I attended a California Fish and Game informational meeting about the Yeloweye Rockfish which was very informative.
I would like to council to revisit the quota system for Washington, Oregon and California.
I was advised that California is alloted only 15% of the bycatch which does not seem fair for California.
We have more coastline than the other two states as well as more population so we should have a larger allotment.
Also I was advised that the other two states do not even meet their allotment.

Please fix this injustice to California!

Thank you,
Jay Bromley
564 Donner Lane
Ukiah, CA 95482

California needs a better split of the yelloweye rockfish between California, Oregon and Washington. California has has the most abundat population of yellow eye per recent stock assessment of the species, yet we get a small percentage. Please negoiate a fair percentages for California.

We are very concern with the current in-equitable allocation of recreational Yelloweye between the states, and ask that the basis for the allocation be re-examined in light of historical catches, data, and stock status.

Thank you
Bill Shelton
Newark California

To whom it may concern,

California needs a better split of the yelloweye rockfish between California, Oregon and Washington.
California gets a small percentage of the allocation but has the most abundant population of yellow
eye per recent stock assessment. Please negotiate a fair percentage for California.

I am very concerned with the current in-equitable allocation of recreational Yelloweye between the
states, and ask that the basis for the allocation be re-examined in light of historical catches,
data, and stock status.

Best regards,

Robert Filbrun

mailto:filbrunrl@sbcglobal.net

Don McIsaac
PFMC Executive Director

Mr. McIsaak,

I am concerned with the current in-equitable allocation of recreational Yelloweye between the states, and **ask that the basis for the allocation be re-examined in light of historical catches, data, and stock status**, particularly with regard to California State recreational fishing regulations.

Matthew S. Plut
Dublin, California

Mr. Don McIsaac, PFMC Exec Dir.,

I'm writing in regards to the huge disparity in yelloweye bycatch among the three west coast states. California seems to rank at the bottom and yet the fishing effort is higher. California should have the highest allocation. Please take action to correct this disparity and place California where it should be among the states.

Thank You,
James Volberding

Executive Director Don McIsaac-

In light of the fact that the yelloweye stock in CA waters has shown to be much larger and robust than originally thought, it is imperative that the allocation sharing between CA, OR, and WA be revisited and changed to a more equitable basis. CA recreational anglers are currently being unfairly impacted by a non-realistic allocation that is prematurely shutting down healthy fisheries and severely limiting angling opportunities. In light of this, I strongly suggest that the allocation basis be looked at again with respect to updated information and stock status.

Respectfully,
Tim Machado
Northcoast Sportfishing

Mr. Don Mcisaac

I am a concerned about the results from the recent meeting for the 2008 groundfish season where the main issue of concern was the protection of the yelloweye rockfish. I would like to ask for a better allocation of recreational yelloweye rockfish that is based upon historical catches, data and stock status. Thank you for the consideration.

Hin Tsang

Dear PFMC Executive Director Don McIsaac,

I am concerned with the current in-equitable allocation of recreational Yelloweye between the states.

California needs a better split of the yelloweye rockfish between California, Oregon and Washington. California has the most abundant population of yellow eye per recent stock assessment of the species, yet we get a small percentage. I ask that you negotiate a fair percentages for California.

Currently there is an in-equitable allocation of recreational Yelloweye between the states, and I ask that the basis for the allocation be re-examined in light of historical catches, data, and stock status.

Thanks for your time,
Mitch Harper
Martinez, CA

Dear PFMC Executive Director Don McIsaac,

I am concerned with the current in-equitable allocation of recreational Yellow eye between the states.

California needs a better split of the yellow eye rockfish between California, Oregon and Washington. California has the most abundant population of yellow eye per recent stock assessment of the species, yet we get a small percentage. I ask that you negotiate a fair percentages for California.

Currently there is an in-equitable allocation of recreational Yellow eye between the states, and I ask that the basis for the allocation be re-examined in light of historical catches, data, and stock status.

Best regards,

Robert Baer

President

Aqua Jet, LLC

10040 Tesla Road

Livermore, CA 94550

Phone: 800-538-2260

Fax: 925-456-7761

5-19-08

P.F.M C

Don Hanson, Chairman

R.E 2009-2010 Ground fish Management, State apportionment of Yelloweye Rockfish mortalities.

Dear Chairman Hansen;

In Washington, and Westport specifically we have made great progress in reducing our catch of both Yelloweye and Canary rockfish, mostly by direct action by the fisherman by going to extremes to avoid them. I believe you remember how we reduced our Canary catch significantly when I was still on the G.A.P by voluntary action only.

Getting to where we are now has been at no small cost to my business, both in greatly increased fuel costs from running to clean areas to fish, and loss of business from decreased Lingcod catch and lack of opportunity to fish Yellowtail Rockfish from the 30 fathom restriction. Getting to below 2 metric tons will cause more hardship as well in my business.

Any reapportionment of Yelloweye mortality to an other area will only lead to unnecessary restriction, in one place and depletion in another as these fish do not move in the ocean with the paper fish.

I think it is important that the Council start creating incentives for fisherman to be good stewards of their resource, and not penalize them for successfully reducing their bycatch by transferring fish from their area to another. We are already existing under catch limits that were set after we started avoiding these fish in our area, and do not deserve more hardship and financial loss for trying to avoid them.

Respectfully;

Ken Culver

Charter vessel Tequila Too

PO Box 1197 Westport WA 98595

Kculver@seanet.com

From: Blake Topping
F/V Osprey
P.O. Box 162
Port Orford, Or 97465
topping@carrollsweb.com

Attn: John DeVore,

Dear Sirs,

I hold one of approximately 70 Limited Entry Nearshore Fishing Permits in the state of Oregon. This fishery without salmon, accounts for nearly one-third of my yearly income. Any reduction in the already very minimal allowed nearshore quota will have a serious impact on my business.

In this type of fishing we bring in a relatively small catch (400-500lbs. of assorted species per trip) which we deliver alive for a high per pound price ($2-$7/lb). Of all the ground fish harvesting, I would hazard to guess this fishery has the least impact on all species and the highest economic return (including canary rockfish, which I believe observer data will verify.)

Please consider the effect your decisions will have on those people and economies that depend on this specialized type of fishing that takes place in relatively small areas.

Thank you,

Blake Topping
F/V Osprey - 615984
Port Orford, Or 97465

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27 April 2008

Pacific Fishery Management Council
Attn: John DeVore

Please consider the following options to reduce Yellow Eye and Canary catch:

1. Bring Oregon sport anglers to same standard as Oregon near shore fishermen. Many near shore fishermen (Black & Blue and those with full near shore permits) use techniques and gear exactly like sport fishermen, i.e., jigging with rod&reel. So, why are sport boats allowed to fish 40 fathoms while the near shore jig fishermen are currently restricted to 30 fathoms (soon to become 20 fathoms)? Do the sport fishermen have a secret method for not catching overfished species ? When reviewing table 1 (projected impacts) it is noted that the sport boats will catch 33.4% of the Canary, and 41.3% of the Yelloweye, total yield. Analytically, lowering sport trip limits will generate the maximum gain in regards to reducing the bycatch . It is noted that Table 1 combines figure for Oregon/Calif projected recreational bycatch of Canary and Yelloweye. Why were the figures not shown separately for each state? Please note that during past years many Oregon based sport boats out of Brookings, OR, were fishing Pt. St. George Ca. in water targets typically 30 fathoms or greater. How does this factor into projected catches ? How will the proposed marine reserve at Pt. St. George, and other California areas, factor into reducing bycatch rates?

2. Do not punish all west coast commercial fisherman for a negative issue created by a few boats. Deal with boat skippers who catch high levels of overfished species and those who are flagrantly insensitive to maintaining a sustainable fishery. If problems exist in one geographical area then place restrictions on that area and leave others who manage their efforts alone! Restrict areas where the problems occur.

3. If long lining is the major source of overcatch -- reduce long line practices. Anyone who fishes knows that long liners have a much higher rate of bycatch (that is opposed to jig fishing). Why does Table 1 show Oregon other line with "658 lbs canary" when long liners show only "50 lbs" -- B.S. ! Something looks wrong with the 658# figure and it negatively impacts how the figures are perceived. What is needed is more long line observations and less small jig boat observations... Why does table 1 not list separate projected figures for near shore expected catch of Canary & Yelloweye (i.e. N & S of the 40.10 line)?

4. Be fair and equal with all fisheries. It is understood that the draggers may be allowed a larger bycatch of Yelloweye and Canary because the population of these fish are increasing. If there is an expanding population within trawl territory, then the population is also increasing in the near shore areas. Hence, the near shore fishery should also get similar treatment. It is noted that the Table 1 projected impact figures indicate that the entire 123 boat near shore fleet is expected to catch only 6% of the Canary/Yelloweye bycatch. Cutting the nears sore trip limits will have very little impact on the overall bycatch, and high impact on near shore income (which is reaching critical mass). If reductions are mandated then reduce trip limits of rock fish other than Blacks&Blues. Blacks and Blues are most often caught mid-to-top water depths less than 10 fathoms.

5. Do not adjust the commercial Ling Cod fishery below 2007 quotas -- *increasing number of blacks show evidence of predatory marks.* PREDATORY BALANCE NEEDS TO BE MAINTAINED. In 50 years of fishing the Pacific I have never seen more lings than exists today (Southern Oregon area). However if Ling cod fishing has to be reduced, place the sport fisherman to the same schedule with commercials, i.e., no fishing lings Jan-April and during December. Also reduce the daily limit of sport caught lings -- some sport boats are bagging 8 lings a day with multiple trips per week. In total a sport boats' monthly catch surpasses the ling quota allotted to commercial boats -- I do not understand this situation! Figures presented in para 1 above strongly suggest that reducing trip limits of sport ling will have a significant positive impact towards reducing bycatch.

6. Various fishing restrictions have and are being mandated by numerous organizations (state/federal). The near-future and overall impact of recent/new restrictions upon our total fishery is unknown. For example: what influence will California closures have on overall catch of Canaries and Yelloweye.. Inducing further change without conducting a comprehensive study to forecast possible repercussion of newly imposed restrictions seems very inappropriate.

7. Please understand that the Oregon near shore fishery has very little to no representation in the political arena, legal process, the PFMC or the many organizations which impact nearshore quotas and fishing regulations. Many nearshore fishermen have very small one-man businesses. Poor finances coupled with the need to work for a living, precludes any representation in the aforementioned. It is hoped that the FMPC/GMT will recognize this shortcoming and give reasonable consideration when discussing options, particularly those which restrict nearshore quota's.

