

Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

April 3, 2014

RE: Agenda Item C.4. Fisheries in 2015-2016 and Beyond; C.8. Stock Complex Restructuring; C.9. Adopt Management Measures

Dear Chairwoman Lowman,

Please accept these comments on behalf of United Catcher Boats, Midwater Trawlers Cooperative, Oregon Trawl Commission, Coos Bay Trawlers Association, Fishermen's Marketing Association, Pacific Whiting Conservation Cooperative, West Coast Seafood Processors Association, Point Conception Groundfishermen's Association and the Fishing Vessel Owners Association. Collectively we represent the majority of at-sea and shoreside whiting fishermen and processors as well as a major portion of traditional bottom trawlers, shoreside seafood processors and members of the fixed gear fleet utilizing longline gear.

In late March we took the extraordinary step to meet as an industry-wide group representing the affected sectors to consider the recent action on this issue from the March Pacific Fishery Management Council (PFMC) meeting. Attached is the agenda from that meeting. It was a thorough and well-attended discussion.

As a result of that meeting we collectively recommend the following actions with regards to management of Rougheye rockfish during the 2015-2016 management cycles:

1. PFMC Preliminary Preferred Alternative (PPA) to retain rougheye rockfish in the minor slope complex
2. PFMC recommendation to allow the affected fleets to utilize *voluntary* measures to reduce their catches of Rougheye rockfish during the 2015-2016 management cycle

We believe that both of these recommendations are well justified and a strong rationale for each can be demonstrated.

Retain Rougheye Rockfish in the Minor Slope Complex

At the September 2013 PFMC meeting the Council decided to defer further consideration of reorganizing the minor slope species complex after consideration

of several GMT reports as well as other stakeholder input. At that time National Marine Fisheries Service (NMFS) stated its intent to review the Council's determination and report back its findings at the November PFMC meeting. NMFS subsequently concluded that further analysis on removing Blackgill, Rougheye, and Shortraker rockfish from the complex was warranted along with consideration of management measures that would be analyzed to keep catch of these stocks within their contributory Overfishing Levels (OFLs) within the Minor Slope complex. The Council is faced once again with determining whether or not to retain rougheye rockfish in the Minor Slope complex at the April meeting.

There is no apparent reason why Rougheye rockfish should be removed from the Minor Slope complex. There is an OFL as well as a proposed acceptable biological catch (ABC) and an annual catch limit (ACL) for the stock as it exists within the complex. These numbers do not change if the species is pulled out of the complex. There are no additional tools available to managers to keep catches below the OFL if the stock is removed from the complex – that is, the same tools are available regardless of whether the stock is contained in the complex or not.

Removing the species from the complex appears to create more unnecessary disruption and usurp limited resources for little or no obvious benefit. Further, existing scientific information does not appear to warrant removal of the stock.

The burden on the Council and NMFS is to ensure overfishing is not occurring – this can be done while rougheye rockfish remains within the current complex. The considerable analysis compiled by the Groundfish Management Team over the last several months and considered by the Council during this process shows the strong commitment to ensuring overfishing is not occurring – the obligation to meet National Standard 1 guidelines has been met in terms of consideration and reorganization of complexes to ensure overfishing is not occurring. We see no immediate or obvious need to remove rougheye from the Minor Slope complex.

While NMFS has indicated they believe a conservation concern exists, we believe that this concern is mitigated by several factors:

First, the assessment as well as GMT documents and draft EIS all report that the rougheye rockfish found off of the west coast is a “fringe” stock and that the majority of the population is found further north in British Columbia and the Gulf of Alaska. The stock assessment states, “The West Coast is the southern portion of the range of rougheye rockfish, and it is likely that the population north of the U.S. – Canada border is not a separate stock.” Page 33 of the DEIS reports, “The center of distributions for rougheye and blackspotted rockfish is the Gulf of Alaska and these species are at the fringe of their distributions on the U.S. west coast,” and “It is likely the small proportion of removals in west coast fisheries will have little effect on overall stock status.” The stock has been repeatedly assessed in the Gulf of Alaska and is deemed healthy with no overfishing occurring.

