Dear John, Merrick, and Heather:

I write regarding the implementation of the limited entry system for the open access groundfish fishery and the final decision that will reportedly be made in March of 2009.

I began fishing groundfish (shelf rockfish) in June of 2008 with hook and line gear out of my 14 foot aluminum skiff powered by a 8 hp motor. Not exactly a large scale operation, but I have landed approximately 2,000 lbs of groundfish so far with very little bycatch. Currently 100% of my fishing income is derived from groundfish. It has come to my attention that a limited entry permit system is scheduled to go into place on January 1, 2011 and that the permits will be issued based upon groundfish landings from the period of 1996 to 2006. Under such a scenario I would not qualify for any permit and would potentially be precluded forever from participating in the fishery.

I fully support the implementation of regulations that will allow for a more sustainable groundfish fishery, including the limited entry program. However, I feel that those who depend most upon the groundfish fishery as well as those who would currently like to participate in the groundfish fishery should be given an opportunity to do so. I do not want to be forever preceded from participating in this fishery merely because I was not old enough, was going to school and/or lacked sufficient money to purchase a boat before 2006. By implementing a control date of 2006 the current proposal would potentially preclude myself, as well as other similarly situated new entrants from participating in this fishery.

As stated above I support further regulation in the groundfish fishery. Although, I was only a child when the groundfish fishery was collapsing in the 80s and 90s I certainly do not want to see that happen again. Ample regulation needs to be in place to ensure the groundfish fishery becomes, and then remains sustainable so my children and myself can have the opportunity to participate in it as well. Thus, in considering a final regulatory alternative for the open access fishery I plead that provision be made for new groundfish participants such as myself - that measures be taken to give those who could not participate in the fishery from 1996 to 2006 an opportunity to participate in the future.

I propose that non-transferable permits be issued to any fisherman, such as myself, who did not participate in the directed groundfish fishery before 2006, but who currently rely upon groundfish for a large portion of their fishing income. A similar non-transferable permitting process was implemented in the California spot prawn trap fishery by way of a tier 3 permit granting certain qualifying fisherman the ability to participate in the fishery on a limited scale. A similar permit program should be set up for the groundfish fishery for those who qualify. Also, much like there were very few individuals who qualified for tier 3 permits in the California spot prawn trap fishery, I anticipate there would be very few individuals out there like me who failed to qualify for a regular permit, but who would qualify for a non-transferable groundfish permit.

Also, I would request that all other open access groundfish permits issued to those who qualified based upon the control period of 1996 to 2006 be made transferable immediately upon implementation. This would allow new participants and those eager to participate in the groundfish fishery to buy their way into the fishery, rather than being forever preceded from participating.

A non-transferable permit process for fisherman similarly situated to myself as well as transferability of the regular groundfish permits will allow those who depend upon and are most interested in participating in a sustainable groundfish fishery, to do so. Otherwise, people such as myself who in no way contributed, or participated in the fishery during the time of its implosion will not be unfairly penalized for it.

Thank you

Jason Roberson
Hi, my name is Nick Bordelon. I am a twenty-five year old fisherman and own the F/V Keta. It is a 30 foot wood boat that I fish out of Port Orford, Oregon.

I am very concerned about what is going to happen with open access fishing. I am paying my bills with open access black cod. Its still good money, about $6000.00 every two months. That pays for a lot of my family's expenses. I am a new owner of the boat, I bought it in 2007. The boat has black cod history, but I think I missed the qualifying years. I have landings in 2003 and 2008.

Please consider people like me that might be on the fine line of qualifying for a permit. Maybe there is a way that you could write something in to the qualification criteria. With the cut off date of 2006 you are excluding the people that have been making their living off of open access black cod for the last two years.

If I do not qualify for a permit I will need to buy one immediately to keep my boat fishing. There are people that qualified for these permits and are not fishing their boats anymore. Please make these permits transferable, but not stackable. Open access fishing has been good to me and a lot of other small-boat owners. Please do not give all of our fish to big-company boats and the trawl fleet. Thank you for your time and I hope you come to the right decision.

Nick Bordelon
January 08, 2009

Dear: PFMC + Jim Seger, John DeVore, Merrick Burden & Heather Brandon

At: Pacific Fishery Management Council
    7700 NE Ambassador Place, Suite 101
    Portland, Oregon 97220-1384

I am writing you about:
Groundfish Fishery Management Plan: Amendment 22.

I have been an open access commercial fisherman for many years. My original target species was deep and shallow groundfish. I have not only held a commercial license for many years, I have also held a near shore permit. Unfortunately due to divorce & financial hardship I failed to meet landing requirements and lost my near shore permit.

Now we have a new law/regulation in the works. I am not against the limit of no new participants. In fact I am for it. During the control years of 2004~2006, I have enough landings of shelf and slope species including lingcod >100 pounds in any one year that is proposed in the preferred plan option #6.

I should get the permit for B species and lingcod. However due to equipment issues my catch of Sable fish is only about 25 pounds per year during this time period.

In 2007~2008 my sable fish count has improved and I have eliminated all unwanted by catch. This is because I have already spent $80,000 to build the needed equipment to fish the depths required to get away from the unwanted species + comply with the new federal ground fish laws effective as of the implementation of the R.C.A.‘s. I have also spent money to install a required V.M.S., which included drilling many holes in my boat.

The considerations below are why I am proposing a change or recommendation in landing requirements for the preferred plan # 6 as listed below:

- Now that I finally got my boat equipped to comply with the new regulations, either the state or the feds change the laws. This has forced me to refit the whole boat several times at a huge and honestly unbearable expense to comply with the constantly changing new laws.
- Another consideration is wasted discarded species. In other words if I have a permit for B species groundfish and I do not have a ling cod or sablefish endorsement, I will be forced discard dead sablefish that will be caught with the slope & shelf species.
Therefore I am asking the PFMC to consider the landing control requirements as follows:

Vessels that made cumulative landings during the 1998-2006 window period of >100 lbs of B species groundfish and that made at least one B species directed fishery landing during 2004-2006 would qualify for a B species permit under this alternative (A-6). The permit would allow directed fishing for and landing of all B species groundfish not including sablefish and lingcod, for which species-specific landing endorsements would be required.

For sable and Ling cod endorsements: The Council would choose: landing thresholds in any one year during the 1998-2006 window period for issuance of sablefish and lingcod landing endorsements: a) >1 lb.

VMS requirements & pirate fishing.

VMS problems: In February 2008 all who fished groundfish in federal waters were required to install and use a VMS tracking system. Most of us who followed the new regulations have experienced huge problems with the existing VMS systems killing our batteries. In my trailer boat that is stored in the redwoods, the VMS goes crazy because it cannot find signal. This causes it to transmit every 10 seconds and it kills the battery within 12 hours. I am forced to file a haul out and disconnect the unit during the time the boat is stored here. Since landings are so restricted I usually have the boat on haul out for 45 of the 60 days in the two-month weight limit cycle. 12+ hours before each time I used the boat I have filed the report of intent to splash the boat and re-energized the VMS. Comparing the boat tracking history to the landings it made can prove this.

Pirate fishing: There are very few spots in California state waters that are outside the RCA and not in a California MLPA. There are many boats fishing without a VMS and they are claiming to only fish in state waters. Many of these boats are actually sliding over the line into federal waters. We call this pirate fishing.

Honestly it really pisses me off: I have to travel 20+ miles to find a legal spot + I have to use very expensive gear + I have to fish real deep to stay legal. Than when I get to port I find that some in-state boat that stopped short inside the line has plugged the buyers.

In California waters this will be easily remedied. That is because the California Dept of Fish and Game plans to follow suit with the feds and only let those with a federal permit participate in this fishery.

So let me suggest that you put an additional control on who gets the permits. This control should read: Only those open access boats that have registered a VMS before April 01. 2009 and that have at least one VMS recorded groundfish trip with landings of >1 pound by this date shall receive the permit.

Closed areas: Somewhere I read mention that we need more huge closed areas. What? For open access in California everything is already closed from
30 ~ 150 fathoms. This means that 90% of all fishable water is already closed. Not only that the RCA line jaunts strait across the Monterey canyon and the Carmel canyon as well. The California MLPA’s closes the only two sections of water outside the RCA in this area. That and all the best locations inside the 30-fathom line have or are being closed by the California MLPA’s as well. I am sorry but closing one more inch is just plain wrong.