8. Final note: In 1996 when I first bought into the open access arena, the monthly quota was 33,000 lbs. Currently there is an allotment of 400 to 800 lbs of black snapper per month (depending on period). Ling cod went from no restriction to a present quota of 400 lb per month, and the Ling season lasts only 7 months at best! Basically my quota has been reduced about 99 percent. We are now past the critical line of total disaster. Someone needs to develop a relief program, similar to the payoff for the salmon closure, or the state/feds needs to develop a buyback program. Why waste more money on studies when you can reduce all of the Canary/Yelloweye catch instantly by buying out licenses .

Input From One Nearshore Fisherman

CITY OF FORKS

500 East Division Street • Forks, Washington 98331-8618

(360) 374-5412 • Fax: (360) 374-9430 • Web: www.forkswashington.org
TTY: (360) 374-2696

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May 5, 2008

Pacific Fishery Management Council
Don Hansen, Chairman
7700 NE Ambassador Place
Suite 101
Portland, OR 97220-1384

RE: 2009-2010 Groundfish Management
State apportionment of Yelloweye Rockfish mortalities

Dear Chairman Hansen,

The City of Forks, Washington strongly opposes any reapportionment of the state by state recreational mortality values for Yelloweye Rockfish as shown on the "scorecard" beginning in 2007. Specifically those values were 6.2 metric tons for Washington and Oregon combined and 1.7 metric tons for California.

Over the past two years we have been making every effort to comply with the Yelloweye OY's adopted in the "ramp-down" approach to a long-term rebuilding regime. Through both voluntary avoidance and strict regulation we have been able to keep within our limits. The limit for 2007-2010 for Washington's share of YE mortalities has been projected as 3.5 mt, 3.0mt, 2.8mt, and finally 2.0mt in 2010. Our target each year to date has been to find a set of regulations that would result in mortalities that don't exceed 2.0 metric tons. Due to the length of the rebuilding program for YE we realize that we may be at that level for many years to come.

The cost of staying within our guideline has been very high. Getting under 2mt on the Washington Coast promises to be accompanied by drastic social and economic loses to our communities. Our city on the north coast of Washington could potentially lose our ability to harvest our halibut season and possibly even part of our salmon harvest.

Transferring our re-apportioning YE mortality to another area can only exacerbate the situation we now find ourselves in particularly when you consider the non-pelagic nature of this species of Rockfish. A transfer on paper has no concomitant transfer in the real world. These fish are very sedentary and spend the vast majority of their lives in one geographic location. Even though they are managed coast wide (which makes no sense) we doubt that there is much if any mixing between various habitats up and down the coast. Transferring impacts would only lead to unnecessary restrictions in one area and localized depletion in another.

Our recreational fishery off the Washington Coast relies heavily on ground-fish fisheries. We have healthy Black Rockfish, Yellowtail Rockfish and Lingcod populations. A further "artificial" lowering of allowable Yelloweye mortalities could severely curtail other fisheries. Additionally, you would be penalizing those who have been successful at avoiding these fish. The PFMC-adopted "Groundfish Strategic Plan (October 2000)" states on page 2 under "Vision for the future of the Groundfish fishery", 3rd paragraph: "Whenever possible, management approaches will create incentives for fishers to operate in ways that are consistent with management goals and objectives". Transferring impacts creates a disincentive – not an incentive. We make every effort to avoid impacts on an over-fished stock only to be penalized for it!?

We ask the Council to reject this attempt to reapportion the impacts.

Sincerely yours,

Nedra Reed
Mayor
City of Forks

May 10, 2008

Pacific Fishery Mgt Council
MR. John De Vore
Portland, OR

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Comments to Groundfish Mgt Team: 1. Inseason Mgt.
2. Yelloweye Impact reduction

Impacts on Canary Rock and Yelloweye Rockfish are still within council guidance even with recent increases. @ 44 Canary, 18.9 Yelloweye

The most recent stock assessment on Canary Rockfish establishes a much higher "OY" than the present assessment. Best science

Any early disruptions of the nearshore Oregon Fishery would deal a serious economic hardship on an industry already down, and a community out.

Yelloweye rock fish can be avoided by area closures. but overall the near shore rock fishery is very clean.

The present FM. closure is effectively protecting Yelloweye habitat. Any reduction in nearshore quotas would be a hardship. Expanding Ling Cod access in winter months would help economicly and be bycatch neutral for other species.

Access to at least eight other species is

controlled by Yelloweye bycatch in 09-10 mgt. period. Mortality rates inside 25 FM have been reduced by "deflation" before release. Nearshore Fish bring a high X vessel price with very little bycatch. >1%

Newly available stock assessments should be incorporated into your decision to enact inseason mgt. ~~and~~ A step down approach as proposed by the Council to reach OY for Yelloweye would be less disruptive and allow new stock info to be considered. * Annual Stock OY would be preferred over the present 2yr.

Thank You

John Wilson

I am a Nearshore Fisher and seafood buyer in Gold Beach, OR

34201 Cedar Valley Rd
Gold Beach, OR 97444

WESTPORT CHARTERBOAT ASSOCIATION
P. O. BOX 654 • WESTPORT, WASHINGTON 98595

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May 16, 2008

Pacific Fishery Management Council
Don Hansen, Chairman
7700 NE Ambassador Place
Suite 101
Portland, OR 97220-1384

Re: 2009-2010 Groundfish Management
State apportionment of Yelloweye Rockfish mortalities

Dear Chairman Hansen,

The Westport Charterboat Association strongly opposes any reapportionment of the state by state recreational mortality values for Yelloweye Rockfish as shown on the "scorecard" beginning in 2007. Specifically those values were 6.2 metric tons for Washington and Oregon combined and 1.7 metric tons for California.

Over the past two years we have been making every effort to comply with the Yelloweye OY's adopted in the "ramp-down" approach to a long-term rebuilding regime. Through both voluntary avoidance and strict regulation we have been able to keep within our limits. The limit for 2007-2010 for Washington's share of YE mortalities has been projected as 3.5mt, 3.0mt, 2.8mt, and finally 2.0mt in 2010. Our target each year to date has been to find a set of regulations that would result in mortalities that don't exceed 2.0 metric tons. Due to the length of the rebuilding program for YE we realize that we may be at that level for many years to come.

The cost of staying within our guideline has been very high. Getting under 2mt on the Washington Coast promises to be accompanied by draconian social and economic loses to our ports. The ports to the north of us could potentially lose their ability to harvest their halibut allocation and possibly even part of their salmon.

Transferring or re-apportioning YE mortality to another area can only exacerbate the situation we now find ourselves in particularly when you consider the non-pelagic nature of this species of Rockfish. A transfer on paper has no concomitant transfer in the real world. These fish are very sedentary and spend the vast majority of their lives in one geographic location. Even though they are managed coast wide (which makes no sense) we doubt that there is much if any mixing between various habitats up and down the coast. Transferring impacts would only lead to unnecessary restrictions in one area and localized depletion in another.

Our recreational fishery off the Washington Coast relies heavily on ground-fish fisheries. We have healthy Black Rockfish, Yellowtail Rockfish, and Lingcod populations. A further "artificial" lowering of allowable YE mortalities could severely curtail other fisheries. Additionally, you would be penalizing those who have been successful at avoiding YE. The PFMC-adopted "Groundfish Strategic Plan (October, 2000) " states on page 2 under "Vision for the future of the Groundfish fishery", 3rd paragraph: "Whenever possible, management approaches will create incentives for fishers to operate in ways that are consistent with management goals and objectives". Transferring impacts creates a disincentive – not an incentive. Why make every effort to avoid impacts on an over-fished stock only to be penalized for it!?

We ask the Council to reject this attempt to reapportion the impacts.

Respectfully yours,

Steve Westrick, President

May 14, 2008

Pacific Fishery Management Council
Don Hansen, Chairman
7700 NE Ambassador Place
Suite 101
Portland, OR 97220-1384

Re: 2009-2010 Groundfish Management
State apportionment of Yelloweye Rockfish mortalities

Dear Chairman Hansen,

Coastal recreational fishermen in Washington State are strongly opposed to any interstate transfer of the present recreational mortality limits for Yelloweye Rockfish. In 2007, the Council set mortality caps at 1.7 metric tons for California and 6.2 metric tons for Washington and Oregon combined.

Rebuilding Yelloweye Rockfish populations will require sustained conservation efforts to reduce mortalities to very low levels for many years. Over the four years, 2007 to 2010, Washingtons's share of the YE mortalities "ramp down" from 3.5 mt to 2.0 mt.
The State of Washington has developed conservative regulations to limit YE impacts below these mortality levels.

These management actions have and will continue to exact substantial economic and social costs. On the North Washington Coast, the ports of La Push and Neah Bay, are particularly at risk because of their proximity to an abundance of the bottom structure that is prime YE habitat. Even with area restrictions, bycatch of YE rockfish could preclude harvesting halibut allocations and perhaps even further restrict salmon seasons in these areas. Constraining impacts below 2.0 metric tons will require even more severe restrictions. As YE abundance increases, it will become even harder to stay within these mortality limits. Therefore, it is only prudent to try and maintain impacts below the caps.

Beyond the basic unfairness of penalizing Washington State for aggressively conserving this most constraining stock, transferring unused YE mortality quota to another state is not scientifically sound because it has no biological benefit. Yelloweye Rockfish are not migratory, but spend their entire life in a small area perhaps even on the same structure.

Given these biological, economic and management realities, on behalf of the unaffiliated but tax paying and license buying recreational fishermen in Washington State, I ask that the Council reject the proposition to transfer Yelloweye impacts between states.

Respectfully yours,

Dave Seiler

PFMC/GAP member, Washington Recreational

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May 12 2008

To Whom it May Concern:

My name is Roy Hill. I fish with hook and line. Any fish that I release, I believe they stay alive. I believe restrictions will cause hardship on the economy. I have a small boat. I don't believe that I'm causing any impact on the fish.

Thankyou,
Roy Hill

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MAY 14 2008
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To the Pacific Fishery Management Council:
Attn, John DeVore

My name is Rick Rogerson and I have two small boats with Ground fish Permits in Oregon.

I don't believe my fishery has much impact on the Canary or yellow eye bi Catch.

I fish with Hook in line with in 30 fathoms The few Canary I do Catch are realeased live.

The Projected 08 Canary impacts of 44mT match the 08 Canary optimum yield. Why are restrictions needed?

I believe restrictions will Cause Severe economic hardship on me and my Community.

I believe the Canary and yellow eye are rebuilding because of restrictions now in place and don't believe we need any more!

