

DRAFT SUMMARY MINUTES
Groundfish Advisory Subpanel

Pacific Fishery Management Council
Red Lion Hotel at the Quay
East River II Room
100 Columbia Street
Vancouver, Washington 98660
(360) 694-8341
October 30 - November 1, 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
Mr. Jim Potts
Mr. Gary Smith
Mr. Kelly Smotherman
Mr. Frank Warrens

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

REBUILDING PLANS FOR CANARY ROCKFISH AND COWCOD

The Groundfish Advisory Subpanel (GAP) reviewed proposed rebuilding programs for canary rockfish and cowcod.

In regard to both rebuilding plans, the GAP continues to express strong concerns over the intent and ability to monitor rebuilding. Although the law requires rebuilding plans be monitored every two years, it is unclear how this is going to be done. Management regulations to accomplish rebuilding will further disrupt the flow of data required to rigorously examine rebuilding progress, a problem we are already facing. This is especially true for those species that rely heavily on fisheries dependent data. There is no clear determination of who will pay the cost of monitoring or where the money will come from. There seems to be no way of determining when we have done enough. These are serious questions the Council will need to address.

In regard to cowcod, the GAP believes adjustments need to be made to the text on page 4 regarding area closures. It is the GAP's understanding the specific closures identified are not those proposed to accomplish rebuilding. The plan needs to be modified to reflect Council action.

In regard to canary rockfish, a majority of the GAP believes modifications can be made which will accomplish rebuilding while still allowing a carefully-managed fishery to be prosecuted. The GAP notes the uncertainty associated with the canary stock assessments, including a decision to discount the results of the 1998 triennial survey. Further, the assumptions used to judge recruitment ignore the higher level of recruitment identified in recent years. Given that the acceptable biological catch (ABC) suggests 228 tons of canary could be caught while maintaining stock status quo, a decision to reduce harvest to 60 metric tons seems extreme, especially given the economic impact. If the Council chose to accept a recruitment level between the low recruitment assumed and the higher recruitment noted, and added a reasonable level of catch to reflect what seem to be healthier southern stocks, the GAP believes a conservative harvest of between 120 and 150 metric tons coastwide could be allowed. The GAP recommends the Council adopt a more moderate assumption on recruitment strength, so a modest fishery can continue for both recreational and commercial sectors. The results of the 2001 triennial survey will provide better data in time for the 2002 stock assessment (which

coincides with the 2-year monitoring requirement). This more moderate approach makes sense in light of the questions surrounding the assessments, available data, and recent recruitment strength.

A minority of the GAP believes the rebuilding plan should be adopted as presented, using the 60 metric ton harvest amount.

The GAP spent a considerable amount of time discussing the allocation issues that arise from the presumed apportionment of canary rockfish impacts among the various fisheries. Similar issues were raised in regard to the apportionment of minor nearshore rockfish both north and south of the Mendocino line.

The GAP is extremely concerned the presumed apportionments constitute an allocation among fishery sectors. The GAP notes the Groundfish fishery management plan and implementing regulations are very clear on what constitutes an allocation and how allocations are to be accomplished by the Council. The Council has established an allocation process, which the GAP has supported. The GAP believes the Council should - and in fact is required by law to - adhere to this process. Simply deciding that one sector or another should be allowed a larger share of a diminished harvest undermines confidence in the management process. If allocation is to be accomplished, the GAP believes the established process must be followed.

Looking further at proposals for apportioning canary rockfish harvest, a majority of the GAP recommends reductions made in 2001 be proportional to the harvest levels that were allocated under emergency regulations for the 2000 fishery. This will provide the equitable treatment of fishing sectors required by law. A minority of the GAP agrees reductions must be made, but disagreed with establishing a particular proportional target, because only vigorous efforts by all sectors to avoid canary harvest will meet harvest goals. All GAP members agreed reductions can only be accomplished if efforts are made to avoid harvesting canary rockfish and noted both state and anecdotal data indicating many fishermen - both recreational and commercial - are already making efforts to avoid harvesting canary rockfish. Because many people are unaware of the serious problem with canary rockfish, better public education and changes in fishing techniques can significantly reduce canary catch, as demonstrated in the Washington recreational fishery this year.

APPORTIONMENT OF SABLEFISH DISCARD ESTIMATES FOR 2001

The GAP reviewed proposed formulas for allocating sablefish discards among gear sectors.

After considerable discussion and a presentation from the Groundfish Management Team (GMT), a majority of the GAP recommended the Council adopt the apportionment identified as "2001c" in the Supplemental GMT Report under this agenda item. A minority of the GAP agreed apportionment by sector is appropriate, but recommended no particular apportionment scheme.

