

May 19, 2014

Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 101
Portland, Oregon 97220-1384

RE: CORRECTING BLACKGILL ROCKFISH TRAWL/NON-TRAWL ALLOCATION

Madame Chair and Council,

Gerry Richter (GAP fixed gear rep) here again to remind the Council that the trawl/non-trawl allocations currently in place for management of Blackgill rockfish are incorrect and need to be fixed. The non-IFQ fixed gear fleet in the Conception management area is becoming increasingly concerned about the IFQ fixed gear targeting of Blackgill rockfish in our area. You'll recall that current stock status stands at around 30% depletion which is barely above the overfishing level of 25% B/o. It appears there is little that can be done management wise to prevent IFQ targeting of this important species so it becomes even more critical that we correct the allocations. My hope is this could be done within the "Omnibus Regulation Changes" agenda item of the upcoming June Council meeting.

I have included my letter and public testimony from the March 2012 Council meeting for background information.

Thank you,
Gerry Richter
GAP fixed gear

March 12, 2012

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

RE: TENTATIVE ADOPTION OF 2013/2014 BIENNIAL SPECS/BLACKGILL ROCKFISH ALLOCATION

Mr. Chairman and Council Members,

For the record, my name is Gerry Richter and I represent fixed gear fishermen as a member of the Groundfish Advisory Subpanel (GAP). You'll recall my public comment during the Emerging Issues portion of the March meeting where I informed the Council of a developing problem dealing with allocation of Blackgill rockfish for the 2013/2014 season.

Blackgill was assessed this past August, and the results of that assessment were much more pessimistic than the prior 2005 review. Current stock status stands at about 30% depletion and there are indications the species may have been overfished from the 1990's up until around 2008. We are looking at drastically reduced 2013/2014 ABC's, OFL's and ACL's with trip limits reduced accordingly as well.

Blackgill is a component of the Minor Slope rockfish complex in the south. The species has been a very important contributor to fixed gear fisheries catches from Morro Bay all the way south to the Mexican border. Catches in southern California alone averaged over 400 tons per year from the late 1970's thru the mid 1990's. Gear types were vertical longline, horizontal longline, rod & reel and set gill nets.

The emerging issue with Blackgill is the way it will be allocated for the 2013/2014 season. Per Amendment 21, Slope rockfish were allocated at 63% to the trawl sector while 37% went to fixed gear. While as a total Slope complex component this allocation is likely accurate, it is not accurate for the individual Blackgill species itself. Historical catches favor fixed gear in any time frame one wishes to choose. The entire 2000 to 2010 catch period produces a 52% fixed gear to 48% trawl result. Going back 20 years the landings from 1990 to 2010 favor fixed gear 63% to 37% (Interestingly exact opposite of what Amend. 21 produced). If one were to go back to the late 70's the percentages increase to 4 to 1 fixed gear over trawl.

I'm not commenting here to rip trawl or the IFQ program, I'm not about that and never have been. This is about what is right and fair and believe me the fixed gear sector is going to need every last pound of Blackgill it can get! Trip limits of 10,000 to 40,000 pounds of Slope rockfish, of which could have been all Blackgill, could well be dropping down to as low as 250 to 700 pounds or so. Those very low numbers may affect the directed Sablefish fishery just as a bycatch species. It is critically important to this fixed gear representative that we correct the allocation error per Amend. 21 for Blackgill rockfish and correct it in time for the start of the 2013 fishing season.

Thank you for your consideration of this very important emerging issue,
Gerry Richter
GAP fixed gear

From: **Bill James** <Halibutbill@live.com>
Date: Fri, May 23, 2014 at 12:13 AM
Subject: F.9 Omnibus Regulation Change
To: "pfmc." <pfmc.comments@noaa.gov>
Cc: Bill James <Halibutbill@live.com>

Madame Chair members of the Council: My name is Bill James . I am the fishery consultant for PSLCFA out of Avila Beach California.

Our Open Access and Fixed gear commercial fishermen fishing Blackcod and Blackgill Rockfish are experiencing problems from large IQ out of state vessels fishing the ocean waters front Point Lopez to Point Conception. They are saturating the fishing grounds with 200 to 500 pots per vessel. These boats occupy the area for 3 to 4 weeks at a time and then leave trucking their fish back north. For at least a month after their visit our vessels cannot catch enough fish to make it worthwhile.