Thank You

Rick Rogerson
P.O. Box 1363
Port Orford, OR
97465

FISHERMAN'S ADVISORY COMMITTEE OF TILLAMOOK

PO BOX 556
GARIBALDI, OR 97112

PHONE: 503-322-0007
FAX: 503-322-0831

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MAY 14 2008
PFMC

May 10, 2008

Pacific Fishery Management Council
Don Hansen, Chairman
7700 NE Ambassador Place, Suite 101
Portland, OR972201384

RE: 2009-2010 Groundfish Management
State Apportionment of Yelloweye Rockfish mortalities

Dear Chairman Hansen,

The Fisherman's Advisory Committee of Tillamook is opposing any reapportionment of the recreational mortality values for Yelloweye Rockfish that would be different from the amounts used in 2007. The values shown on the "scorecard" at the beginning of 2007 were 6.2 metric tons for Oregon and Washington combined and 1.7 metric tons for California.

Oregon and Washington have been making every effort to stay within their mortality limits even as those limits decrease annually due to the "ramp down" approach adopted by the PFMC three years ago. Both Oregon and Washington do in season tracking of their Yelloweye by catch, yet California does not. If we go over our YE cap, which seems likely with the ramp down process, our season for all rock fishing will be closed immediately. This, coupled with the recent Salmon closures, will cause harsh social and economic losses to our ports and coastal communities.

It would seem that we are being punished for doing a good job of keeping track of our quota's and staying at or even under our caps. California does their calculations of YE by catch at the end of the season only, and then find that they have gone considerably over their caps. Their solution is to demand more by catch quota rather than trying better regulation and data collection during the season.

Also, the ODFW stated that California was given a lower proportion of by catch quota because the Yelloweye are less dense in California than in Oregon and Washington. We would like to know if the science used to decide the apportionment figures have changed or does

FISHERMAN'S ADVISORY COMMITTEE OF TILLAMOOK

PO BOX 556
GARIBALDI, OR 97112

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FAX: 503-322-0831

California just need more by catch quota because they continue to over fish YE season after season. In addition, both Oregon and Washington Have a 20% depletion rate of virgin biomass while California has only a 9% depletion. (Re: YE Rebuilding Plan PFMC 2006) If reapportionment were to take place based on the stock of individual states, then more OY should be moved north to Oregon and Washington.

It is unfortunate that the ramp down is constraining all of our other fisheries so heavily. California may very well have more YE than has been projected, but so do we all, and it is getting harder to stay away from them for commercial and recreational alike. California needs to get a better handle on in season tracking of their YE mortality values and should be given a more equal share of depletion of biomass equal to Oregon and Washington before they demand more Yelloweye by catch quota from us. FACT feels that reapportionment without this effort taking place and without the science to back it up is not justifiable.

Sincerely,
Linda Buell, Co-Chair
Fisherman's Advisory Committee of Tillamook

FISHING VESSEL OWNERS' ASSOCIATION
INCOPORATED

ROOM 232, WEST WALL BUILDING • 4005 20TH AVE. W.
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

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May 7, 2008

Mr. Donald K. Hansen, Chairman
Pacific Fishery Management Council
7700 N.E. Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: **Agenda Items F-4 and F-10, Tentative and Final Acceptance of 2009, 2010 specifications and management measures.**

Dear Chairman Hansen:

The Council will take action on both tentative and final specifications and management measures for the 2009 and 2010 fishing seasons during its June meeting. The following reflect the concerns and support of several proposed Council actions by those members of the Fishing Vessel Owners' Association (FVOA) that participate in the Council's limited entry fixed-gear fishery. The FVOA is a trade association with 95 family-owned fishing vessels. Our members fish approximately 42 fixed gear L.E. permits in the Council's jurisdiction. The Council's proposed actions and our members concerns on those actions are as follows:

1. **State reapportionment of Yellow-eye rockfish mortalities**

Yellow-eye rockfish currently is the most constraining overfished species for the fixed-gear industry. The reallocation of Yellow-eye rockfish to the south for California is not the correct biological answer for addressing the overfished status of this resource. This reapportionment would impose very high economic costs on the limited entry fixed-gear and open-access fleet to the north.

Unfortunately, Yellow-eye have not shown any life history tendency to migrate up and down the coast filling in depleted areas of the Yellow-eye biomass. The life history suggests they are sedentary once they find a preferred habitat. The reality is, even if the resource is described as a coastwide resource or even divided at the Oregon-California boarder, the resource off the north coast of Washington, which is showing signs of rebuilding, cannot be expected to fill in the low population levels off of California. This resource needs to have very conservative management throughout the many different Council regulatory areas.

Reapportioning this resource to the south of the Oregon/California boarder will artificially put greater pressure on stocks off California, and while effort will be less to the north and the resource perhaps rebuilding faster, that rebuilding will not migrate and help California.

The Council's publication, **Status of Pacific Coast Groundfish Fishing,** March 2008, which reviews the status of Yellow-eye rockfish states, "the 2006 coastwide biomass is calculated to be at 17.7 percent of the unfished level (with depletion rates of 8.5 percent, 21.8 percent, and 20.8 percent for California, Oregon, and Washington respectively)" – page 37. To allow a larger harvest mortality off of California is not in the best interests of rebuilding this resource off California. There should actually be fewer fish harvested off California in order to enhance the current depletion levels off California. Transferring Yellow-eye rockfish to California at the expense of Oregon and Washington from a biological standpoint is the wrong action.

The fixed-gear economic impacts to the states of Oregon and Washington would be significant. The Council has suggested several actions to further restrict fixed gear activity north of the Oregon boarder, which would need to be looked at if a reapportionment took place. The most significant is to move the fixed gear RCA to 125 or 150 fathoms. This would greatly restrict the directed halibut fishery off of Oregon, close other directed hook and line fisheries off of Washington, and limit the ability to harvest sablefish.

The Halibut Commission reports (see attachment) show that prior to the establishment of the RCA, 10% of the halibut had been taken inside of 100 fathoms. The fleet had 82 percent of its fish caught inside of 150 fathoms. Clearly, any additional movement of the RCA line deeper will result in greater competition for fewer spots where halibut can be targeted. In the past, restrictions like this resulted in lost and tangled gear and additional mortality to the targeted and bycatch species.

A high percentage of the sablefish fishery off the Olympic Peninsula is caught between 100 and 125 fathoms and between 125 to 150 fathoms. The limited entry fixed-gear fleet coastwide has been imposed with a proposed working cap of 2.2 mt of Yellow-eye in the Council score card for the past three to four years, while the recorded catch in California has gone from 1.7 mt in 2005 to close to 8 mt in 2007. The movement of the fixed-gear RCA would impose a significant economic impact on the fixed gear sector for very little gain in Yellow-eye savings to move the northern RCA deeper. The savings maybe .3 to .5 tons. The IPHC survey has recorded only one Yellow-eye rockfish deeper than 100 fathoms in their surveys. (See attached IPHC letter.)

2. **Consider changing the length variance in LE permit length endorsements. Defer to the trawl rationalization analysis.**

3. **Require fixed gear to use a log book. This would greatly help in the assessment work of sablefish.**

The members of the FVOA support the above actions. The current five foot plus or minus rule of the overall length endorsement does not permit a vessel owner to acquire the best vessel for his overall activities. Most limited entry fixed-gear participants

participate in several fisheries in order to make a living. The five foot length variance was an attempt to control effort with a vessel L.E. program. Those fisheries that have gone to IFQ rationalization should not be affected by the five foot variance rule because the length of a vessel does not define fishing pressure as it did in an open access fishery or Limited Entry program that had too much fishing capacity.

The members of the FVOA have supported a log book program for a long time. It is believed this program will assist the managers on issues regarding seasonal movements of the fleet, confirm harvest and bycatch rates, provide information of other groundfish species, and provide information on size distribution of the different fixed-gear targeted resources.

In summary, the members of the FVOA do not support a reapportionment of Yellow-eye rockfish south of the Oregon/California boarder because it is the wrong action biologically for the resource rebuilding of Yellow-eye and the economic impact would be excessive based on the small savings that might be gained by moving the fixed-gear RCA deeper. The FVOA support elimination of the current five foot variance rule for the fisheries that have an IFQ rationalized format. Our Association also supports a fixed-gear mandatory coastwide log book program.

Sincerely,

Robert D. Alverson
Manger

RDA:cmb

Enclosure

Windows Live™

FW: 2A halibut and yelloweye interactions

From: **robert alverson** (robertalverson@msn.com)
Sent: Mon 4/21/08 4:06 PM
To: Carol Batteen (cmbatteen@hotmail.com)
Attachments: 2A Rockfish 97-99-01v2 bml.xls (210.4 KB), 2A commcat 1996_2000 by depth.xls (22.6 KB)

Carol, please Tprint t his off. Thanks bob a

Subject: FW: 2A halibut and yelloweye interactions
Date: Mon, 21 Apr 2008 15:24:22 -0700
From: Bruce@iphc.washington.edu
To: robertalverson@msn.com

Hi Bob

FYI, I attach a file on commercial catch by depth we sent to the Council folks back in 2002 when these measures were first contemplated. If we were to look at the data now, they would be skewed by the existing depth restrictions, so would make the catch look like it was entirely from 100+ fms, but we are putting together such file for the Council folks (subject to the usual data restrictions re number of vessels involved). This file shows the 'unrestricted' depth profile of the fishery, prior to the existing depth restrictions. Certainly, a fair component of the catch (30-50%) can be in the 100-150 fm range.

I also attach a file on survey catches over the same period; most of the yelloweye are caught shallow of 100 fm although the maxdepth for a set can be deeper than 100. Only one yelloweye was caught when mindepth was deeper than 100 fm, so it is likely that very few are caught deeper than 100 fm.

I will forward the file on more recent data when it is finished. I also got your other letter concerning NPFMC doings and will call you this week.

