

GROUND FISH ADVISORY SUBPANEL REPORT ON EMERGENCY RULE LIMITING 2007 WHITING VESSEL PARTICIPATION

The Groundfish Advisory Subpanel (GAP) had a thorough discussion of the proposed emergency rule recommended by the Council in September of 2006 and the subsequent denial of the request by the National Marine Fisheries Service. The GAP heard testimony from several stakeholders in the fishery including processors and fishermen for and against action.

The GAP continues to believe that some action should be taken specific to the 2007 whiting fishery to limit new effort from American Fisheries Act (AFA)-vessels without prior history in the whiting fishery. The GAP also firmly believes that the Amendment 15 process should be expedited with clear direction and a timeline for completion in time for the start of the 2008 fishery.

The GAP also continues to believe that the law (American Fisheries Act) clearly directs the Council to protect the whiting fishery from adverse impacts— and that has not changed. Conservation concerns continue to drive our call for immediate action.

Bycatch limits and preemption

Bycatch limits (caps) are in place to protect the non-whiting groundfish fisheries. If the bycatch caps are exceeded by any sector of the whiting fishery NMFS has the authority to automatically close the directed whiting fishery. The at-sea sectors start May 15, shoreside starts June 15. A race-for-fish could result in exceedence of one or more of the bycatch caps prior to June 15. This would pre-empt the shoreside fishery. While pre-emption is not a conservation concern, the fact that 38 groundfish limited entry vessels would be idled and likely enter other fisheries is a conservation concern. Bycatch management in these fisheries is already very hard and the management system would likely collapse under a rapid influx of vessels.

Bycatch under a race-for-fish

The bycatch caps were designed based on expectations about how the current whiting fishery operates. Most notably, managers expect whiting fishery sectors to actively avoid and minimize rockfish bycatch to stay within the caps. Under a race-for-fish, the bycatch caps provide no protection to the non-whiting groundfish fisheries. It is likely that a series of disaster tows would occur and result in rockfish bycatch far in excess of the bycatch caps before managers could act to close the fishery. It is conceivable that, in a race-for-fish mode, the whiting fishery could exceed the entire canary rockfish optimum yield (OY) (44 mt) either on its own or in combination with other groundfish fisheries that occurred prior to the whiting fishery.

NMFS research cruises

NMFS has several research surveys scheduled for 2007, including the hake acoustic survey, pre-recruit surveys, and NMFS bottom trawl survey. If the canary rockfish OY is exceeded or near to be exceeded by these research surveys, which all do some trawling to sample fish, directed groundfish fisheries would be jeopardized because research catch of overfished stocks is not exempt from the species OY. If the research cruises are canceled because there isn't rockfish to accommodate them, essential science is lost. This will harm the ability to assess many West Coast groundfish stocks; most importantly, assessing the rebuilding status of overfished rockfish would be impaired.

Salmon bycatch

Currently, the whiting fishery generally does a good job of avoiding and minimizing bycatch of Endangered Species Act (ESA)-listed salmon. With increased participation, a race-for-fish would develop, likely increasing salmon bycatch. This increase will likely occur when the fishery is close to the California/Oregon border (that is, early in the season) increasing the likelihood of encountering ESA-listed salmon.

Conclusions

1. Conservation concerns necessitate action prior to the 2007 fishery.
2. Conservation concerns also become economic concerns when fisheries are pre-empted, severely restricted or closed.
3. The Amendment 15 process must be expedited without delay.
4. The Council should recommend an emergency rule that would prohibit participation in the shorebased, mothership, and catcher/processor sectors of the 2007 Pacific whiting season by AFA-qualified vessels without historic participation in those sectors prior to 2006.

PFMC
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