What is happening I believe is in violation of quite a few National Standards of the Magnuson Stevens Fishery Conservation and Management Act. and many of the objectives in the Pacific Coast Groundfish Management Plan.

Please develop some regulations that makes it a more level playing field. Thank you, Bill James

From: **S Hackleman** <stevenwh1@yahoo.com>
Date: Fri, May 23, 2014 at 9:20 PM
Subject: PFMC June 2014 meeting comments
To: "pfmc.comments@noaa.gov" <pfmc.comments@noaa.gov>

Dear Madam Chair and Council members,

It has been brought to our attention that there has been concern about the status of Conception area sablefish. We are part of about 40 longline permit holders who call this area home, and southern sablefish are a very important component of our livelihoods as groundfish fishermen in California. We are concerned about the new concentrations of intense single species fishing effort by large, out of town, trap vessels, fishing trawl IFQ close to our home ports that now threatens an existing stable LEP sector. Most of us fish in boats less than 40 feet in length with hand baited artisanal longline gear. We are proud, providing fresh sablefish and other groundfish to California residents for over three decades. Large vessels are now targeting Conception area sablefish in traditional fishing areas of our small longline operations. We are concerned about the extremely high rate of harvest, significant amounts of abandoned trap gear, and nearly exclusive targeting of the spawning female biomass by these large vessels fishing under the trawl IFQ program. We feel that these new operations are in stark contrast to the historic nature of the trawl fishery of Conception area sablefish, and changes should be considered to protect the livelihoods of our small town fishing fleets and the associated fishing infrastructure in our homeport communities.

Beginning in 2011, large trap vessels from as far as Alaska began flocking to central and southern California to take advantage of the gear switching provision of the new trawl IFQ program and excellent markets for frozen sablefish exported to Asia emerging in 2011. These vessels, each with hundreds of sablefish traps, began inundating our traditional fishing areas with massive amounts of trap gear, harvesting Conception area sablefish at staggering rates. Markets for exported frozen sablefish have fluctuated over the past few years, but they are again becoming stronger and we are concerned about massive effort by these large IFQ vessels displacing our small vessels that are limited to areas close to port. As recently as this year, landings close to 100,000 pounds in a single month have been relatively common by IFQ boats. These vessels far exceed historic levels of take by the trawl fleet in central California, which had catch limits exceeding 15,000 pounds in a single two month period. This fast extraction has had devastating effects on some of our local fishing grounds. Each line of traps set by these large vessels is one to three miles long and each vessel sets four to eight of these sets. These traps are often kept in the same areas, often close to our harbors, for several weeks or even months, forcing those of us in small vessels to venture farther from port to avoid losing our longlines by tangling with traps, putting us in more danger from inclement weather. This practice has effectively closed off many miles of prime fishing areas close to port for weeks or even months at a time. This fast rate of harvest also devastates the fishing in these areas, leading to declines in CPUE for many months after.

Each two mile set of trap gear lost off our coast results in another area small scale longliners cannot fish due to risk of snagged and lost lines. Traps are normally left unattended at sea while returning to port to unload fish, often in areas of high ship traffic. Miles of heavy rope with traps have been lost in Conception area sablefish habitat off our coasts every year since 2011, leaving more and more area littered with derelict traps, which make it impossible for us to

return to fish these spots with our lighter longlines without losing them on the traps and rope. Although these big boats have considerable range and ability to withstand rough weather conditions, they have fished close to Morro Bay and Santa Barbara with very few exceptions, leaving lost gear in traditional fishing areas close to these ports. Requiring all traps to be retrieved before returning to port and considering trap limits for each vessel could help to reduce gear loss by the new IFQ trap fishery.

We are also deeply concerned about the nearly exclusive targeting of the large mature females by these vessels, which fetch a much higher price than averaged sized male sablefish. Traps are fished in deep water with large escape rings, which allow all but the large female fish to escape. The importance of the spawning females to the future of the sablefish fishery is made very clear in the 2011 stock assessment. We think it would be prudent to limit the maximum size of escape rings used in sablefish traps, and special consideration given to the change in sizes of sablefish harvested by the trawl fleet since the beginning of the IFQ program began, to prevent over harvest of the spawning female biomass by new trap boats.