Bruce

Area 2A commercial catch by depth (does not include research)

Log Weight, Target: Halibut, Longline only (FH, SN, AU)

Sum of net_wgt	Year											
Depth Category	1996		1997		1998		1999		2000		Grand Total	
0 fathoms to 49 fathoms	2923	1.6%	7226	3.3%	4653	1.9%	5028	3.2%	1901	1.5%	21731	2.3%
50 fathoms to 99 fathoms	21978	11.9%	12119	5.6%	11874	4.8%	9985	6.4%	15805	12.2%	71761	7.7%
100 fathoms to 149 fathoms	98785	53.4%	47319	21.9%	75691	30.6%	44216	28.4%	63096	48.8%	329107	35.2%
150 fathoms to 199 fathoms	33709	18.2%	118668	55.0%	118295	47.7%	38315	24.6%	32198	24.9%	341185	36.5%
200 fathoms +	27557	14.9%	30428	14.1%	37228	15.0%	58420	37.5%	16222	12.6%	169855	18.2%
Grand Total	184952	100.0%	215760	100.0%	247741	100.0%	155964	100.0%	129222	100.0%	933639	100.0%
Number of distinct vessels	49		58		58		46		52			
% of ticket weight covered	62.6%		54.7%		53.8%		36.2%		26.8%			

Log weight, Target: All species, Longline only (FH, SN, AU)

Sum of net_wgt	Year											
Depth Category	1996		1997		1998		1999		2000		Grand Total	
0 fathoms to 49 fathoms	2923	1.6%	7226	3.3%	4653	1.9%	5028	3.2%	1901	1.5%	21731	2.3%
50 fathoms to 99 fathoms	21978	11.9%	12119	5.6%	11874	4.7%	9985	6.4%	15805	12.2%	71761	7.7%
100 fathoms to 149 fathoms	98785	53.4%	47319	21.9%	75691	30.2%	44216	28.4%	63096	48.8%	329107	35.1%
150 fathoms to 199 fathoms	33709	18.2%	118668	55.0%	118295	47.2%	38315	24.6%	32198	24.9%	341185	36.4%
200 fathoms +	27557	14.9%	30428	14.1%	40281	16.1%	58420	37.5%	16222	12.6%	172908	18.5%
Grand Total	184952	100.0%	215760	100.0%	250794	100.0%	155964	100.0%	129222	100.0%	936692	100.0%
Number of distinct vessels	49		58		60		46		52			
% of ticket weight covered	62.6%		54.7%		54.5%		36.2%		26.8%			

Log weight, Target: All species, All gear (FH, SN, AU, TR, Handline, Unknown commercial)

Sum of net_wgt	Year											
Depth Category	1996		1997		1998		1999		2000		Grand Total	
0 fathoms to 49 fathoms	2967	1.6%	7226	3.3%	4653	1.9%	5028	3.2%	2161	1.4%	22035	2.3%
50 fathoms to 99 fathoms	21978	11.8%	12119	5.6%	11874	4.7%	9985	6.4%	15805	10.0%	71761	7.4%
100 fathoms to 149 fathoms	99295	53.5%	47319	21.9%	75691	30.2%	45425	28.9%	67155	42.5%	334885	34.6%
150 fathoms to 199 fathoms	33709	18.2%	118668	55.0%	118295	47.2%	38315	24.4%	39527	25.0%	348514	36.0%
200 fathoms +	27557	14.9%	30428	14.1%	40281	16.1%	58420	37.2%	33258	21.1%	189944	19.6%
Grand Total	185506	100.0%	215760	100.0%	250794	100.0%	157173	100.0%	157906	100.0%	967139	100.0%
Number of distinct vessels	51		58		60		47		60			
% of ticket weight covered	62.8%		54.7%		54.5%		36.4%		32.7%			

Sum of ticket weights for comparison

	1996	1997	1998	1999	2000
Net weight	295554	394771	460064	431235	482576
Number of distinct vessels	223	328	283	251	284

Table 1. 2008 Projected mortality impacts (mt) of overfished groundfish species after inseason actions taken at the April 2008 Council meeting.

4/9/2008

Fishery	Bocaccio b/	Canary	Cowcod	Dkbl	POP	Widow	Yelloweye
Limited Entry Trawl- Non-whiting	11.7	9.1	1.2	258.6	81.5	7.1	0.6
Limited Entry Trawl- Whiting							
At-sea whiting motherships a/		4.7		40.0	1.9	275.0	0.0
At-sea whiting cat-proc a/							0.0
Shoreside whiting a/					0.0		0.0
Tribal whiting		0.7		0.0	0.6	6.1	0.0
Tribal							
Midwater Trawl		1.8		0.0	0.0	40.0	0.0
Bottom Trawl		0.8		0.0	3.7	0.0	0.0
Troll		0.5		0.0	0.0		0.0
Fixed gear		0.3		0.0	0.0	0.0	2.3
Limited Entry Fixed Gear		1.1					2.2
Sablefish	13.4		0.0	0.6	0.3	0.9	
Non-Sablefish			0.1	0.4		0.5	
Open Access: Directed Groundfish							
Sablefish DTL	0.0	0.2	0.1	0.2	0.1	0.0	0.3
Nearshore (North of 40°10' N. lat.)	0.0	2.6		0.0	0.0	0.5	1.6
Nearshore (South of 40°10' N. lat.)	0.1			0.0	0.0		
Other	10.6	1.0		0.0	0.0	0.0	0.1
Open Access: Incidental Groundfish							
CA Halibut	0.1	0.0		0.0	0.0		
CA Gillnet c/	0.5			0.0	0.0	0.0	
CA Sheephead c/				0.0	0.0	0.0	0.0
CPS- wetfish c/	0.3						
CPS- squid d/							
Dungeness crab c/	0.0		0.0	0.0	0.0		
HMS b/		0.0	0.0	0.0			
Pacific Halibut c/	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pink shrimp	0.1	0.1	0.0	0.0	0.0	0.1	0.1
Ridgeback prawn	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Salmon troll	0.2	0.8	0.0	0.0	0.0	0.3	0.2
Sea Cucumber	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Spot Prawn (trap)							
Recreational Groundfish e/							
WA		5.7					6.2
OR						1.4	
CA	66.3	9.0	0.3			8.0	2.1
EFPs	11.0	0.1	0.2	1.0		3.4	0.1
Research: Includes NMFS trawl shelf-slope surveys, the IPHC halibut survey, and expected impacts from SRPs and LOAs. f/							
	2.0	5.5	0.2	2.0	2.0	1.1	3.0
TOTAL	116.4	44.0	2.1	302.9	90.1	344.4	18.9
2008 OY	218	44.0	4.0	330	150	368	20
Difference	101.6	0.0	1.9	27.1	59.9	23.6	1.1
Percent of OY	53.4%	99.9%	52.5%	91.8%	60.1%	93.6%	94.3%
Key		= either not applicable; trace amount (<0.01 mt); or not reported in available data					

a/ Non-tribal whiting numbers reflect bycatch limits for the non-tribal whiting sectors.

b/ South of 40°10' N. lat.

c/ Mortality estimates are not hard numbers; based on the GMT's best professional judgment.

d/ Bycatch amounts by species unavailable, but bocaccio occurred in 0.1% of all port samples and other rockfish in another 0.1% of all port samples (and squid fisheries usually land their whole catch).

e/ Values in scorecard represent projected impacts for WA and OR. However, harvest guidelines for 2008 are as follows: canary in WA and OR combined = 8.2 mt; yelloweye in WA and OR combined = 6.8 mt. For California, harvest guidelines are represented.

f/ Research projections updated November 2007.

RECEIVED

MAY 15 2008

PFMC

Dear Pacific Fisheries Managment Council,

I am writing you a letter of concern for the near-shore live fish fishery. I have seen from the data ~~they~~ you've given us that the Canary rock fish population is doing well. I have also seen that the canary rock fish and yellow eye populations are doing well from the number I catch.

~~There~~ It is hard to record this information in our log books when we feel that they will be used against us to shut down our fishery. As near-shore live fisherman, we are live fisherman so when we catch a canary rock fish we immediately vent the fish and release it, which is a practice that most charter and sport boats should be using too.

This has been a very tough season ~~for all co~~ a lot of commercial fisherman on the West Coast. The Port Orford fleet needs its near-shore fishery without anymore restrictions. Your studies say that stocks are on the rebound and are steadily coming up. Why restrict us or shut us down? There would be a major economic impact in this little town. I think you need to do a lot more studies

and stock assessments before you even think about moving the RCA into shallower water or restricting long liners or, even worse, shutting down the fishery.

I hope you keep your near-shore commercial fisherman in mind as this is a fishery we all make a living on.

Sincerely,

Nick Bordelon

Nick Bordelon
Skipper, F/V Keta

RECEIVED
MAY 15 2008
PFMC

TO JOHN DEVORE:

I understand the Groundfish management team is considering adjusting quotas for nearshore fishing based on impacts to Yelloweye and Canary. All assessments currently show Canary rebuilding way ahead of schedule. If this trend continues why place further hardships on fishermen?
Nearshore live fish rarely catch Canary or Yelloweye. These fish are not found commonly in the 15 fathoms or less that we do "live catch fishing". Why further restrict a fishery that is not in the primary habitat for canary and Yelloweye?

To close ~~fishery~~ fisheries based on a guess and a plan based on assumptions of stocks that we have no facts on is absurd. Couple this with the fact that by all projections Canary rockfish are rebuilding far ahead of schedule & are no valid reason to ruin fishermens livelyhoods.

Dave Fowler
S/V SEAHUNT

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MAY 15 2008
PFMC

May 11, 2008

Pacific Fishery Management Council
Attn: John De Vore

Cutting fisheries in 2008 will be detrimental to all fisheries. Studies show that yellow eye rebuilding is years ahead of schedule. This shows that fishermen are consciously working to help rebuild stock. As a commercial fisherman, I work hard to help sustain the fishery. I try to avoid areas that are natural habitats for yellow eye and canary. If I happen to catch any of these fish, I vent them and return them, live, to the sea. I have been encountering more canary, in a wider range of depths, than ever before. This shows that they are also rebuilding.

I feel that a cut in 2008 is not necessary. The fishermen of today take care of their fishery in order to sustain their livelihood. Please reconsider your decision to make these cuts. It is

becoming harder and harder to make a living as a fisherman. Oregon's fishing communities are allready hurting. Don't create an even bigger burden on them.

Sincerely,
Claudia L. Fowler
F/V Sea Hunt
P.O. Box 697
Port Orford, OR
97465

5/13/08

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MAY 16 2008

PFMC

Pacific Fishery Management Council
Donald Anthon, Chairman
7700 NE Ambassador Pl, suite 101
Portland, Or 97220-1384

Gentlemen:

I would urge this Council to take another look at the allocation formula for Yellow Eye Rock Fish and Canary Cod Rockfish for California"s allowable catch for recreational fishing.

15% does not give California an equitable share of the allocation for California, Washington & Oregon. How was this figure determined?
It could not have been miles of coastline or 33% of the total.

I urge you to discuss this at your June 9-13 meeting in Foster City.

