

SUMMARY MINUTES Ad Hoc Full Retention Committee

Pacific Fishery Management Council
West Conference Room
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384
(503) 326-6352
August 6, 2001

Members Present:

Dr. Jim Hastie, National Marine Fisheries Service Northwest Fisheries Science Center
Mr. Rod Moore, West Coast Seafood Processors Association
Mr. Brian Culver, Washington Department of Fish and Wildlife
Capt. Mike Cenci, Washington Department of Fish and Wildlife
Capt. Ted Lindstrom, U.S. Coast Guard
Ms. Eileen Cooney, National Oceanic and Atmospheric Administration- General Counsel

Others Present:

Mr. Dave Thomas, California Department of Fish and Game
Mr. Mark Saelens, Oregon Department of Fish and Wildlife
Dr. Elizabeth Clarke, National Marine Fisheries Service
Mr. Steve Bodnar, Coos Bay Trawlers Association
Mr. Rob Jones, Northwest Indian Fisheries Commission
Mr. Joe Easley, Oregon Trawl Commission
Mr. Farron Wallace, Washington Department of Fish and Wildlife
Dr. Kevin Piner, National Marine Fisheries Service Northwest Fisheries Science Center
Dr. Alec MacCall, National Marine Fisheries Service Southwest Fisheries Science Center
Ms. Janice Green, Groundfish Advisory Subpanel Representative
Ms. Yvonne deReynier, National Marine Fisheries Service (via conference call)
Ms. Becky Renko, National Marine Fisheries Service (via conference call)
Ms. Jamie Goen, National Marine Fisheries Service (via conference call)
Ms. Carrie Nordeen, National Marine Fisheries Service (via conference call)
Mr. Dan Waldeck, Council Staff Officer, Pacific Fishery Management Council
Mr. John DeVore, Council Staff Officer, Pacific Fishery Management Council

The meeting was called to order at 10:34 a.m. by Mr. Moore.

Public comments were added to the agenda which will be solicited at the end of each item. An Observer Program update was added under "Management Concerns".

The first issue discussed was coverage for full retention: rockfish only or all groundfish? Mr. Culver referred to the GMT comments from the April 2001 Council meeting (Exhibit F.9, GMT Report). An argument for limiting full retention to rockfish only is concern with high mortality of discarded rockfish. Volume of catch may not be as big a factor (relative to other groundfish bycatch), allowing higher marketing potential of bycatch with full retention.

Dr. Hastie thought it also desirable to start with rockfish only as a pilot program for full retention. Mr. Culver remarked that rockfish is the biggest concern.

Mr. Moore suggested we could start this as a pilot by limiting it to just a few ports. Dr. Hastie thought it important to have a good geographic spread. We would need ports in each state strategically picked to cover the species of greatest concern (i.e. bocaccio, canary, etc.). We need a good representation of important shelf and slope species.

There was a general discussion about the need to start the program with all or other groundfish species than just rockfish. Mr. Thomas brought up the problem of unmarketable fish taken in a full retention program. Mr. Culver thought this was another reason to start with rockfish since they are generally more marketable. Mr. Moore asked if this was limited to just trawl gear? Does it include fixed gears? Dr. Hastie replied this would be for all gears. Mr. Moore suggested we might need to include nearshore species/fisheries as well. Mr. Culver thought it didn't make as much sense to limit a live fish fishery where discard may not be as big a problem. He thought we should start with shelf and slope fisheries as a pilot. Mr. Moore asked about nearshore trawl or other commercial fisheries? Dr. Hastie replied that there may not be as big a discard mortality problem for nearshore fisheries. He didn't want to preclude eventual inclusion of nearshore fisheries for full retention.

Mr. Moore went back to the first item- what are we going to recommend in September? Mr. Thomas thought it better to focus on shelf and slope and work out the mechanisms for full retention. Dr. Hastie said that although he didn't expect a consensus recommendation at today's meeting, he'd like to find some limited consensus to get started. Mr. Saelens agreed that we need to start getting better discard information, especially since the National Marine Fisheries Service (NMFS) Observer Program is getting a slow start. Ms. Cooney added that we need to provide reasons for any program recommendation. Mr. Culver replied that we need to get better total mortality information since some of our management assumptions need a better basis. Mr. Culver would hate to see this initiative delayed by getting hung up on problems with the nearshore live fish fishery. Mr. Thomas was still concerned with mechanics.

Dr. Hastie asked if anyone wants to promote retention of all groundfish? Mr. Moore said yes.