Rates of sablefish harvest by the fixed gear trawl sector should reflect the historic nature of that fishery. Trap limits and requiring sablefish gear to be more closely attended to can help protect our local waters from derelict fishing gear, and the local fishing communities that rely on these fishing areas. These steps are being considered as limitations for considering allowing sablefish traps in Alaska by the North Pacific Fisheries Management Council, and we believe they deserve consideration for Conception area sablefish as well. In light of the 2011 stock assessment, the importance of the spawning female biomass for west coast sablefish cannot be overstated, and we believe the use of large escape rings to exclusively target large female sablefish is not acceptable for the long-term future of the fishery.

Many of us have grown up fishing these waters and we all feel a strong sense of stewardship for our local resources, as they allow us to provide for our families and at the same time provide an economic benefit to our local homeport fishing communities and associated infrastructure. Please consider our concerns for our fishery and the jobs and high quality seafood it provides for thousands of Californians.

Sincerely,

Owen Hackleman
(FV Provision/GFO633)

Steve Hackleman
(FV Ruth Anne II/GFO377)

Roger Cullen
(FV Dorado/GFO388)



RECEIVED

APR 23 2014

PFMC

Created to enhance and protect an economically viable
Washington salmon troll fishery.

April 18, 2014

Dr. Donald McIsaac
PFMC Executive Director
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Dr. McIsaac:

The Coastal Trollers Association welcomes the opportunity to speak on behalf of its members who have VMS units and take incidental ling cod and yellowtail rockfish while trolling for salmon. The CTA is against NOAA's request to change the ping rate from once per hour to four times per hour for salmon trollers for several reasons.

First, trollers have been against the VMS requirement since it was first required. At an Ad Hoc VMS Committee (VMSC) meeting in Portland chaired by Mark Cedergreen, two of our members spoke out that there were no rockfish conservation areas to stay out of. However, later, with the assistance of WDFW's Ms. Michelle Culver, trollers volunteered to refrain from fishing in a known yelloweye rockfish habitat. This Yelloweye RCA has been on the books for several years now.

Second, an email with WDFW's Enforcement Officer Mike Cenci confirmed that there have been no citations issued to trollers for trespassing into the RCA. Apparently, the VMS requirement and once per hour ping rate is working. In fact, the PFMC Enforcement Consultants wrote in their Supplemental EC Report for Agenda Item H.1.c dated March 2014, "the EC supports the list (of 8 gear types) , but recommends removing salmon troll gear from the 15 minute ping rate requirement." They concluded, "We do not believe this gear type requires any ping rate modification."

Given this history of cooperation by our troll fleet, we see this ping rate change to be an unnecessary financial burden. According to an April 12, 2013 mailing to All Licensed Washington Troll Fishers from the WDFW, "Salmon troll vessels with VMS may retain up to one pound of yellowtail rockfish for every two pounds of salmon landed, with a cumulative limit of 200 pounds per month... In addition to rockfish, salmon trollers may retain and land up to 1 lingcod per 15 Chinook per trip, plus 1 lingcod per trip, up to a limit of 10 lingcod..." With these severe restrictions on ling cod and yellowtail rockfish and given the prices paid to fishermen at the dock, it may be difficult for trollers to maintain a profit given the ping rate hike. That rate hike is estimated to be as little as \$25 more per month to as much as \$129. per month, depending on the service provider (as described in the NMFS OLE Report for Agenda Item H.1.b, dated March 2014). This ping rate action may force those with VMS on board to unplug them.

Finally, others support our request to be excluded besides the **PFMC Enforcement Consultants**. The **Salmon Advisory Subpanel** wrote in their Supplemental SAS Report for Agenda Item H.1.c dated March 2014, "The SAS requests that the Council exempt open access salmon troll vessels from the requirement to increase the ping rate from one hour intervals to a 15 minute ping rate. Regarding all 8 gear types, the **Groundfish Advisory Subpanel** Supplemental GAP Report for Agenda Item H.1.c dated March 2014 concludes, "This matter is strictly an issue of an increased financial burden for what is perceived as a retaliatory action. Further, other options are available that have not fully been considered for an environment in which the goal should be compliance, not conviction." And, leaders of the **Coastal Trollers Association** and the **Washington Trollers Association** gave public testimony at the Westport meeting held March 24th asking for trollers to be exempted. Even the conservative organization **Oceana**, represented by Ben Enticknap, recommended an exemption for trollers in a Tuesday, March 11th public comment before the Council.

If NOAA is truly interested in reducing bycatch in our fisheries, we would hope to see regulations that aid us in that goal, not make it more economically restrictive. We join with others and ask that NOAA's ping rate request be amended to exempt salmon troll from their list of eight gear types.

