

***Mike Hart  
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**August 25, 2008**

**California Department of Fish & Game  
Attn: Mr. John Budrick  
350 Harbor Blvd  
Belmont, CA 94002**

***Re: Ocean Fishing Closures***

**Dear Mr. Budrick:**

**Subsequent to the August 21, 2008 meeting regarding the rockfish closure at Trinidad, I have some items that I would like you or your agency to address.**

- 1. What date was the recommendation to close fishing for rockfish submitted to the Administrative Law Office?**
- 2. How were the time, date and location of the August 21<sup>st</sup> meeting determined?**
- 3. Subsequent to the 2007 meeting, were any recommendations/concerns discussed considered or implemented?**
- 4. What are the requirements for a person collecting data at the docks?**
- 5. What training are they given?**
- 6. Are they full time employees of the Department of Fish & Game?**
- 7. Was the 2008 early Rockfish closure based on data collected from the 1500 + questionnaires/boat reports obtained by the dock data collectors?**
- 8. Does the data include information on the use of safe release equipment by fishermen?**
- 9. How many questionnaires were obtained/submitted from each port or district?**
- 10. Has California Department of Fish & Game completed any oversight of the data collection process?**
- 11. How was it determined that “yellow eye” rockfish were over-fished?**
- 12. What research has been completed to verify the initial assessment data?**
- 13. Has Fish & Game completed any physical assessment/inspections?**
- 14. Do all marine districts have similar assessments?**
- 15. Are any reports submitted by the Game Wardens from their boardings and catch inspections?**

- 16. Do biologists accompany the Wardens on their patrols?**
- 17. Since the 2008 salmon season was closed, has any research been completed to verify the data used for closure?**
- 18. Have there been any other fishing closures in California?**

**Your response will be greatly appreciated.**

**Best Regards,**

**Mike Hart**



**ARCTIC STORM MANAGEMENT GROUP, LLC**

400 North 34th Street, Suite 306  
Seattle, Washington 98103 U.S.A.

Mr. Donald Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR  
September 2, 2008

**RE: Rockfish Bycatch in the Whiting Fishery. Agenda Item I.1**

Dear Mr. Hansen,

We appreciate the efforts taken by the Pacific Fishery Management Council to better manage rockfish bycatch so that all participants in the recreational and commercial fisheries can hope to maximize utilization of the resource and reduce bycatch of this important species. Despite these efforts, it is disappointing that the whiting fishery was prematurely closed by rockfish bycatch for the second year.

The Council has tried to provide adequate tools for the whiting sectors to reduce bycatch with approval of Amendment 15 which closed new entry into the separate sectors, the approval of separate sector allocations of rockfish species for 2009 and development of Amendment 20 which promises to rationalize the three separate sectors. We are hopeful that, in combination, all these measures will assure success and full utilization of the whiting fishery in the future.

The Mothership sector has taken additional steps to reduce bycatch. The participants agreed to take specific actions to avoid rockfish bycatch when continued fishing in an area or time of day might contribute to a premature closure of the whiting fishery. Such actions caused the MS fishery to be prosecuted in a much slower and more costly fashion. For instance, the MS fishery began fishing on May 15 and continued fishing until the fishery was closed on August 19. Specifically, it could not catch in three months what it normally harvests in one month. While the MS sector caught less than its pro-rata share of all species of rockfish, it was unable to fully harvest its whiting allocation before the fishery was closed. These bycatch avoidance actions increased operational costs to MS sector participants greatly but paid-off in keeping bycatch rates low.

We appreciate the efforts of the Council to continue providing the whiting industry participants with the tools necessary to allow us to fully prosecute our fishery. We have tried to match your efforts with complementary efforts of our own and hope for more industry success in fully prosecuting the whiting fishery the next year.

Sincerely,

Donna Parker  
Director, Govt. Affairs

| <b>Sector</b>                  | <b>Canary Pro-rata</b> | <b>Canary Catch</b> | <b>Widow Pro-rata</b> | <b>Widow Catch</b>  | <b>DarkBltch Pro-rata</b> | <b>Darkbltch Catch</b> |
|--------------------------------|------------------------|---------------------|-----------------------|---------------------|---------------------------|------------------------|
| <b>Shoreside (42%)</b>         | 1.97 MT                | 1.54 MT<br>78.17%   | 115.5 MT              | 95.58 MT<br>82.75%  | 16.8 MT                   | 0.94 MT<br>5.6 %       |
| <b>Mothership (24%)</b>        | 1.13 MT                | 0.74 MT<br>65.49%   | 66.0 MT               | 60.75 MT<br>92.04 % | 9.6 MT                    | 3.92 MT<br>40.83 %     |
| <b>Catcher Processer (34%)</b> | 1.60 MT                | 2.40 MT<br>150.0%   | 93.5 MT               | 39.3 MT<br>42.03 %  | 13.6 MT                   | 2.36 MT<br>17.35 %     |
| <b>Total</b>                   | 4.7 MT                 | 4.68 MT             | 275 MT                | 195.63<br>MT        | 40 MT                     | 7.22 MT                |

Whiting Sector Bycatch Performance in 2008.