyback referendum would pass. Most everyone else was not sure, so looking past the vote to the future was not clear or enumerated for anyone. Most fishermen believed if the referendum passed, those left would immediately experience the said benefits of the reduced fleet with higher trip limits and immediate financial help to the nearly bankrupt fleet.

At the October 2003 GMT meeting (before the November Council meeting), I asked the GMT, Jim Hasting in particular, to prepare alternate trip limits based on a successful referendum vote. I also asked that the boats removed by the "Buy Back Program" respective discard records be removed from the data base as well. The remaining fleet need not work under outdated data. I was assured that alternatives would be developed but the 2004 management measures were already in place and would not be addressed at the November Council meeting. I made it clear that I would bring up the topic before the Council during public comment.

At the November Council meeting under "Public Comments not on the Agenda", the topic was brought up and a 200% increase was discussed. Many fishermen addressed the Council on the subject and the 200% increase was removed and The Emergency Rule was discussed and passed by the Council. The details of The Emergency Rule would be developed by NMFS and we find that we initially get 25% of what could have been allowed.

Now that The Emergency Rule has been published we find only a token increase for the first quarter of the year. We can see no reason why the increase is so tiny and we seek justification as to why the increase was set so low. What was the rationale backing the decision to provide a small token increase instead of the immediate relief the fleet was lead to believe would happen?

We demand that The Emergency Rule be overturned or rectified at the earliest possible time and give the fleet their long-over due. If the Council or the NMFS does not immediately increase the trip limits, we ask the Council to petition the government to suspend the buyback assessment until the trip limits can be adjusted to their correct amounts. The trawl fleet had an agreement with the government to reduce the fleet and the government promised to adjust the limits immediately. A token increase is not acceptable.

Vessel Monitoring System (VMS)

When the concept of a Vessel Monitoring System was introduced almost all of the fishermen were opposed to the implementation of such a program. A threat was presented that the ocean would have to be closed if such a system could not be addressed and put into place. The theory stemmed from the concept of protecting essential fish habitat (EFH) while allowing fishing to continue in places other than EFH. We were told that the only way to insure where fishermen were fishing was either a 100% observer program or VMS. We were told that the government would pay for the program and all our concerns would be addressed, including a drifting provision.

At first, we were promised by the government that the government would pay for the units. This did not happen. Then we were told that the fishermen may have to first pay for the unit but the government would reimburse the costs. Today, we are forced to have VMS on our vessels with no help, only bad advice on where to purchase the units and we have had to pay for the units ourselves. Furthermore, we being told that there is no money in the NMFS budget for VMS units in the near future. We were told differently at the beginning and now another lie to swallow, hook, line and sinker. It is strange to us that the hardest hit West Coast Fleet is the only U.S. fleet to have to pay for this enforcement system. Every other VMS in the nation has been paid for by the government. Even the richest fishery state, Alaska, with one of the most powerful senators, Stevens, has government paid VMS units. The state that has the highest unemployment rate, the state with the highest poverty level, the state with the most strict and radical regulations in the world and the state with much less powerful Senators has to pay for the system themselves. We now are forced to fish beside vessels who are using government paid for VMS units while we have to borrow money to pay for our units. Why are the West Coast fishermen constantly dealing with deception?

We were **promised** that a drifting provision would be allowed during development of the VMS but when the program was finalized, no such provision was provided. One hundred percent (100%) of the fishermen in attendance at the Council meeting, including the Council's Groundfish Advisory Panel, testified on the importance for a drifting consideration and several reasons were enumerated, many included crew and vessel safety. Managing our fisheries is a collaborative process based on consensus not convenience. But VMS was again allowed to side-step this process. What possible rationale could be used to justify the set-aside of fishermen's concerns about VMS especially about a drifting provision? What is the public process for any how?

We know that the VMS managers said that they could not tell the difference between a drifting vessel and a vessel fishing but we heard testimony from Hawaii about how their monitor watchers could determine the difference between the two activities. Fishermen even suggested that our VMS managers go to Hawaii for training before our system is activated so they could learn how to tell the difference between a drift and a tow but instead, the fishermen are forced to comply to make the designated system work even at the cost of their own safety.