FINAL HARVEST LEVELS FOR 2001

The GAP reviewed proposed harvest levels and specifications for the 2001 groundfish fishery.

The GAP used GMT Report 1 under this agenda item as the basis for its recommendations on harvest levels. The GAP notes this report will be supplemented with changes when it is presented to the Council. A majority of the GAP provides the following recommendations regarding 2001 Optimum Yields (OYs):

For whiting, the GAP notes the projected OY for the U.S. portion of the fishery is now projected to be 190,400 mt, based on the 1998 stock assessment. While the GAP believes the projection is low, the GAP recommends accepting this figure with the knowledge a more complete assessment will be made following the 2001 acoustic survey.

For sablefish in the Conception area, the GAP strongly disagrees with the 55% reduction in harvest proposed for 2001. There are no new data available to justify such an arbitrary reduction. The GAP recommends harvest levels be set closer to the ABC.

For Pacific Ocean perch, the GAP recommends the Council adopt the conservative OY of 626 mt identified in the GMT report. The most recent stock assessment demonstrates this level of harvest can be maintained while still providing rebuilding.

For widow rockfish, the GAP recommends a harvest level in the middle of the range noted in the GMT report, due to uncertainty in stock status.

For canary rockfish, as noted in the GAP comments on agenda item C.1, the GAP recommends a harvest level in the range of 120 to 150 mt, based on more reasonable assumptions of recruitment and recognizing the strength of the southern stock and uncertainties in the data and the most recent stock assessments.

For darkblotched rockfish, the GAP recommends an OY of 130 mt, based on an estimate of the amount of darkblotched assumed present in historic foreign catch figures. As it has previously, the GAP strongly recommends the Council resolve the issue of double counting of red rockfish in the historic foreign catch figures.

A minority of the GAP disagreed with these recommendations and suggested the Council should adopt the updated GMT proposals, especially in regard to canary rockfish.

The GAP also continues to recommend no tribal harvest of whiting be provided until such time as issues involving quantification and extent of tribal usual and accustomed areas are resolved by the courts.

UPDATE ON AMERICAN FISHERIES ACT MEASURES

The GAP discussed Council actions to date on implementation of American Fisheries Act (AFA) measures. The GAP noted it has devoted significant time and energy to this issue, which is important to the West Coast groundfish fishery. The GAP believes the Council should move final action on AFA measures to a higher priority.

EXEMPTED FISHING PERMIT APPLICATIONS

The GAP received presentations from the National Marine Fisheries Service (NMFS) and Oregon Department of Fish and Wildlife (ODFW) on exempted fishing permit applications involving research permits (including the NMFS "Vessel of Opportunity" program) and permits to land unsorted whiting. The GAP supports the permit applications as they were presented.

2001/2002 GROUND FISH MANAGEMENT PROCESS AND SCHEDULE

The GAP discussed a Council staff proposal to establish a subcommittee of the Ad Hoc Groundfish Strategic Plan Oversight Committee which would examine the groundfish management process and provide recommendations for potential future changes. The GAP also participated in a joint meeting with the Scientific and Statistical Committee (SSC) and the GMT to review the Stock Assessment Review (STAR) process.

The GAP has actively participated on STAR panels and will continue to do so. The GAP has stated on several occasions previously that it supports continuation of the STAR process and reiterates that support at this time.

The GAP, with some reservations, agrees it may be appropriate to examine the groundfish management process, but expresses the following concerns:

1. Any special subcommittee formed should include membership from the GAP.
2. The subcommittee should not report until at least April; the GAP does not meet in March and wants an opportunity to comment on the subcommittee's report.
3. No changes in the groundfish management process should be made without thorough review and discussion.
4. As frustrated as we are with the current management process, the Council should not devote extensive time and resources to "reinventing" itself at the expense of other crucial conservation and management issues.

SABLEFISH PERMIT STACKING

The GAP discussed options for sablefish permit stacking as presented in Exhibit C.8.a, Attachment 1. The focus of the discussion was a proposal presented by the fixed gear fleet. Due to conflicts with other meetings, only nine GAP members were present. Seven of those present supported the fixed gear fleet proposal; one abstained; and one supported most of the proposal, but disagreed with some elements. The proposal and areas of disagreement are as follows:

Provision 1: Basic Stacking

The Council should proceed with stacking, regardless of whether there is an extended season. Those that choose to stack should bear the burden of any decrease in limits or time which might result from lack of an exception to an individual transferable quota moratorium.