Mr. Easley thought any money generated in a full retention program needs to be dedicated to groundfish research. He didn't think logistics would be as difficult to implement as people think. Mr. Moore thought that depended on whether the program was mandatory or voluntary. Mr. Bodnar thought the program should start as a voluntary program to work out logistics and wanted to see Charleston, Oregon as a participatory port. Dr. Clarke wanted everyone to consider sampler needs (port and on-board). She was concerned that this program could sap personnel from the almost-existing NMFS Observer Program. Dr. Hastie thought we could rely on examination/comparison of trip limit attainment/overage in observed versus unobserved periods. Mr. Culver thought limiting the program as a pilot will avoid logistic problems associated with market limits associated with other groundfish species. Mr. Thomas wondered about fishers that are high grading to survive. How does that work into the program mechanics? Mr. Culver said you could set it up like Washington razor clam management- i.e. keep the first 500 pounds of the target species for sale with the remainder retained and sold separately. Mr. Bodnar said industry needs to develop market-added value of otherwise unmarketable product. This would make the program workable for processors as well.

Mr. Culver asked whether we could narrow our discussion. Dr. Hastie thought we could limit full retention to trip limit species. Mr. Moore agreed and added that we need to get select processors to volunteer. He said that everything depends on how it gets set up. Dr. Hastie suggested voluntary measures could work if, once fishers and processors volunteered, their participation would become mandatory.

Ms. deReynier agreed with Dr. Hastie on the last point but questioned whether species under trip limits that have a low discard mortality should be included in the program. Mr. Moore laid out his vision of how a voluntary program would be conducted. Field test this with fishers and processors that are willing. Ms. Cooney asked whether this would be analogous to an exempted fishing permit (EFP)? Mr. Culver said they would have to have an EFP since they would be landing fish in excess of trip limits. Capt. Lindstrom asked whether there could be incentives put in for volunteers? Mr. Culver thought we could adjust trip limits upwards for participants. Mr. Easley would rather see value added to the program by putting any profit dedicated to research. This would provide the industry with potential long-term value. Mr. Culver thought we could consider adjusting trip limits in the future after we get better discard information from the program. Perhaps our current trip limits would be improved with this information. Capt. Lindstrom wondered how you would control fishers who volunteered and wanted to back out afterwards?

There was a discussion on what constitutes a "marketable" species? Mr. Culver suggested that we separate this discussion between species that have a short-term market potential and those that are generally universally marketable. Mr. Moore questioned what is fair market value? He asked what fair

market value is in Washington? Capt. Cenci said, for whiting, it is defined by statute. Mr. Culver thought this could be a significant complication. He cautioned that limiting full retention based on marketing considerations alone would be problematic. Mr. Moore and Mr. Easley explained how Canadian imports and other factors can influence these “market” limits.

It was agreed to run this meeting through 1400 hours (through the first hour of the GMT meeting).

Mr. Moore asked what Council expectations were on full retention. Mr. DeVore explained the Council set up this ad hoc committee at the request of the GMT which is proposing full retention of rockfish. He was not aware of any Council-mandated deadlines. Dr. Clarke explained that she is under the gun to get a full retention pilot program the NMFS Observer Program. The Observer Program is getting underway and she would like to see this initiative go forward in concert.

Mr. Culver suggested we decide on the scope of full retention for the September Council meeting. Mr. Moore wondered if the Observer Program could provide the pilot information we need to for full retention measures. Mr. Culver agreed that full coordination of full retention and the Observer Program would be beneficial. Dr. Clarke thought on-deck video monitoring of commercial fishers, which NMFS may test this year, could also help. Mr. Moore wondered if it made sense to recommend to the Council that full retention measures get started after we receive input from existing EFPs and the NMFS Observer Program? Mr. Culver thought that might make sense. Mr. Thomas asked Mr. Culver about the Washington Department of Fish and Wildlife arrowtooth EFP? Mr. Culver responded that the program just began on August first but appears to be going well. Mr. Moore asked about unmarketable bycatch - how is it handled? Mr. Culver explained a 0-value fish ticket is filled out to account for these fish. He was also encouraged by Mr. Easley’s comments relative to processor initiative to develop value-added products of these otherwise unmarketable fish.