Sincerely,



Jeremy Brown, President
FV/ Barcarole



Geoff Lebon, Vice President
FV/ Halmia



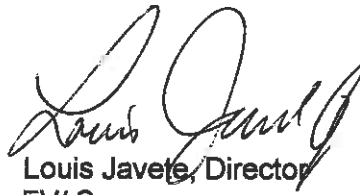
Cindy Olson, Treasurer
FV/ Cynthia T



Steve Wilson, Secretary
FV/ Deep Threat



Ken Anderson, Director
FV/ Spring Skier



Louis Javete, Director
FV/ Spencer



May 23, 2014

Ms. Dorothy: Lowman: Council Chair:
Mr. Frank Lockhart
Groundfish Program Manager:
Sustainable Fisheries Division:

RE: WHITING FAIR START WITH OTHER SECTORS

Dear Dorothy and Frank,

I feel the need to express my great disappointment in the bureaucratic nonsense of the National Marine Fisheries Service (NMFS) and Pacific Fishery Management Council (PFMC) that allows two sectors, Catcher Processors(CP) and Mother ships(MS), to get an early start on the Pacific Whiting season, while making the third sector, Shore side(SS) Processors, wait.

Ocean Gold Seafood's, Inc., and her vessels, are being denied access due to the fact that the CP and MS are allowed to scoop up "their" allocations and have what appears to be an entitlement to early markets which, in turn, gives them an economic advantage. SS Processors are penalized by being forced to sit and wait on the sidelines an additional month.

What is the fairness in this? Why does this process feel the need to punish and/or jeopardize our jobs and families? The Pacific Whiting season is just as important to us, our employees, and the community that we support. Does your agency believe that SS jobs and production are less important than that of CP and MS? How can you just sit there and allow the CP and MS to camp right on our doorstep, just off of Westport, WA and Newport, OR, and let them fish, while we are forced to wait for permission from "The Man" to make a living? Either your agency is blind, or have not given any thought to the lives and communities it places in jeopardy.

The agency always keeps coming back to the same old line, "We don't have funding to do that...", and continues to allow other trailing amendments to take priority. Seriously? How hard can it be to write a letter, put it in for public comment, and make it official? The agency seems more concerned about chafing gear than coastal jobs. What

is clear to us is that the SS Processors are being stifled, and that this is economic exclusion.

Our jobs have to wait until the CP and the MS fill their bellies, and then run off to Alaska. Meanwhile, while we are waiting, the Pacific Whiting move further up the edge and into the higher by-catch zones. This is unfair.

In the Bering Sea, all sectors of the Pollock fisheries start both the “A” and “B” seasons at the same time. It seems to work well for them. All sectors are treated equally, and have equal access to the same markets. This is all we are asking for.

This one month delay excludes us in the early Pacific Whiting marketplace, and is a relic of the pre IQ fishery. The old regime was driven by the offshore sector that clearly receive an economic advantage, and you continue to let it happen, even though we are in a IQ fishery. It is very upsetting to watch this, year after year.

The bureaucratic circus puts the SS Fisheries on a lower rung of the economic ladder. With AIS now available on the net, our crews pays attention to vessel movement. Our employees come in, having seen that the Whiting season has started and ask when work begins, we have to explain to them that the government gave the offshore sector a month head start again this year, and we will have to wait.

Do you have any idea how it feels to tell someone you can't work, strictly because some official agency feels that you're not important enough? That other participants in this common fishery get favorable treatment because they are more astute in the council process?

We at Ocean Gold Seafood's, Inc., want our employees to work. To do that, we need product for our employees to process. During the typical month of Pacific Whiting production, Ocean Gold Seafood's, Inc., will have a payroll of \$1,300,000 to \$1,500,000, which goes directly back into our communities. The agency must understand that we need a fair start date in common with the other sectors to be competitive.

We are asking for a fair start.

We need a fair and even playing field.

Sincerely,

Greg Shaughnessy
General Manager
Ocean Gold Seafood's, Inc.

May 20, 2014

Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 101
Portland, Oregon 97220-1384

Madame Chair and Council,

This is a letter requesting an amendment to Table 2 in the Federal Registry. Specifically, to amend the trip limits for shallow and deeper near shore species to allow more than one State issued Near Shore or Deeper Near Shore permit holder to make landings on the same vessel. I propose NMFS add to Table 2 a section that states that vessels with more than one State issued Near-Shore Permit aboard may retain twice the limit set by NMFS.

