

LIMITING ENTRY IN THE OPEN ACCESS GROUND FISH FISHERY

PUBLIC COMMENT SUBMITTED BY JOHN LAW

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FISHING VESSEL 'WILD WEST'
CDFG # 36207

INTRODUCTION.

I am an open access fisherman from San Diego, California. My vessel “Wild West” is a 25 foot open skiff operated out of Mission Bay. When you attend the Council meeting in San Diego this November you may see my skiff parked right under the window of your hotel room at the Mission Bay Hyatt.

As a skiff fisherman I am limited to the distance that I can travel and the variety of fish that I can access. My main fishery is for shelf rockfish and I hold a state permit for deeper nearshore. There is no volume of deeper nearshore rockfish along the San Diego coast so this permit is used to allow me to keep any fish that I may encounter along the shelf. I also target Ling Cod which are sold live, and a few deeper nearshore are encountered here too.

All of my fishing trips are local and depart in the morning and return in the afternoon.

My catch is sold to high quality restaurants and fish markets in the San Diego area. I have a great working relationship with these markets. The owners have come to trust me and they know the quality of my catch. In most cases I do not even have to call first.

I have targeted groundfish for 19 consecutive years beginning in 1989. Like many small boat fishermen my catch history is not measured in metric tons, but is still significant enough to be a valuable asset to my community.

On the following pages you will find my views and opinions of the proposal to license the open access groundfish fishery. I thank you for taking the time to read and consider my thoughts on the licensing process.

Sincerely, John Law

MY CONCERNS.

My biggest worry is that the council will try to hurry the process and implement the open access license too quickly. I can understand that California wants the matter handled quickly. However, a few extra weeks or months are not going to change anything in the big picture. I urge the council to take the amount of time necessary to do the job right the first time. The permitting process should be easy for all involved, not a continued source of worry and concern for participants. The idea of requiring the purchase of a second permit after going through all the other qualifying steps is hard to accept.

QUALIFYING CRITERIA.

Although I have participated in the directed groundfish fishery for 19 straight seasons, I still worry about the possibility that I may be excluded from the fishery. I would like to ask the council to place high value on long term participation regardless of the catch history. In the document submitted by the state of California "Review and update of the open access groundfish fishery permitting issue and possible alternatives for issuance of B and C permits" there were several possible options for qualification. Of these options I did not qualify for six of the eight possibilities. Only in item Q3 (1lb. in 5 of 6 years and 1 mt in 1999) and item Q7 (\$ 1000 in 5 of 6 years and \$1000 in 1999) did I qualify.

I would like to ask the council to create some options for qualification that are not rigidly connected to weight or dollar value of the catch.

Participation during the years from 1999 to the control date of September 2006 should be a good indicator of those individuals who are dependant on the fishery. During this time period it has been extremely hard to keep up on all of the changes occurring in the fishery. I have done everything possible to keep informed and participate in the council process. Those who have continued to fish and participated in the observer program should be given high credit.

I have owned three vessels and the one that I use now is not the one that I used from 1991 to 2000. Qualifications should be individually based not, vessel based. When a boat wears out it must be replaced. An individual should be able to designate the vessel to be used if there is not a significant size difference over time. My previous boats were 20 feet and 18 feet, and the boat that I own now is 25 feet. I would prefer to keep my existing boat and not be forced to downsize because of permit limitations.

The council should accept all landings of groundfish including nearshore. Many block numbers used to designate where a catch was made are split between state and federal waters.

PUBLIC COMMENT.

I am disappointed in the lack of public comment from open access participants. In the original briefing book prepared for the June 2007 meeting, I was the only open access fisherman from California to submit a comment. I am concerned that the council will view this to mean that participants are willing to accept whatever the council decides. I am taking the time to comment because this is very important to me. I want to continue to fish for groundfish.

NEED FOR AN OPEN ACCESS FISHERY

I have seen comments from limited entry permit holders asking the council to eliminate the open access fishery instead of granting licenses. It should be noted that the fishery has always existed and the council is not creating a fishery but stopping continued expansion.

In 2005 I decided that it would be best to try to find a way to create some security for myself and family, so I made an attempt to purchase a limited entry groundfish permit. After talking to every permit holder more than once, I finally found someone that was willing to sell a permit at a fair price. After securing a bank loan, I had planned on making the trip to Northern California the following week to meet with the seller and complete the transfer. I called the NMFS office to verify that the permit that I was buying would be the proper permit for my fishery, and to make sure that there was nothing that I had overlooked. To my surprise, I was told that the limited entry permit did not allow for mobile fishing gear (rod and reel) or vertical set lines. If I bought the permit, I could lay out miles of longline hooks on the seafloor, but I could not use a rod and reel to catch fish one at a time. I contacted NMFS legal department and they verified the prohibition on the use of mobile gear. I then contacted Mr. John DeVore who told me that the council could possibly have the rule changed, but there was no guarantee, and it would be two years before it could be implemented. I could not take this risk, so I abandoned the idea and continued to fish in the open access sector.

