

DRAFT SUMMARY MINUTES
A Subcommittee of the Ad Hoc Groundfish Strategic Plan
Implementation Oversight Committee

Pacific Fishery Management Council
Teleconference to discuss
Limited Entry in Pacific Coast Open Access Groundfish Fisheries
July 31, 2001

Members in Attendance:

Mr. Bill Robinson, National Marine Fisheries Service
Mr. Phil Anderson, Washington Department of Fish and Wildlife
Dr. Hans Radtke, Pacific Fishery Management Council
Mr. Burnell Bohn, Oregon Department of Fish and Wildlife
Mr. LB Boydston, California Department of Fish and Game

Others in Attendance:

Ms. Eileen Cooney, National Oceanographic and Atmospheric Administration - General Counsel
Ms. Yvonne deReynier, National Marine Fisheries Service
Ms. Laura Dietch
Ms. Judie Graham, Washington Trollers Association
Mr. Steve Bodnar, Coos Bay Trawlers Association
Mr. Gerald Gunnery
Ms. Tracy Bishop, California Department of Fish and Game
Mr. Dave Thomas, California Department of Fish and Game
Dr. Jim Hastie, National Marine Fisheries Service
Mr. Jim Golden, Oregon Department of Fish and Wildlife
Mr. Rod Moore, West Coast Seafood Processors Association
Dr. Donald Mclsaac, Executive Director, Pacific Fishery Management Council
Mr. John DeVore, Council staff officer, Pacific Fishery Management Council

1. Call to Order and Consensus on agenda items. The conference call was initiated at 1408 hours. Dr. Donald Mclsaac introduced everyone and called the conference call meeting to order. Dr. Mclsaac went over the agenda. Mr. LB Boydston added an agenda item regarding state-federal consistency. A public comment item was added as well. Mr. Boydston chaired the conference call.

2. Where are we on this issue? Mr. LB Boydston explained where the Council is on permitting in the open access (OA) fishery. Formal adoption of a plan for OA permitting is scheduled for next April or later depending on work load. This is the third meeting to develop this issue. Mr. John DeVore summarized the discussions that took place regarding this subject at the June council meeting. Allocation between directed and incidental groundfish fisheries and managing the workload in developing OA permitting were the main discussion points.

3. Historical analyses of OA fisheries. Dr. Jim Hastie summarized the analysis he did in preparation for the June council meeting (in June 2001 briefing book, Exhibit C.9, Attachment 2(a), "Analysis of Open Access Fishery"). He had provided tables depicting historical participation in various OA fisheries (i.e. no. vessels, landings, and other participation criteria). Also included participation indices in terms of volume and economic value of landings. He analyzed sets of hypothetical qualification criteria (94-99 window) for consideration. At June council meeting, Kenyon Hensel recommended other qualification criteria be analyzed. Dr. Hastie has solicited these again from Mr. Hensel. Dr. Hastie thinks there may be new priorities that need to be considered for allocating directed v. incidental groundfish fisheries.

Regarding Jim Seger's comments, any vessel that used these other trawl permits to target groundfish shouldn't be included in these analyses. Mr. LB Boydston agreed and thought the criteria used to analyze OA vessels that target other groundfish species (i.e. rockfish, sablefish, etc.) should probably be specific to what OA fisheries (species) they target.

Dr. Hastie summarized his analysis of OA fisheries that target groundfish. Some vessels have mixed landings of various groundfish species and some participate in both limited entry (LE) and OA fisheries. There are a series of figures (in June 2001 briefing book, Exhibit C.9, Attachment 2(a), "Analysis of Open Access Fishery") referring to sorted distributions of sablefish revenues and the value of rockfish revenues associated with those. Many had significant rockfish revenues. There are also figures with tonnage distributions depicting the same data. The 95th percentile of sablefish revenues shows 20% of rockfish revenues. 90th percentile shows 10% of all rockfish revenues.

