

DRAFT SUMMARY MINUTES
Groundfish Advisory Subpanel

Pacific Fishery Management Council
Red Lion's Sacramento Inn
Sierra A Room
1401 Arden Way
Sacramento, CA 95815
(916) 922-8041
September 10 -13, 2000

Call to Order

The meeting was called to order at 1 p.m. by Mr. Rod Moore, Chairman.

Members in Attendance

~~Mr. Wayne Butler~~
Mr. Barry Cohen
Mr. Tom Ghio
Mr. John Crowley
Mr. Marion Larkin
Mr. Peter Leipzig
Mr. Rod Moore

Mr. Dale Myer
Dr. Mark Powell
Mr. Jim Potts
Mr. Gary Smith
Mr. Kelly Smotherman
Mr. Frank Warrens

Groundfish Advisory Subpanel Comments to the Council on September 2000 Agenda Items

MARINE RESERVES PHASE I CONSIDERATIONS

The Groundfish Advisory Subpanel (GAP) re-affirms the statement made in June that marine reserves should be available to the Council as a tool for fisheries management. More extensive comments will be provided under agenda item B.2.

MARINE RESERVES PHASE II CONSIDERATIONS

The GAP had an extensive discussion on how, where, and why marine reserves should be used, the extent of knowledge regarding marine reserves and their benefits, and the costs reserves may impose on fishermen, processors, and local communities. The GAP agreed the Council needs to examine the number and extent of areas not being actively fished for various reasons in order to determine whether they meet - in whole or in part - any Council goals on establishing marine reserves. Several GAP members emphasized the effect that establishing reserves will have on participants in the fisheries, including seafood processors, and pointed out the cumulative impact of reserve establishment, changes in harvest policy, and reductions in allowable harvest will be devastating to participants in the fisheries. GAP members pointed out the restrictions on harvest of shelf species are already creating de facto marine reserves in continental shelf areas.

A majority of the GAP believes - prior to establishing marine reserves - a capacity reduction and an individual quota program must be put in place in order to reduce economic disruption. The Council should take whatever actions are appropriate to obtain funding for a capacity reduction program.

A minority of the GAP agrees capacity reduction is important, but these programs should be coordinated with establishment of marine reserves in order to avoid delaying the benefits to fisheries and habitat that accrue from having reserves.

CHANGES TO ADVISORY BODIES

The GAP discussed changes in the Council's Operating Procedures relating to the GAP and makes the following recommendations:

1. The GAP agrees with the recommendation that GAP terms be extended to three years, beginning January 2001. The GAP views this as a cost saving measure.
2. The GAP recommends the number of meetings which a GAP member can miss should be limited to two per year. Missing two meetings will be cause for dismissal.
3. The GAP recommends a member be allowed to be replaced with an alternate once each year upon prior notification of the Council Chair, and the alternate be compensated for his/her expenses.
4. The Council should make clear to applicants for advisory bodies what their responsibilities are including the number of meetings they will be required to attend.

The majority of the GAP discussed GAP composition and recommends no changes be made at this time. A minority requested greater representation from the open access sector.

GROUND FISH STRATEGIC PLAN

The GAP received an update on the strategic plan from Ms. Debra Nudelman. After considerable discussion among GAP members and members of the public, the GAP arrived at the following recommendations.

The GAP believes the Council should move ahead with the strategic plan even though there is no consensus on implementation measures. However, this recommendation is made based on the assumption the plan is just that: a plan, which by definition is flexible and can and will be changed to meet drastically changing circumstances in the fisheries.

In regard to implementation, the GAP disagrees strongly with recommendation #2 in the proposed implementation process (page 14 of Exhibit G.2, Attachment 1 - Executive Summary). The GAP believes it is imperative any implementation committee include significant representation of the Council's advisory bodies and affected users. The GAP believes implementation is too serious a task to be left up to those with no direct stake in the welfare of the fishery.

