

West Coast Seafood Processors Association

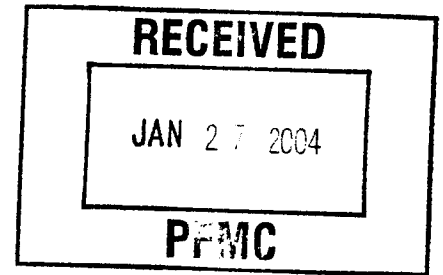
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*Serving the shore based seafood processing industry in
California, Oregon and Washington*

January 26, 2004



Mr. Don Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place
Suite 200
Portland, OR 97220-1384

Dear Don:

The following comments on behalf of the West Coast Seafood Processors Association (WCSPA) are in response to the Advanced Notice of Proposed Rulemaking regarding a Trawl Individual Quota Program and Control Date, published in the January 9, 2004, *Federal Register*. WCSPA members process the majority of the Pacific groundfish landed on-shore in Washington, Oregon and California and thus will be directly affected by any individual quota program.

The recommendation for a November 6, 2003, control date was made by the Pacific Fishery Management Council at its most recent meeting. However, the *Federal Register* notice does not accurately describe the Council's recommendation: the Council voted to establish the control date for all participants in the fishery, which includes processors. Inexplicably, the *Federal Register* notice limits the applicability of the control date to "vessel owners, permit owners, vessel operators, and crew." The applicability of the control rule needs to be expanded to include "owners or operators of processing facilities that engage in processing Pacific groundfish." This addition will more correctly reflect the recommendation agreed to by the Council and will ensure the same orderly process for determining how processing shares or permits are distributed when the Council decides to include them in the individual quota system.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Moore".

Rod Moore
Executive Director



Pacific Marine Conservation Council

February 9, 2004

Don Hansen, Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, OR 97220-1384

**Re: Advance notice of proposed rulemaking; notice of control date
for the Pacific Coast groundfish fishery**

Dear Mr. Hansen,

Thank you for the opportunity to comment on the establishment of a November 6, 2003, control date regarding the possible development of individual fishing quota (IFQ) systems in the groundfish fishery. Pacific Marine Conservation Council (PMCC) is very concerned about the possible adverse impacts to commercial and recreational fisheries from the institution of IFQs without adequate protective standards. PMCC is also apprehensive about that moving forward with a trawl IFQ, along the lines discussed by the Pacific Fishery Management Council's (Council) Ad Hoc Trawl IFQ Committee, could have negative consequences for the diversity and integrity of historic fishing communities.

- **Establishment of a control date should cover the entire groundfish fishery.**

It is understandable, and likely prudent, to establish a control date to avoid economic speculation, especially since the Council has encouraged some expectation through the actions of the Ad Hoc Trawl IFQ Committee. However, this should in no way imply an endorsement of any particular IFQ proposal. This control date should not even be limited to a gear endorsement, such as trawl, but should extend to the entire groundfish fishery. Limiting alternatives prior to any formal public scoping would be improper.

- **A comprehensive programmatic environment impact statement is required for the groundfish fishery.**

The Pacific Coast groundfish fishery has undergone several major changes during the past few years. The small footprint restriction was instituted in an attempt to reduce catch of overfished species on the continental shelf. Nine species of groundfish were declared overfished and plans for rebuilding these populations are, after fits and starts, in various stages of development. The Council has made unprecedented use of spatial management in closing large areas of the continental shelf to specific gear effort. And 92 limited entry trawl permits were recently removed from the fishery at a cost of \$46 million.

These changes in themselves require a step back and complete analysis of their individual and cumulative impacts. Before taking the extreme step of serious consideration of IFQ systems, it is necessary to look at the fishery as a whole, in a comprehensive manner. Participants in all related recreational and commercial fisheries, and the public at large, deserve a clear exposition of alternatives for future management of the groundfish fishery. This compels a formal and open public process. Prior to any further Council efforts related to IFQs, the Council

and NOAA Fisheries should complete an up-to-date comprehensive programmatic environmental impact statement.

- **Establishing an IFQ control date should not obviate the need to deal with latent trawl permits.**

Legislation authorizing the trawl permit buyback did not address the possibility of permits with little or no recent associated landings becoming available to increase fleet capacity. NOAA Fisheries and the Council should deal with these latent permits, and promulgate rules to limit the possibility of activation of these permits. Failure to take such action could undermine the effectiveness of the buyback.

It would be a mistake to assume that investment in latent permits will be discouraged simply because a control date is established, and calculation of catch history (in allocating quota) is thereby limited to the time before that date. There should be no assumption that catch history will drive initial allocation of quota, even if IFQs are established. Quota might be distributed equally by permit, by vessel length, by royalty auction, by community or through a number of mechanisms that would not depend primarily on catch history. To presume otherwise is to preordain parts of a National Environmental Policy Act process that has yet to commence.

- **A Council-sponsored and funded committee should include an adequate range of stakeholder representation.**

The Ad Hoc Trawl IFQ Committee presently includes no representatives of recreational fisheries, nor of the fixed gear or open access groundfish fleet. All these fisheries would be affected if a trawl IFQ was instituted, replacing 2-month cumulative trip limits and certain other status quo management measures. Local and period-specific bycatch issues might be significant, for example. In addition, this committee has no one representing the interests of fisheries such as salmon or Dungeness crab. The wealth generated through groundfish quota distribution could capitalize businesses to expand their efforts into other regional fisheries, perhaps resulting in new over-capacity problems. There is also only a single conservation seat on the committee, chosen I assume because of their organization's support for rights-based management.

While it remains PMCC's position that a programmatic EIS is essential prior to working out any IFQ system, if the Council wishes to have a committee discussing IFQs then representatives of affected fisheries, coastal communities, and conservation groups that urge caution in IFQ development should be present.

- **IFQ systems should conform to basic, reasonable standards.**

IFQs may play some role in future fisheries, but PMCC holds that any system developed must meet basic standards to protect fishing businesses, coastal communities, and the public interest. IFQs must not in any way be construed to be property rights; rather, they are fishing privileges to be granted for a duration not to exceed seven years. There must be strict limits on accumulation of quota shares and fair and equitable initial allocation of shares. There needs to be a mechanism for independent review of the systems. As an IFQ program is developed, management should seek to preserve the full range of historical participation in the fishery, rather than simply favoring the most efficient operations. In addition, fishermen participating in the groundfish fishery should have the opportunity to vote, by two-thirds margins, whether to develop or approve an IFQ system. Unfortunately, what we've seen from the Council's Ad Hoc Trawl IFQ Committee does not conform to most of these standards.

Thank you for considering our comments. If you have any questions please call me at (503) 440-3211.

Respectfully submitted,

Peter Huhtala
Senior Policy Director