**Changing of boats during the control years:**

I am getting old and having back problems as well as a bad hip. In 2007 This forced me to change from a 21’ center council boat to a 23’ deep v cabin boat with a comfortable seat. I need my permit to apply to the new boat, not the 21’ boat I had in the past

I would appreciate it if my concerns are voiced at your meetings about this measure.

Thank you
Daniel Martin CEO www.tunabite.com (800+ members)
5250 Hwy. 9 Commercial License # L58195
Felton, Ca. 95018 Current vessel ID # 06765
831 421 2669. Previous vessel ID #05322

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From: "Harold" <brejoh@peak.org>
To: <lbboydstun@comcast.net>
Subject: oa groundfish
Date: Thu, 8 Jan 2009 04:54:55 +0000

hi Mr. Boydstun I feel 100 lbs. a little low as a base to qualify for a B permit. 2000 lbs seems alittle bit more realistic if your trying to get the fleetsize to a reasonable number producing, a decent trip quota for the boats that qualify, please keep me informed thanks .Harold
From: "Josh Churchman" <josh.churchman@gmail.com>

Hi LB

How many of the small “ports” or coastal communities will end up with no B permits? I fear some large geographic areas will be forever eliminated. The same way the A permit situation has unfolded.

What happens with these non transferable deeper near shore permits? Do our lingcod count?

My port has not landed a fish on any of three permits since the VMS rule started in February.

We are leaving the future generations a network of MPAs, it would be a shame to leave them coastal communities without access to the ocean they live by.

Josh

Re: Change in Open Access

I would like to emphasize that the open access system, in addition to providing additional income to fishermen, has been reduces the waste of dead rockfish bycatch by salmon trollers. It just makes sense to allow trollers to bring in rockfish caught while salmon trolling. Whether they have enough to be worth while selling at the dock, or have just a couple to take home to their family, it is better conservation to use the bycatch rather than waste it. Especially true when fishing in the RCZ, where the depth at which the rockfish are caught results in a bloated air bladder and a trail of dying wasted rockfish behind the boat.

The above mentioned waste is even more idiotic if the prohibition against retaining troll caught rockfish is based on the convenience of regulators and statisticians.

Mat Keller
F/V Candice, Bodega Bay
Dear Council Members,

Well, it's been almost ten years now and I am beginning to feel like I'm writing to and old friend. My boat is held together with bubble gum and bailing wire, but I don't dare upgrade out of the fear that if I buy a new boat I'll lose my future in the groundfish fishery. So I put this question to you: When you head to the next council meeting would you like to ride in a 1980 Taxi-cab? Would a nearly thirty year old rental car be OK? How about flying on an airline that was not allowed to upgrade its' fleet? No other government agency but yours allows anything but the safest, most modern vehicles to be used, in the interest of public safety. I would love to buy a new boat, however I am at a standstill until a decision is made by your council. I cannot sell my boat out of fear that a future decision will exclude me from the groundfish fishery. With this said, I am asking you to make a decision on who is in and who is out, so that those of us who would like to feel safer on the water can do so.

The most recent proposal that I have heard is one landing of 100 lbs from 2004-2006. If this is actually going to be the criteria, why not just say any directed landing, even if it is one pound? What is the difference? A landing of one hundred lbs. during this time frame does nothing to meet the strategic plans objective of long term participation and dependence on the fishery. Boats that jumped in after the initial control date had no long term participation, and landings of 100 lbs. show no dependence on the fishery.

I still think that the criteria for an open access groundfish permit should be much higher landings over a longer period of time including participation before 2004.

With all this having been said I will offer the following ideas to be considered:

Regardless of what criteria is used to qualify a vessel, notify the owner of his ability to continue to fish for groundfish. In addition, notify all other open access vessel owners that they may not fish for groundfish.

Do not issue any transferable permits. Require all OAGF vessels to display the vessel number in 10 inch letters followed by the letter B on the side of the vessel. (Example - my boat - 36207B) Vessels with a limited entry groundfish permit and an OA permit would be 36207AB. Vessels with a state permit would have a "C". These markings have many purposes in addition to helping enforcement. In southern California we have many sportfishermen who become commercial fishermen once the sport catch is safely ashore. In other words, they use their ultra-clean sportfisher to catch a sport limit for themselves and several friends and then market the catch once ashore.
Insisting on big ugly numbers on the side of these boats would quickly eliminate many entrants and stop poaching. Also I would like to see the California DFG require that a copy of the vessel registration be required to be submitted when renewing a vessel license. Many southern CA. vessels have a pleasure registration and use this to purchase a license to sportfish in Mexican waters. A true commercial registration and vessel markings will be a great enforcement tool.

Once the fleet is established the process of determining transferability can begin. I see the current fleet split into four groups: 1) Vessels that are on the water daily and catch legitimate, marketable amounts of fish, 2) Older individuals who still enjoy the ocean and their occupation but do not catch large quantities.(Example: we have a 75 year old man that catches a few Leopard sharks and sells them to a fish and chips market), 3) Vessels that may have tried the fishery and have departed or come and go at a low level of participation, 4) Vessels that use a commercial license to market sport-caught fish. Transferability of a permit can be determined by the catch levels of vessels after they qualify for a B permit. I would like to see a level of strong participation before a permit could be transferred. Let's say 10,000 lbs. A vessel fishing Blackgill and slope rockfish may qualify in one month. Shelf rockfish - less than three years or much less if Ling cod are caught. This process would really determine what vessels are contributing to the good of the communities and transferring these permits would most likely keep the supply of fish coming in. Lesser used permits would not be discontinued and a stipulation that a permit could be transferred to a child or grandchild could be added. Once the vessel is sold or not registered it would lose its' groundfish permit.

A quick look at the other California fisheries that have converted to a limited entry format will show why the groundfish fishery will benefit. An example is the nearshore fishery. Initially with more than 1000 permits issued it was a free for all with scattered demand and low prices. Now it is a solid fishery with strong prices and demand. The participants in this fishery make a good living, as do the buyers. Participants are few and enforcement is easy and rarely necessary. Permits are hard to come by and value is high. On the other side is the spiny lobster fishery which allowed too many transferable permits and is now seeing enforcement problems.

OK, thanks for reading all of this and once again I hope that the right decision will be made. For now I'll just hope that "chitty-chitty bang bang" gets me through another day. JL

John Law
2795 Massachusetts Ave.
Lemon Grove, CA. 91945
WILDWESTJL@YAHOO.COM
858-414-9731
Open Access Groundfish
To whom this concerns
PCMC members:

My name is Ron Blodgett and I have been a Commercial fisherman for 35+ years. I have fished out of Bodega Bay with my 30' boat (Happy Jack) for most of my fishing life and will probably continue doing so. I fish all the time and have supplemented my income in tough times with various land jobs. My time has been spent fishing mostly Crab, Salmon, Rock Cod. The way I fish rock cod is by hook and line only!

During this time I have fished for Rock Cod mainly at Cordell Banks, and other palaces north up to Pt. Arena for approx, 15-18 yrs. On one of these occasions I thought about not even salmon fishing for a season as I did well at it. But as I could not do two fisheries at once, I decided to just do Rock cod for the winter months.

When I was asked some years ago if I wanted a, A permit, I had to refuse as I could at that time not even afford the price of $270! (There were other considerations also) And I did Qualify! But times were tough.

Now with the restrictions on the Salmon fishing last year and this year, I have no means of fishing unless I continue crabbing. And with the season the way it is here I am not doing well again. My hope was always of doing another fishery during tough times. Due to the restrictions now I may not even qualify!

I do not support limited entry, as the only ones that can fish are the people with money that can afford to buy a permit, and then hire someone to run it! I believe fisherman should run there own boat! But if we are going to have it I hope this will help in any little way toward any decision that you make.

Thank You!

