

Gene Kramer, Executive Director  
Abalone and Marine Resources Council  
297 Juanita Ave.  
Pacifica, CA 94044  
Mar 13, 2000

Mr. Jim Lone, Chairman,  
PFMC, 2130 SW Fifth Ave., Suite 224,  
Portland, OR 97201.

Re: Near Shore Limited Entry

Dear Sirs:

In considering limited entry for this fishery, I urge the council to take a conservative and cautionary approach that sets the limits at a level that insures some reasonable chance of economic viability for the fishermen who stay in the fishery. The rockfish are in trouble, and it makes no sense to invite more people to the table than can reasonably be supported. Sport fishermen also have some rights to the catch.

We don't have enough fish for all the fishermen who want to catch them and support their families. While we don't yet have enough scientific information to adequately set total allowable catches, and we have to rely on cruder bag and season limits, we need to recognize human nature for what it is. A fishermen who is behind on his boat payments or house payments will do whatever he has to in order to survive. Sometimes commercial fishermen underestimate their catch or bycatch, or look for other means to skirt the letter or the intent of the law.

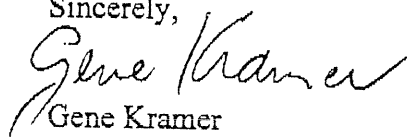
In California we are looking at 900 permits for the nearshore fishery, each with a monthly bag limit of 250 pounds. These guys will starve on 250 pounds per month, or find some back door to operate through. It is far better to have one tenth the number of fishermen and set the limit at 2500 pounds per month, provided that the fishery will actually support that amount.

Allocations inevitably make some fishermen prosperous and put others out of business. The history of fisheries management is full of managers who had too much compassion for the fishermen, and not enough for a sustainable resource. The fish lost and the fishermen lost too.

Closing the door at November of last year is not enough. You will need to make harder allocation choices and restrict the fishery even further. It is better to do it now, so the losers can make other plans. We have too many fishermen and not enough fish.

This allocation choice is a tough one, but one that has to be made. You can do it by historical landings, by lottery, by auction or by some combination of the three. But the fishery has to be restricted.

Sincerely,

  
Gene Kramer



Post-it Fax Note	7671	Date	3-2	# of PAGES	2
To	Debra Nudelman	From	Kenyon Hensel		
Co./Dept.		Co.			
Phone #		Phone #	707-465-6857		
Fax #		Fax #			

Kenyon Hensel  
871 Elk Valley rd  
Crescent City Ca.  
95531  
707-465-6857

Dear Debra Nudelman,

I am a commercial fisherman who works in the near shore open access northern area. I am very concerned with the way the council is influencing the rock cod fishery with their restructuring of the fishing quotas, and lack of research before implementation. Much change is being done without any documentation, and many fishermen are being displaced before their contribution to local communities is understood.

I am one example of this change. I had made a niche for myself, and my fishing type, that I have been forced to abandon due to last Nov.'s changes. I have spent the last 18 years fishing for rock cod with rod and reel. I have supported myself, and then my family, fishing near shore during the day. Landing my catch each night. At first I fished for the local companies in our harbor, then I developed a clientele for my fish filleted at our local restaurants. It took me years to convince many of these business people to use my product. The natural superiority of bled, cut the same day as caught, fish finally convinced them. These clients worked their markets until I could not catch enough fish to supply them. I was able to sell my fish at a price doubling what I could get over the dock for them dead. I was able to catch half as much fish as I had previously, and still make more money as my marketing improved. I was leaving fish in the bank every day as I left the fishing grounds to filet my catch.

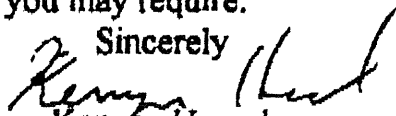
Now since the counsel ignored our entreaties to redistribute the burden of the sport catch, there is not enough fish for me to continue my business. The other open access fisherman and closed access hook and line fisherman are going to land as much live fish as possible because of their high prices. We will be lucky to make a fraction of our living this way.

Many of us will leave the fishery, taking a large amount of experience and ability that developed over decades of on the job training. You cannot reestablish this experience easily. Your submission of guidelines for future fishery direction is limited by the fact that the proven methods and existing institutions are being lost this year because of the severity of the changes in the regulations. Instead you should be trying to save some of the already proven institutions that were practicing the fundamentals of conservation and maximum utilization of the resource that already exist. My business was one of these institutions. The values of my activities could be transferred to

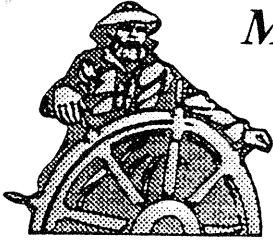
many, if not all fishing operations, other fisherman in my harbor have successfully done just that. My business principles could be transferred to larger boats. With modification, any size boat could fish the way I do, and increase their value per pound. Maximizing, the most for the least, which has always been my guiding principle.

You should understand how these principles are applied if you ever wish to see them in operation in the field. There is no replacement for experience when you try to implement a tested or untested program. I am entreating you to make every effort possible to preserve the methods proven to save resources that are already in use. Please contact me for any further information or explanations you may require.