Sincerely,

Robert Ruddock
Joanne Ruddock

Robert Ruddock
Joanne Ruddock
3912 Scotts Valley Rd.
Lakeport, Ca 95453
(707)263-4585

CC: Congressman Mike Thompson
Senator Diane Feinstein
Governor Arnold Schwarzenegger

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MAY 20 2008
PFMC

Dear Sir

The Projected impacts for canary Rockfish are not Exceeding The Optimum Yield so I Don't see any need of Reducing or making any restrictions For any fishery. The Canary Rockfish has already Rebuilt itself so why stop Fishing because we are already Doing what you need done. The assessment says we are 41 YEARS AHEAD of schedule so why Penalize us when it will Be Very Hard on us Due To The Loss of Salmon This year When There is Know need.

Sincerely
Darrey T. Kuhl

Port of Port Orford
Post Office Box 490
Port Orford, Oregon 97465

Telephone (541) 332-7121
FAX (541) 332-7121

e-mail: portoffice@harborside.com

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MAY 21 2008
PFMC

May 19, 2008

John DeVore
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Dear Council Members;

This letter is to encourage the PFMC *not* to impose additional restrictions on nearshore commercial rockfish between the California border and Cape Blanco.

Fishing restrictions are being proposed because of the increased bycatch from 1.7 metric tons of canary rockfish to 2.6 metric tons. According to my calculations this translates to 396 fish. The balance between the economic impact to the 1,200 citizens of the community of Port Orford and rebuilding the canary rockfish stocks seems clear, primarily because these bycatch numbers are still within the optimal yield model, and the unexpected early progress towards rebuilding these stocks. Further restrictions to the fishing industry, at this time, based on such an insignificant number, seem unwarranted.

Thank you for your consideration.

Gary Anderson

Port Manager
Port of Port Orford

May 17, 2008

By E-mail & Fax

Don Hansen, Chairman
Pacific Fishery Management Council

Re: Public Comments

Mr. Chairman and members of the Council,

My name is Scott Hartzell, I currently use pots to catch my tier limits of Sablefish under the limited entry fishery. I would like to submit the following comments concerning the overall quota split between Trawl and Fixed Gear. To make it more in line with Alaska and Canada, the current 58-42 % split favoring trawl should be at the very least be reversed to 58-42% in favor of Fixed Gear. In 1990 when the current split was implemented the rationale was that Trawlers were getting large amounts of Sablefish by-catch so therefore they should get more quota. Rewarding bad fishing methods is not a very good reason to give more quota.

Currently Canada's split between fixed gear and trawl is 91.25% to fixed gear and 8.75% trawl.. Alaska is fairly close to this about 85%-15% in favor of fixed gear. Surely the current Council can see that the disparity that currently exists in our Permitted Limited Entry Fishery needs some very serious Tweaking.

Some of the reasons the Council should adjust this inequity that exists in our current quota split are. Fixed gear is much more environmentally friendly---There is far less by catch with fixed gear, especially pots---The value of fixed gear sablefish per pound is close to double what trawl caught are worth. If anyone is interested I can show them our last years average price per pound and the trawl price average.

The current trawl 2 month quota of Sablefish is more than a low tier for the whole year and the current split gives trawlers twice as much as a top tier. These inequities need to be adjusted, perhaps a little closer to our two neighbors to the North.

As a side note the Council needs to make escape rings of 4 inch diameter mandatory in all Sablefish pots (limited entry & open access) as it is in Canada. Another improvement in the fixed gear fishery would be to have all pot boats not leave their gear in the water when they return to port.

I hope you will give serious consideration to these matters.

Scott Hartzell (F/V Ossian)
Westlake, Or 97493

May 13 08

RECEIVED
MAY 20 2008
PFMC

Dear Mr. De Vore

If its true my voice means something to you, I'd like you to concider this: Don't hurt this Ports sustainable hook and line fishery any more than no salmon season, Sanding in of our port, price of fuel and everything, lack of crab and bad weather all ready has!

From what graphs I've seen Cannary rock fish are the closest to even a concern and "that's a wash": 44 mt projected catch verses 44 mt optimum catch. These fish are one the increase anyway, projected future quotas are up too: 105 mt for 09-10.

We are live fish fisherman. We get paid to keep fish alive. Do you think we can relese fish alive? Let us keep fishing and No More Draggers. 32 foot Boat size ~~boat~~ hook and line only = more fish and more jobs and better quality.

~~long time~~

Sincerely
James B Jennings

May 21, 2008

BY FAX, EMAIL, and U.S. MAIL

Mr. Donald Hansen and Members of the Pacific Fishery Management Council
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Re: Public Comments on 2009-2010 Groundfish Specifications and Management Measures

Dear Mr. Hansen and Members of the Pacific Fishery Management Council:

The organizations of the Marine Fish Conservation Network, Pacific Marine Conservation Council and Natural Resources Defense Council hereby jointly submit the following comments concerning the Preferred Alternatives selected for the 2009-2010 Groundfish Specifications and Management Measures.

Summary
We are seriously concerned about the Council's decision to not even analyze management measures or harvest specifications for the unassessed and vulnerable bronzespotted rockfish. We request that the Council choose more precautionary optimum yields ("OY") as the Preferred Alternative for the following species: Darkblotched, Canary, and Yelloweye Rockfish.

Introduction
The actions taken at the April Council meeting to reject analysis of management measures for bronzespotted rockfish and to increase yields for overfished and rebuilding species risk violating the Magnuson-Stevens Reauthorization Act ("MSA"). The MSA, as revised, requires that the Council "[specify] annual catch limits …at a level such that overfishing does not occur in the fishery." The MSA also requires that overfished species be rebuilt as quickly as possible, as was affirmed by the Federal Ninth Circuit Court of Appeals darkblotched decision, NRDC v. NMFS, 421 F.3d 872 (9th Cir. 2005), and prohibits overfishing during a rebuilding plan. The Council should employ a risk averse approach to setting OYs and ABCs (especially where reductions may be needed to

account for uncertainty and risk) to comply with the requirements of the newly reauthorized MSA, as noted by the Council's Scientific and Statistical Committee (SSC) in their April 2008 supplemental report (http://www.pcouncil.org/bb/2008/0408/H1c_SSC_SUP.pdf). A risk averse approach dictates setting lower catch levels that not only comply with the MSA, but speed the rebuilding process and benefit both fish and fishermen by generating robust populations that can sustain higher catches. If the Council and NMFS allow increased catch levels for overfished and rebuilding species when stock assessments show minor population increases or indicate more optimistic life history parameters, it will only serve to delay rebuilding. Maintaining or decreasing catch when stock assessments show progress towards rebuilding will speed the process and ultimately allow for more fishing sooner.

Bronzespotted Rockfish

Bronzespotted rockfish, managed in the minor shelf south stock complex, has never been assessed. A SW Fisheries Science Center report from February 2007 (attached) indicates that landings of this fish have declined dramatically. The life history characteristics of this species indicate that it is very vulnerable to fishing. The scientists' report recommends implementing "measures that would increase protection considerably with only modest impacts to fisheries. For example, imposing a limit of zero fish on recreational and/or commercial fishermen could ensure that targeting does not take place, and would encourage vessels to move when they encounter this species. It is unlikely that the measures necessary to provide greater protection for this stock would result in significant impacts on fisheries under the current management regime."

We strongly urge the Council to: (1) analyze and adopt a no retention requirement to protect this species immediately; and (2) move as quickly as possible to determine its population status.

(1) No retention policy

This no retention requirement has been recommended to the Council by scientists and the Groundfish Management Team (GMT) for over a year now, beginning in February 2007 with the SW Science Center Report, and including the supplemental GMT report of November 2007 (http://www.pcouncil.org/bb/2007/1107/D9c_GMT_sup.pdf), "The bronzespotted rockfish (*Sebastes Gilli*): A new poster child for West Coast groundfish?," a poster presented at the 15th Western Groundfish Conference (attached), and the supplemental GMT report of April 2008 (http://www.pcouncil.org/bb/2007/1107/D9c_GMT_sup.pdf).

The Council's assumption that the existing Cowcod Conservation Area ("CCA") provides adequate protection for the Bronzespotted rockfish is insufficient. First, the CCA does not protect against take outside the CCA. A no retention policy would address this deficiency. Second, the CCA was designed to protect Cowcod. Although there may be significant geographic overlap between the species, Bronzespotted may require additional boundary adjustments to provide sufficient protection. In addition, the CCA would need to be specifically designated for Bronzespotted protection to ensure that

attempts to change the boundaries are not done without explicit consideration of this species.

(2) Assess the stock
We also request that the Council ask the NMFS SW Fisheries Science Center to assess the Bronzespotted rockfish in 2009 to determine if this species is overfished or experiencing overfishing. Given the alarming scientific findings thus far about the species, such an assessment is necessary to determine if a rebuilding plan is warranted.

Overfished and Rebuilding Rockfish
Many of the stock assessments for overfished groundfish species contain a high level of uncertainty. For these stocks with higher uncertainty, the Council needs to act with greater precaution by setting OYs that correspond with the lower bounds of stock population estimates to ensure that overfishing does not occur.

We are aware of and have sympathy for the impact to fishermen of lowered catch limits for overfished rockfish. We believe that the Council and NMFS should consider other measures to aid fishermen and fishing communities instead of choosing the higher level OYs which extend rebuilding times for overfished and rebuilding species in the face of downward population trends. The best hope for recovery of both the stocks and fishing opportunities is to minimize catch now to allow the stock to recover as quickly as possible so that higher catch levels can be realized sooner.

Maximizing catch levels during rebuilding plans can lead to situations where fishing opportunities later must be severely restricted or completely curtailed to meet statutory rebuilding requirements, especially when stock assessments show population decreases or a different understanding of life history parameters. Setting high catch levels during rebuilding will only prolong severely restrictive fishing limits and rebuilding periods.

Darkblotched Rockfish
The 2007 Darkblotched rockfish assessment contained significant changes, including the use of less optimistic productivity assumptions in the model. According to the SSC and GMT, "this change represents a fundamental change in our understanding of the stock's productivity and the shortest possible rebuilding time" (Supplemental GMT Report, Agenda Item H.1.c, April 2008 at 3) and was significant enough to "clearly require" "a revision in the rebuilding plan." Id. As part of this revision, the SSC recommended a redefinition of the target rebuilding time (T_{target}).

Although the Council had this new understanding of the stock's lower productivity, it selected the highest OY (Alternative 4 with 300 mt) as its Preferred Alternative. This OY would increase the length of the rebuilding period by 19 years from its previous target date, and 12 years beyond the new $T_{F=0}$.