Ron Blodgett
FV Happy Jack
Bodega Bay Calif.

fvhappyjack2@earthlink.net
To:
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

From:
Ted Torgersen
Box 531
Point Arena CA 95468
707-882-2531

cc:
John McCammon, Director
CA Dept. of Fish and Game

To Those Concerned:

As a lifelong commercial fisherman, I am deeply disturbed by the continuing trend of consolidation as management policy for fisheries. It is as if you are saying that reducing the number of fisherman is the goal, rather than preserving or rebuilding fish populations. In addition, no attention is payed to the disastrous cultural side effects of removing working fishing boats from local communities. In addition to lost employment, small ports lose revenue generated by shoreside operations. Many times even tourism is affected when fresh local fish is not available, and local residents likewise suffer from the inability to purchase seafood “off the boat”, long a benefit of rural coastal life. Commercial fishermen cannot even look for work under these oppressive policies, we must purchase jobs in the form of permits, sometimes at a cost greater than the value of the yearly quota for the fishery. I am sure there is some unfashionable anti-trust legislation still on the books of which this is a violation, but I am not rich enough to pursue that avenue of redress. If this trend is allowed to continue, the occupation of fisherman will have been systematically removed from America, replaced by a very small, corporate owned industrial fishing fleet. In an age where more attention is being paid to renewable energy sources, sustainable farming and forestry practices, it seems that more small boats delivering fresh fish to the local population makes more sense than clinging to a wasteful industrial approach to fishing which was originally designed to feed the world, something we are no longer in a position to do, anyway.

The cultural implications of this so called management policy of a permit for every type of fish, are enough to condemn it. Generations of traditional livelihood and community are systematically removed from the American landscape, leading to rootlessness, which is the cause of so many social ills. It is the responsibility of government, both elected and appointed to serve the country, not just a special interest
that will eventually remove fresh seafood from our diets. I commercial fished for salmon in California for fifteen years, and am not optimistic about seeing another season in my lifetime. I will turn sixty this year. I also did not get a lucrative settlement, like many did, nor do I want one. If I cannot earn my living from fishing, I must at least be allowed to feed myself and pay my expenses. Any less is a policy of cultural genocide. My ancestors are Norwegian and we have lived off the sea for a hundred generations. I hope I am not alone in feeling betrayed by these callous policies.

The practical side of the policy of issuing separate permits for groundfish that are caught using the same gear, and on the same grounds also must be questioned. I attempted to fish for open access species (vermillion and lingcod), and stopped after one day because of a discard rate of sixty percent. Even with a partner and a deeper nearshore permit, the discard rate is above twenty five percent, exclusive of protected species (ie. canary and goldeneye). There is a high mortality among discards of fish with swim bladders. A more sensible approach would be one permit for all species with an overall quota, which would minimize waste, and cause fishing to stop in a timely fashion, rather than the so called grocery list approach which encourages discards and prevents the grounds from recovering.

Since we now have a new president, perhaps now is the time to re-evaluate acceptable methods of fisheries management in the light of sustainability rather than consolidation. Not only is it better for the recovery of fish stocks, as smaller boats fish fewer days due to weather, but it is better for America, because it preserves tradition and a sense of community in coastal areas. Either that, or we can all learn to eat soybeans and work in the tourist industry. For me this is not an option.

Sincerely,
Ted Torgersen
Corvo, F & G # 06915
L21235
CA Drivers Lic. #V9128311

It is imperative that I continue to have open access to sablefish with groundlines. I am barely paying my bills in the salmon troll fishery, but if I can continue to make sablefish landings and supplement that with albacore landings, I may be able to survive. I have spent $8000 gearing up for the open access fishery in the form of a drum, hauler, chute, line, blocks, hooks, and VMS installation. Being told that I could not fish for black cod would impact me greatly. Now more than ever, we need to have access to these other fisheries in order to survive. Sincerely.......Mike Watson  F/V Sleipner
dear pfmc I am deeply troubled by your proposal to take away my fishing rights. After all the reductions in salmon seasons so we can feed the predator's i am left with nothing, how can you do this to us at a time of economic collapse due to federal mismanagement. I am a third gen com-fisher and have seen some gross mistakes in the management of ground fish Beginning with the first allocations of the blackcod tierd permit boondoggle, take from the small and make a very few really Rich. Then to not give any recognition of old fishing methods like Portuguese or dinglebar back when it was still legal any history making it like it never existed and all are efforts to rehabilitate the redfish stock has been a sham, we will never have access to another fishery, this open access is for small boats to have chance to survive in times of trouble, now its about making a few drag boats and some California boats with history happy, well there are some people in newport that have invested in this with boats, gear, vms's and we will be out of a job soon, please reconsider your position either extend the access date to 08 or the shut down out a couple more years till the salmon come back so we can save our livelihoods, this open access elimination was not an open door till the doors were closed, we did not read the fine print and now will be out of luck. With our economy in the tank this is not a good time to put us out of work, you have turned the ocean that feed us into a private reserve with overregulation so the only ones with a job are the ones that make the rules.
henry deRonden-pos
f\v newdawn newport ore pobox 1424 97365
Dear Sir(s),

We recently circulated a survey generated by PCFFA which aimed to find out how many fishermen in each port would qualify for the proposed “B” groundfish permits under the criteria for the “preferred alternative” currently being considered by the Council.

**Following is a breakdown of the results of the open access survey in Ft. Bragg:**

Originally, we identified at least 32 active commercial fishermen in our port who have participated in open access groundfishing. Of that group, we were able to contact 25 fishermen and received detailed responses from 20 fishermen.

*Of the group of 12 fishermen that we were unable to contact or did not return surveys, we believe from our own knowledge of their fishing history that at least 8 would qualify for a “B” permit and probably half of that group, or 4, would qualify for at least one endorsed species. This is notable because it is in contrast to those who did respond to the survey, of which almost all believe that they will qualify under the criteria in the preferred alternative, and the majority believe they will qualify for both endorsements.

Of the group of 20 who completed surveys, 18 reported that they landed 100 pounds or more of “B” species groundfish in a directed landing between 1998 and 2006.

16 of the 20 respondents made one landing or more of “B” species between 2004 and 2006.

When asked if they had landed black cod in a directed fishery landing between 1998 and 2006, 17 said “yes”. When asked if they had landed more than 100 pounds in one calendar year, 17 said “yes”. When asked if they had landed more than 500 pounds in one calendar year, 17 said “yes”. 3 replied “no” to all three questions. One respondent said he did not fish for black cod during those years because he was concentrating on salmon and crab fishing. 15 of the 20 reported that they had landed ling cod in a directed fishery landing between 1998 and 2006. 15 reported landing more than 100 pounds in one calendar year. 11 said they had landed more than 500 pounds in one calendar year. 10 of the 20 did not land more than 500 pounds in a calendar year. It is notable that at least three of the positive responses were based on directed trawl landings during this period, and these fishermen no longer own boats in the trawl fishery.

Of those who did not make ling cod landings between 1998 and 2006, reasons given were as follows:
“Mostly fishing for black cod after open access began”, “Monthly quotas and time open too limited to make any profit”, “restricted monthly limits too small to cover expenses”, “concentrated on fishing black cod and salmon”, “never had to fish for lingcod before salmon
fishery was shut down”, “buyer not able to handle small quantities and price offered was too low.”

The average number of years commercial fishing was 33.2. The range was 7 years to 60 years. The average years of participation in federal species groundfishing was 22. The average number of years fishing groundfish before 1998 was 14. The average number of years fishing groundfish between 1998 and 2006 was 6 out of 9 years. After 2006, 1.5 years (out of two possible) was the average fished between 2007 and the present.

When asked what species of federal groundfish they had landed, 1 listed black cod only, 4 listed at least black cod and lingcod, and 14 reported landings of many different species, including black cod, lingcod, slope rockfish, shelf rockfish, halibut, petrale, dover sole, etc. Only one reported no landings in a directed fishery. All 20 respondents said they were interested in fishing for groundfish in the future. When asked what species they were interested in being able to fish, all 20 were interested in at least black cod and lingcod; 17 said “all species” or at least some other species in addition to black cod and lingcod, most notably in the slope rockfish species. All 20 reported making the majority of their landings in the port of Noyo, Ft. Bragg, CA. Only one fisherman of those who no longer fish for groundfish said they made at least half of their historical landings in a port other than Noyo.

Please note that, although many of the fishermen in Ft. Bragg may qualify for a “B” permit under the preferred alternative, only half may qualify for a lingcod endorsement and at least 4 of the 20 respondents will not qualify for either black cod or lingcod. Of the 12 who did not respond, at least 5 will not qualify for either endorsement and most likely will not qualify at all.

