March 9, 2010

Mr. Dave Ortman, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 101
Portland, OR 97220

Dear Chairman Ortman and Members of the PFMC,

We wish to provide the following comments to you relative to your discussion and action on Agenda Item E.6, Regulatory Deeming for Amendment 20 and 21. Many of the members of UCB participate in the Mothership and Shoreside Pacific Whiting fisheries. Our comments are focused on the draft program details and regulations relative to the offshore Mothership sector coop program.

First, we wish to thank the Council staff and NMFS staff that has put in countless hours working on the implementation details of the Council’s recommended rationalization program. This program is very complex and multi-faceted. United Catcher Boats fully supports the rationalization of the West Coast trawl fisheries and believes the Agency is in the Red Zone so to speak and with a few more plays, the staff at the NMFS Sustainable Fisheries and Science Center will put the ball into the end zone. To this end, Bob Dooley and I are planning to be in Washington, DC next week to advocate for this program to key West Coast Congressional offices and the NMFS/NOAA headquarters staff.

The members of UCB have been strong advocates of the ‘Coop’ style of fishery management. We have reviewed the three key documents before you (NMFS Reports 1, 2 & 4, Clarifications Requested of Council, NMFS Interpretations of Council Intent, and Draft Proposed AM 20 & 21 Regulations) and wish to provide a few key comments relative to the Mothership Whiting Coop program. We have had the opportunity to meet with the staff of NMFS and the PFMC this week here at the Council meeting and also in Seattle over the past couple of months and provide them detailed comments on the proposed regulatory structure of the Mothership Coop program. We also have provided written comment on the DEIS to the Agency.
in mid-January and hope our comments are beneficial. Our comments are as follows.

**MS CV Permits and Permit Transfer**
Throughout the three documents there is reference to "vessel" when addressing the membership of a coop and/or an allocation of coop shares. This is incorrect as the member of the coop is a Permit and the coop shares are allocated to the coop and then down to the Permits, or holders of the permits, not the vessel(s). Allocation of catch history was purposely allocated to the permit as an endorsement rather than the vessel so that it could be transferred to any vessel with a west coast LE trawl permit. It was intended to be temporarily or permanently severable from the vessel. Should catcher vessel catch history transfers of quota occur on a temporary basis, they should be considered a lease and not subject to permit transfer limitations. We also support the ability of a permit holder to sever the coop share amount from his West Coast Trawl Limited Entry Permit and place it onto another MS endorsed LE Trawl Permit.

We support the NMFS requirement of a coop permit approved by NMFS. We envision the formation and approval of a Coop Agreement that is a private contract between the members of the Coop, an application of a Coop Permit, and a requirement of an Annual Coop Report to the NMFS and PFMC.

**Observers and Maximized Retention**

We support the requirement of maximized retention of harvest by the MS fleet and discard of minor operational amounts of catch at sea so long as there is full accounting of discards. However, we continue to believe that placing observers on the MS catcher vessels 100% of the fishing time is a waste of observer resources and a less cost option is to pursue placing electronic monitoring systems on-board the catcher vessels. We support 100% enumeration and accounting of the harvest by observers on board the MS processor.

**LAPP Fishery Determination**

In our comments to the NMFS on the DEIS we provided reasons why we believe the LAPP determination is not appropriate for the MS Coop program. If a MS sector permit holder decides to not join a coop then the benefits of a rationalized fishery do not occur.

Secondly, if NMFS determines that the MS fishery is a LAPP, then the MSA requires it to be a separate LAPP fishery from the inshore fisheries and the C/P fishery and NMFS can only collect fees no greater than the cost of implementing and managing the specific LAPP fishery.

**Allocation Qualification and Catch History Requirements**

We have requested that the NMFS provide to the MS permit holders a complete spreadsheet of how the coop catch history of each permit is to be determined. This
includes harvests on a year by year basis, which ‘drop years’ were used, and the total denominator for each of the catch history years in order for the permit holders to ground-truth NMFS’ catch history determination to the individual permit. This will save the Agency a lot of time if the permit holders are able to quantify their assignment of catch history prior to implementation of the program and the appeal period.

**Coop Member Declaration and MS CV Market (processor) Declaration**

We support the requirement that a coop permit holder must declare by a date certain on an annual basis that it elects to be a member of a MS CV coop. We also support the requirement that on an annual basis a MS CV permit holder declares which MS processor it will deliver its harvest to. As to the dates of these declarations we are working on providing a recommendation to NMFS and you.

**MS Coop Fishery Bycatch Management Program**

Lastly, and perhaps most importantly, we support the Council’s recommended hard cap management at the coop level of widow, canary, darkblotted rockfish and POP and the allocation methods presented in the DEIS and draft regulations. Sector and coop allocation of these species, along with the tools afforded to coop participants will be one of the biggest improvements to the management of the whiting fishery.

In closing, we again wish to thank the staff of the NMFS NW Region and PFMC for their tireless work in completing this project. We are behind them 100%.

Sincerely,

Brent Paine  
Executive Director