



September 10, 2007

Mr. Donald Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220

RE: Agenda Item G.5: Amendment 15, Whiting Fishery Participation Limitation

Dear Chairman Hansen,

The members of United Catcher Boats wish to submit the following comments and recommendations to the Pacific Fishery Management Council (PFMC) regarding your final action on Amendment 15. We have reviewed the September 2007 draft of the Amendment 15 Environmental Assessment (EA) and believe the information presented in this analysis will help you make an informed decision on this issue. United Catcher Boats represents the interests of thirteen vessels that participate in the Shoreside and Mothership Pacific Whiting fishery.

1. **Amendment 15 is an Interim Measure** As you are aware, the Council has been developing an amendment package that will establish a quota-based management system for the Whiting and Non-Whiting trawl fisheries off the Pacific Coast (TIQ, Amendment 20). The Purpose and Need Statement for both Amendment 15, as well as the TIQ amendment are very similar as they both seek to address current conservation risks and management problems caused by sector-specific overcapacity which fosters derby operations, aggravating overfishing, bycatch and economic stability. Both specifically seek to protect participants from adverse impacts caused by vessels without sector specific significant historical participation in the whiting fishery. The proposed limits of both are intended to restrict introduction of additional participation which would accelerate the race for fish. However, Amendment 15 only provides one tool to solve the problem, and this is to limit effort. Though this will help, UCB believes that the real solution to the current problems facing participants in the Whiting fishery is through implementation of a trawl rationalization program. We ask that you stipulate that the Amendment 15 regulations sunset upon implementation of a trawl rationalization program and commit to moving forward expeditiously with development and approval of Amendment 20.

2. **Recommend Alternative 3 for the Catcher Vessels (CVs) that deliver to Motherships; Alternative 2 for the CVs that deliver to Shoreside Processors; and Alternative 3 for Mothership Processors and Catcher Processors.** United Catcher Boats suggests these final alternatives be adopted by the PFMC for the following reasons.

The current Emergency Rule regulation that limits effort into the 2007 Whiting fishery expires after this year. We feel that any permanent, follow-up action by the PFMC should be very similar to the current Emergency Rule regulation in order to incorporate the Council's request for an Emergency Rule as well as the rationale for NMFS approval of the Emergency Rule. Alternative 3 is the same as the current Emergency Rule.

Secondly, in review of the Purpose and Need statement of the Amendment 15 EA (pages 9, 10), the theme of this action is to limit new, additional effort into the fishery, not to restrict or exclude current participants. The EA points out that additional, new effort will flow into the fishery due to: recent favorable market conditions, a reduction in the Whiting OY, limited opportunities in the non-whiting trawl fishery, and declining North Pacific Pollock quotas. The reason to limit new effort is because if not constrained, additional participants will lead to overcapacity in the fishery and this overcapacity leads to destructive derby operations and undermines the economic performance of the harvesting sector.

The key phrase to consider is "current participants". Previous Council action and record on this issue via recommendations for the Emergency Rule that NMFS implemented in 2007 define current participants as those vessels who participated in the whiting sectors between January 1, 1997 and January 1, 2007. The NMFS did not approve a previously requested Emergency Rule that the PFMC made to the NMFS in September 2006 that would have defined current participants as those vessels that had landings through December 31, 2005. In their January 11, 2007 letter to the PFMC explaining why they did not approve the Council's request, the NMFS provided information about the additional participation in 2006 for the shoreside sector. Of the 39 shoreside whiting exempted fishing permits issued in 2006, 15 were held by AFA-endorsed vessels and of these 15 AFA vessels, four were new participants in the 2006 shoreside whiting fishery. Of the four new AFA vessel participants, only one was newly associated with a Groundfish limited entry permit in 2006. Two of these four vessels used limited entry permits that had very lengthy history in the shoreside whiting fishery. One of the four only participated in 2006 and did not return to the shoreside fishery in 2007.

**Shoreside CVs** Alternative 3 will allow 56 vessels to be eligible to participate in the shoreside whiting fishery. Alternative 2A will allow 63 vessels, and Alternative 1A will allow 56 vessels to participate. It is important to note that actual participation is much lower than the number of vessels that will be eligible, regardless of which alternative is chosen. Table 15 on page 44 of the EA shows

the range of the number of vessels participating in the shoreside whiting fishery over the 1994 – 2006 period is 26 to 41 vessels. In 2006, 37 vessels participated.

We request the Council choose Alternative 2 for the Shoreside CV category because this allows the current participants the ability to continue to participate in the fishery. The last paragraph on page 70 of the EA nicely summarizes why maintaining the current state of capacity is beneficial. Average revenues per vessel would not be reduced by new entrants and associated impacts on the shoreside processing sector and on dependant fishing communities would be avoided. Choosing Alternative 1 for the Shoreside CV sector would disrupt the revenues going to the current vessels participating and will cause impacts to the shore plants dependant on the current fleet that have markets with these plants.