Finally, the GAP observes that trying to decide where to go should require an analysis of where you are. There have been significant changes in law, policy, economics, fishery status, environmental conditions, and management systems in the past few years. The Council should not jump into a new management process without first fully examining the results of these changes.

REBUILDING PROGRAMS FOR CANARY ROCKFISH AND COWCOD

The GAP met jointly with the Groundfish Management Team (GMT) to review rebuilding plans for cowcod and canary rockfish. The GAP also was briefed by staff of the California Department of Fish and Game on regulatory proposals which the department intends to make to the Council at this meeting. This report comments briefly on the rebuilding plans and more extensively on the proposed California management measures. The GAP notes it will be increasingly important to monitor discards in all sectors of the fishery.

Canary Rockfish - The options available for rebuilding are dependent on assumptions about recent recruitment. Projections based on the 1998 triennial trawl survey indicate a more optimistic view of canary stocks, which could lead to a higher optimum yield (OY) for 2001 than projections not using the 1998 survey point. In either case, the results of the 2001 triennial trawl survey will provide additional information to determine whether or not an optimistic approach is justified.

The Council needs to be aware of the trade-off involved: if the optimistic approach is used now and the 2001 survey confirms this projection, then substantial pain can be avoided. If the 2001 survey shows canary at a low level, then additional restrictions will need to be put in place in 2002.

On the other hand, if the pessimistic approach is used now, restrictions will begin immediately. If the 2001 survey confirms the optimistic approach, the fisheries will have endured this pain unnecessarily. If the 2001 survey confirms the pessimistic approach, then the Council will have acted properly.

Cowcod - The GAP agrees with the GMT decision to recommend the medium biomass estimate as the basis for rebuilding cowcod. However, the GAP has concerns on how rebuilding progress - both for this species and in general - will be monitored, especially if management measures call for zero retention of a species.

NEW STOCK ASSESSMENTS FOR LINGCOD AND PACIFIC OCEAN PERCH

The GAP met jointly with the GMT to review new stock assessments for lingcod and Pacific Ocean perch (POP) and their relationship to rebuilding plans for these species. The GAP offers the following comments.

Lingcod - The GAP believes the 2001 acceptable biological catch (ABC) and optimum yield (OY) for lingcod should reflect the new stock assessment, as this will represent the best scientific information available. Further, the results of the new stock assessment should be used to update the existing rebuilding plan for this species.

Pacific ocean perch -The GAP notes the new stock assessment shows POP stocks are above the "overfished" level and in fact, probably should not have been designated as "overfished." The GAP recommends this be reported to NMFS, and the Council obtain clarification on what action is necessary when a species grows above the "overfished" level. At the same time, the GAP recognizes the need to manage conservatively while stock increases continue.

PRELIMINARY 2001 HARVEST LEVELS AND SPECIFICATIONS

The GAP reviewed the preliminary GMT acceptable biological catch (ABC) recommendations as presented in Exhibit G.6, Attachment 1, and offers the following recommendations. Except as noted, the GAP recommend the Council adopt the proposed ABC and optimum yield (OY) levels and ranges contained in the document.

Lingcod - The GAP recommends adopting the high end of the OY range. This number reflects the new stock assessment prepared this year.

Pacific Ocean perch (POP) - The GAP urges the Scientific and Statistical Committee (SSC) to resolve the issue of the level of POP and other rockfish in historic foreign catches. Two Stock Assessment Review (STAR) Panels suggested different and potentially conflicting approaches on this issue, which has a bearing on proposed ABCs.

Widow rockfish - The GAP recommends adoption of the high end of the OY range, which reflects application of the new harvest policy and management based on the Council's 40-10 control rule.

Canary rockfish - As noted in its comments on the canary rockfish rebuilding plan, the Council needs to decide on how to balance optimistic and pessimistic projections with the upcoming triennial trawl survey.

Longspine thornyheads - The GAP recommends adoption of the upper end of the OY range, consistent with the Council's previously stated policy of not applying the new harvest policy rates to species which have not had a new stock assessment and which are not considered at risk.