Significantly revising the rebuilding plan, including changing T_{target}, brings into question the issue of whether the stock can be rebuilt within 10 years. It is statutorily mandated

under 16 U.S.C. § 1854(e)(4)(A) of the MSA[1] that if a species can be rebuilt within 10 years that it must be. See NRDC v. NMFS, 421 F.3d 872, 878 (9th Cir. 2005) ("As we noted above, § 1854(e)(4)(ii) is explicit that *if* a species can be rebuilt within 10 years, it must be.") (emphasis in original); see also Coastal Conservation Ass'n v. Gutierrez, 512 F. Supp.2d 896, 989 (S.D. Tex. 2007) ("If it is possible to rebuild an overfished species within ten years, the Service must do so."). This requirement contains no flexibility to go beyond 10 years to accommodate fishing interests. "The Agency may consider the short-term economic needs of fishing communities in establishing rebuilding periods, but may not use those needs to go beyond the 10-year cap set by subsection (ii)." NRDC, 421 F.3d at 880. According to the GMT, the new $T_{F=0}$ is 2018 and thus the species is capable of being rebuilt in the next ten years. Supplemental GMT Report 3, Agenda Item H.1.c, April 2008. Therefore, under 16 U.S.C. § 1854(e)(3)(A) of the MSA, it is statutorily mandated that the Council and NMFS rebuild the species within 10 years and Alternative 1 is the legally-required Preferred Alternative.

The news that the scientific understanding of Darkblotched's reproductive rate has changed and is now perceived to be lower than previously thought (SSC Report on Rebuilding Analysis, Agenda Item H.1.a, April 2008 at 3) should result in greater precaution and the choice of a correspondingly conservation-oriented Preferred Alternative–not the highest OY alternative. Although it is understandable that the Council wishes to keep the OY of a species high for the benefit of fishing communities, its legal obligation as a steward of the resource is to rebuild as quickly as possible. As the GMT summarized, the Ninth Circuit has instructed the Council and NMFS "that overfished species be rebuilt as quickly as possible," with "some leeway to avoid disastrous short-term consequences for fishing communities."[2] Supplemental GMT Report, Agenda Item H.1.c, April 2008 at 1 (quoting NRDC v. NMFS, 421 F.3d 872 (9th Cir. 2005)). "Some leeway" does not mean choosing the highest OY. It means choosing the lowest OY possible before a disaster to the fishing community is triggered. As the SSC acknowledges, the OY for 2007 was "specified at 190 mt." November 2007 SSC Report on Rebuilding Analysis, Agenda Item H.1.a, April 2008 at 3. Since no disaster resulted from this OY it was clearly viable for fishing communities. Accordingly, if the Council and NMFS do not act on their legal obligation to rebuild within 10 years under 16 U.S.C. § 1854(e)(3)(A), we urge them to at a minimum obey the Ninth Circuit law and

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[1] 16 U.S.C. § 1854(e)(4)(A) states as follows: Rebuilding plans or regulations shall

(A) specify a time period for ending overfishing and rebuilding the fishery that shall –
(i) be as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and
(ii) not exceed 10 years, except in cases where the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise

[2] This leeway applies to rebuilding plans for species which cannot be rebuilt in 10 years. As discussed supra, however, Darkblotched can be rebuilt within 10 years and thus under the statute NMFS and the Council are statutorily obligated to do so without the discretion to extend the rebuilding period by choosing a higher OY.

choose Alternative 2 (159 mt) or Alternative 3 (229 mt), especially as Alternative 3 is above a level that has already been demonstrated to be non-disastrous.

Canary Rockfish
Given the high degree of uncertainty in the new Canary stock assessment (between 11.7% and 55.6%), we believe that the Council should choose a more precautionary alternative than Alternative 5 (105 mt). As the SSC notes, "uncertainty in the ABCs is not explicitly conveyed in the Council's current process." Supplemental SSC Report, Agenda Item H.1.c, April 2008 at 1. Moreover, this is a species that is vulnerable to being fished in excess of the OY. According to the SSC, during the period of 2000-2007 Canary was fished at 114% of the OY. SSC Report on Rebuilding Analysis for the 2009-10 Groundfish Fisheries, Agenda Item H.1.a, April 2008 at 1.

As discussed above under Darkblotched, the MSA requires NMFS and the Council to rebuild species as quickly as possible with some leeway available to avoid disastrous consequences to fishing communities. NRDC v. NMFS, 421 F.3d 872 (9th Cir. 2005). It was not a disaster to the fishing communities to operate under the 44 mt OY provided under the 2007-08 Specifications. Therefore, we believe that the Council should continue the 44 mt OY and allow the species to rebuild more quickly. In light of the more optimistic but highly uncertain stock assessment, choosing to increase Canary by some amount might be understandable (for instance, the 85 mt option which nearly doubles the previous OY amount), but selecting the 105 mt option appears to ignore the MSA obligation to rebuild quickly as well as the highly uncertain nature of the stock assessment. Therefore, we urge the Council to choose either the 44 mt or 85 mt option as its Preferred Alternative.

Yelloweye
We join the GMT in urging the Council to stick with the ramp-down plan as the Preferred Alternative. See Supplemental GMT Report, Agenda Item H.7.c, April 2008 at 1 ("[W]hile a less aggressive ramp-down strategy may provide some short term relief, preliminary analysis shows the end result will require lower harvest levels after the ramp down is complete."). Although we understand lower Yelloweye catch has socio-economic impacts, it is the Council's stewardship obligation to lower catch to a level that allows this vulnerable species to begin to rebuild. The ramp-down plan was itself a delay to rebuilding to accommodate economic interests. Further delay by failing to implement the next step is inconsistent with the rebuilding plan and a violation of its terms.

We support the investigation that the State Agencies and the GMT are making into developing management measures (e.g., depth, season and trip restrictions, area closures, etc.) which will soften the impact to communities of rebuilding Yelloweye. Supplemental GMT Report, Agenda Item H.7.c, April 2008

Conclusion
In summary, we are deeply concerned with the Council's and NMFS's lack of action when presented with repeated recommendations from scientists and the management

team to develop and adopt management measures to protect Bronzespotted rockfish. The management team and scientists have clearly stated that the no retention requirement for Bronzespotted is not projected to have a significant impact on fisheries. We hope the Council will remedy this situation by analyzing and implementing a no retention requirement for Bronzespotted and requesting an assessment of this species during the 2009 assessment cycle.

We are also disappointed by action at the April 2008 Council meeting that reversed more conservative preliminary preferred OY alternatives in favor of higher OYs for overfished Darkblotched and Cowcod rockfish, and rebuilding Canary rockfish, and created a new ramp down alternative for the Yelloweye rockfish. The Council should select final OYs for these species that decrease catch limits to facilitate faster rebuilding.

By adopting a more precautionary approach, the Pacific Fishery Management Council has an opportunity to cement its reputation as one of the leading Councils in upholding the MSA to prevent overfishing and protect rare species. We look forward to the opportunity to work with you in this endeavor.

Thank you.

Sincerely,

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Summary of Bronzespotted rockfish (*Sebastes gilli*) conservation concerns

SW Fisheries Science Center Report
February 2007

Bronzespotted rockfish (*Sebastes gilli*) are a large, relatively rare species that occur mainly in Southern California waters, in deep rocky habitats similar to those for cowcod (*S. levis*). During a review of methods for estimating California fish landings being conducted by the SWFSC and CDFG Marine Division, it was noted that commercial landings of bronzespotted rockfish, after rising to an estimated peak of 94 tons in 1982, dropped rapidly in the late 1980s and remained at very low levels (generally less than 1 ton per year) from 1990 to the present (Figure 1). When plotted relative to the Minor shelf south complex within which this species is managed, this suggests that the decline in landings of bronzespotted preceded the decline in both minor shelf and overall landings of rockfish over recent decades. Very limited information is available from recreational fisheries, however what little information does exist suggests that most of the recreational catch comes from rare trips that catch large numbers of bronzespotted rockfish (Figure 2). Anecdotal information suggests that there are distinctive fishing strategies that were used historically to target bronzespotted.

Port sampling data for southern California from 1984 through 1990 is among the most comprehensive in the historical period, suggesting that landings for the period of greatest observed decline were reliably estimated. Bronzespotted are easily identifiable and it is unlikely that they would be mistaken for a different species. Additionally, a metric currently underdevelopment by NMFS and CDFG staff for evaluating the reliability of species-specific landings estimates of rockfish suggests that bronzespotted are one of the 12 top species with respect to the reliability of landings estimates based on a range of criteria (ease of identification, number of market categories that it occurs in). In his comprehensive review of the life history characteristics for 10 species of commercially important or abundant California rockfish, Phillips (1964) cited both cowcod and bronzespotted as two of the species of commercial importance that should be the subject of future studies.

Despite this recommendation, very little is known about the life history of this species. The spatial distribution is described as ranging from Monterey Bay, CA to Punta Colnett (northern Baja California), with a depth distribution ranging from 75 to 413 meters. Preliminary results from a total of 38 aged fish, of sizes ranging from 35 to 70 cm, suggested slow growth and high longevity. Ages ranged from 17-89 years (Figure 3), considerably older than the oldest ages estimated for cowcod. This would indicate that both the natural mortality rate (M) and the Von-Bertalanffy growth coefficient (K) are considerably lower than those estimated for cowcod, suggesting a life history pattern associated with high vulnerability to fishing.

As a result of data limitations, it may be difficult to conduct a quantitative assessment for this stock. Although the protection already provided by Southern California's Cowcod Conservation Area and existing Rockfish Conservation Areas should be sufficient to protect the stock, there may be other measures that would increase protection considerably with only modest impacts to fisheries. For example, imposing a limit of zero fish on recreational and/or commercial fishermen could ensure that targeting does not take place, and would encourage vessels move when they encounter this species. It is unlikely that the measures necessary to provide greater protection to this stock would result in significant impacts on fisheries under the current management regime.