Now, VMS is on our boats. We need to see the system used to help the fishermen as well. VMS, with a declaration process, could be used to open opportunities to fish rather than just to keep us out of huge areas. If we are going to have this system, it has to be used to also benefit the fishermen, not just enforcement. Again, VMS should allow us to reopen more of the ocean to fishing and not just continue to concentrate fishermen into smaller and smaller areas. This is the worst possible situation and we feel the system is being used to ensure that problems continue to exist. Now with the recent creation of the world's largest EFH protected by the RCA, stocks of concern outside of the RCA should be harvested. The so called "spillover effect" needs to be utilized not just idealized.

We ask the Council to ask the federal government to pay for the VMS units as quickly as possible, immediately provide greater fishing opportunities based on VMS technology and provide increased catch allowances of all species caught outside of the RCA.

Increase Opportunities Based on Research

EFP's have shown that the "headrope cutback net" can catch flatfish while avoiding encounters with most round fish. Three years of research have been conducted by ODF&W and fishermen and the results are so

promising that other states have joined Oregon to move the gear into regulation. Both Washington and California will be conducting EFP's with this gear during the 2004 season to facilitate the gear transition.

Scientifically proven to be an effective conservation tool, the 2004 fishery specifications penalize fishermen who choose to use the new net design, penalized for using more conservation minded gear. For example, for the first period of 2004, if a large footrope is used there is no limit on the amount of Petrale that can be landed but if a small footrope is used, even with a "cutback headrope", you can only land 10,000 pounds; use a large footrope and you can land 100,000 pounds of Sanddabs but use the small footroped cutback headrope net and you can only land 10% of what the large footrope users can land.

We believe that using gear that avoids any species of concern should be encouraged not penalized. Markets developed for flatfish are lost to foreign fish imports because with the current system, we have no hope of a consistent supply. How can a U.S. market development occur when restrictions are in place to discourage this type of success? If fishermen are using a conservation tool, the "cutback headrope net", they should not be forced to use it throughout the entire period but should be allowed to declare their strategy before they leave port and have the flexibility to switch gear during any period. Furthermore, if the "cutback headrope" is used, then the small footrope restrictive limits should not apply. To encourage the nets use, regulations should reflect a benefit those users of more conservative gear. Efficiency per hour on the ocean is sacrificed for this benefit.

Observers and Discards

Why do most government regulations continue to create more and more discards? One of the main goals of fishery management is to "reduce discards as much as possible and practicable" and to utilize the resource for the benefit of the nation. When a vessel is being observed, the vessel should be allowed to land up to the discard percentage on any given specie. It makes no sense, while a government observer is recording the catch activities, to unnecessarily discard fish. A twofold result of a solution to this problem would be reduced regulatory discards and biological specie information for the scientists.

While unmarketable fish will always be unmarketable fish, they are not the only fish discarded. Species with low trip limits or "no-take" species should not be discarded but should be landed for scientific purposes and once that information is recorded, the fish should be processed like regular landings. Fish discarded because of a price difference based on size should be retained for charity or the value of those fish could be applied to the buyback program and not count against the vessels trip limit but recorded as diverted discards for the benefit of the nation or the fleet. This way, while observers are on a boat, discard rates can still be recorded but the actual discarded fish poundage would be reduced and turn waste into a national benefit.

We want to thank you for taking the time to read about our concerns and our desire to continue to seek solutions and improve our U.S. fishery. We are being lied to and persecuted and we are all in this together. We have a healthy, safe and abundant food source that is not being harvested to its potential and it is a national calamity. A little common sense can go a long way to better manage our fisheries.