It is notable that of those that do not meet the criteria to qualify for the “B” permit under the preferred alternative, most had significant groundfish landings before 1998. Two of those who will not qualify both have fished commercially for at least 50 years.

We sincerely hope that this portrait of open access participation in our port will help the Council make the decision most beneficial to the future of the resource and the future of our independent commercial fishermen. We need to keep as many boats in active participation in groundfishing as possible because our strength is in fleet diversity and the inclusion of newcomers insures the perpetuation of our commercial fleet. One of our association members wanted to know why it was necessary to exclude any fishermen when “there are so few of us left and there are already so many restrictions in place that we couldn’t negatively impact the resource if we were all fishing all the time”.

Sincerely,
Ben Platt
Boardmember
Salmon Trollers Marketing Association
F/V “Kay Bee”
Ft. Bragg, California
Dear Council Members,

In the face of the country's dire economic situation and skyrocketing unemployment, it seems illogical for the council to make regulatory changes that would create more financial hardship and unemployment.

Commercial fishermen depend on the open access fishery to make ends meet when other fisheries such as salmon are closed. A limited entry program for open access is unnecessary. Since it appears the council is going to make a decision to limit entry into the open access fishery, the preferred alternative would be acceptable with one change. Please drop the Sablefish / Lingcod endorsement portion and allow open access fishermen that have participated during the 1998-2006 time slot as much latitude as possible to participate in the open access fishery. The creation of MPA’s (Marine Protected Areas) in California, the federal change in the RCA boundary of 30 fathoms to 20 fathoms and the cancelled salmon seasons has recently forced long term open access fishermen to fish outside (west) of the RCA for sablefish. These fishermen should be allowed to continue in this fishery.

The change of the 40°10’ North RCA boundary from 30 fathoms to 20 fathoms will also result in increased financial hardship to open access fishermen. In my home port of Trinidad all of the Lingcod grounds and the most productive Nearshore fishing grounds are in waters deeper than 20 fathoms in the Redding Rock area. This change will eliminate some of the most productive fishing grounds. Were closed areas such as MPAs and the RCA taken into account in rebuilding plans for Yelloweye Rockfish further depth restrictions and the financial hardships that result wouldn’t be necessary. Please consider closed areas in rebuilding plans before changing the RCA. My business as well as the local markets that depend on my fish will appreciate it. If you conclude you must change the boundary to 20 fathoms then leave a block open on the east side of Redding Rock and on the Point Saint George Reef.

The VMS requirement for open access is also putting an unnecessary burden on the smallest operators. Boats without charging systems and shore power are those most impacted. The VMS requirement should be dropped for vessels less than 30 feet. If the requirement is not dropped then it should only be mandatory during the quota period that the vessel is participating in a federal ground fish fishery and the providers such as Faria should be mandated to only be able to charge during the months of operation.

Please drop the Sablefish / Lingcod endorsement portion of the preferred alternative for open access and reconsider the 20 fathom RCA boundary and VMS requirement.

Sincerely,
Mike Zamboni
F/V Lucky 50
F/V skiff II
RE: In response to open access limited entry proposals by Council in the upcoming period 2009:

    I am the owner/operator of the Windwalker, a nineteen meter sail assisted, diversified-fishing-dependent vessel, manned by myself and either one or two others. The Windwalker fishes with hook and line or potentially traps out of Morro Bay, but over the last twenty five years, changes in the fishing regulations have closed me and the other fishers of the Morro Bay and other Pacific Coast fishing communities out of one fishery after another. As a result Morro Bay has lost both its processing plant and much of its traditional fleet which continues to shrink at an alarming rate.

    The NMFS management approach for the last twenty five years or more has resulted in the destabilization of the fishing community, particularly those dislocated and methodically preempted from their fishing heritage by various whimsical and capriciously promulgated policies. The council has published documents in which they state that various regulations they have promulgated (formally proclaimed or declared as new statutory or administrative law), which are causing boat abandonments as well as forcing us out of our businesses and out of our professions, are intended to reduce capitalization. They even discuss the potential effect of these actions in reducing the number of boats. This verifies that the Council's actions are not merely adjustments of catch in targeted fisheries, but that they constitute intentional takings without compensation. These arbitrary and capricious actions also constitute a lack of equity and a lack of consideration of environmental sociology (ie, respect for humanity affected, including impact on fishing for a living) and a flouting of our US Constitutional right to equitable compensation. Also detrimental reliance of the fishers on management rationalization proceeding equably and in regards to environmental and sociological effects.

    There has seemingly been a disregard for humanity affected (i.e. the nature of fishing for a living) as well as the above disregard for basic law and due process. Fishers are not well versed in administrative procedure nor are they well represented, particularly in light of the necessity of being at sea while meetings are held.

    I see the current proposal as being in disregard of commercial fishing and those well versed in its complexity through generations of acquired knowledge and functional experience. Proposals disregarding the cyclical nature of fisheries and the fisherman's need for varied access to different stocks for efficient productive harvest show a large gap between theory and function. One could rationalize a specialty approach and fleet pigeonholing or compartmentalization. However, in actual practice this does not account for veteran fishers varied specialties covering many different fisheries with a current capacity developed from years of experience. In fact, being too specialized leaves one vulnerable to irrelevance if
a down cycle ensues which inevitably happens. The specialty approach encourages overfishing when stocks needs less pressure. Many examples of NMFS results are available.

Practiced fishermen and women need a portfolio of fishing access and abilities acquired from experience; this is now seriously threatened. Open access has served as a useful lateral move for seasonal and cyclical opportunity.

Further dislocation and fleet capability manipulation is likely to undermine efficiency too extremely and cause more harm to the fishing community and the market it serves. Examples can be seen with albacore, a long standing and sustainable fishery largely of combination vessels which have moved to the albacore fishery from their primary fishery after being displaced from other fisheries and options. This is raising mortality and affecting the albacore stock which is now showing signs of pressure by a high mortality of small fish.

I would propose to the Pacific Council to use such examples to suggest that NMFS protect both fish and fishing community by reinstating fishers to fisheries available to them when substantial investment was made in their history.

Improved stock assessments can lead to the development of managed quotas, fishery periods and gear control to alleviate all of the problems fisheries have experienced, maintaining equable, autonomous fleet management and the fishing community. It would alleviate detrimental commoditization and undue enrichment of small groups of quota holders at the expense of the whole of current displaced experienced fishers and their community.

Refutable aspects of the present management approach include IFQs which have not proven necessary and have caused severe sociological harm (ie. whole stocks of commons in private hands, dislocation, fishers resorting to drastic measures due to dislocation and displacement). Management goals could be reached without detriment to many to enrich a few. Conservation ethic standards can be implemented and educated.

Buyout has proven marginally useful, but caused further disenfranchisement due to inadequate compensation. Permits are unavailable and unreasonably costly thus unavailable to experienced fishers, causing inefficient displacement and inequable results. For example, dispirited fishers, abandoned boats, etc. to sociological detriment of community.

These are examples of sociological irresponsibility. The untenable bureaucracy and disruption to my own operation is so distressing, that I seek relief, if not from this council, then by legal and political means. As anyone subject to wrongful acts such as detrimental reliance, taking without compensation, bearing cost of undue enrichment, victim of capricious, arbitrary, preemptive bureaucracy, pain and suffering, would and should pursue to secure the right and dignity to protect themselves and others from unconscionable reckless authority.

Sincerely,
John Gillespie

02/16/09
RE: Groundfish Limited Entry Open Access

I recommend both of the following permits be available. Groundfish landings would be permitted as long as one of the following permits is possessed.

A “personal” permit:

A fisherman who has a history of groundfish landings (any and all species) should be entitled to continue landing groundfish (any and all species) indefinitely.

A “vessel” permit:

A vessel that has a history of groundfish landings (any and all species) should be entitled to continue landing groundfish (any and all species) indefinitely.

At all times and particularly during an economic crisis we must find simple and fair solutions to keep the industry viable. Fishermen need to have a job they can count on without fear of needless "job killing" regulations.