Mr. Moore asked Dr. Clarke whether any of these points may influence her program? Dr. Clarke explained that this discussion was helpful to her in designing the Observer Program. Dr. Hastie thought it would be helpful to consider adding all trip limit species except whiting and arrowtooth, where volume of landed fish beyond the trip limit could be logistically impossible. Mr. Culver agreed and also wondered whether it was smart to require retention of fish with a low discard mortality. Mr. Easley said that assumed discard mortality rates of 100% are probably wrong. Mr. Culver said discard mortality rate is a factor when recommending optimum yields (OYs). Dr. Hastie replied this was true for lingcod, nearshore rockfish, and sablefish. He thought it best to recommend conducting a pilot full retention program for all trip limit species except whiting, sablefish, and possibly lingcod. Dr. Clarke thought she could poll folks in Coos Bay on this recommendation. Dr. Hastie wondered whether full retention of some of the flatfish species that could come in high volume should be part of this pilot program. Mr. Culver said some of the flatfish bycatch are unmarketable (i.e. slender sole). Mr. Moore suggested we provide a formal recommendation after September? Mr. Culver thought we should target the November Council meeting. Dr. Hastie thought this could be developed over the winter and brought to the Council in March. He explained we could take it up in a meeting in December and/or at a February GMT meeting.

Dr. Hastie asked whether we should discuss any of the other issues on the agenda for Dr. Clarke’s or anyone else’s benefit? Mr. Moore asked for public comment. Mr. Easley brought up problems with potential penalties for volunteers (processors and fishers). Mr. Culver replied that this was a good point and should be carefully considered. Dr. Clarke said she will be meeting with some processors next week and could have this discussion with them. She may be able to solicit some creative options from them. She will present their comments to the Ad Hoc Full Retention Committee. Mr. Easley held out hope that incentives and creative solutions to groundfish problems in general could be found with deliberate planning of a full retention program. Dr. Hastie wondered whether we should concentrate on short-term or long-term incentives. Mr. Moore thought short-term incentives were important given the dire straits the groundfish industry is in. Mr. Culver agreed we need short-term incentives.

Mr. Moore asked for enforcement input. Capt. Cenci explained it was too early. He wanted to see how the program develops first. He said that we need to define potential criminal and civil penalties to address fraud if it comes with the adoption of some sort of full retention. Mr. Moore said, under the voluntary program proposed in 1999, a contract would be entered by all parties. Fraud would be dealt with as a breach of contract. Capt. Cenci asked who would be the contractor? Pacific States Marine

Fisheries Commission? Mr. Moore said it could be. Capt. Cenci explained that with some EFPs, violations were addressed by pulling the EFP permit because there was no criminal or civil penalties defined. Mr. Moore presumed there would be state and federal penalties if the program became mandatory. Ms. Green explained that civil penalties are set up with other federal regulatory permitting agencies such as EPA and that this could be handled this way. Ms. Cooney said that most of NMFS enforcement is through civil penalties. In Capt. Cenci's case, problems were handled with contracts.

Ms. Cooney suggested we flesh out as much detail here and now and let other committee's/entities weigh in on these details.

Mr. Moore thought we could expand our list of objectives. Dr. Hastie said you could add Mr. Easley's suggestion to dedicate funds from selling overages to research. Ms. Cooney mentioned that money forfeited to the federal government is directed by statute. She mentioned there more flexibility if the money were forfeited to the states.

Dr. Hastie wondered about the detail of what kind of overage limit should be applied with full retention? He thought it would be useful to solicit ideas for a structured cap to avoid fishers targeting marketable species without concern for bycatch of overfished species such as canary. Mr. Culver thought you couldn't get all the information needed in a full retention program with a landing cap. Dr. Hastie thought a cap should be placed, after which the fisherman would be prohibited from fishing. Mr. Moore had problems with the cap idea in that it might increase discard or penalties to fishermen. Dr. Hastie acceded that point. Dr. Clarke asked how to limit fishermen then? Dr. Hastie suggested vessels with overages could be published. Dr. Clarke asked whether that was allowed? Mr. Culver explained this is done in the whiting fishery and that peer pressure to avoid bycatch is a strong incentive. Mr. Moore agreed. He said piling on too many restrictions in the pilot program could cripple this initiative.

Mr. Culver asked whether the group was generally interested in forging ahead with full retention? Mr. Easley and Mr. Moore agreed that industry was a proponent of full retention. Mr. Culver said he wanted to see this stay above the line in the Council process. Capt. Lindstrom thought full retention should have incentives instead of disincentives because enforcement resources will be limited.

The Committee asked Mr. DeVore whether he had enough for a Council briefing in September. He agreed and summarized the consensus of the group.

PFMC
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