

## West Coast Seafood Processors Association

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MAR 19 2002

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

March 16, 2002

Dr. Hans Radtke  
Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Pl., Ste. 200  
Portland, OR 97220-1384

Dear Hans:

I am writing to express concern about an action taken by the Council at the meeting this week in Sacramento.

On Thursday, after the Pacific whiting agenda had been completed and most of those interested in the issue (including the GAP member who represents at-sea processors) had already left, the Council - without prior notice or opportunity for advisory group input or public comment - made a decision to write a letter to the Department of Commerce urging that talks be re-initiated with Canada on international allocation of Pacific whiting.

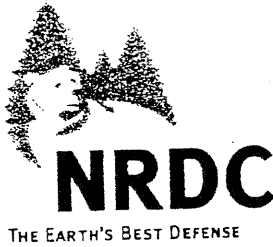
My concern is not so much with the action taken - although the experience of the U.S. fishing industry with allocation talks with Canada has been less than positive - but rather the way in which it was taken: no notice, no public comment. Given that the procedural actions of regional fishery management councils and NMFS have been successfully challenged in court by environmental groups, thus creating a horrendous workload for NMFS, the Councils, Council staff, and advisory bodies, I do not believe it appropriate for the Council to act in such an extemporaneous manner.

I hope in the future that the Council will be more deliberate in its actions and especially ensure that its advisory bodies are permitted the opportunity to perform the task for which they are appointed. Thank you for attention to my concerns.

Sincerely

A handwritten signature in black ink, appearing to read "Rod Moore", written over a horizontal line.

Rod Moore, Chairman  
Groundfish Advisory Subpanel



The Ocean  
Conservancy

RECEIVED

MAR 25 2002

PFMC

VIA FACSIMILE (206) 526-6426

March 19, 2002

Mr. Bill Robinson  
National Marine Fisheries Service  
7600 Sand Point Way NE  
Seattle, WA 98115  
Re: Council decision on Pacific whiting

Dear Mr. Robinson:

We are writing on behalf of the Natural Resources Defense Council with a half million members, and The Ocean Conservancy with over 900,000 members and volunteers. We urge the National Marine Fisheries Service to disapprove the Pacific Fishery Management Council's decision to set the harvest policy for Coastal Pacific hake/whiting populations at  $F_{40\%}$ , with a medium-high 1999 year-class recruitment. Instead, we urge NMFS to adopt a harvest policy at  $F_{45\%}$  with a 40-10 rule and a low to medium 1999 year-class recruitment.

In a letter dated March 8, 2002 we expressed our concern about the status of the coastal Pacific whiting population and urged the PFMC to set the optimum yield (OY) conservatively, consistent with the findings of the Council's Stock Assessment Review (STAR) Panel and the Canadian Pacific Scientific Advice Review Committee (PSARC). The Joint Panel report found that 2001 mature female biomass is an estimated 20% of the unfished level, which puts this population in the overfished category. Furthermore, the Joint STAR and PSARC Panel concluded that the  $F_{45\%}$  policy along with the 40-10 rule is the most appropriate for this stock. A yield range for 2002 would be bounded by the low and medium 1999 year-class recruitment.

The report of the Joint Canada-USA Review Panel on the Stock Assessment of the Coastal Pacific Hake/Whiting Stock (Hesler et al 2002) identified several reasons to adopt a risk-averse approach in setting catch levels for 2002, including that:

- population biomass estimates show a continuous decline since 1987, with the 2001 level the lowest ever observed;
- the 2002 population consists largely (63% by weight) of 3-year-old fish, only two thirds of which are sexually mature;
- over the past three years, exploitation rates have exceeded the levels of the Council's 40-10 policy, which was designed to apply precautionary brakes to the fishing rate as biomass declines so as to avoid ever reaching overfished status.