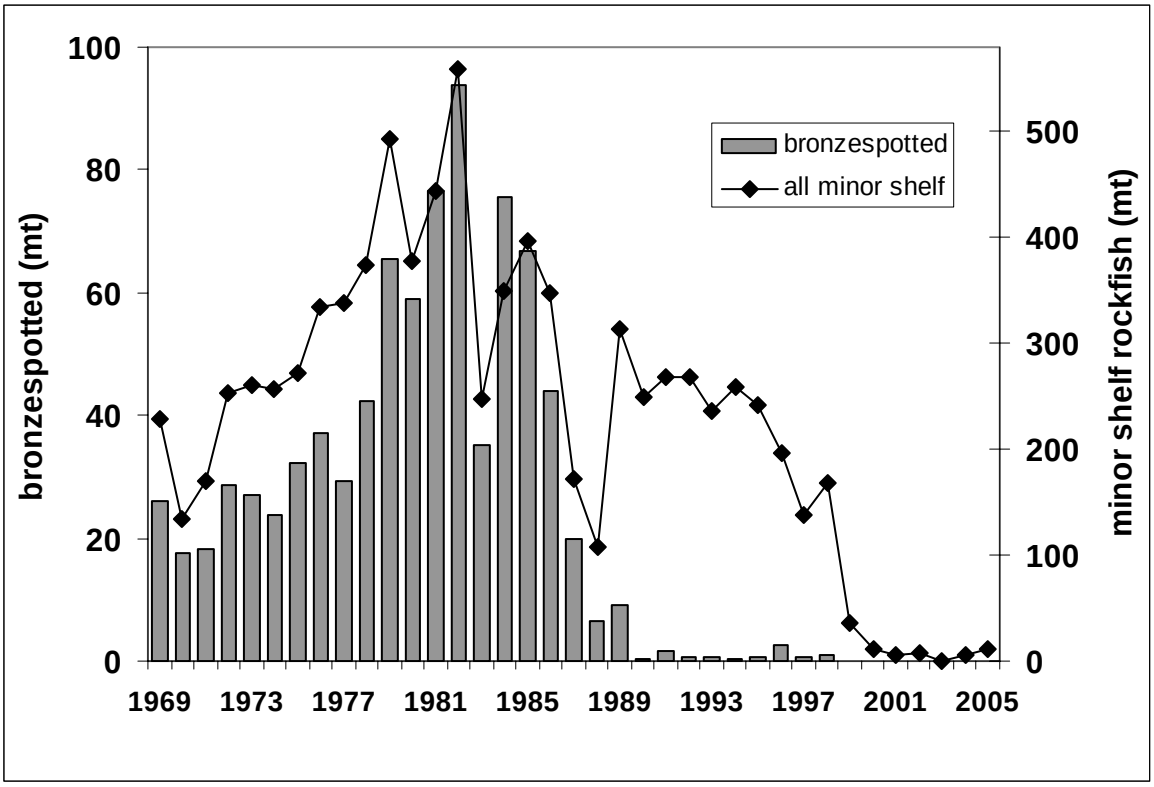

Figure 1. Estimates of commercial landings of bronzespotted rockfish relative to landings of all "Minor shelf" rockfish in the San Diego, Los Angeles and Santa Barbara port groups (CalCOM, January 2007).

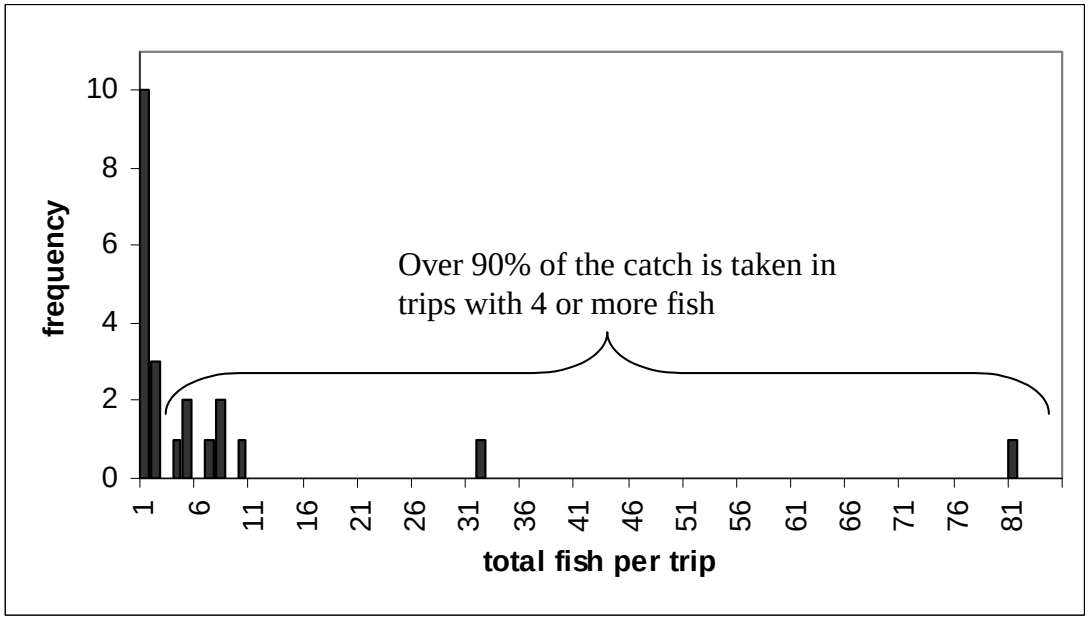

Figure 2: Catch frequency distribution (number of fish per trip) for CPFV trips, suggesting that when bronzespotted rockfish are encountered, they tend to be in clusters.

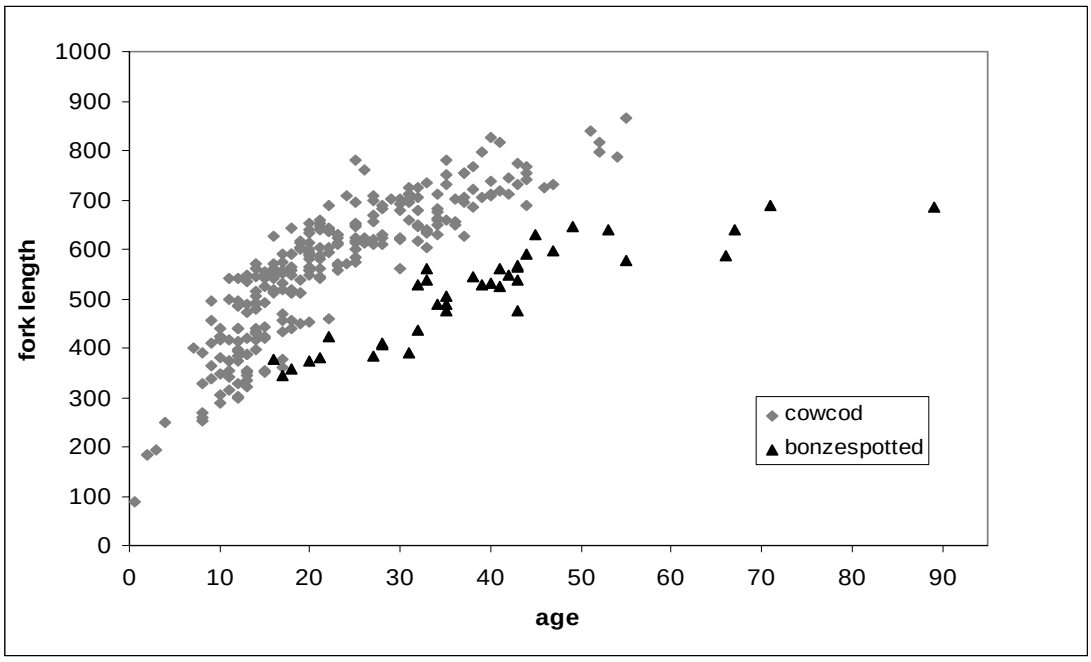

Figure 3: Preliminary age and growth data for bronzespotted rockfish, relative to age and length data used in the most recent (2006) cowcod assessment.

The bronzespotted rockfish (*Sebastes Gilli*)
A new poster child for West Coast groundfish?

Poster presented at the 15th Western Groundfish Conference
February 2008 in Santa Cruz, CA

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Abstract

Bronzespotted rockfish (*Sebastes gilli*) are a large, relatively rare rockfish species that occur primarily in Southern California waters, in deep rocky habitats similar to those for cowcod (*S. levis*). Commercial landings of bronzespotted rockfish dropped rapidly in the late 1980s, and have remained at very low levels over the past 20 years. Limited information is available from recreational fisheries, however what little information does exist suggests that most of the recreational catch comes from rare trips that catch large numbers of bronzespotted rockfish. Age and length data suggest very slow growth and high longevity, a life history pattern commonly associated with high vulnerability to fishing.

Introduction

Bronzespotted rockfish (*Sebastes gilli*) are a large, relatively rare species that occur mainly in Southern California waters, generally in deep rocky habitats similar to those for cowcod (S. levis). The spatial distribution is described as ranging from Monterey Bay, CA to Punta Colnett (northern Baja California), although the species is rare north of Point Conception (Love et al. 2002). The depth distribution is described as 75 to 413 meters, with most animals observed deeper than 200 m., including the few juveniles that have been observed in ROVs. In his comprehensive review of the life history characteristics for ten species of commercially important or abundant California rockfish, Phillips (1964) cited both cowcod and bronzespotted as two of the species of commercial importance that should be the subject of future studies. Despite this, very little is known about the life history of this species.

Fisheries

Commercial landings of bronzespotted rockfish dropped rapidly in the late 1980s and remained at very low levels from 1990 to the present. When plotted relative to the minor shelf south complex within which this species is managed, this suggests that the decline in landings of bronzespotted preceded the decline in both minor shelf and overall landings of rockfish over recent decades as a result of increasingly restrictive management measures (Figure 1). While the hook and line fishery has traditionally accounted for most landings, the rapid growth of the Southern California gillnet fishery in the early 80s accounted for most of the mortality during the period of apparent decline (Figure 2), consistent with the movement of effort to deeper and rockier habitats in that fishery.

Although pre-1984 estimates of landings are based on ratio estimators from data collected in later years, the confidence in landings estimates for the 1984-1990 period is high, due to effective port sampling data, the ease of identification, the relatively small number of market categories in which bronzespotted occur, and other factors. While the catch history for bronzespotted since 1983 is fairly reliable, the determination of meaningful catch limits for this otherwise data-poor species will be difficult. Yet such limits will be even more difficult to derive for those species for which even the catch histories are unreliable; which includes as many as 27 rarely or infrequently encountered Sebastes species in California waters (Pearson et al., in prep).

The limited information for recreational fisheries suggests that bronzespotted are infrequently encountered, but that most of the recreational catch is from rare trips that catch moderate to large numbers of this species. Trips that do encounter bronzespotted typically encountered cowcod as well, often in relatively large numbers.

Growth

We located 119 otoliths with associated length information (from 25 to 71 cm) from a range of collections. These were aged by an experienced age-reader (D. Pearson) using break and burn methods. Results showed a range of ages from 17-89 years, and were used to fit a growth curve (Figure 3) based on Schnute (1981). The oldest age recorded for bronzespotted rockfish (89) exceeded the oldest ages recorded for cowcod (55), although a formal age validation has not been conducted for either of these species. The estimated Von-Bertalanffy growth coefficient (K) for bronzespotted is 0.033, which along with shortraker rockfish (S. borealis) and shortspine thornyhead (*Sebastolobus alutus*) are among the lowest growth rates reported. There was not sufficient information to estimate maturity schedules, however most fish greater than 35 cm were mature and a 32 cm female was immature.