Mr. Boydston mentioned there are numerous ways to determine qualifications for OA permitting. Consensus from April meeting.

Laura Dietch asked about Table 11, bottom column- are these summaries for the delivery period? Dr. Hastie replied yes.

Further developing history of OA sectors (OA fisheries that catch groundfish incidentally). Describe the OA sectors (directed and incidental). Dr. Hastie wondered what timeframe Mr. LB Boydston was thinking of to pull this analysis together? Mr. Boydston thought it would be good to do this by next April. Dr. Hastie thought it would be hard to do this fall, although there might be time after the November council meeting. Mr. LB Boydston thought tabling landings by OA sector would be useful. Maybe stratify by state and year (noting that there is significant geographic variation by fishery and with time). He thought we needed this historical perspective to determine impacts of permitting. Dr. Hastie thought it would not be difficult to pull this data. For targeting, he used a criteria that >50% of landings had to be groundfish. He could adjust criteria for data extraction to get incidental fisheries. Could be a problem with other OA fisheries such as shrimp trawl. Dr. Hastie noted that there was a difference between sorting OA fisheries and OA vessels- 2 different datasets. He said that it was almost impossible for some of the OA fisheries to determine whether they were using OA gears (i.e. CA halibut fishery historically). Mr. Phil Anderson asked about the 3b agenda item (i.e. shrimp and trawl fisheries in Oregon)? He asked whether Jim Golden could help with this? Mr. Jim Golden replied that he could help. Dr. Hastie volunteered that it would be easier for one person to do the analysis. There are different approaches for extracting data. Mr. LB Boydston thought different folks could analyze different sectors and bring their findings back to the group. Mr. Burnie Bohn said perhaps individuals could put the datasets together and bring in for analysis. Mr. Boydston agreed that he thought this was good way to go. He wanted to have a discussion in the final OA document of dependence of different OA sectors on groundfish. Mr. Anderson asked whether different state individuals should pull the data together and bring forward for analysis. Mr. Boydston asked about data quality over time. Dr. Hastie said that some fisheries historically have better data resolution than others. Mr. Boydston asked how far should we try to go to analyze and compare these data? Dr. Hastie replied that all we need is historical data profiles rather than trying to specify gear types used in the 1980s. Mr. Boydston suggested we put this on the back burner until after the November council meeting. He said we should get together after November to put this together. Dr. Hastie thought people could, in the meanwhile, determine how they want to see these data portrayed. It would help expedite the analysis.

4. Development of "B" permits. Mr. John DeVore summarized Mr. Jim Seger's suggestions (from a July 25, 2001 email message) for renaming permits and/or endorsements from "B" and "C" permits to "O" (other gear) and "I" (incidental) permits to avoid confusion with the LE endorsements that are part of the groundfish FMP. He also suggested that this permitting be accomplished within the LE endorsement system in place and that LE vessels would need to purchase the "O" endorsement to participate in the OA fishery. Alternatives to this would be prohibiting LE vessels from using OA gears and the status quo option of allowing LE vessels to use OA gears.

This affects fishers that target such species as crab, shrimp, and salmon and use OA gears such as longlines. The group generally acknowledged that there are a myriad of options for achieving the goals of limiting entry in OA fisheries. We need to define our goal of what we are trying to do. Mr. Phil Anderson thought we should ground our discussions to the Strategic Plan objectives. Bill Robinson thought we