EXTREME OVERCAPITALIZATION.

The open access fleet decreased in size from 1400 vessels in 2000 to 960 in 2006. The California fleet decreased in size from 970 in 2000 to 519 in 2006. The groundfish fleet has declined 3.3% each year since 1994. These numbers indicate that the fleet is going in the proper direction and management measures do not need to be extreme.

Catch estimates from 1994 to date have declined for many reasons. The elimination of gillnets for rockfish in California played a big part in the low landings, along with decreased stocks and low quotas and depth restrictions.

VESSEL MONITORING SYSTEM

This is just another part of doing business.

NEARSHORE AND DEEPER NEARSHORE PERMITS

I would like to propose the idea of a groundfish permit that would allow fishing for all types of groundfish instead of the current state permit system for some stocks. This permit could be endorsed for slope rockfish and sablefish and would allow the take of all fish from the shelf to the shore. By putting all of the categories on one permit, there would be no chance for bycatch or waste. The way the system is now there is waste in all sectors. Shelf fisherman discard deeper nearshore, nearshore fishermen discard deeper nearshore, and deeper nearshore fishermen discard nearshore. California could still issue a separate permit for the take of sheephead.

Consolidating all of the stocks would make enforcement easier as wardens would not have to identify every fish. Many sheephead fishermen do not keep any rockfish for fear of making a mistaken identification. One permit would simplify the entire fishery.

FINAL COMMENTS

Initially, I was planning to attend the June meeting, but after I thought about it I decided to save both time and money by not attending. Although I would like to address the council in person, I feel that this document will express my feelings.

Please remember that the decisions made by the council will be long lasting. Many of the participants are small boat fishermen like myself with strong ties to the community where we live. I ask the council to be fair and not rush to a decision on any part of the licensing process that they are not sure of.

CALIFORNIA DEPARTMENT OF FISH AND GAME

MONTH DAY YEAR

06 01 07 R 231106

SEE 2ND PAGE

PERMIT #

FISHERMAN LAST NAME LAW	F. I. J L	I.D. NUMBER 02989	PORT OF FIRST LANDING 869	LOCATION WHERE FISH WERE CAUGHT 860
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VESSEL NAME WILD WEST	VESSEL I.D. 36207	FISH BUSINESS NAME WILD WEST	FISH BUSINESS I.D. 80571
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FISH NAME	POUNDS	PRICE	TOTAL AMOUNT	CONDITION	GEAR
1) SHEEPHEAD 145					
2) OCEAN 488 WHITEFISH					
3) CALIF 288 SCORPIONFISH					
4) MAKO SHARK 181					
5) BOCACCIO ROCKFISH 283					
6) CHILIPEPPER ROCKFISH 284					
7) BLACKBELL ROCKFISH 287					
8) GOPHER 283 ROCKFISH					
9) COWCOD 245 ROCKFISH					
10) ROCKFISH 288 GROUP RED					
11) ROCKFISH 288 UNSPECIFIED					
12) BARRACUDA 130					
13) LINGCOD 185	6020	300	18060	06	
14) LIVE CHIEF	140	300	420	06	
15) TREE-FISH	170	300	510	06	
16) SHORE SEED	120	200	240		
17)					
18)					
19)					

PRIMARY GEAR USED
01

GEAR LEGEND

- 1) HOOK & LINE
- 2) VERTICAL H&L (PORTUGUESE LONGLINE)
- 3) SET LONGLINE
- 4) JIG/BAIT (ALBACORE)
- 5) TROLL (ALBACORE)
- 6) TROLL (GROUNDFISH)
- OTHER

(BIOLOGIST USE) FISH CODE

TOTALS # 64.5 \$ 192 30

NOTE PAD

CORRECTIONS - FOR FIELD BIOLOGIST USE ONLY

LINE#	FISH CODE	POUNDS	PRICE	CONDITION	GEAR	CHANGES ON BACK

FISHERMAN/PERMITTEE SIGNATURE *John Law* RECEIVED BY *John Law*
 CERTIFIED UNDER PENALTY OF PERJURY AS TRUE AND CORRECT
 F&G 625-R (10/96) GREEN - DEPT. OF FISH & GAME COPY YELLOW - FISHERMAN COPY PINK/GOLDENROD - FISH BUSINESS COPY (2)

ply num
transit
t value

Fish receipt showing designated value of recent catch. Sales receipt on next page shows actual value of catch.

WILD WEST
 COMMERCIAL FISHING
 2795 MASSACHUSETTS AVE.
 LEMON GROVE, CA. 91945
 (858) 414-9731
 DFG #80571

DATE JUNE 01 07
 INVOICE R-231106
 SOLD TO EMERALD

LIVE
 WHOLE PACIFIC ROCKFISH

	WEIGHT	PRICE	TOTAL
LING COD	56.2	\$6.00	\$337.20
ROCK FISH	3.1	\$6.00	\$18.60
			\$355.80

SIGNATURE VERIFIES THE WEIGHT AND QUALITY OF THE FISH DELIVERED TODAY.
 I HAVE VERIFIED THE WEIGHT AND INSPECTED THE CONDITION OF THE FISH.