Discussion

The dramatic reduction in landings prior to highly constraining management actions, and the age and growth information that suggest high vulnerability to overexploitation, are sufficient to warrant concern with the status of this stock. Yet given the paucity of available data, a quantitative stock assessment will be difficult to derive. The habitat associations of this species suggest that existing management measures should be sufficient to protect the stock in the near term, yet additional measures could increase protection with only modest impacts to fisheries. A ban on retention could encourage vessels to move when they encounter this species; a rational behavior given the association with cowcod. Explicitly linking management measures for these two species would also be a reasonable management approach, and would not result in significant constraints to existing fisheries.

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Philips, J.B. 1964. Life history studies on ten species of rockfish (genus Sebastodes). California Department of Fish and Game Fish Bulletin 126. 63 p.

Schnute, J.T. 1981. A versatile growth model with statistically stable parameters. Canadian Journal of Fisheries and Aquatic Sciences. 38:1128-1140.

Acknowledgements

We thank John Hyde, Brenda Irwin, Milton Love, and H.J. Walker for the use of otoliths from their collections, John Butler, Bob Lea, Milton Love and Mary Yoklavich for their insights on fisheries and habitat associations, E.J. Dick for his help evaluating landings data, Diana Watters for her assistance with ages, and John Butler for the use of his photo.

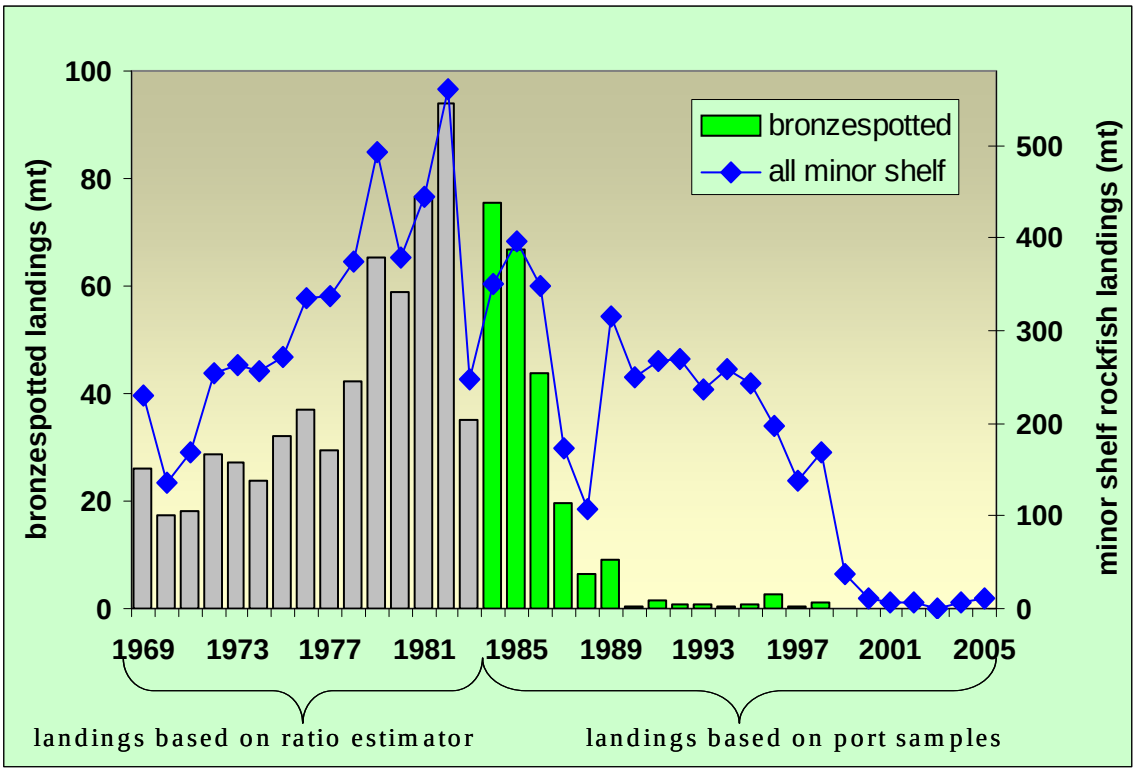

Figure 1. Estimates of commercial landings of bronzespotted rockfish relative to landings of all "minor shelf" rockfish in Southern California port groups (data from CalCOM, January 2007).

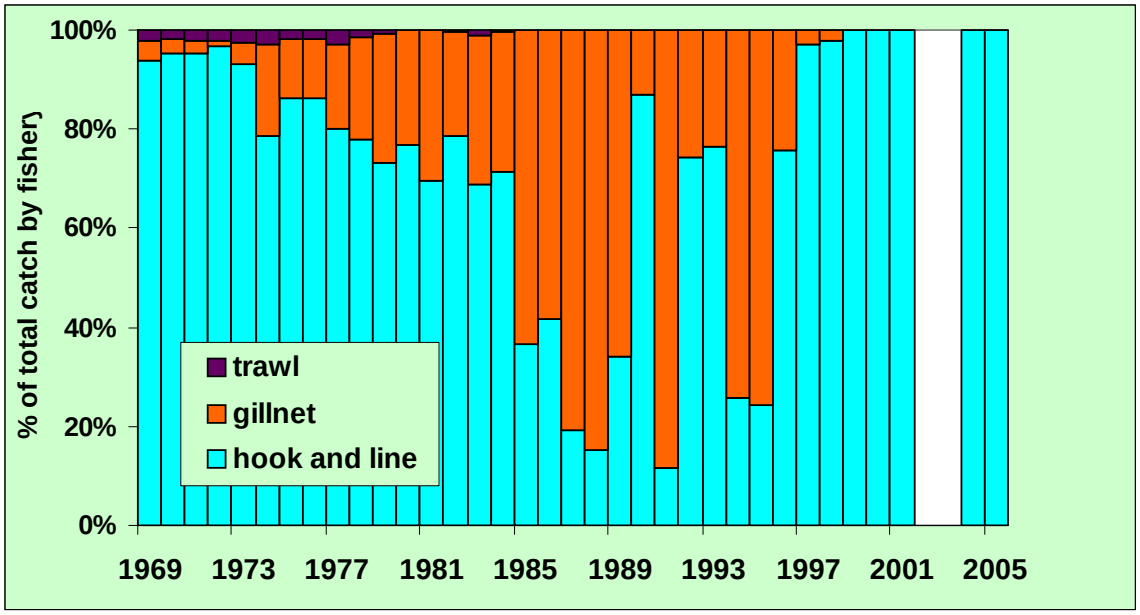

Figure 2. Fraction of bronzespotted catch by gear type over time.

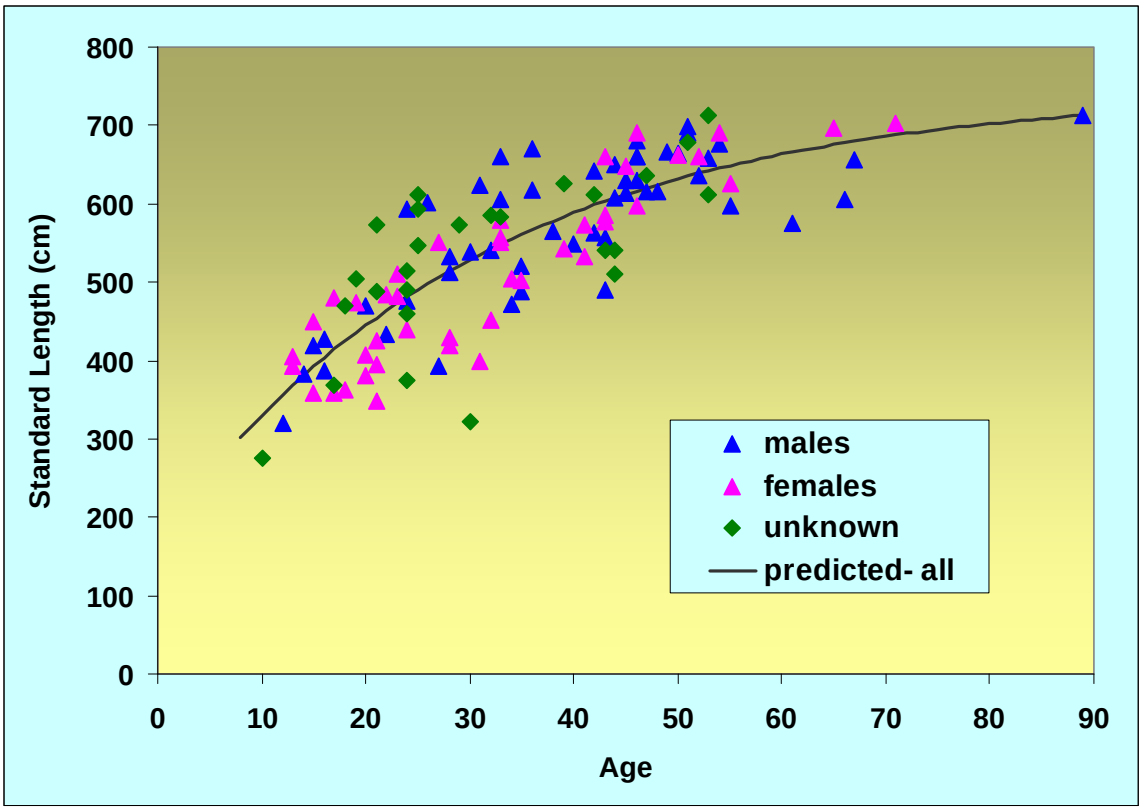

Figure 3. Estimated growth curve.

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PFMC

To The PFMC
ATTN: John DeVore

① The cost of fishing has gone up due to gas price VMS, EPIRBs, with the fish prices not going up accordingly

② Quotas going down will hurt our economy.

③ Live fisherman try to vent all fish that need because they are our fishing future

④ your impacts for 08 projected at 44 that matches your max yield same as c

⑤ I would like know why your projec are high when the canary stocks ar way ahead of schedule on recovery

⑥ Most fisherman in our area do no fish out to 30 fm because it is almo Impossible to keep those alive for the ~~pne~~ live fish buyer which pays mo higher prices

⑦ This is a great fishery and is im, thru our own conservatioe efforts

3) Very few of us would be able to stay within the 20 fathom line without it being a straight line.

Sherman fish vessells
Marci Sherm