Anthony Cannia
19070 Noyo Acres Drive
Fort Bragg, CA 95437
Dear PFMC,

Concerning your new open access groundfish regulations. It is time to remember that you have a responsibility to all the fishermen under your management-- not just the well placed and well heeled who can show up at all the meetings and spend money for access, and design windows of opportunity that place themselves in the way of that limited opportunity. It doesn't make sense to deny fishermen who have been in the business all their lives opportunities to fish when your own published data states the stocks needed to support fishermen and ports and coastal communities are dramatically rebuilding(PFMC Groundfish Assessment Results for 2007-2008).

Now is the time to recognize the fisheries under your management are meant to benefit all the fishermen, all the ports and all the coast as they have until very recently. To restrict fishing on overfished stocks is one thing. To deny access by most fishermen to these stocks forever is to create a fishing aristocracy that is neither deserving nor serves the best interest of your job description. This is particularly not the time to listen to NGO's who have drawn paternalistic conclusions about what needs to be done for fishermen and the ocean and then have gone looking for evidence to support their conclusions. They have the money to pay for this work, but it is not science. It is the antithesis of science and should be condemned as such. Evidence is the basis of conclusions not the other way around. The NGO's want IFQ's to divide the resource up between a few selected individuals whether it is needed or not. They have not done their homework. They look at the bright results from resource division in Alaska that support their preordained conclusions. They don't look at look at the fishermen who were thrown on the beach or forced to crowd into other fisheries or the economic loss to fishing communities and infrastructure. Their solutions condemn the many to internecine warfare for what's left of the resource in favor of the selected few who will then make their solutions look successful. The drag fleet has been dramatically reduced and at the expense of many small boats who are now paying the bill for that buyout and having to compete with the fishermen they bought out as they reenter the remaining fisheries.

Small boats do not have significant bycatch issues. Small boats deliver a quality product to more buyers and more ports than a few big boats. This is not the time to erase the many in favor of the few. Instead, design a program that feeds the boats back into the recovering fisheries. Design a program that spreads the resource over the entire coast to which it belongs.

David Helliwell
FV Corregidor
850 Greenwood Hts. Dr.
Kneeland, Ca. 95549
Dear council.

Please deal with the below mentioned serious problems before any new threats are imposed upon the fishing fleets and their communities.

1. Allow open access for ground fish to continue (lateral moves in fishing are necessary).
2. Outdated science and inaccurate science (fishing effort vs. fish landings and size of fish should be used to evaluate fish stocks and not scientist going out and trying to find and to count fish. Eliminate false science. Demand that it is up to date, accurate and understandable to the lay person).
3. VMS (unreasonably makes violators out of honest law abiding fishermen).
4. Over population of sea lions (Remove sea lions from the marine mammal protection act. Bring back the sea lion Fish & Game thinner program).
5. By catch laws (which promote the throwing back of dead or injured fish needs to be outlawed).
6. Sea Otters (Devastation to marine species must not be allowed).
7. Sewage treatment (insure a minimum of secondary treatment to sewage and preferably full tertiary treatment to sewage. Insure EPA fully regulates the industry).
8. Power plants (Eliminate once through cooling (OTC). Insure EPA fully regulates the industry).

Although I made the cut-off window for open access ground fish, I am in favor of leaving ground fish an open access fishery. I am an avid supporter of sustainable fisheries but I don’t believe that the science that shows that this fishery is in danger of being over fished is reliable or provable at this time.

Also I don’t understand why all of these fish on the outer shelf need to be classified as ground fish. Sablefish for example, is a species that has a huge
range and is only being fished near to the harbors but in actuality the sablefish habitat is not hardly being fished.

Most of those that now qualify for the Open Access ground fishery do not fish it because of the small quotas that even a small boat such as my 30' fishing boat can't survive on. I believe limited entry fisheries and IFQ's should be re-examined so as corporations don't end up with owning every fish in the sea. As it stands at this time marine management is well on its way to allowing corporations to take from the small fishing communities without compensation. This is in violation of constitutional law.

The current VMS laws as is written in the federal marine register need to be changed or the program discontinued if honest law abiding fishermen aren't going to find themselves in court proving themselves innocent. I always thought that the law had to prove that a person was guilty, not innocent.

I respectfully ask the council to address the issues mentioned above before further destroying the fishing fleet.

Note: Commercial fishing is one of the foundation blocks of which California is based on.
My name is Alan Alward and I own and operate the F/V Longfin which I have use to fish black cod with traps since November of 2007. I have been a commercial fisherman for over 30 years, most of that time spent diving for sea urchins. I am getting too old to dive now so I bought a boat and started fishing albacore during the summer off of Oregon. During the winter I take small amounts of black cod to keep my finances afloat. I really need to be able to access this fishery. I feel the council’s proposed target fleet size for the B permit will shut too many present day users out of the fishery. Many of the boats that will qualify are not actively fishing black cod at this time while I hope to seasonally fish every year until I retire.

I fish out of Morro Bay, CA and very few fishermen from this port qualify for the B permit, although Morro Bay has a long and productive groundfish history. I spoke before the council at a meeting it held in Sacramento and was asked by the council what I would do if the quota had to be lowered because they let additional boats, like my own in. Yet now its seems the council recognizes that there are more fish in our area than they thought at that time because they are substantially increasing the quota for our area. It seems to me that the fleet target number should be relaxed to allow fishermen who have shown and interest in the fishery and installed the VMS in. If the council cannot bring itself around to expanding the number of B permits then I urge it to either grandfather in late entering boats with non-transferable permits or leaving some segment of the quota as open access available to fishermen who need to supplement their incomes. I have a very small impact on the fishery and I really need the opportunity to fish.

Hello My Name Is Mike Hague I fish out of charleston And meet the over 500 lbs for both lingcod and sable fish . I think in these hard economic times and little to no salmon fishing that you use the lowest lb recirements possible to keep from cutting out fisherman that has went through the expence of gear purpose also if there is a salmon season you will have the boats particapating in that fishery insted so not all the boats are going to fish cod all the time and the 100 % observer rule that the observer program is pushing for is rediculuis for small mom and pop bisseness you can tell the by catch for everyone from a smple ing of the Boats save us taxpayers some money and redce employees not add more Mike Hague
Dear Mr. Hansen and members of the Pacific Fishery Management Council,

Dear Council Members please note, according to the way the preferred alternative is written, the owner of the vessel during the qualifying years is not necessarily eligible for the "B" permit. The owner of the vessel at some undetermined, future arbitrary date is, even if that owner never made a qualifying landing or owned that vessel during the qualifying period. How fair is that?

The new "B" permit should be given to the owner of a qualifying vessel that had control of that vessel at the end of the qualifying window period.

The difference of who owned the vessel and when has very significant consequences for fisherman like me who bought and sold boats after the control date.

Imagine the expense, time and labor, if you will, involved in establishing fishing history bases on a future expectation of limited entry without any definite guidelines as far as eligibility. Imagine the risk taken just to land enough fish necessary to qualify for a "B" permit. Imagine learning years later you got it right (years fished, pounds landed, etc.), only to find out because you couldn't afford to maintain two vessels at the same time while trying to improve your fishing business situation you lost your eligibility for a fishery that you had established a catch history in. It would've cost me at least $10,000 to maintain the first boat, including licenses, if I hadn't sold it on 1/15/2007 and up until the year 2011. I hope the Council didn't expect guys like me to incurre that kind of expense to protect our right to fish. And what if the Council pushed the 2011 date further back? Obviously the cost would've been greater.

The way the preferred alternative to limiting the open access fleet is written, I'd receive nothing and suffer a financial negative while the new owner of my old boat would benefit by receiving an undeserved windfall eventhough he's never even recorded a rockcod or blackcod landing since he's owned the boat. That's why I recommend the new "B" permits be given to the owner of the vessel at the end of the qualifying window period.
If the council moves ahead with this ominous alternative, the least it should do is create a review board with a sympathetic ear for situations like mine that aren't as black and white as some would hope. It is my hope that the Council will help maintain healthy and sustainable fisheries in a fair and equitable manner.

Sincerely,

Jason Salvato
419 E D St.
Petaluma, CA 94952
To Pacific Fishery Management Council

I am Kenneth Bravo, owner of the Lucky Lady F&G # 32138 - L18021. I started fishing Black Cod in 2006 making deliveries in 9/17 & 9/24 totaling 1159 pounds. We were then cut off the season was closed.

