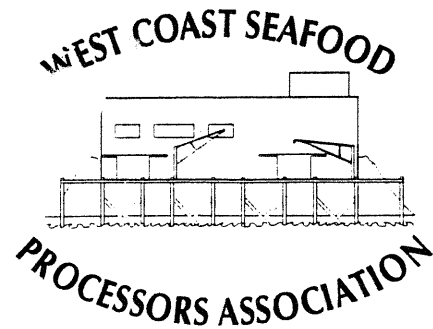


West Coast Seafood Processors Association

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*Serving the shore-based seafood processing industry in
California, Oregon and Washington*



August 25, 2000

RECEIVED

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PFMC

Mr. Jim Lone, Chair
Pacific Fishery Management Council
2130 SW 5th Avenue, Suite 224
Portland, OR 97201

Dear Mr. Lone:

I would like to take this opportunity to comment on Amendment 9 to the Coastal Pelagic Species Fishery Management Plan. While I serve as the vice-Chairman of the Coastal Pelagic Species Advisory Subpanel, these comments are presented on behalf of the West Coast Seafood Processors Association (WCSPA). WCSPA represents shore-based seafood processors in Washington, Oregon and California. Members of WCSPA process a major portion of the CPS landed on the West Coast.

1. Bycatch Provisions

4.2.1 Effects of Management Measures

Federal regulations presently include numerous areas closed to reduction fishing with purse seines (Appendix B), which greatly reduces the potential for incurring incidental harvest, thus reducing potential bycatch.

The disposition of landings has nothing to do with whether or not incidental harvest and / or bycatch is happening. Fishing for live and dead bait is currently occurring in these "closed" areas with purse seine and round haul nets- it is only the disposition of the landings which is different. These areas were originally closed to reduce perceived conflicts between recreational and commercial fishermen. It is a dangerous precedent to associate "reduction fishing" with bycatch. We believe this language should be amended to avoid making this false association. In fact, the authors contradict themselves with the last sentence of the same paragraph by stating that management areas are neutral with regard to bycatch.

Furthermore, these closed areas may actually contribute to increased bycatch. If a fisherman can not sell all of his catch for live or dead bait, it is illegal for him to sell the remainder for reduction and the remaining catch must to be discarded. These discarded fish fall under the Magnuson-Stevens Act definition of bycatch.

4.3 Alternative Considered, Including Proposed Action

WCSPA supports Option 4: Recommendation that state agencies monitor and record CPS bycatch at the docks.

All three states currently have dock-side monitoring programs in place. If implemented correctly, these monitoring programs are sufficient tools for determining and recording bycatch in the coastal pelagic fishery. The monitoring programs also allow for biological testing to be completed simultaneously with the dock-side inspections. The biological samples are a critical part of an accurate stock assessment process.

WCSPA does NOT support Option 3: Recommend that either state or federal observers be placed on all new fisheries for coastal pelagic species north of Pigeon Point Lighthouse.

At this point, regulations for fisheries prosecuted north of 37° 10.9' N. latitude are left up to the individual states - as dictated by the CPS FMP. This practice should be continued. It is inappropriate for the FMP to dictate that observers must be present in all new fisheries north of Pigeon Point Lighthouse, when all other management decisions are left up to the states. Currently, both Oregon and Washington are utilizing some form of observer coverage in their respective fisheries.

2. Optimum Yield and Maximum Sustainable Yield (MSY) for Market Squid

WCSPA continues to echo the comments that scientists and managers have been making in recent years: there is not enough information currently available to determine an accurate MSY for squid. In fact, it has not been determined that managing squid with an MSY is the most appropriate strategy for this fishery. That having been said, we do understand that the law requires an MSY definition for species managed under a federal fishery management plan with few exceptions.

We appreciate the difficulty of determining an suitable MSY for squid with incomplete data. WCSPA applauds the CPS Management Team, and especially Marci Yaremko, on their hard work in determining an appropriate proxy.

WCSPA supports Option 2: Set coastwide MSY Proxy at 230,521 mt (page EA/RIR-9). This is also the preferred option of the CPS Management Team.

The WCSPA recommendation is based on the assumption that the Council will adopt an acceptable biological catch (ABC) alternative that sets ABC equal to MSY. (Option 2, Section 5.5, page EA/RIR 11, also the Management Team preferred alternative).

3. Treaty Indian Fishing Rights

Interest in sardine fishing has been displayed by some northwest tribes. We believe it is important to include language in the FMP that deals with potential tribal fisheries. We also believe that the language should mirror what was adopted with Amendment 11 to the Pacific Groundfish Fishery Management Plan.

Option 1 in Amendment 9 alleges it is similar to language in the Groundfish FMP, but in reality it is very different from what was adopted (Amendment 11) by the Council for implementation in 1999. **WCSPA does not support either Option 1 or 2 as presented, (in fact, it is unclear what the difference is between options 1 and 2) . We believe that the language in Amendment 9 should read as follows:**

“Treaties with a number of Pacific Northwest Indian tribes reserve to those tribes the right of taking fish at usual and accustomed grounds and stations (U & A) in common with other citizens of the United States.

NMFS has determined the tribes that have U & A in the area managed by this FMP are the Makah, Hoh, and Quileute tribes, and the Quinalt Indian Nation.

There is the potential for tribal fisheries to exist for species covered by the FMP. The federal government can accommodate these fisheries through a regulatory process. Until such time as tribal treaty rights are finally adjudicated or the regulatory process is modified or repealed, the Council will continue to operate under that regulatory process to provide recommendations to the Secretary on levels of tribal harvest.”

The Groundfish FMP relies on the implementing regulations to include all regulatory processes for tribal fisheries. Because there are still pending law suits and current circumstances may change, it is inefficient to have the regulations listed in the FMP. A more effective process would include the regulatory processes in the implementing regulations instead of the FMP. For example, if a change were necessary to the language in Option 1 from Amendment 9 (as written), it would require a plan amendment to make those changes. The law does not require regulations to be included in the FMP, so the above language is sufficient to meet the legal requirements of the Magnuson-Stevens Act.

I will be available at the Council Meeting to provide further explanations regarding these recommendations. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Heather Munro". The signature is written in a cursive style with a large, prominent initial 'H'.

Heather M. Munro
Deputy Director