Darkblotched rockfish - As noted above in relation to POP, the SSC needs to resolve the issue of composition of historic foreign catch, as this has major bearing on the status of this species.

Dover sole - The GAP recommends adoption of the high end of the OY range. Two years ago, the Council selected the low end of an assessment range as a precautionary measure, even though Dover stocks were projected to increase. The low end of the OY range shown here represents application of the new harvest

policy, even though no new stock assessment has been completed, and stocks are not at risk. This double precautionary approach carries conservative fisheries management to the extreme and should be rejected.

English sole, petrale sole, arrowtooth flounder, and other flatfish - In all cases, the GAP recommends adoption of the high end of the OY range, as the low end represents application of the new harvest policy to stocks that are not at risk and that have not been subject to a new assessments.

SABLEFISH PERMIT STACKING CONCEPT

The GAP reviewed the draft analysis of permit stacking (Exhibit G.7, Attachment 1) and provides the following comments on the options proposed. In most cases, GAP comments on these options are not unanimous; majority and minority views are indicated where appropriate. The GAP comments follow the outline of provisions listed in the draft analysis.

Provision 1: Basic Stacking

A majority of the GAP believes that the Council should not proceed further with a permit stacking system if the individual transferable quota (ITQ) moratorium continues; if the moratorium expires, then stacking should be considered as outlined below. A minority of the GAP disagreed, believing the Council should proceed with a stacking option regardless of the status of the ITQ moratorium.

Provision 2: Base Permit and Gear Usage

The consensus of the GAP is that option 2b (using any gear allowed by stacked permits, length endorsement applies) is the preferred option.

Provision 3: Limits on Stacking

The majority of the GAP believes limits are desirable, but the limits should be based on poundage, not on the number of permits. They suggest ownership be limited to the equivalent of 5% of the fixed gear allowable catch, although current ownership of permits/endorsements in a greater amount should be "grandfathered". They request the Council establish a control date as soon as possible to signal the potential cut off of "grandfather" rights. A minority of the GAP believes - if permit stacking is considered a free market system - ownership should not be artificially constrained, and thus opposes limits on ownership.

Provision 4: Combination of Stacked Permits

After considerable debate in which majority/minority opinions changed several times, the majority of the GAP supported option 4a (allowing permits to be unstacked) as the preferred option, suggesting this will provide greater economic benefits and to allow new entrants an opportunity to buy into the fishery. A minority of the GAP supported option 4c as the preferred option, pointing out this option will provide capacity reduction (a goal of the Council) and still provide economic benefits through trade of endorsements. All parties suggested the Council consider breaking tier endorsements into smaller pieces in order to allow more flexibility in stacking.

Provision 5: Fishery duration

While the GAP recognizes the limitations imposed on the Council if the ITQ moratorium remains in effect, the GAP prefers the fishery be of a longer duration, and an ITQ system be developed.

Provision 6: At-Sea Processing

A majority of the GAP chose option 6a as the preferred option, with the proviso that it be modified to allow freezing at sea by any vessel that had frozen at least 2000 pounds of sablefish in any of the years 1998, 1999, or 2000. The GAP recognizes some investment in freezer capacity has already been made and this should not be precluded. A minority of the GAP supported option 6b, suggesting this is not a fisheries management issue and thus should not be regulated.

Provision 7: Owner on Board

A majority of the GAP supports option 7b (status quo) as the preferred option, suggesting the current system works well and has not led to outside corporate ownership of the fishery. A minority of the GAP supports a modification of option 7a, requiring the owner to be on board only in the case of "2nd generation"

ownership; establishing an emergency exemption in the case of death, injury, or other unavoidable circumstances; and - in the case of corporations or partnerships - requiring only one member of the corporation or partnership be on board.

Provision 8: Non-sablefish cumulative limit stacking

The GAP agreed that this issue needs further discussion and analysis before judgement can be rendered.

Provision 9: Vessels without sablefish endorsements

The consensus of the GAP is that option 9b [no limitation on the daily trip limit fishery] should be the preferred option.