Second, the determination that the rougheye stock assessment is a category 2 stock versus a category 1 (as initially proposed by the SSC in September) seems to be an arbitrary policy designation rather than one based in scientific reality. The SSC reconsidered their determination “Given that the assessment is for a complex of two species (rougheye and blackspotted rockfish) and given that there is insufficient information available to confirm that these species have similar vulnerability to the fishery and rates of biological productivity, the SSC recommends that the assessment be classified as a category 2 assessment.” Curiously, the North Pacific Fishery Management Council also conducts their rougheye assessment in conjunction with blackspotted rockfish seemingly without the added constraints of uncertainty surrounding the assessment of two stocks together.

The risk of overfishing the stock in the next two years is non-existent. Based on the recent assessment, the risk of overfishing over the next ten years is likely none. As the SSC has stated previously – the 10 year average is much more relevant and important than the catch in any one year. Nations Standard Guidelines also support this premise.

Lastly, it seems that there are only two options for consideration here – the first is status quo and the other is removing rougheye/shortraker from the complex. This does not appear to be the reasonable range of alternatives that is required by the National Environmental Policy Act (NEPA).

We believe that for all these reasons Rougheye rockfish should remain in the Minor Slope complex for the 2015-2016 management cycle. We are open to exploring a non-binding harvest guideline (HG) equal to the ABC/ACL that would trigger a mandatory sorting requirement. The non-binding HG and sorting requirement would result in greater information on rougheye catches in real time to help industry refine voluntary measures to reduce catches. This will also give us additional and more specific information to determine if removing the stock from the complex in a future management cycle is appropriate. Until we have this additional information we do not believe that removing the stock from the complex at this time is scientifically justified or appropriate.

Allow Affected Fleets to Utilize Voluntary Measures to Reduce Rougheye Rockfish Catches for the 2015-2016 Management Cycles

For all the reasons listed above we believe that letting the industry use voluntary methods to reduce catch is the most appropriate approach to the 2015-2016 management cycle versus mandatory management measures that will potentially have significant socio-economic implications for all of the sectors that catch Rougheye rockfish.

The first Rougheye stock assessment was completed in 2013. The assessment demonstrated that the stock was healthy and at approximately 47% of unfished biomass. The SSC initially recommended that the Council accept the full assessment and deemed it a category 1 stock. Subsequently, in November 2013 the SSC

reconsidered the stock determination and recommended that the Council categorize the stock as a category 2 assessment, which the Council ultimately endorsed with little discussion.

While the “category” of a stock assessment does not affect the OFL level it does affect the ABC and ACL levels. The change in “category” reduced the possible ABC and associated ACL for 2015 by several metric tons to 184.3 mt. Between 2004 and 2012 there have been five years that the total fishery mortality has exceeded the proposed 2015 contributory OFL. Some of these years occurred prior to implementation of the trawl rationalization program, which should be taken into consideration as fishing behavior and strategies under the catch share program has obviously changed. For example, since the ITQ program the traditional bottom trawl fleet has reduced their catches of rougheye rockfish dramatically.

There is also considerable variability between the different sectors depending on the years. For example, in the years when the whiting sectors have caught higher amounts of rougheye it was associated with years of lower whiting abundance and fishing on younger fish. These conditions do not currently exist in the whiting fishery and will not likely exist over the next several years.

The affected industry sectors (at-sea whiting, shoreside whiting, traditional bottom trawl and limited entry fixed-gear longliners) have heard the call from NMFS regarding the conservation concern. As stated above, representatives from all of these sectors have met jointly to discuss the issue, attempt to determine the extent that industry members are aware of the problem and to begin discussions about what each industry sector is able to do on a voluntary basis to reduce rougheye catches.

Each of the affected sectors has committed to an outreach and education campaign targeting the fishermen within the sector about the importance of reducing Rougheye rockfish catches. Many industry members were really not aware of the problem. In fact, we would submit that many fishermen and managers alike were not aware of the extent of the problem prior to the designation of the rougheye rockfish assessment as a category 2 assessment or there would have been more discussion around changing that designation. We would like to work with NMFS to develop the outreach materials.