We believe that the best available science argues for a risk-averse approach, consistent with the Joint STAR and PSARC Panel. The PFMC's Scientific and Statistical Committee did not take a position on

what the harvest policy should be other than to note that risk neutral advice for whiting would consist of the current default  $F_{40\%}$  harvest rate and a yield estimate consistent with the "medium" 1999 year-class recruitment. The SSC's risk-neutral recommendation is consistent with their view that decision makers (e.g. NMFS and the Council), not scientific advisors, should determine the appropriate level of caution to incorporate. The PFMC then chose a risk-prone harvest policy, further exacerbated by the use of a risk-prone assumption about 1999 year-class recruitment. The Joint STAR and PSARC Panel's conclusions, along with consideration of the negative consequences of potentially allowing yet another groundfish population to become deeply depleted, argue strongly that NMFS should choose an  $F_{45\%}$  policy along with the 40-10 rule and a medium to low 1999 year-class recruitment.

According to the joint panel report, the uncertainty in the stock assessment is substantial since so much of the biomass is present in a single, young year class that is near the limit of detectability of the survey. Under these conditions, it is highly risky to design a 2002 fishery that will rely heavily on this 1999 year class. In addition, since long-term yields would be increased if these young fish were allowed to grow and spawn prior to being caught, the only prudent course of action is to reduce mortality over the next few years and allow the 1999 year class to reproduce and rebuild the stock.

Another important reason to follow the STAR and PSARC Panel recommendations is the potential adverse effect on the ocean ecosystem of depleting the whiting population, since these fish are a favorite prey for seals, porpoises and small whales, and are eaten by swordfish, sharks, halibut, lingcod and many other creatures including some seabirds.

It is clearly too late to avoid a classification as overfished. It certainly is not too late to reverse the declining trend in this fishery and begin to rebuild the population. As the PFMC's Groundfish Management Team (GMT) noted in their recommendations for Pacific Whiting Allowable Biological Catch, OY, and Allocations, OYs at the upper end of the identified range increase the risk of not being able to rebuild the stock to  $B_{40\%}$  within 10 years, particularly if below-average recruitments occur over the next several years. The GMT report further states that several low recruitments during this period, combined with an aggressive short-term harvest policy, could jeopardize the ability to rebuild in a timely manner without imposing future reductions in yields.

We respectfully recommend that NMFS take the following steps:

First, we ask NMFS to identify this fishery as overfished immediately, as called for in the Magnuson-Stevens Act. Specifically, the Act states: "If the Secretary determines at any time that a fishery is overfished, the Secretary shall *immediately* notify the appropriate Council and request that action be taken to end overfishing in the fishery and to implement conservation and management measures to rebuild affected stocks of fish." (16 U.S.C. 1854, Section 304(e), emphasis added.)

Second, we ask NMFS to set the OY designed to begin rebuilding the whiting population, using an  $F_{45\%}$  policy along with the 40-10 rule, with conservative assumptions about 1999 year-class recruitment. Third, NMFS should take appropriate steps to negotiate an agreement between the U.S. and Canada that restricts their actual combined catch to 100% of the OY, rather than the 110% or more of the management target that has routinely occurred in the past. We understand this has not been a problem in the past two years due to the distribution of the whiting population. That makes this an opportune time to resolve the problem so it does not reoccur as soon as ocean conditions change.

The expectation that substantial catch cuts can be avoided this year by relying on a hope of future improvement seems particularly unfounded given the trend of modest recruitments and the steady decline in Pacific whiting biomass over the past fifteen years. We are optimistic that adherence to the joint panel's recommendations could rebuild this productive species fairly quickly, or at the very least avoid a more intractable problem. Please promptly disapprove the PFMC decision on Pacific whiting, identify whiting as overfished, and adopt the recommendations of the Joint STAR and PSARC Panel.

We appreciate the opportunity to comment.

Sincerely,



Karen Garrison  
Co-Director, NRDC Ocean Initiative



Mark Powell  
Fish Conservation Director, TOC

CC: Dr. Don McIsaac  
Dr. Elizabeth Clarke