

GROUND FISH MANAGEMENT TEAM STATEMENT
ON THE INCIDENTAL CATCH OF ROCKFISH IN THE WHITING FISHERY

The GMT shares the Council's concern regarding the level of yellowtail rockfish taken in the whiting fishery since it limits the amount available for non-whiting fishers targeting on yellowtail rockfish. In particular, the tribal mothership and catcher/processor fisheries saw increases in the catch and catch rates of yellowtail rockfish in 1999 compared to 1998, with higher rates occurring further to the north. The GMT notes that if abundance of yellowtail rockfish increases, it may not be surprising that interception rates also increase. Yellowtail rockfish was more abundant in the 1999 triennial survey, but there is no assurance the OY will increase in 2001. The next assessment and the review of the harvest rate policy are both scheduled for 2000.

Shore-based fishery. There is concern that there may be targeting on yellowtail rockfish during the shore-based whiting fishery even though the exempted fishing permit (EFP) governing that fishery explicitly states: "Target fishing on any species other than whiting (particularly yellowtail and widow rockfish) is contrary to the intent of this program and may result in unrealistically high estimates of bycatch. This ... could result in additional restrictions."

The EFP, which was designed to monitor the incidental harvest of salmon and groundfish in the shore-based whiting fishery, requires full retention of codends brought on board. The catch then is sampled when the fish are delivered shoreside. Consequently, vessels are authorized to exceed the cumulative trip limits for incidentally caught species because they are not allowed to sort at sea. The most abundant incidental rockfish species in the whiting fishery are yellowtail and widow rockfish, both which are managed under cumulative trip limits for the limited entry fishery.

Currently nothing precludes a participating vessel from retaining its cumulative trip limits of yellowtail and widow rockfish. Overage amounts are counted and subtracted from the OY and therefore are not available to the nonwhiting fishery that targets on yellowtail rockfish. The value of the overage is forfeited to the States, and the fish then enter the market through normal channels. Shore-based processors sell, and consequently benefit from, the overages, and some, arguably, may have an incentive to encourage vessels to harvest, or not avoid, yellowtail rockfish.

Part of the difficulty in achieving the EFPs purpose of monitoring incidental catch is the basic difficulty in determining whether a trip targeted on a species other than whiting. The Council has stated its intent that incidental catch of rockfish and salmon in the whiting fishery should be discouraged. Both yellowtail and widow rockfish can be encountered incidentally to whiting in large amounts, sometimes in excess of the whiting. However, if this occurs frequently, it could indicate targeting or an unwillingness to avoid incidental species.

GMT Recommendations:

1. Processor provisions: The GMT recommends that a provision be added to the EFP that a written agreement with the sponsoring state must be signed by a processor before listing it as a "designated processor" in the shore-based whiting fishery. The language in the EFP may also need to be strengthened to emphasize that the State has the authority to revoke the designated processor status.
2. Reinstatement of at-sea observers: The EFP already provides for this and at-sea observers were deployed in the early years of the program. The time may have come to redeploy observers, at the vessels' expense, to reevaluate why some vessels have higher incidental rates than others.
3. Reporting vessel performance: Peer pressure can be more effective than regulations. The States should continue monitoring and announcing incidental rates (and/or deviation from the norm) for individual vessels operating under the shore-based whiting EFP, cumulatively for the season and by landing, week, or other appropriate unit so that changes in the rates could be detected.
4. Avoiding areas: Vessels on the grounds have the most recent information on areas of high incidental

catch. The GMT encourages the industry to communicate with each other about areas that should be avoided, and recommends that issuance of EFPs in the shore-based fishery off Oregon and Washington should be delayed until an acceptable catch-avoidance plan is presented to the Council at or before its April 2000 meeting. (California is not included because yellowtail and widow rockfish are not taken in great quantities as incidental catch in the whiting fishery.) Area closures (possibly by depth or latitude) remain a possibility if voluntary avoidance is not effective.

Other potential options:

- Cap on individual vessel overages. This would provide a greater incentive to avoid incidental species but also could compromise the ability to measure true incidental catch since occasional high amounts of incidental species are expected in the whiting fishery. At-sea sorting and discarding could be encouraged.
- Cap on fleet overages. This would close the shore-based whiting fishery when the cap is reached to provide opportunities for the target rockfish fishery. This would have allocation and economic implications. Although this would have a significant deterrent effect, it also could encourage some pre-sorting and discarding at sea. Vessels with low incidental catches would be penalized for the performance of vessels with high incidental catches.
- Area closures. Areas with high incidental catch rates change from year to year and during a fishing season, making it difficult to apply time/area closures. However, permanent area closures by latitude or depth may need further consideration if voluntary efforts to reduce incidental harvest of yellowtail rockfish are not effective. Such closures would reduce the area available to the whiting fishery and would not assure reductions in incidental catch.
- Change the purpose of the EFP. Change the purpose of the EFP so that it does not attempt to collect information on incidental groundfish, but instead only monitors salmon interception. Although this would eliminate the problem of identifying when a vessel is targeting on incidental groundfish, it would not discourage targeting on incidental species, which was the Council's intent.
- Gear changes. Require rockfish and salmon excluders in midwater trawl nets used in the shore-based whiting fishery. Very little information was currently available to the GMT but it deserves further discussion for the fishery in the future.
- Discontinue the EFP program. Vessels would either resort to sorting and discarding incidental species at sea or would not sort at sea and risk a violation if salmon are found in the landing.
- Discontinue the EFP program and replace with regulations allowing retention of salmon; authorized overages of groundfish cumulative limits would be discontinued. The Groundfish and Salmon FMP's were amended to authorize retention of salmon in trawl fisheries, but only when an approved monitoring and disposition program is established. Such programs are not in place.

At-sea processing fishery. This fishery does not operate under EFPs. NMFS-certified observers on board each processor monitor the incidental catch of salmon and non-whiting species. Rockfish generally are not retained except for use as meal, and so do not enter or compete in the same markets as the targeted rockfish fishery. The GMT is not concerned that the at-sea processing fleet is targeting on rockfish in the whiting fishery, because most rockfish harvested by the at-sea processing sector is ground into meal or discarded. Nonetheless, the GMT is concerned that all vessels in the fleet may not have been equally committed to avoiding incidental harvest of yellowtail rockfish in 1999. The GMT supports the industry's efforts to involve SeaState to monitor areas of high incidental catch and to notify the fleet of areas to be avoided. Area closures remain an option if voluntary avoidance is not effective. The GMT also supports a provision that would enable the at-sea processing fleet to retain trip limit overages if the vessel carries two observers and if the overages are made into meal or donated to a foodbank, but do not otherwise compete in the rockfish market. As for the shore-based fleet, the GMT endorses preparation of a yellowtail rockfish catch-avoidance plan by the at-sea processing sector, both tribal and non-tribal, to be presented to the Council by the April 2000 meeting.