Provision 2: Base Permit & Gear Usage

Option 2c: A vessel may fish with any fixed gear endorsed on at least one of its stacked permits; waive trawl permit downsizing provisions for stacked fixed gear permits (applies only if stacked permits can be unstacked).

Provision 3: Limits on Stacking and Ownership

Stack no more than three permits per vessel; allow ownership of no more than three permits. Any percentage of permit ownership will be considered full ownership. Provide a grandfather clause with a control date of November 1, 2000, exempting current levels of ownership.

Provision 4: Combination of Stacked Permits

The majority supported option 4a, allowing permits to be unstacked. A minority supported option 4c, making stacking permanent but allowing trading of tier endorsements among the endorsed fleet.

Provision 5: Fishery Duration

For 2001, start the season as soon as possible after April 1st and extend it to October 31st. For subsequent years, set the season as April 1st to October 31st.

In regard to mid-season permit transfers, require the seller to provide fish ticket information to the buyer and require the buyer to keep the seller's fish ticket information on board during that season.

Provision 6: At-sea Processing

Adopt option 6a prohibiting at-sea processing except for vessels that can demonstrate through acceptable documentation the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000.

Provision 7: Permit Ownership/Owner On Board

The majority supported option 7a, which provides that only individual human beings (with a heart) can acquire permits; that the permit owner must be on board while fishing; that an exception be made for - as of November 1, 2000 - businesses already owning permits and permitting current owners to be absent while fishing as long as they also own the vessel. These exceptions will expire with a change in permit or business ownership. Permit owners can be required to submit ownership information to management authorities.

A minority supported option 7b, allowing business entities to own a permit and imposing no requirements for the owner to be on board the vessel while fishing.

Provision 8: Non-sablefish Cumulative Limits

Adopt option 8a providing no stacking of non-sablefish cumulative limits. Vessels with stacked permits can land only one daily trip limit fishery limit.

Provision 9: Vessels Without Sablefish Endorsements

Adopt option 9b, allowing unendorsed vessels to fish during the primary fishery.

Provision 10: U.S. Citizenship Requirement

Adopt option 10a allowing only U.S. citizens to acquire fixed gear sablefish permits.

Provision 11: Advance Notice of Landing

Adopt option 11c requiring six hours advanced notice for all fixed gear sablefish tier permits and providing that additional information may be required.

Provision 12: Stacking Deadline

Declare an intent to stack by a date as late as possible which meets the needs of Council and/or National Marine Fisheries Service staff.

2001 GROUND FISH MANAGEMENT MEASURES

After receiving direction from the Council, the GAP held several joint meetings with the GMT to develop management measures for the 2001 groundfish season.

The GAP agrees with most of the proposals advanced by the GMT. Areas of disagreement or additions to the GMT statement are:

Cowcod area closure south of Conception While the GAP fully supports the protection of cowcod stocks, the extensive area closure to all groundfish fishing is unnecessary and will have severe economic impacts on both commercial and recreational fisheries. We recommend that the Council adopt the option identified as Option 2 on Supplemental GMT Report 2 under this agenda item, with the proviso that boats taking advantage of this opportunity carry observers or provide other effective means of verification. While the GAP understands the enforcement concerns identified, we believe that some means can be found to resolve them if all parties are willing to work cooperatively and think creatively.

California recreational management, central area The majority of the GAP supports a recreational option calling for a March through June closure on the shelf and a March and April closure near shore (with a parallel closure of commercial fixed gear), resulting in a sport impact on near shore minor rockfish of 550 metric tons, a limited entry fixed gear impact of 30 metric tons (landed catch), and an open access impact of 74 metric tons.

A minority of the GAP supports a recreational option calling for a March through June closure of both shelf and near shore (with a parallel closure of commercial fixed gear) resulting in a recreational impact of 500 metric tons, a limited entry fixed gear impact of 30 metric tons (landed catch) and an open access impact of 120 metric tons.

Sablefish minimum size The GAP supports removing the 22" sablefish minimum size requirement for all limited entry gear in order to reduce discards of small sablefish.

Platooning The GAP supports continuation of the platooning option for limited entry trawl vessels. For vessels in the "B" platoon, the final period will be November 16, 2001 to December 31, 2001, with the same trip limits as the "A" platoon has for the November 1 to December 31 period.

PERMIT TRANSFER REGULATORY AMENDMENT

The GAP received a presentation from NMFS staff on options for transferring limited entry permits and streamlining existing regulatory language. The GAP supports the options identified by NMFS as preferred options and wishes to congratulate NMFS staff for their efforts to clean up existing regulations.

PFMC
3/20/01