I want to clarify that in California the Near Shore and Deeper Near Shore species are retained only through State issued permits that are issued to individual licensees and that trip landings are allocated to these individual permit numbers, not to the fishing vessels. This is different from the Federal Limited Entry permits, which are registered to the fishing vessel with the associated vessel based cumulative trip limits. Federal LE permits do not allow retention of the Near Shore and Deeper Near shore species of rockfish in California but because these species are managed by the NMFS they are subject to the vessel based cumulative trip limits detailed in Table 2. Because Table 2 refers only to vessels, it doesn't account for fishermen who share a vessel but possess individual and separate Near Shore or Deeper Near shore permits. This is the issue that we are seeking to address with an amendment to Table 2.

My brother and I, along with many other partnered fishermen in California, are being greatly affected by this aspect of Table 2. We are partners in our fishing business and co-owners of our vessel, and we both possess State issued Near Shore permits. Currently we cannot land our individual Sebaste quotas on our boat because of the vessel based cumulative trip limit specification in Table 2. The only way for each of us to retain our Sebaste quota would be to buy another vessel. A new vessel along with the slip fees, VMS, and added maintenance and fuel costs is not financially feasible or ecologically responsible. The Sebaste allotment is only 600 to 1,000 pounds of fish over a two-month period, this is not worth the costs of obtaining another vessel but does impact our ability to make a living as commercial fishermen in the Near Shore and Deeper Near Shore fishery. We have invested in these permits and should be able to fully utilize them as they are intended.

I respectfully propose that NMFS add a section to Table 2 that states that vessels with more than one State issued Near Shore or Deeper Near Shore permit holder aboard may retain twice the limit set by NMFS and listed in Table 2.

Thank you,
Jason Robinson

May 20, 2014

Pacific Fisheries Management Council
7700 NE Ambassador Pl., Suite 101
Portland, Oregon 97220-1384

Madame Chair and Council,

This letter is regarding the “VMS enhancement” proposal by the Office of Law Enforcement to increase the VMS “ping rate” from once hourly four times an hour. This proposal is unacceptable because it fails to achieve the enforcement goals of the OLE and negatively impacts west coast commercial fishermen.

This action will not achieve the OLE’s goal of better monitoring GCAs. I agree that it is important that the OLE has all the tools necessary to monitor and enforce restricted fishing areas and I assert that they have more than adequate resources to do so. The OLE has NOAA research vessels, coast guard cutters, coast guard helicopters, CFW patrol boats, CFW spotter planes, drone aircrafts, and a real time GPS monitoring system (VMS) on every boat with the ability to transmit every couple minutes. The OLE already has the ability to increase the ping rate of any vessel at any time they choose.

I am knowledgeable about the details of the VMS situation because I was recently engaged in a court case with the OLE where VMS data was the entirety of the OLE’s case. The ALJ court ruled in my favor and stated that VMS data alone did not prove incursion and that additional investigation and documentation was required. It is apparent that this proposal is a retaliatory action for the loss they suffered in the ALJ court as well as an effort to continue using VMS as sole evidence instead of following the ruling of the Justice to employ additional verification procedures.

This proposal will negatively impact the west coast fishing fleet because the cost of the increased rate will be charged to the commercial fishermen, who will gain nothing and have done nothing to incur an additional expense. The notion that the price increase is small is a bogus justification when there are hundreds of “small costs” that add up to a very high overhead in the commercial fishing industry. An increased ping rate on the VMS will also increase a vessels battery usage, decreasing the life of the batteries and costing the fisherman even more.

It is important to recognize that even though the OLE claims that an increased ping rate is crucial for enforcement of the GCAs, they do not suggest extending the program to the recreational fishing sector. Recreational fishermen, who go about unmonitored with no tracking or catch data, land 80% of the rockfish in Southern California. This selective law enforcement criminalizes commercial fishermen, who have zero incentive to break fishing laws. It shows that GCAs are directed primarily toward commercial fishermen, who are the vast minority; this is either a huge oversight in fisheries management or clear discrimination. Either way, this proposed increase in the VMS ping rate for commercial fishing vessels is absurd. This proposal will not help the OLE protect closed areas and it hurts commercial fishermen. The only winner will be the VMS service provider who stands to increase profit by 400%. I respectfully suggest that this proposal be dismissed.

Sincerely,
Jason Robinson
Commercial Fisherman, Limited Entry Fixed Gear
Southern California Groundfish Association