should limit our discussions to OA fisheries that target groundfish directly. Ms. Eileen Cooney agreed that the other OA fisheries are limited in other ways. Mr. Bill Robinson thought if we could limit our discussion to groundfish target OA fisheries, then we wouldn't need to allocate between these fisheries. Any allocation or take in incidental fisheries does affect allocation in directed fisheries. Dr. Jim Hastie thought the analysis would be a lot more complicated if we didn't consider incidental fisheries. Mr. Phil Anderson said the Strategic Plan directs Council to do the opposite and that we need to limit incidental fisheries that land groundfish. Mr. LB Boydston thought the more challenging question is how far to limit these OA fisheries. Mr. Jim Golden thought the species catch composition is different in incidental v. target fisheries. The historical data may help us decide the direction we need to go since different species groups are accessed differently with different OA fisheries,. Ms. Eileen Cooney wondered how different gear types used in OA fisheries would affect this balance. Ms. Cooney wanted to know if someone could develop an "O" permit analysis. The question remains whether allocation could be ignored between directed and incidental fisheries. Ms. Cooney and Mr. Boydston stated that the goals and objectives, as well as the criteria of different permutations, need to be well articulated up front. Mr. LB Boydston suggested we take this up again in November.

5. Allocation issues. Mr. LB Boydston stated that allocations can proceed without permitting. Mr. Phil Anderson asked whether he was talking about allocation between directed and incidental sectors? He thought this was pertinent when put in the context of permitting and permit stacking. Mr. Bill Robinson thought there needs to be a segregation of directed and incidental fishers and an allocation made. It would also help reduce bycatch. Mr. Robinson thought one would need to allocate prior to permitting. Dr. Hastie had a hard time understanding how allocations could be made prior to limiting entry in the OA fisheries. Dr. Hans Radtke asked whether this was allocation of total catch including discard (all fishing mortality)? Ms. Eileen Cooney said full accounting of mortalities was necessary. Mr. LB Boydston repeated that allocation could be a first or early step in the permitting process.

Ms. Laura Dietch asked whether allocation decisions would prematurely shut down incidental fisheries early (such as shrimp) to accommodate directed fisheries? Mr. Bill Robinson said it could happen- precedent in AK fisheries. Mr. LB Boydston thought you could see vessel response to allocation decisions. Mr. Rod Moore asked Dr. Jim Hastie whether data was available to determine the average percent groundfish taken in incidental fisheries? Dr. Hastie said yes but it would depend on how an incidental fishery was defined. Mr. Moore thought one could take the average percent taken in incidental fisheries off the top when allocating groundfish to directed fisheries. Mr. Bill Robinson asked what purpose would be served to have an incidental permit if we don't allocate? Ms. Eileen Cooney thought it still is needed for accountability. Mr. LB Boydston recalled that, at the last meeting, incidental permits were probably not needed. He stated that we don't want to close the door yet, but there doesn't seem to be a compelling reason for "I" permits. Mr. Phil Anderson is concerned for not having an "I" permit. He said there was a problem that most of these fisheries are state managed and the Council can't prohibit these fisheries.

6. State management actions.

WDFW: Mr. Phil Anderson gave the following review: The OA fisheries in West Coast nearshore areas are different from north to south. The bottom topography different in WA than CA. Nearshore fish are vulnerable to overharvest. Washington has concerns with black rockfish, canary rockfish, yellowtail rockfish, cabezon, etc. They started adopting more conservative groundfish management policies in 1991: closed 0-3 mi. for bottomfish troll gear and commercial jig gear. They reduced the rockfish bag limit in recreational fisheries from 15 to 12 rockfish. In December 1999, WDFW prohibited any live fish fishery and reduced the recreational bag limit from 12 to 10 rockfish. The daily bag limit for canary rockfish, yelloweye rockfish, and lingcod was reduced to 1 fish.

ODFW: Mr. Burnie Bohn gave the following review: Lots of restrictive regulations within Council process (similar to WDFW actions although nearshore fisheries not as restrictive). Oregon recently mandated BRDs in their shrimp fishery (starting tomorrow August 1). The Oregon Fish and Wildlife Commission (OFWC) will soon be considering establishing a control date for limiting OA fisheries (want to be consistent with control dates established by the Council). Mr. Jim Golden talked about recent public meetings regarding restricting nearshore fisheries, allocation between sport and commercial fisheries, further restrictions for greenling and cabezon and possibly for black rockfish as well. These will go before the OFWC in August and maybe October. Mr. Bohn asked if WDFW had adopted a control date for OA fisheries? Mr. Phil Anderson replied no.