Sincerely,

Steve Bodnar, Executive Director

cc: Ron Wyden
Gordon Smith
Barbara Boxer
Dianne Feinstein
Maria Cantwell
Patty Murray
Earl Blumenauer
Peter DeFazio
Darlene Hooley

John Doolittle
David Dreier
Anna Eshoo
Sam Farr
Bob Filner
Elton Gallegly
Jane Harman
Wally Herger
Mike Honda

Loretta Sanchez
Adam Schiff
Brad Sherman
Pete Stark
Ellen Tauscher
Bill Thomas
Mike Thompson
Maxine Waters
Diane Watson

Greg Walden
David Wu
Brian Baird
Norman Dicks
Jennifer Dunn
Doc Hastings
Jan Inslee
Rick Larson
Jim McDermott
George Nethercutt
Adam Smith
Joe Baca
Xavier Becerra
Howard Berman
Mary Bono
Ken Calvert
Lois Capps
Dennis Cardoza
Christopher Cox
Randy Cunningham
Susan Davis
Cal Dooley

Duncan Hunter
Darrel Issa
Tom Lantos
Barbara Lee
Jerry Lewis
Zoe Lofgren
Buck McKeon
Hilda Solis
Robert Matsui
Juanita Millender-McDonald
Gary Miller
George Miller
Grace Napolitano
Devin Nunn
Doug Ose
Nancy Pelosi
Richard Pombo
George Radanovich
Dana Rohrabacher
Lucille Robal-Allard
Ed Royce
Linda Sanchez

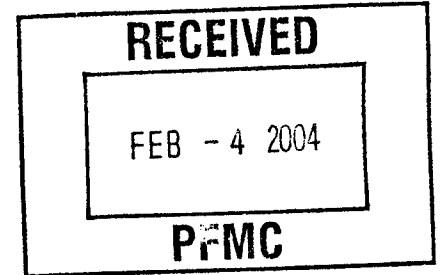
Henry Waxman
Lynn Woolsey
George Bush
Bill Hogarth
Usha Varanasi
Bill Robinson
Ted Kulongoski
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New York Times
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Attention: West Coast Ground Fish Issues

Subject: Change to ground fish regulations



Dear Sirs:

I am writing this letter to support changing the 2004 ground fish regulations and effect change in 2005 and beyond. I know that change at this late date for 2004 will come hard but is doable.

I am a second-generation trawl fisherman. My father was a pioneer in the industry, starting in the 1930s. I fished in the 60s, 70s, and 80s and now have my boat fished by a fisherman who has been with me for 27 years, Terry Sweeney. I have seen many changes over the years, not all of them good. However, as I look forward I can see a strong and viable industry on the rise. What I see is a fresh fish industry coming into its own. Here the principles of conservation and fresh fish meld perfectly. Small but steady amounts of fresh fish can come into the markets of American consumers. When I talk of fresh fish, I am referring to the many varieties that are found in the near shore waters. Unlike the Deep Water Complex, of which most is exported, with the exception of Dover Sole, which is found wanting as a fresh market fish.

Last year we participated in a Exempted Fishing Permit in conjunction with Oregon Department of Fish and Wildlife. A low rise net was used to try and escape the capture of over-fished stocks of rock cod, of which the canary rock was of crucial concern. The results of this experiment were nothing less than spectacular. Of 360,000lbs. of fish caught only 240 lbs. of canary rock was captured. This was accomplished even though the boat did not change its fishing habits from the previous year.

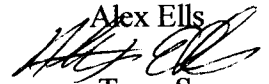
What is disappointing to me is the council slowness in using this exciting tool. Starting in March 2004, allow fishermen to fish out to 100 fathoms with the low-rise bottom trawl. In 2002, NMFS moved rapidly to restrict fishing area with data that showed canary discard rate was higher than expected. NMFS should work just as quickly to implement a net that greatly reduces the by catch of canaries. A high rise net should not be allowed shoreward of the RCA zone, since two fishing tests proved the low-rise net has less effect on the over-fished canaries. The low-rise net would greatly reduce, possibly eliminate, the discard rate of canaries, which caused the waters closure.

This change by the council would be very important to maintain a year around fresh fish market. The 100 fathom curve will allow fishermen to target market fish from March to October as the fish

move to and from the beach. The present fathom curves provide a viable market only in July and August, when the fish are at their shallowest depths.

We see opening this 100 fathom area more important than increased quotas because without it the fresh fish market is adversely affected, and the buy back program will be paid back only by the deep water boats. A healthy inshore fisheries is necessary to provide a delightful treat to the American consumer.

Alex Ellis



Terry Sweeney

