

Trailing Amendments

The Coos Bay Trawler Association would like the Council to consider the following topics as trailing amendments whenever they may fit into the staff's workload:

INDUSTRIES HIGHEST PRIORITY

We believe the Council needs to establish an alternate solution to the dilemma of over fished species because the ACLs are so low that they will restrict the entire fleet and may close the fishery prematurely in the year. The only solution may be some sort of common risk pool where cowcod, canary, halibut and yelloweye quotas are placed to cover the risk every individual will be facing. While we appreciate the effort of the Council to reallocate these species, especially canary, a few months ago, it is obvious to the industry that this has to be the highest priority to the fleet. While some of the public that are not connected to the trawl industry believe CFAs are a high priority, there would be no need for a CFA if the fleet cannot prosecute the fishery.

OBSERVER COSTS

The possible CFA that might be established in the Port of Coos Bay request the Council to consider a broad based funding scheme to finance the observer portion of the trawl catch share program. The TIQ committee worked hard to assure that accumulation caps and control limits were at a level that would preserve the characteristics of the west coast trawl fleet and without a broad-based plan, many small trawl boats will be eliminated simply because they cannot afford the cost of observers.

To help foster that goal of fleet preservation, it will be a necessity to assure that all vessels, regardless of size, be able to afford the costs of having an observer on their boat for every fishing trip they make. If public funding through the budget process fails to provide funding for the observer program for the west coast catch share program, we suggest that a coast wide system be established to help fund this program component.

If the Council, NMFS, NOAA and the federal government fail to provide funding for this component we suggest that a percentage of each delivery of all participants of the catch share program be deducted from their payment from the buyer (just like the buy-back payments) and placed in a common pool that all observer costs for every participant will be taken from. This method will assure that the small boats will have an equal chance to remain in the fishery and won't be forced out because they cannot cover the observer costs.

We are incapable of establishing what percentage would be appropriate but we're sure the government has the resources to establish the correct amount.

GEAR MODIFICATION AND DEVELOPMENT

The Coos Bay Trawlers request the Council to consider an express system to allow and approve gear modification for the catch share program.

As trawlers begin to fish within the guidelines of the trawl catch share program, methods of avoiding certain species may become obvious to some participants and the desire to try out their ideas might become paramount not only for their own operations but also for the benefit of the entire industry. We understand that modifying legal gear can be done without consent of the Council (increasing mesh size), but gear development that is currently not legal gear could take several months to over a year to accomplish. The catch share program may inspire many trawlers to try to develop gear that has not ever been addressed before but increases avoidance and becomes more selective than gear currently used. The Council, to help foster these experiments, could adjust the cycle the Council has in place to expedite the process to get the gear to the experiment stage quicker than would otherwise happen.

It is not known what type of gear modification might be envisioned by the fleet but it may include smart excluders and devices, camera observed panels and sensors or gates and side shoots. Timely development may help to keep the fleet fishing as they get more efficient and have a desire to change their behavior.

We also ask the Council to consider the use of mid-water gear once again by the shore-based non-whiting trawl sector. Widow and yellowtail rockfish were traditionally harvested with mid-water gear and when widows are rebuilt we need to use the best gear to access these species. We believe these species when fished with mid-water gear is a clean fishing experience. We would also need access to the RCA in order to prosecute this fishery.

The use of the selective flatfish trawl gear shoreward of the RCA should be modified to maximize the benefit to the fishery. We are not advocating eliminating the pineapple net but rather asking to be allowed to use a small footrope net without the wings to fish shoreward of the RCA. Fishermen will be accountable for their catch because of the observer coverage and some fishermen who have not used the selective flatfish gear would be able to fish shoreward of the RCA without the added expense of buying new gear.

COMMUNITY FISHING ASSOCIATIONS

The potential Port of Coos Bay CFA requests the Council to not implement greater accumulation limits or increase the control limits for CFAs or any other entity at any time, especially during the moratorium period. CFAs should be held to the same limits as anyone else who can buy and hold quota. We believe the creations of exceptions to the limits will open the door to a reallocation process not envisioned when these strict limits were set. These limits were set low to preserve the characteristics of the fleet and creating a mechanism to trump this philosophy right from the start will only jeopardize the program.

We agree, however, with Burden and Sullivan paper about lenders who may provide financial assistance to quota share holders in that they do not control deliveries or prices and we encourage the Council to view lending institutions who have taken quota shares as collateral in the same manner as mortgages and car loans. The lending institutions upon repossession of the quota would sell the quota as they would a house or a car to any qualified buyer. The NMFS would have to make sure their buyer is qualified to own the quota and the buyer would have to be advised on the laws and rules that govern the use of the quota program.