**Mothership CVs** Comparing the actual number of vessels that have participated verses the number that will qualify to participate under the three alternatives for the Mothership sector shows a very large range. Table 11 on page 41 shows the number of vessels that participated in the Mothership sector from 1994 – 2006. That number has ranged from a high of 43 in 1994 to a low of 10 in 2004, and 20 in 2006. Comparing the number of vessels that participated to the number of vessels that qualify under the three alternatives is alarming. Either Alternative 1A or Alternative 2A allow 64 vessels to participate in the Mothership sector, while Alternative 3 will allow 39 vessels to participate. We feel that allowing three times the current level of effort to participate in the Mothership sector is very destabilizing and goes counter to the Purpose and Need Statement of this amendment. That is why we ask the Council to choose Alternative 3 for the Mothership CV sector.

We ask the Council to continue to work expeditiously on the Amendment 20 analysis and take final action on this rationalization program as soon as possible.

Thank you very much for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Paine", written in a cursive style.

Brent Paine  
Executive Director

Amendment 15: EA of Management Measures to Prevent Harm to the Pacific Whiting Fishery

1.3 Purpose of and Need for the Action

Overcapacity fosters destructive derby operations (race for fish), aggravates overfishing and bycatch, creates chronic management problems, and undermines the economic performance of the harvesting sector. New entry into all sectors of the directed Pacific whiting fishery is likely given these conditions: increased whiting ex-vessel prices, increased prices for headed and gutted whiting as well as for fillet products, declining whiting OY, limited West Coast trawl opportunities due to overfished species rebuilding measures, and declining pollock quotas. Without action, it is likely that new vessels will enter into the fully capitalized Pacific whiting fishery, which could negatively effect the socioeconomic, biological, and physical environments.

Table 2. Numbers of Eligible Vessels by Sector and Alternative

| Vessel Category             | Alternative 1A<br>1/1/94-1/1/06 | Alternative 2A<br>1/1/94-1/1/07 | Alternative 3<br>1/1/97-1/1/07 |
|-----------------------------|---------------------------------|---------------------------------|--------------------------------|
| Shore-based catcher vessels | 56 [68] <sup>1</sup>            | 63 [75] <sup>1</sup>            | 56 [65] <sup>1</sup>           |
| Mothership catcher vessels  | 64                              | 64                              | 39                             |
| Catcher/processor           | 11                              | 11                              | 10                             |
| Mothership                  | 10                              | 11                              | 7                              |
|                             | Alternative 1B<br>1/1/97-1/1/06 | Alternative 2B<br>1/1/97-1/1/07 |                                |
| Catcher/processor           | 10                              | 10                              |                                |
| Mothership                  | 6                               | 7                               |                                |

<sup>1</sup>Numbers in brackets indicate the actual number of vessels qualified, including those purchased during the buyback program.

*Ms. Parker referred to this item during her testimony.*

Table 11. Number of vessels in the at-sea sector, 1997-2006

| Year | Catcher/processors | Motherships    | Mothership-Catcher Vessels |
|------|--------------------|----------------|----------------------------|
| 1994 | 9 <sup>1</sup>     | 9 <sup>1</sup> | 43                         |
| 1995 | 9                  | 6              | 36                         |
| 1996 | 10 <sup>2</sup>    | 8 <sup>2</sup> | 28                         |
| 1997 | 10                 | 6              | 27                         |
| 1998 | 7                  | 6              | 24                         |
| 1999 | 6                  | 6              | 24                         |
| 2000 | 8                  | 6              | 23                         |
| 2001 | 7                  | 5              | 20                         |
| 2002 | 5                  | 4              | 11                         |
| 2003 | 6                  | 4              | 12                         |
| 2004 | 6                  | 4              | 10                         |
| 2005 | 6                  | 5              | 18                         |
| 2006 | 9                  | 6              | 20                         |

<sup>1</sup> In 1994, one vessel participated in both the catcher/processor sector and the mothership sector.

<sup>2</sup> In 1996, two vessels participated in both the catcher/processor sector and the mothership sector.

Table 15. Operational Data on Shore-based Whiting Fishery 1994-2006

| Year              | Start Date | End Date          | Duration (days) | # Vessels | # Processors |
|-------------------|------------|-------------------|-----------------|-----------|--------------|
| 1994              | 4/15       | 12/31             | 261             | 33        | 14           |
| 1995              | 4/15       | 7/24              | 101             | 37        | 13           |
| 1996              | 5/15       | 9/10              | 119             | 37        | 13           |
| 1997              | 6/15       | 8/22              | 69              | 41        | 12           |
| 1998              | 6/15       | 10/13             | 121             | 36        | 12           |
| 1999              | 6/15       | 9/13              | 91              | 39        | 14           |
| 2000              | 6/15       | 9/15              | 93              | 36        | 14           |
| 2001 <sup>1</sup> | 6/15       | 9/26 <sup>1</sup> | 78              | 29        | 13           |
| 2002              | 6/15       | 7/17              | 33              | 30        | 8            |
| 2003              | 6/15       | 7/14              | 30              | 33        | 9            |
| 2004              | 6/15       | 8/14              | 61              | 26        | 9            |
| 2005              | 6/15       | 8/18              | 65              | 29        | 10           |
| 2006              | 6/15       | 8/2               | 49              | 37        | 14           |

<sup>1</sup>In 2001, the fishery closed on 8/21/01. The Makah tribe then returned to the fishery.