



September 4, 2013

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

RE: Agenda Item G.6.b Consideration of Trawl Rockfish Conservation Area Boundary Modifications

Dear Madame Chair & Council Members,

The Oregon Trawl Commission (OTC), the Fishermen's Marketing Association (FMA), The Coos Bay Trawlers Association (CBTA), Midwater Trawlers Cooperative (MTC) and the West Coast Seafood Processors Association (WCSPA) support modifying the trawl Rockfish Conservation Area (RCA) boundaries represented by Alternative 1 from the draft Environmental Assessment (EA). OTC, FMA, CBTA and MTC collectively represent a majority of the trawl fishermen who participate in the west coast trawl catch share fishery. WCSPA represents a major portion of seafood processors in California, Oregon and Washington that process trawl caught groundfish.

Need for Action

Harvesters are unable to access healthy target groundfish stocks that are economically viable due to the restrictions imposed by the trawl RCA. Current management measures are not allowing Optimum Yield to be achieved as required by National Standard 1 of the Magnuson Stevens Fishery and Conservation Act. Attainment of annual catch limits (ACLs) for all but a few non-whiting species of groundfish is non-existent. Cumulative landings and revenue numbers distort what is actually happening and individual species ACL attainment is abysmal. At the same time the costs for participating in the west coast groundfish trawl fishery continue to increase. With the cost of observers and monitoring being borne increasingly by the industry, the pending annual 3% cost recovery fee (on gross ex-vessel value), the annual 5% Buyback Loan payments (on gross ex-vessel value) and individual state landings taxes it is becoming more and more difficult for trawl groundfish businesses to stay both profitable and sustainable. Traditional groundfish trawlers are also faced with the real possibility that 10% of their ITQ pounds will be siphoned away from them to fuel an Adaptive Management Plan that no trawl industry participant really wants. Modifying the boundaries of the RCA to allow harvesters access to economically viable and healthy target stocks will allow the fleet more opportunities to increase the value of this fishery and to help trawl groundfish businesses stay competitive and sustainable over the long-term.

Rationale

The trawl RCA has been in place since 2002. It was implemented primarily to reduce the catch of rebuilding rockfish stocks (canary and darkblotched) by closing off areas to bottom trawl activity where these species of concern were found in higher densities and/or where larger bycatch events had previously occurred. At the same time that these large-scale closures were being implemented the trawl rationalization process was underway. Rationalization offered a way for harvesters to move away from trip limit management (use it or lose it), increase their operational flexibility and extract more value out of the groundfish fishery while simultaneously taking personal responsibility for all the fish that they caught. Personal responsibility (and the associated regulation that requires quota pound coverage for all species caught) has become the primary incentive to reduce unwanted bycatch. After the ITQ program was implemented, fishermen found themselves personally accountable for their catch but also found themselves still hampered by regulations in place from the pre-ITQ management regime. These regulations, one of which is the trawl RCA, have prevented fishermen from realizing increased attainment of annual catch limits for economically important groundfish species which means that their businesses, seafood processors and coastal communities are not realizing the increased value that should be afforded to them through the ITQ program.

We believe that this action is justified for several reasons, not the least of which is the fundamentally different management program which now governs the west coast trawl groundfish fishery. The individual accountability afforded by the trawl ITQ program has proven that fishing behavior can and does change when harvesters are held personally responsible for their catch. This fact is clearly demonstrated when comparing bycatch data on rebuilding species from the first few years of the ITQ program following implementation with the pre-implementation data as outlined in section 4.4.2 of the draft EA beginning on page 86. Further the analysis demonstrates that after ITQ implementation there have been extreme declines in catches of rebuilding species:

- 60% decrease for yelloweye rockfish bycatch
- 37.8% decrease for canary rockfish bycatch
- 68.1% decrease for pacific ocean perch bycatch
- 68% decrease for darkblotched rockfish bycatch

These reductions are not attributed to RCA restrictions but rather to behavioral changes and alternative fishing strategies employed by fishermen under the ITQ system.

RCA's were a blunt instrument utilized by the Council and the National Marine Fisheries Service (NMFS) to stem the catch of rebuilding rockfish species. They were implemented at a time when more selective and targeted incentives to reduce bycatch of these species was unavailable. Over a decade later, we now have more sophisticated and refined tools available to us and we should take advantage of all the management facets that rationalization allows. To take that premise further – based on all the sacrifices

and burdens that the trawl fleet has shouldered over the last decade to ensure the sustainability of this fishery— and with much more to come in terms of the financial burden of participating in the fishery - the fleet deserves the opportunity to take advantage of all the tools that the trawl ITQ program is supposed to offer. Let's end the lip service and stop micro-managing these fishermen and allow them to be personally accountable for what they catch – this is one reason they supported this fundamental shift in the way that this fishery is managed.