PERMIT TRANSFER REGULATIONS

The GAP discussed the issue of limited entry permit transfer regulations. The GAP supports initiating a regulatory amendment to modify permit transfer regulations as follows:

1. Permits may be transferred once in any calendar year.
2. The transfer will take effect on the first day of the cumulative limit period following the date of transfer.

PROPOSED MANAGEMENT MEASURES FOR 2001

The GAP had an extensive discussion on proposed groundfish management measures for 2001, including those proposed by the Council's Ad Hoc Allocation Committee and options developed by the GAP.

Since the Allocation Committee options primarily involved reductions in fishing time, the GAP first reviewed this general issue. The GAP - as it has in the past - strongly opposes "time off the water" options.

The GAP recommends the Council adopt the following season structure options for public review:

1. Status quo.
2. Divide the season into two cumulative limit periods.
3. Treat the entire year as one cumulative limit period.
4. As a sub-option to status quo for trawl limited entry vessels, require vessels to declare which cumulative limit choices they will make, based on fishing strategy. The GAP intends to recommend differential limit choices which reflect the diversity of the fishery.

Members of the GAP note the management structure used in 2000 involving gear, species, and area restrictions have already accomplished removing vessels from the water during extensive periods of the year. Several GAP members related their own experiences and those of others regarding an observed reduction in fishing effort coast wide and among all gear types.

An analysis of 2000 effort, including logbooks, landings, and other data, will be important prior to making major changes in the management structure. Moving to a formal "time off the water" system will result in several problems that will only exacerbate the economic difficulties faced by the industry. The ability to employ crews both on vessels and in processing plants will be significantly reduced. Vessels will be unable to access those species which are not subject to trip limits, and which comprise an important economic component of the fishery. At the same time, the data available suggests a formal "time off the water" system will result in only slightly increased trip limits.

The GAP is concerned the Council seems eager to once again change the management system without looking at the disruptions that will occur to vessels, processing plants, and long-term business planning. No analysis has yet been conducted of the 2000 management system to see if it is working, which the GAP believes it is. For these reasons, the GAP strongly recommends maintaining the current system as the preferred option.

The GAP is aware Washington and Oregon will propose options for the 2001 recreational lingcod and rockfish fisheries. The GAP recommends the Council adopt the options for public review.

Finally, the GAP reiterates its support for individual quotas as a preferred management option at such time as the Council is able to establish a quota system for all sectors.

California Management Proposals

The GAP used Exhibit G.10.b - Supplemental CDFG Report as the basis for its comments.

1. Movement of the southern rockfish/lingcod management line - The GAP opposes moving the line from Lopez Point to Point Conception. Location of the line has no biological impact, but will affect recreational effort and create an economic impact on recreational fishing operations.
2. Rockfish and lingcod closure periods - The GAP suggests the proposed November - February closure in the southern management zone be changed to a December - March closure. This will allow recreational charter operations to take advantage of the Thanksgiving holiday period.
3. Rockfish bag limit - The GAP suggests establishing a combined rockfish and lingcod bag limit of 10 fish, not to exceed the legal limits for individual species.
4. Prohibition on fishing for and retention of certain species - The GAP has no objections to this proposal if sanddabs are not included. The GAP notes the language describing "commercial and recreational fisheries" should be re-worded to be track proposal number 2.
5. Reduction of bocaccio bag limit - The GAP supports reducing the bag limit for bocaccio to two fish.
6. Reduction of number of hooks used in angling - The GAP supports reducing the number of hooks used to two.
7. Season closure for lingcod, cabezon, and greenling - The GAP believes this proposal needs significant clarification before it is considered. For example, does the closure apply to all trawl gear or only exempted trawl gear? How does this closure relate to the proposed closure in option #2, which applies only to fixed gear? How would a prohibition on "fishing" for three particular species be defined and enforced? The GAP recommends the language on "commercial" be modified to track the language in proposal number 2; it is the GAP's understanding this is the intent of the proposal.
8. Lingcod bag limit - The GAP supports maintaining the two-fish bag limit, but achieving conservation through an increase in the minimum size to 28 inches.
9. Increase in cabezon size limit - The GAP supports increasing the minimum size of cabezon to 16 inches.
10. Transport provisions - The GAP believes transportation allowances through restricted areas should be made available for both recreational and commercial vessels.
11. Prohibition of cowcod retention - The GAP suggests allowing one cowcod to be retained per boat, unless a zero retention option provides sufficient conservation savings to avoid the need for the closures proposed in option 12.
12. Area closures - The GAP recognizes the proposed closures support the conservation of species other than cowcod. However, the GAP has concerns about the enforceability of this proposal, especially sub-option 2. Further, some members of the GAP note this proposal creates a de facto marine reserve without the benefit of public discussion and analysis envisioned by the Council - and supported by the GAP - under the Council's marine reserve policy.