DEEPER NEARSHORE SHEEP BOCCACIO BLACKGILL SLOPE SPLITNOSE

The receipt pictured above shows the actual value of the fish landed on June 01, 2007. Federal law requires that all groundfish be landed at the time of unloading. In order to comply with this I have to designate a value on the landing receipt. In most cases I enter the minimum amount that I would receive if I had to sell the fish to a wholesaler. The weight of the Ling Cod is different on the sales receipt because one small fish died in transit and was not sold.

By combining the activities of fisherman and fish receiver, I am able to obtain the highest value possible for my catch.

Dear Chairman Hansen,

I've been fishing open access since 1990, I didn't get an "A" permit in 1994 because of gear type and don't want to get excluded from a B permit in the proposed conversion from open access to limited entry. After being denied in 1994 myself and several other hook and line fishermen in the Eureka area were assured that there would always be an open access fishery.

There is no reason for converting "Open Access" to limited entry. Reducing capacity will not reduce bycatch because all of the species in open access have a set annual quota and the and arguably as many discards will be generated from 1000 boats fishing for as will from 500 fishing for that quota. A limited entry program will not reduce the possibility of overfishing because annual as well as monthly quotas have already been figured into open access and are adjusted based on the number of participants. The only remaining reason for it is economic and the open access fishery with the exception of nearshore was never intended to be a fishermen's sole source of income. Your own 2000 FMP used the above reasons as well as the recommendation of reducing the fleet of 2000 licensed fishers by 50%. That goal has already been achieved with your own data showing only 958 boats participating in open access in 2006. Therefore there is no need to further reduce the fleet.

The intent of Open Access is to "ensure that vessels participating in state managed fisheries (Salmon and Crab) and landing groundfish incidentally would continue to have access to the groundfish resource. The fishery was also left unlimited to allow smaller vessels (Nearshore) to directly target groundfish at lower landing rates than in the limited entry fishery." Yet Nearshore landings are proposed to be disqualified for eligibility for a B permit. We're the same ones that were disqualified in 1994! Perhaps the most egregious proposed criteria for eligibility is landings that are greater than 50% in value of open access fish excluding Nearshore. This criteria favors fishermen who recently entered the fishery and didn't receive a state Nearshore permit.

For the last 17 years I've landed shelf, Nearshore and Lingcod as a complex with separate landings Sable and Slope rock as well. Yet someone who entered the fishery in 2004 would be favored in the proposed eligibility for a "B" permit because their landings and effort wouldn't include nearshore. Therefore all of their landings would be counted toward a "B" permit because their Nearshore would have been discarded creating landings that were greater than 50% federal groundfish. This cannot be used as an eligibility requirement.

My preference would be to leave the fishery "status quo" since no need has been shown to make it limited entry. Since your own stock assessments for most if not all groundfish are showing stable or rebuilding populations there is no need to change management. Since the "Open Access" fleet has already been reduced 50%, there's no need to reduce it further. "Open Access" got me through last year's "Salmon Disaster", I need it to be there for the next one. If you do anything cap it where it was at last September's control date but please don't starve anyone else. If it is still deemed necessary to further reduce the fleet do it by attrition not the process of elimination, the West Coast groundfish fleet has suffered enough in the last 10 years.

Sincerely,
Mike Zamboni

I am a small boat owner operator out of San Diego. I fish with an 18' 6" aluminum boat commercially for Rockfish, mainly in waters from 170 to 300 feet of depth. I have been doing this from 1987 to present. I fish by myself mostly and only by rod and reel, hook and line. The income supplements other land work I do, as there is no way to make it a full time job due to present regulations. I fish out of Mission Bay and am one of only a few that fish the way we do. I feel that we are by no means having a detrimental effect to Rockfish stocks in our area. I am also a 4th issue 100 ton licensed master and ran open party Rockfish runs for a sports boat out of Mission Bay for seventeen years, so I know a little about our local resources.

I understand you are going to probably implement permits for us now and I would really like to keep fishing and possibly have higher quotas available.

- Rod Stumman

Subject: e.4 amendment 22

From: cookie2043@juno.com

Date: Tue, 05 Jun 2007 19:15:33 -0700

To: pfmc.comments@noaa.gov

I am a small boat owner operator out of San Diego. I fish with an 18' 6" aluminum boat commercially for Rockfish, mainly in waters from 170 to 300 feet of depth. I have been doing this from 1987 to present. I fish by myself mostly and only by rod and reel, hook and line. The income supplements other land work I do, as there is no way to make it a full time job due to present regulations. I fish out of Mission Bay and am one of only a few that fish the way we do. I feel that we are by no means having a detrimental effect to Rockfish stocks in our area. I am also a 4th issue 100 ton licensed master and ran open party Rockfish runs for a sports boat out of Mission Bay for seventeen years, so I know a little about our local resources.

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