Broad Support

The Council approved changes to the RCA boundaries at the March, 2013 meeting. They reaffirmed their decision at the April 2013 meetings. NMFS subsequently determined that the public would be better served if the boundary modifications were addressed through normal rulemaking channels rather than under inseason adjustments via an automatic action. The industry agreed to work with the agency and Council to go through the rule making process. At the April meeting the Groundfish Advisory Panel and Groundfish Management Team provided guidance, analysis, and justification for making small changes to the boundaries that would allow opportunities for the fleet to gain economic value while still ensuring that stocks were managed sustainably. The industry has demonstrated broad support for this action on multiple occasions. The Council unanimously approved the recommendation to NMFS reflected in Alternative 1.

EFH Confusion

Unfortunately, at the June 2013 Council meeting others began to purposefully confuse the issue contending that the RCA should be transformed into essential fish habitat (EFH) and that the area should continue to be closed to the fleet. This is rubbish and purposely molests the original intent of the RCA. The RCAs were put in place for one reason – to stem the catch of rebuilding species – it was a blunt instrument available to managers at a time when other more refined tools were not. As stated in the EA on page 13 – “While the majority of U.S. protected areas were established to conserve biodiversity or ecosystem structure, the management goal of the RCA was to aid in rebuilding overfish rockfish species.” We have an amazing tool now to decrease bycatch and that is the individual accountability afforded by the trawl ITQ program. And the analysis and the evidence it is based on clearly shows that current management is working in terms of reducing unwanted bycatch. Further, this action in no way jeopardizes or changes any of the other existing closed areas (including EFH conservation areas) and it would maintain all existing gear requirements. Alternative 1 still includes a large closed area covering 1,374 square miles of soft, hard and mixed substrate ocean bottom where bottom trawling would be prohibited.

The Dreaded “Lightning Strike”

The question often arises – what if the Council were to allow changes to the RCA boundaries and a fisherman were to have a lightning strike of rebuilding species large enough to close down the entire trawl sector. The chances of this actually happening are slim to none and in fact, have as much chance of happening outside of the RCA as within especially under the conditions of the rebuilding paradox. In both the preliminary GMT analysis from the March Council meeting and the much more detailed analysis from the draft EA it is clear that the likelihood of this happening is really non-existent. Existing

closed areas and gear restrictions also play a part in reducing the risk. Analysis of the total catch data from the two years before and the two years after trawl rationalization “does not suggest any obvious danger of either extreme catch events, or accumulated aggregate high catch of rebuilding species that would exceed the trawl allocation, by adopting the proposed changes to the RCA boundaries.” The analysis further states, “Alternative 1 should pose little risk to rebuilding species by way of individual fishers staying within their allocations, and the IFQ program staying within the trawl allocations of rebuilding species. Alternative 1 should provide additional fishing opportunity for valuable target species, with little conservation risk to rebuilding stocks of groundfish.” It is also important to remember that bottom trawl activity is currently occurring in most of these areas at some point during the year- whether it is by the trawl fleet when the boundaries are adjusted for certain management periods or during the annual NMFS slope survey which operates in all portions of the RCA on an annual basis. No disastrous catch events have occurred – and presumably the slope survey is not attempting to avoid unwanted bycatch in the same way that the trawl fleet is.

Why Alternative 2 Falls Short

We appreciate that the agency considered additional options (and rejected some as is outlined in the draft EA) as is required by NEPA for a robust analysis. We believe that the analysis for Alternative 2 demonstrates that its provisions fall short of providing meaningful access to healthy target species. Implementing only the modified 200-fathom line falls well short of the opportunity that industry would like to see. Adjusting the seaward boundary to the 150-fathom line opens up additional area and provides opportunities for additional species that the shoreward boundary relaxation does not. In addition, it opens up additional space for vessels that are able to fish seaward and avoids potential crowding and effort shoreward. Repeatedly the draft EA indicates that the benefit to the fleet afforded by Alternative 2 is much less than Alternative 1. But the risks associated with both are virtually the same. It is prudent to provide the fleet with as much access to healthy stocks as the analysis deems safe in terms of effects on rebuilding species. And again, this area is routinely bottom trawled by the slope survey operation as well as by other activities like shrimping. Alternative 2 simply falls short in benefits to the fleet with no demonstrated savings for conservation.

Conclusion

OTC, FMA, MTC and CBTA have all signed onto a joint letter advocating for comprehensive RCA reform under agenda item G.9. : Trawl Rationalization Trailing Amendment Scoping Process. It is clear that comprehensive reform will take time and resources over the long term. In the meantime we strongly support moving forward with the RCA boundary modifications that are outlined in Alternative 1 of the draft EA. We believe the move will provide harvesters with additional opportunity that will benefit the fleet while also helping managers to achieve National Standard 1 of the Magnuson Act. This can be accomplished with little or no risk to rebuilding species as clearly identified in the analysis. We urge the Council and the National Marine Fisheries Service to move forward in this direction without delay so that the changes can be in regulation for period 6 (November & December) of 2013.

Thank you for your consideration.

Sincerely,

Brad Pettinger, Administrator
Oregon Trawl Commission

Pete Leipzig, Executive Director
Fishermen's Marketing Association

Heather Munro Mann, Executive Director
Midwater Trawlers Cooperative

Steve Bodnar, Executive Director
Coos Bay Trawlers Association

Rod Moore, Executive Director
West Coast Seafood Processors Association