STATUS OF FISHERIES AND INSEASON ADJUSTMENTS

The GAP met jointly with the GMT to discuss inseason adjustments and offers the following consensus recommendations. Except as noted, the adjustments are to be made for the cumulative period beginning September 1, 2000.

Limited Entry Trawl

1. For minor slope rockfish in the south, increase the limit to 20,000 pounds per two-month cumulative period through the remainder of 2000.
2. For yellowtail rockfish using midwater trawl gear, maintain a 30,000 pound limit per two-month cumulative period through the remainder of 2000.
3. For yellowtail rockfish taken incidentally by vessels using small footrope gear while harvesting flatfish and arrowtooth flounder, maintain through the remainder of 2000 the regulations currently in effect, except the total amount of yellowtail per trip taken in association with arrowtooth flounder and/or other flatfish may not exceed 2,500 pounds. This change to go into effect beginning November 1, 2000.
4. The limit for other flatfish taken using large footrope trawl gear will be increased to 1,000 pounds per trip. This change to go into effect beginning November 1, 2000.
5. The cumulative limit for arrowtooth flounder will be increased to 20,000 pounds per trip. This change to go into effect beginning November 1, 2000.
6. For the cumulative period beginning September 1, 2000, the cumulative limit for sablefish will be increased to 12,000 pounds. For the months of November and December, 2000 the monthly limit for sablefish will be increased to 6,000 pounds.
7. The limit on taking sablefish under 22 inches in length is repealed for the remainder of 2000.

Limited Entry Fixed Gear

1. The cumulative limit for nearshore minor rockfish in the north will be increased to 10,000 pounds per two-month cumulative period for the remainder of 2000, with no more than 4,000 pounds being species other than black or blue rockfish.
2. The cumulative limit for nearshore minor rockfish in the south will be increased to 6,000 pounds per two-month cumulative period for the remainder of 2000.
3. The cumulative limit for minor slope rockfish in the south will be increased to 20,000 pounds per two-month cumulative period for the remainder of 2000.
4. For the daily-trip-limit fishery north of 36°, vessels may take 400 pounds per day, with a cumulative limit of 8,000 pounds per two-month period; or 1,000 pounds per week with a cumulative limit of 8,000 pounds per two-month period. Vessels may not apply both the daily and weekly limits within the same week.
5. For the remainder of 2000, the prohibition on taking sablefish less than 22 inches in length is repealed.

Open Access

1. The limit for minor slope rockfish in the south will be increased to 3,000 pounds per two-month period for the remainder of 2000.
2. The limit for minor nearshore rockfish in the south will be increased to 4,000 pounds per two month period for the remainder of 2000.
3. The limit for minor near shore rockfish in the north will be increased to 6,000 pounds per two-month period for the remainder of 2000, with no more than 2,000 pounds being species other than black or blue rockfish.
4. Vessels operating in the daily-trip-limit sablefish fishery north of 36° may take 300 pounds of sablefish per day or 1,200 pounds of sablefish per week with no cumulative limit for the remainder of 2000. Vessels may not apply both the daily and weekly limits within the same week.

PFMC
10/16/00