While the risk pool is being developed (and it will be developed even if the Council does not agree with industry's view of priority), the Port of Coos Bay CFA will operate as a risk pool. Members would not deposit their quota shares or pounds into a common pool but would use discussions with the members to transfer needed pounds to another member. If the risk pool does not take possession of the quota shares or pounds, the risk pool does not exceed the control or accumulation limits. A risk pool could operate in a manner where members never deposit their quota into the pool but open trading within the risk pool group to keep the entire pool fishing would occur. Any member needing additional quota pounds would have to justify his fishing behavior to the group to gain those additional pounds. These discussions would also include methods to use to avoid another encounter that caused the need to transfer pounds and help the member change his behavior and methodology. Of course the NMFS quota transfer service would track the transfers of the CFA as they would for any transfer. The CFA may own its own quota shares which would also enhance its ability to keep the members fishing and supporting the community through measures that improve the sustained production and promote harvesting and processing in the community. However, members of the CFA would not be allowed to contribute funds to purchase the CFA's quota shares or pounds. Those funds would have to come from the community.

Coos Bay CFA would address its member's need for quota pound transfers and would be done possibly without charge the first time and members' trades would be treated as a private transaction. Members with larger boats that do not fish the beach species would rely on the members with small boats to harvest their Sanddabs, Rex and English soles and the members with small boats would rely on the members with large boats to harvest their deep water complex through a simple transfer transaction. Through constant dialogue within the group, hot spots to avoid will be shared, hot spots to fish will be announced and other information beneficial to the CFA will be known by the members. We do not believe coast wide rules and regulations is the answer to localized fishing concerns that could possibly be a conduit for reallocations.

The CFA would also act as an observer pool manager to make the best use of the observers assigned to the port area. This would help in reducing costs to the program. The Port of Coos Bay CFA could also act as the first receiver for small processors and buyers so that the plant monitor would be in a centralized location where off loading would take place and would reduce the time and effort the plant monitor would need to coordinate off loading. This would also reduce the costs to the program because duplication of hardware to report catch data would be eliminated.

The Adaptive Management Program should be restricted to conservation, unforeseen and unintended consequences and facilitating new entrants. There are few, if any, communities or processors that meet the MSA requirements to receive AMP quota. The concept of AMP originated in Alaska where entire communities' only financial source was fishing. Those communities were totally reliant on fishing and they needed federal assistance to assure they would be able to survive their IQ program. It is a stretch to see how, for example, San Francisco would disappear if trawl caught fish was no longer landed in that community. We see the use of AMP quota for stability of communities or processing as another way to reallocate trawl quota to a specific area and will only water-down the program. We ask the Council to avoid measures that create loopholes for reallocation under any program title and to set the accumulation and control limits in stone to avoid these loopholes.

Not all communities will be able to preserve their link to the fishing industry just like not all fishermen will be able to survive this program and not all jobs related to the fishing industry will survive. Fishermen and processors do not have a handle on this program yet and how will it function and how they will function in it, never mind adding the complexities these attempts to make loophole and exceptions to the program will create. It seems unfair to be adding more onto the program before we even know how it will function.

Halibut By-Catch

Halibut by-catch is an extremely important issue that needs to be addressed in a trailing amendment as soon as possible. The low limits along with the methodology used to determine the conditions of these discards will restrict the trawl sector and the fact that the data used to make these determinations is extremely old makes this issue one that needs to be expedited.

Several factors need to be examined which include that the data used in these determinations were establish in the 70's; the pot data was gathered from the Alaskan and Canadian fleet where king crab pots are used, are much larger than the pots used off of the west coast so the data is questionable; the trawl gear used in Alaska is towed behind much larger boats for longer periods of time with bigger nets then what is used on the west coast; some of the data used indicated "ripped jaws" which is not data from the trawl fleet. We don't believe the Council's intent is to restrict the trawl industry using old, misinformed data taken from another region that has no comparison with the characteristics of our trawl fleet.

We encourage the Council to re-examine the current data and attempt to update the findings using data from the area where our fishery is prosecuted. If the trawlers were allowed to land their dead halibut but were not allowed to profit from the landings, funds generated by those fish could be used to finance a study of the trawl observer information and present the reports finding to the Halibut Commission.