

**Comments on Exempted Fishing Permits
By Bob Eaton
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Testimony given to the
Pacific Fishery Management Council
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RE: Reduction of yellowtail rockfish bycatch in the on-shore whiting fishery

My name is Bob Eaton, Executive Director of the Pacific Marine Conservation Council, a West Coast non-profit organization dedicated to sustainable fisheries and healthy coastal economies. Our board of directors and growing membership include commercial and recreational fishers, marine scientists, environmental activists and others concerned for the long-term viability of our fish stocks and fisheries. It is on their behalf that I wish to comment today on Exempted Fishing Permits for the On-Shore Whiting Fishery.

Here are the problems we've identified with the current bycatch of yellowtail in the on-shore whiting fishery:

- ♣ Cumulative trip limits of yellowtail are being exceeded, but there is not currently a limit to the amount of the overage. The whiting fleet joins others in concern about potential abuse of overages and in pursuit of changes.
- ♣ Not all vessels in the whiting fleet become involved in harvesting overages.
- ♣ Excess bycatch in this fishery has a direct and negative impact on other fisheries that take yellowtail.
- ♣ Since whiting processing is centered in only several communities, the landing of yellowtail, which do not take special processing equipment, is also centered in these same communities thereby diminishing the distribution of yellowtail economic impact to some non-whiting communities.
- ♣ It appears that the ex-vessel low prices paid for whiting-caught yellowtail in 1998 affected the entire West Coast dockside price of rockfish.

We believe the whiting fleet's attempts to monitor this internally are laudable. They are proposing to do the following, all designed to bring greater bycatch awareness to the fleet, and we support them in doing so:

1. Initiating voluntary efforts through changes in fishing behavior to lead to reduced bycatch.
2. Promoting and supporting pre-season meetings between the states and the vessel skippers. This is being done in CA, and proposed for OR and WA.
3. Supporting change that requires person operating the vessel to sign the exemption permit.

We encourage these kind of change. However, the change has to have something against which to be measured to determine its effectiveness. The only real measure is in the numbers.

While the Council's longer range goal should be to reduce this bycatch – the unavoidable bycatch - to just that amount necessary to prosecute the whiting fishery, the shorter range goal should be to:

- 1) immediately reduce yellowtail bycatch; and
- 2) explore options for higher value utilization of the savings in yellowtail ABC.

We offer the following options as possible conditions to be attached to the awarding of the exempted permit. In each case the on-shore whiting fleet would provide to the Council a plan designating the amount of the cap or guideline to be landed for each fishing period, and perhaps even where it could be landed.

OPTION 1 – Bycatch cap

Authorize the on-shore whiting exempted permit, maintaining the full catch retention provision, but establish a fleet-wide yellowtail bycatch cap of 375 mt, which, once reached, would close the whiting fishery. 375 mt is offered as an average of the yellowtail catches for the year 1997 (218 mt) and 1998 (518 mt), the extreme low and high in recent years.

OPTION 2 – Bycatch guideline

Authorize the on-shore whiting exempted permit, maintaining the full catch retention provision, but establish a fleet-wide yellowtail bycatch guideline of 375 mt that the fleet will be expected to adhere to. The fleet's ability to work within the guideline will be evaluated before next years permits are considered.

The Sustainable Fisheries Act, passed by Congress in 1996, requires that fishery management plans shall "...include conservation and management measures that....minimize bycatch..." (Magnuson-Stevens Fishery Conservation and Management Act Section 303, (a) (11) (A). In addition, the definition of bycatch as found in the MSFCMA is "...fish which are harvested in a fishery, but which are *not* sold or kept for personal use...." (emphasis added). Finally, Section 301 (a) (8) states that "Conservation and management measures shall...take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of fishery resources to fishing communities...". All three statements come into play on the whiting fishery/yellowtail rockfish bycatch issue.

The on-shore whiting fishery was issued in 1992 an experimental exempt gear permit in order to monitor the incidental bycatch of salmon. The permit required full retention of catch. This was actually desired by a fleet that had no time to sort through the catch before chilling it to maintain whiting quality. In its early years the fishery was monitored with at-sea observers and shore-side catch monitoring. It was learned through this process that shore-side sampling was statistically sufficient.

The fishery has provided new jobs and new economics in communities where whiting processing infrastructure has been put in place. As such, it is a valuable addition to the coast's fisheries. At issue is the amount of yellowtail rockfish being caught as bycatch.

The yellowtail two month legal trip limit for 1999 is 13,000 pounds for which the fishing vessel is compensated at market value. Any amount over 13,000 is forfeited to the state and purchased from the state by the processor, often at costs below what would normally be paid the fisher. Currently there is no landing limit on the amount over 13,000 pounds.

In recent years the shoreside bycatch of yellowtail rockfish has gone from 514mt in 1996, to 230mt in 1997, to 518mt in 1998. During this same period the catch of whiting has remained generally static, ranging from 85,125mt to 87,627mt. The fleet is allocated a quota of the yellowtail ABC which in years of low OY becomes a large percentage of the ABC. However, overages beyond the ABC must be accounted for and it appears they wind up being taken from the yellowtail ABC of other fisheries. In 1998 the on-shore whiting fishery bycatch of yellowtail was half the total of all yellowtail harvest. Council action to date has done little or nothing to "minimize bycatch" per Magnuson requirements.

Yellowtail rockfish in recent years, although not in 1999, have been listed as "approaching overfished" in the NMFS Status of Fisheries report to Congress. As such, it's ABC and bycatch needs to be carefully monitored and regulated by this Council, especially if there is any concern that bycatch retention might be being abused by some in the fishery.

The more the whiting bycatch could be reduced and controlled, the greater the opportunity for finding greater value for the saved fish, including the potential for other fisheries to harvest yellowtail and increase the distribution of economic benefits to other ports and coastal cities.

We encourage you to get the best advice from your committees but also to be aggressive in tackling this issue.

Thank you for the opportunity to testify on this issue.