CDFG: Mr. LB Boydston gave the following review: California has enacted a marine fishery act (Marine Life Management Act), that is patterned after the Magnuson Act, and that California plans to adopt a nearshore FMP pursuant to the state act. They are also looking to control their OA fisheries. Ms. Tracy Bishop specified that the CDFG is proposing to limit access for select nearshore species. These 9 species are the target for the premium live fish fishery. They are hoping to implement LE by April 2002. If nearshore fisheries are limited to line and trap gears, then they would need a provision for incidental catch gears. They are setting up a control date for sometime in 2001 for LE partyboat and nearshore groundfish fisheries for the entire nearshore complex (in addition to the live fish species). They are considering a plan where OYs are stratified geographically as well as an ITQ program for cabezon. Ms. Eileen Cooney asked whether they were trying to limit their regulations to within just 3 miles? Ms. Bishop said some of the longliners operate outside of 3 miles and they want to limit their access as well.

Ms. Eileen Cooney explained some of the jurisdictional problems with fish that migrate in and out of state and federal waters. Fish that are primarily in state waters are primarily under state jurisdiction. States have maximum jurisdiction within 0-3 miles unless this effects federal or other states' fisheries. Federal authority could then preempt state authority. States only have jurisdiction in federal waters over their state-registered vessels. Otherwise, states need to consider whether fisheries outside of 3 miles that are regulated by the state are managed consistent with a Magnuson-Stevens Act fish management plan or Council actions. Mr. Boydston stated that the proposals are primarily to limit entry in state managed OA fisheries. Therefore, they plan to limit participation in the nearshore live fish fishery. He said that they need to engage the Council on the nearshore landing limit. Mr. Boydston stated that CDFG is considering options inconsistent with past Council actions. He explained that management decisions are made in February for implementation in April. He would like to have a discussion of further stratifying OYs. Ms. Eileen Cooney asked whether they were going to engage the Council on stratifying OYs within federal waters off CA. Ms. Cooney wasn't sure whether CDFG could do this. Mr. Bill Robinson asked whether CDFG was going to ask the Council to redefine their OYs? Mr. LB Boydston suggested that was one way they could go. It was acknowledged that CDFG plans had many complications that need to be taken up in November. Mr. Phil Anderson wanted to everyone to think of other potential issues that might frustrate management actions in bordering states.

Mr. Phil Anderson said there were potential monies available from NOAA for managing nearshore fisheries. Mr. Boydston thought that money was a one-time appropriation for planning purposes. Mr. Anderson thought a unified West Coast voice could get the states some money.

6.5 Public comment: Ms. Laura Dietch asked several questions and made points regarding the OA problem statement from the June 2001 council meeting. Why are directed groundfish fishers participating in OA fisheries being accommodated if they didn't qualify for LE fisheries in the first place? Further allocation decreases landing limits resulting in greater discard. How are discards and poaching being enforced with the current management system? How do you reconcile creating new LE permits with the buy back program being considered in Congress? What is latent capacity and how is it created? She suggested we need to understand latent capacity before we try to reduce it. Alaska has non-transferable LE permits. Latent capacity is created when creating LE permits.

7. Managing workload. Dr. Mclsaac explained the new emphasis for all Council decisions to be more fully NEPA-documented earlier in the process, which increases workload and allows less time for OA permitting initiatives. He expressed the need for about \$400K to properly establish permitting in OA fisheries. He suggested that we discuss this at our next Council meeting.

Mr. Boydston asked if Mr. DeVore could get minutes out tomorrow to Committee members. He affirmed that request.

Mr. Robinson asked Mr. Boydston to get together with him and Ms. Cooney to discuss their proposed management actions for nearshore fisheries.

The conference call was adjourned at 1635 hours.