Sincerely



Kenyon Hensel



# MIDWATER TRAWLERS COOPERATIVE

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P.O. Box 2352  
NEWPORT, OREGON 97365

MTC  
Jim Lone  
2130 SW Fifth Avenue  
Suite 224  
Portland, OR 97201

March 24, 2000

Dear Mr. Lone;

The practices and management of the Pacific Fisheries Management Council have failed both the renewable ground fish marine resources and those of the groundfish fishery who depend upon these resources for their livelihoods both directly and indirectly. As all of you well know, we are now entering an "economic disaster or natural economic disaster" that has been occasioned by the PFMC management failures. In simple words the system is broken—it does not work.

There are many of us who have tried to work with the system arguing that there should be more management information provided before management decisions were made. We have had good reason to doubt the directions and recommendations of the marine scientists. We users were not the only ones who were recognizing discrepancies.

A very few years ago, I believe in 1995, a Peer Panel Review Panel Team of the National Academy of Science was put together to examine a management plan for the deepwater species, which had been prepared by the Groundfish Management Team of the Pacific Fishery Management Council. Their findings are a matter of record. They told the Council bluntly not to use the proposed Groundfish Management Team because, amongst other reasons, "the data had been misused and abused". Also, they talked about the paucity of the data.

A great many trawl industry people for much better than a decade have tried to interest the Council in using fishermen's experience in such areas as resource availability in the ocean and stock assessment. The Council did nothing to further this. Some scientists involved with the Council and the Groundfish Management Teams exhibited strong feelings of mistrust of fishermen and their data. Others said that fishermen's data is only anecdotal. The overall point is that we fishermen in the coastal states keep data in state supplied logbooks for the purpose of being used as a database for purposes of management. We must keep this data and surrender it to state officials or suffer state penalties as prescribed by the law. Only in the last couple of years has some logbook data been used after extensive work by two fine scientists proved that logbook data on two species of fish over a five or six year period constituted much superior statistical significance than other sources.

**Captain R. Barry Fisher, President**

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We've long called for not only the inclusion of hard data but also that fishermen's testimony about ocean conditions and fish stocks be listened to. This has won no support from the Council.

Not too long ago, I and the head of the Council's Scientific and Statistical Committee informed the Council that it was impossible to scientifically review proposed management measures because they did not relate to any set of coherent Council objectives and/or goals and it was doubly difficult to carry out strategies for management measures that would relate to the goals and objectives. We strongly urged the Council to obtain the services of a good facilitator and take time out to try and come up with coherent goals and objectives. I've been informed that the Council is behind in whatever deliberations it must do to complete this work.

For the above and a variety of other reasons that ensue from a lack of overview of the Council's actions we are still cursed with a system in which the coastal states pursue their own political agendas relative to management of the ground fishery off the coast of the three states. In many, many instances the needs of the resources or of the coastal communities are sacrificed to these separate agendas.

I believe the critical flaw in this whole system is the fact that neither the PFMC or the National Marine Fisheries Service in the Seattle regional office are held accountable for their management efforts and their practices. In essence they are being allowed to divorce themselves of their responsibilities and nobody has blown the whistle even after year after year of fishing stock destruction.

Each one of you are responsible to your constituents and you are held by them to be accountable for your actions. The CEO's of private business concerns also are accountable to both the markets and their shareholders. The same is true of almost any profession. Why then can a system continue to function with no time keeper or referee to say, "You are not living up to the intent of the framers of Fisheries Conservation and Management Act your management of the stocks is failing; it has failed the resources and its users". There are current attempts in the reauthorization of the FCMA to tweak this and to tweak that. Perhaps the FCMA framed in 1976 established its primary goals, getting rid of the foreigners on America fishing grounds and supposedly regionalising fishery management decisions into regional groups. This second agenda item is my opinion being diluted by the National Marine Fisheries Service. More and more they proceed to enact their own agenda and their top officials ignore letters of dissent or questions, and of most importance, Council votes.

If I am wrong and the system is "working" why is our groundfish fishery at the point of ruin? Why have quotas gone down year after year. It is not over fishing. Fishermen have caught only (or less) of species quotas laid down by the PFMC.

Enforcement records attest that 98 or 99% of all over views of boat landings for violations have been positive, i.e. miniscule violations.

Once again I would urge you to recognize that the needs for accountability be brought into at least the Pacific Regional management area. I also believe that these needs exist in other regional management areas, certainly New England and the Southeast Region. Without accountability it is impossible to place the responsibilities for practices and actions, either positive or negative.

I urge you to begin a meaningful inquiry into this matter.



Capt. R. Barry Fisher

Originals sent to:

Senator Ron Wyden, OR  
Senator Gordon Smith, OR  
Senator Slade Gorton, WA  
Senator Patty Murray, WA  
Senator Olympia Snowe, ME  
Senator Ted Stevens, AK  
Senator Barbara Boxer, CA  
Senator Dianne Feinstein, CA  
William Daley, Secretary Of Commerce  
Penelope Dalton, NOAA/NMFS

Gray Davis, Governor of California  
John Kitzhaber, Governor of Oregon  
Gary Locke, Governor of Washington  
Mr. Jim Lone, Chairman, PFMC  
Will Stelle, Jr, NMFS NW Regional  
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Ralph Brown, Fishermen's Marketing Assoc.  
Joe Easley, Oregon Trawl Commission  
Pete Leipzig, Fishermen's Marketing Assoc  
Bob Schoning, Resource Consultant