In the paper work I have received it says you have to have at least one landing from 2004 to 2006 in order to qualify for a B permit. I was told I may have missed the cut off date by 3 or 4 days. If this is so I sure hope you would consider my landings in September to qualify for the B permit.

I am now 62 yrs old fishing for salmon out of town and living on the boat is just too hard on me. Having a B permit would allow me to have income all summer and would be a lot easier on my health. I have been a commercial fisherman since 1977.

Thank you

Kenneth Bravo
February 9, 2009

Augustino Tarantino
212 S. Main Street
Fort Bragg CA 95437
707-961-1177 Ext O

Pacific Fishery Management Council
Attn: Don Hanson
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Groundfish Limited Entry Open Access

My name is Augustino Tarantino. I have been in the commercial fishing business for the past fifty-eight years. Throughout my career I have caught several million pounds of ground fish black cod. In addition, between 1995 and 2002 I delivered thousands of pounds of open access black cod, yearly. However, under the current proposal set forth in the open access groundfish directive, I will not qualify for the “B” permit.

It is our understanding that the preferred plan “B”, Amendment 22, now under consideration for “Open Access” would restrict the program, allowing only a select few to participate and benefit from this fishery. This is an outrage! Why should only a few be allowed to participate in “Open Access” when the current system of monitoring through trap permits, pot limits, and quotas has historically regulated and sustained this product successfully.

Your pamphlet states “the main reason for this change is too many participants pursuing to few fish, leading to smaller landing limits for each participant”. Are you saying that the select few want a bigger piece of the pie, therefore, the rest of us are not entitled to this national resource? This is unacceptable!

All fishermen who have fished “Open Access” with the proper license and trap permits in the past should NOT be excluded from this fishery.

This fishery should be left as is – giving everyone a chance at their fair share.

Sincerely,

Augustino Tarantino
February 15, 2009

Dear Council Members and Open Access Advisors,

I have been involved in the commercial fishing industry for over 40 years. I have fished from Oregon to Alaska and have a son who has followed in my footsteps. I am one of the owners of Bell Buoy Crab Co, Inc. at the mouth of the Columbia River.

In January I attended the open access portion of the PFMC meeting in Portland.

My son, as well as several of the fishermen at our cannery, has worked into the sablefish open access program. Over the past few years this has become a part of their program to earn a living. Everyone I have spoken to around the mouth of the Columbia River hopes you will accomplish two things – make this a meaningful and manageable fishery.

Everyone has certainly had plenty of opportunity to participate in this fishery over the past decade. Your direction of using three qualifying years is great. It also makes good sense to show current participation by landing in the last two years.

I attended on this subject last winter in Astoria. There was a lot of feeling to move in the direction requiring 10,000 to 14,000 pounds of sablefish to qualify for a B license endorsement on sablefish.

When attending the January meeting in Portland I was very surprised to see the meaningless 1 – 100 – 500 pound concept.

At the end of the meeting I asked John DeVore if there was any info showing how many fishers had fished for sablefish each year. John quickly had one of the gentlemen pull this up. It appears the current year’s show ranges from 270 to 320 people have made at least one landing of sablefish per year. That’s where we should have started!!

Fishers in our area can’t understand what our goal should be. If we use the 1 – 100 – 500 pound concept we will create twice as many participants as are currently active in this fishery!

The A license fishery has approximately 170 tier licenses yet it harvested the huge majority of sablefish in the hook and line fishery. Why would we create 1003 B licenses to harvest almost no fish?

One of the California fishermen spoke at the Portland meeting. He explained he had just started in the fishery and wouldn’t get a license. At the end of the meeting he told me he completely agreed with what I had said; make it a meaningful fishery. He would be very willing to buy someone’s license and continue as long as there was a fishery that was meaningful.

There is no doubt that the B licenses should have different endorsement. For example, you would either qualify for a sablefish, or lingcod, or maybe a rockfish endorsement.
It definitely wouldn’t make sense to create more endorsements than we have current vessels fishing. If the bio mass were to increase we couldn’t increase the two month limits due to the fact that there would be too many latent unmanageable licenses.

Currently you could catch 600 pounds once and 800 pounds of sablefish twice in a two month period. With the rockfish conservation zone out to 100 fathoms you have to travel approximately 30 miles off the Washington coast. With fuel prices so high, the cost of bait, crew, and boat maintenance, most of us just tread water. Frankly, most of us have been participating in this fishery hoping to qualify when you make this a meaningful program. Even the yellow flyer you sent out states, “the current open access fishery has too many participants pursuing to few fish”.

As was stated earlier – we should have looked at the current number of vessels that actually catch a meaningful amount of either sablefish or lingcod and create an endorsement for either one. To create a system that establishes licenses almost double the actual participating group won’t work.

Let me give you an example of meaningful and manageable. We run the 30 miles – set our skates of gear – you set enough gear so that you can get your weekly limit, either the 600 or 800 pounds. You stand a good chance of catching more fish than your limit. You sort out the largest ones and the smaller ones go over, probably dead. Everyone is hoping that management can evolve into a plan that would allow you to keep your two month quota in one trip. This would make a lot more economic sense, as well as conservation sense. We have just been through this mess in the trawl fishing. No doubt it makes a much more prudent program to keep them than to throw them over each time. So, you have evolved into the IFQ program – good planning! It will definitely cut back on a lot of wasted fish. So would a program of catching your limit for a two month period in one shot. If you follow a plan that creates way more permits than are actually fishing, then move to a conservative program enabling a fisher to catch the limit in one trip you would see the extra latent licenses come into play. This would obviously diminish the trip limit poundage, thus non-meaningful.

At Portland, Michelle Culver recommended a 10% reduction after separate endorsements, and that’s certainly a step in the right direction. We need to do this after we identify what is the current number of actual fishermen, and I don’t mean one landing in three years!

As we look back to the qualifying years of 2004 – 2006 it seems like the two month quota was about 1000 pounds – 4 times in the two months. If this fishery meant anything to a participant he definitely would have caught 1 two month quota of 4,000 pounds at least once in three years. Please, don’t penalize those who have worked to make this a part of their livelihood.

Sincerely,

Steve Gray
Bell Buoy Crab Co.
Feb. 16, 2009

Dear Commission and Advisory Members,

I support my wife and two children entirely from commercial fishing. As we all know it seems to get tougher to make a living every year. I have tried to follow the open access reorganization process.

I have done open access sablefish fishing for several years. I have invested in a logline hauler, side rollers, VMS, deep water thermometer, and good gear. I have stayed involved hoping you would restructure this fishery so that it would become meaningful. It is very hard to make much profit when you can only catch 600-700-800 pounds three times in two months. Obviously it would be a big step backwards for you to create more B licenses than are currently fishing, which is about 300.

I have watched several people rush out in the last year trying to get some pounds at the last minute hoping to get a license.

I hope you will stay with the qualifying years 2004-2006.

It appears on these B licenses you should do an endorsement for different species. It certainly looks like sablefish should be
its own endorsement, as lingcod should also be on its own endorsement. It wouldn't make sense to give out licenses to fishers who have never harvested a decent level of one type of fish. The required poundage should show that there has been meaningful involvement. It doesn't seem fair to those of us who have worked hard to make this a necessary part of our living for you to issue so many permits that the future harvest numbers go down. I urge you to not use this 1-100-500 pound requirement to qualify for sablefish.

We have about 174 A Type licenses to catch the huge percentage of hook and line sablefish. Why would you create a larger than current number of endorsements to catch a small percentage of fish?

I have waited and hoped for years that you would do something significant — Please don't drop the ball now. Require adequate poundage to create less numbers of endorsements than are currently fishing. The thought that 500 lbs. over three years would be good doesn't make sense.

Sincerely — Lance Key

fishing vessel - Lady Mary
February 17, 2009

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220
(866) 806-7204


I. “Moratorium”, rethink qualification criteria.

A. Landing any or all of open access species, with no pound requirement.
B. Keep September 13, 2006 control date.

II. “Conservation”

B. Other discards include, Salmon, Dungeness Crab, Canary R.F., Yellow Eye R.F., Rough eye R.F., and many more, see data report dated October 2008 N.M.F.S.
C. The Pacific Coast is open to open access from 0-30 fathoms, closed 30 to 100, and open 100-200 with vessel monitoring system only.