Additionally, several of the sectors have previously demonstrated the ability to voluntarily implement measures to change behaviors. The industry has identified continued exploration of various voluntary measures in addition to outreach and education efforts, such as information sharing, hot spot identification and avoidance, closed areas, and excluder development and use to help reduce rougheye rockfish catches. The at-sea whiting sectors as well as a portion of the shoreside whiting fleet have cooperative structures in place that can assist in facilitating voluntary measures. While the bottom trawl fleet and fixed gear fleet do not have formal

cooperative programs, representatives have indicated a strong willingness to consider and implement voluntary measure to reduce catches.

Individual sectors will report to the Council and NMFS which voluntary efforts they are exploring as well as provide responses to some of the materials presented in the briefing materials such as the option for mandatory use of excluder devices which we do not favor at this time as they are still under development.

We are all in agreement that determining a formal allocation for the sectors that utilize rougheye rockfish in time for the 2015 season is not possible and should be avoided at this time. The potential negative socio-economic effects of establishing an allocation at this time with little or no biological benefit is unreasonable and a poor choice of limited resources – especially when the Rougheye rockfish stock is healthy and not really in danger of being overfished in the short or long term based on the best available scientific information available.

Conclusion

The undersigned organizations represent a majority of the industry that is affected by changes to Rougheye rockfish management. We do not believe the science or range of options adequately support removing Rougheye rockfish from the Minor Slope complex at this time. We believe that any conservation concern can be addressed through voluntary measures implemented through each of the fleets. We also support exploring a non-binding harvest guideline that will trigger a mandatory sorting requirement and will facilitate additional and real-time information sharing on rougheye catches.

Thank you for your consideration.

Heather Mann, Midwater Trawlers Cooperative
Brent Paine, United Catcher Boats
Brad Pettinger, Oregon Trawl Commission
Bob Alverson, Fishing Vessel Owners Association
Pete Leipzig, Fishermen's Marketing Association
Steve Bodnar, Coos Bay Trawlers Association
Gerry Richter, Point Conception Groundfishermen's Association
Rod Moore, West Coast Seafood Processors Association
Dan Waldeck, Pacific Whiting Conservation Cooperative

PFMC / West Coast Rougheye Rockfish Issue
Industry Meeting -- Proposed Agenda

Tuesday, March 25th - 9am

In person at United Catcher Boats (Seattle) and Midwater Trawlers Cooperative (Newport) offices
Or call-in at 800-791-2345, participant code 20569#

9:00 AM ***Call to order, identify participants***

9:05 AM ***Discussion of the Existing Problem***

- Recent catches of rougheye (GMT graphs)
- Recent PFMC action regarding rougheye
- Reporting issues (fish tickets & landings receipts)
- MSA mandate to prevent overfishing and what that means here

9:45 AM ***Recap of March Council Meeting***

- Set final overfishing levels (OFLs) for the 2015 – 2016 Groundfish Specifications
- Discussion was held on removing rougheye from complex
- Discussion around possible hard caps to keep catch of rougheye low in 2015-2016
- Discussion around possible allocation of rougheye to be determined by industry

10:15 AM ***Status Report by Industry Sector*** (Catcher Processors, Motherships, Shoreside whiting, traditional bottom trawl, fixed gear long line)

- How knowledgeable is your sector about this problem?
- What (if anything) is currently being done by your sector to reduce catch of rougheye?
- What can be done by your sector to reduce rougheye catches in the future?

10:45 AM ***Management Measure Alternatives***

- Hard caps (hard allocations to sectors)
 - Determined by industry
 - Determined by Groundfish Allocation Committee
- Harvest guidelines
- Mandatory closed areas (such as an RCA within the RCA)
- Voluntary measures
- Other?

11:15 AM ***Next Steps and Timing*** – At the April PFMC meeting the Council will take PRELIMINARY action on removing rougheye and shorttraker from the complex with final action in June; Council will take PRELIMINARY action on identifying management measures to meet any alternatives with final action in June

- Decide on strategy for April PFMC meeting
 - Council / NMFS wants to hear from industry on where discussions are
 - Fight removal of Rougheye from Minor Slope complex?
 - Hire outside scientific research for June decision?
 - Embrace Rougheye / Shorttraker as new complex and what this means for management measures?