III. “Personal information”

A. This is my 30th year in commercial fishing. I am 70 years old, and fishing is all I have.
B. “Grandfather amendment” I believe all fishermen and women over age 65 and with 25 years or more commercial fishing should be grandfathered in all fisheries.
C. Government employees can retire after 25 years, and enjoy a pension and medical benefits.
D. I have a small fish dealer business which can’t survive without my open access catch. I sell quality fresh same day fish, and live fish, to restaurants, and private consumers.

E. “Salmon closure”, 2006 was according to the Salmon tactical team supposed to be a banner year, it turned out to be one of the poorest, 2007 except for a small Coho season was just as bad.

F. 2008 Salmon closure really hurt, and I don’t have a clue what 2009 will bring. If it is a good year that will bring relief to the open access.

G. Finally, I am heavily in debt, about $32,000.00, my boat is in need of repair, my social security benefits last year were $8,518.00, which is well below the poverty level.

IV. This is an open letter! My intent is to send a letter to our newly elected President who is trying to save and create jobs, to our Senators and Representatives, State Governors, Fish and Wildlife, and of course the news media.

Respectfully,

[Signature]

A.J. Mattila
F/V Moonlighter

P.O. Box 1225
Depoe Bay, OR 97341
(541) 765-3343
Dear Council,

I am a concerned citizen of a fishing community. Due to growing corporate interest and greed the small fisheries and fisherman are being gradually put out of business. How is this going to help out falling economy? Every individual from the wealthy class down to those living on minimum income levels have an innate right to make an honest living. This includes the citizens in the fishing industry, i.e., the small fisherman. In order for the human race to function as a whole there needs to be a balance on all levels. Corporate overtake will certainly cause a serious imbalance and eventually lead to the destruction of the economy of the corporations in the end.

The decrease in the fisherman has affected the community on many levels of business. This ranges from the marine supplies business to the stores, restaurants, coffee houses and many others. The corporations are being irresponsible for trying to put the small fisherman out of business.

The counting of the fish in the ocean should be left to the experts who are fisherman rather than scientists who often have little or no hands on experience like the fisherman do. How do you count the fish? Certainly the fresh scientist right out of a university has no experience and yet often times they are delegated to the task of counting fish. It is understood that the big draggers who are corporate owned contract with the scientist to take samples of the fish caught. They go to areas where it is known to have little or no fish with the sole purpose of making it seem that there is a lack of fish. The purpose of their actions is to make it law that inhibits small fisherman from being able to fish in the ocean, thus making viable for only the large corporate owned draggers to fish the oceans. President Barrack Obama is focused on strengthening the middle class and the small fisherman certainly fits into is category.

On the central coast of California there are no sea urchins. It is understood by the Marine Life Protection Agency that this is due to the overpopulation of sea otters. It is therefore an impetus of the various Marine Agencies to find a way to decrease the population of sea otters so that the population of sea urchins can flourish again. Sea Urchins play an important role in eating vile matters from the ocean floors.

There is also an overpopulation of sea lions perhaps up to sixteen times the normal size. They consume tons of fish per day and this has contributed to the so called lack of fish in the
oceans. Although it is considered politically incorrect to kill sea lions, the Marine agencies need to find a way to create a balance of sea life populations. The small fisherman plays an integral role keeping the balance of sea life population. The small fisherman in no way causes an imbalance such as the big draggers, trawlers, and sea lions do.

The by catch laws make it possible or mandatory to pollute our oceans with millions of dead fish. This is a dreadful waste and ethically abhorring. Another issue that I would like to bring up is the lobbyists who are paid millions of dollars by the corporations which make it possible to pass laws that will eventually put all fishermen out of business. Perhaps a grand jury investigation should be started to look into who is the recipient of corporate cash and how it is being used to put fisherman out of business.

The VMS device poses a great inconvenience to the small fisherman. It seems unfair to impose the same rules to the small fisherman as the trawlers and draggers who run on a much larger quota than the small fisherman are allowed. The VMS device is supposed to be on 24/7. This runs the batteries down and if the boats can’t run due to the batteries being run down the fisherman is penalized by heavy fines and or cannot fish without the VMS being on regardless of what fisheries they are fishing for. It is understood that 40% or more satellites are owned by the Bin Laden family. They are foreign citizens and own fishing fleets out of Tunisia. It is possible that foreign vessels can take the fishing spots of the small fisherman and thus the VMS device was used to find out the various fishing spots. Why support such a program which displaces the economy of the middle class citizens of the United States for the big corporations or foreign countries?

Once again I hope the council will agree to open access fishing. And the quota is increased so that the small fisherman can also enjoy the quality of life that they are deserving of. Fisherman are honest, hard working, taxpaying citizens, please see that they are viewed in this manner and not some insignificant matter for the corporations to sweep under the rug for their own monumental greed.

I would appreciate your consideration.

Sincerely,

Mary Fleming
Dear Council,

I am the owner/operator of the Irene M, a 45' Salmon Troller. I have made my living commercial fishing since 1974. I also fished Albacore when it was necessary. I no longer have the option to fish salmon. This is the reason for fishing open access ground fish.

I spoke at the 2008 meeting in Sacramento. I spoke in favor of moving the qualifying date so as to include myself and others who have also been displaced but still need to make a living. What about the grandfather clause? I also question the science which says sablefish is in any way being overfished by the few boats participating. How in a time of depression, financial global collapse, and Calif. totally bankrupt, can anything but a rollback of these draconian regulations be justified?

One would assume that production would be welcomed. Fishermen are prime producers as are farmers. We bring the new dollar. Instead of appreciation or any kind of recognition we are made to feel like criminals and have been forced by the federal government to install and carry VMS devices so we can be monitored 24/7. The logic is missing. Your science is a fantasy. Your practices are cruel.

The NMFS seems more concerned with promoting aquaculture industry than commercial fishing. Aquaculture is injurious to and goes ay against nature itself. Consider the many serious and ongoing problems associated with Salmon aquaculture. I am tired of being deprived of my right to make a living in a so called democracy. Please deal with these issues in a compassionate and realistic approach, being ever mind full of the the times in which we live. Remember fisheries enhancement does not mean fisheries elimination. This constitutes taking without compensation. This means theft. The precautionary approach - practice belongs on the back burner, at least in relation to this fishery and these issues. At the same time I would like to thank those responsible for the daily and weekly quota increase beginning this march. This speaks to the science which says sablefish is in any way endangered or overfished.

Thank you. Sincerely,

Steven R. Pschaida, F\V Irene M
February 17, 2009

Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

Dear Chairman;

I am writing on behalf of the Shelter Cove fishermen (Mosquito Fleet) who wish to express their concerns over the potential adoption of Amendment 22 in the Groundfish Management Plan. Our traditional hook and line/trap fishery has historically been discriminated against because of limited entry groundfish qualifying criteria being linked to black cod landings which only the large bottom trawlers can easily catch. We were grouped into the open access fishery under protest. We had many years of landing large mixed quantities of other species of groundfish such as ling cod, yellow eye, yellow tail, vermillion and many others that were ignored and now we find we have been phased out of fishing some of these species altogether or given microscopic quotas, the smallest of all California open access fishermen, that mean we have to fish mixed species to survive at all. This eliminates us from again qualifying our ling cod landings as directed landings to obtain limited entry status.

I have fished groundfish for over 40 years and our fishery is environmentally friendly, helps our struggling local economy as our fish are landed in Humboldt County, bycatch and discard are kept to a minimum as we use gear that allows for catch and release, nets don’t and our product are superior to fish caught by other methods as we land our fish daily.

Small fishing communities are having their resources stolen by not only by fishermen who land out of our area but newcomers to the industry who have recently entered the open access fishery and their only requirement to obtain a limited entry B permit is to have targeted and landed black cod or ling cod in large quantities without taking into account their destructive practices of discard or bycatch. What a travesty. What are we trying to achieve with this regulation? We eco-minded fishermen are being replaced by these boats. We need CHANGE to save our fishery not more of the same. Jobs will also be lost as the large boat employs less people per pound of landed fish.

We plea for a hardship consideration for our unique fishery and request a non-black cod endorsement fixed gear limited entry permit to fix this injustice.

Thank you in advance for your consideration,

Don Sack
Commercial Fisherman
On behalf of the Fishermen of Shelter Cove, Humboldt County.
Dr. Donald McIsaac  
Executive Director, PFMC  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Dear Dr. McIsaac,

HFMA has just participated in the PCFFA survey of open access groundfishermen to see how many will qualify for the proposed B permit, and how many won’t. Two-thirds of those who responded will be excluded under any of the proposed alternatives. These are smaller boats, with a history of groundfish landings by hook and line or pot fishing. Most have no directed landings since 1998 because of a) the restrictions on these types of groundfishing which began appearing about that time, and b) the availability of salmon and crab fishing opportunity during this period. Some began fishing since the window closed in 2006; we submit that these people represent the future of the fishery and should not be excluded due to recent entry.

We believe it’s wrong to exclude people from the fishery as the Council proposes for three reasons:

1) The Council is essentially saying, “we have done whatever we could to discourage participation in this fishery; now we’re going to exclude those whom we discouraged;”

2) The boats so excluded tend to be smaller producers, who in the famous words of one big-producer advocate “don’t catch enough to eat.” What that advocate, and this Council, don’t seem to get is that these guys can make a living not catching enough to eat, but it takes the combined catch of any ten of them to make a living for one big dog.

3) Almost all groundfish stocks, including those of concern such as canaries, are currently rebuilding faster than was thought possible a few years ago. In this situation, excluding boats from the fishery is purely an allocation and socioeconomic issue. In spite of all the valuable work this Council has done towards achieving sustainability in groundfisheries, we believe it is on the wrong side of this issue. Once issues of sustainable catch levels, bycatch, and habitat protection have been successfully addressed, and we’re getting close to that, we believe the only path to a socioeconomically sustainable future for fisheries lies in having as many boats of all gear types working as can reasonably make a living, rather than in concentrating production in ever fewer hands.

Sincerely,

Aaron Newman  
President, HFMA
COMMENT RE: For March 2009 upcoming proposal limiting open access,

I am a US citizen, ecologist, and statistician who lives in Morro Bay, who enjoys the fishing fleet and who sometimes advises fishermen on a voluntary basis. In addition to research in various fields, I have many years of both secondary and tertiary teaching of biology and statistics, have worked as a co-project leader of marine pollution monitoring in New Zealand, and I was the first Vice President of Research and Extension at the College of Micronesia-FSM (initiated and took part in the negotiations to merge the regional US funded Land Grant program with the three national colleges of greater Micronesia).

Open access is essential because we need to move boats from one fishery to another depending on seasons, or on cycles during which a fishery may be open some years and closed in others. This is essential for the small traditionally family owned boats of the fishing community which depend on access to a diversity of available fisheries.

Under the MSA the Council has the responsibility to preserve that community as a part of the environment. The council has only assessed the economics of geographic regions associated with ports having fishing vessels as though this data, which includes a majority of people who are not in the fishing community, but they are represented as a large part of the fishing community. In light of the fact that the non-fishing population in these geographical areas far exceeds the fishing population, there is reason to be skeptical as to whether the Pacific Council is aware of who is impacted let alone how they are impacted. To meet the mandate that it consider the fishing community, the Pacific Council needs to consider such matters as the family structure, the age structure, the ethnic (including racial) composition and the family incomes of the actual fishers and packers constituting the human fishing communities which are impacted. The councils are under the Secretary of Commerce which includes the Census Department, therefore they have no grounds for asserting that they are using “the best available” social science data.
Many promulgated regulations have, by the Pacific Council’s own documented admission, been directed at forcing fleet reduction without due compensation. These include, but are not restricted to, what are from the fisher’s view, arbitrary, windows. These actions constitute takings and I am certain that you may look forward to civil action in that matter. The Pacific Council could have avoided this if they had only considered that the average age of the fishers is older than the general population. Between this and the fact that boats wear out and, at present, many are being abandoned, capital reduction is taking place anyway. In order to avoid further social disruption and additional civil action the Council and associated regulatory agencies must seriously consider protecting both fish and the fishing community by reinstating fishers to the fisheries that were available to their boats when substantial investment was made in the past (often with government encouragement and sometimes assistance).

Because landing limits (both regarding quantity and size [the latter desperately needed for albacore]) along with gear restrictions may be adequately effective in managing fisheries, additional controversial and harmful strategies are inappropriate at this time. Gear restrictions may be taken broadly to include buyouts of, or adequate and equitable incentives to convert, all (including roller equipped) draggers except pink shrimp and possibly some flat fishes. (As a side issue, relevant to bottom disturbance, flat fish fisheries need research including new approaches to electric fishing.)

The NMFS and the council claim to be using “the best available scientific data” in the management of the actual fisheries themselves. However, the results over the last 25 years suggest the “best available” has proven to be insufficient. The council needs to better use landing data in fisheries management, hopefully devising a strategy for linking it with fishing effort. Unlike trying to sample all the fish in the sea, the observation of a declining return to effort suggests a need for reduction in landing limits and an increasing return to effort, may suggest a need to relax limits in some instances. This would be a scientifically valid approach to attainment of sustainable fisheries without invoking measures which have potential for manipulation and undue enrichment (for instance, IFQs and resalable licenses whether based on seemingly arbitrary windows or not).

I note that your own Pacific Council News, Fall 2008, quotes then President Elect Obama regarding the Councils, “…they serve a critical role in designing fishery-management plans that are regionally and fishery appropriate, as well as fair to the various industry participants. However, many stakeholders have stated they have lost confidence in the council appointments and decision-making process, and that is not good for the future of fishery management.”.

Sincerely,

[Signature]

02/14/09

L.E.(Mac) MacCarter, MAg, MPH, PhD
I'm writing concerning the open access groundfish fishery.

I think it's something that needs to be done but it needs to be something that's feasible and you can make some money doing.

I live in Astoria and we have 30 to 35 miles to run just to get where you can legally fish. With your current system with 600 pounds per week it certainly isn't anything that you can afford to do.

In order to make this work get the number of boats down to a level that makes this profitable. By using your cutoff date will help and a poundage limit that will limit the no. of boats in the fishery makes it viable.

I built a boat when you could make a few dollars because the limits were higher but at 600 pounds it's a go backwards situation.

I would appreciate this getting to the other council members.

Tom Svensen
P.O. Box 274
Astoria, Or. 97103
January 29, 2009
Don Hanson, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

Re: Amendment 22

Chairman Hanson and Council Members:

The Crab Boat Owners Association of San Francisco represents the working fishing men and women of the San Francisco Bay Area. Our members fish for crab, salmon, herring, rockfish, black cod, California halibut and albacore. We are a 50 foot and under fleet.

After reviewing the landing requirements for the Council's preferred alternative for Amendment 22 we thought it would be a good idea to poll our members (and other fishermen in our harbor who may not be members) as to the effect on us, should the council approve this amendment.

We came up with 35 fishermen to interview. There are probably 5 others where language issues prevent us from including them in the survey. Out of the 35 we identified, we were able to reach 30. We've attached a copy of the survey we used.

Here are the results:

Out of the 30 responses, 5 were "new guys" with three to five years commercial fishing. They either got their first groundfish landing after the window period, or purchased their boat after the window.

Of the 25 others, the average number of years in the industry was 30.2.

Of the 30 responses, 9 will qualify for a B permit, but 4 of those will not have either the black cod or the lingcod landings for an endorsement.

The fishermen with long participation in the industry all have groundfish landings before 1998. One made his last landing in 1998. He says that's when it stopped making economic sense.
Most of our members preferred “Portagee” style fishing (vertical gear drifting over a spot) and fished the Cordell Banks and the Farallon Islands. Their harvest was primarily shelf rockfish. They say they stopped landing groundfish because the Rockfish Conservation Area took away their traditional grounds; the regulations were confusing, they didn’t know what could be landed from where or when and the quotas were too small to travel so far.

All of the fishermen said they would like to fish for rockfish again.

Our members’ strategy for economic survival has always been to work a “portfolio” of fisheries, moving from one to the other as cycles dictate. Fisheries management has removed groundfish from the portfolio, but we always thought that was temporary, that when the fish populations improved we’d be able to return to our traditional fishing. Amendment 22, in its present form, will take this option away permanently.

We ask you to consider the consequences of this action on professional fishermen with years of experience and on the newcomers who will have to invest even more to get into a tough business.

None of the alternatives look very good.

Sincerely,

Larry Collins,
President