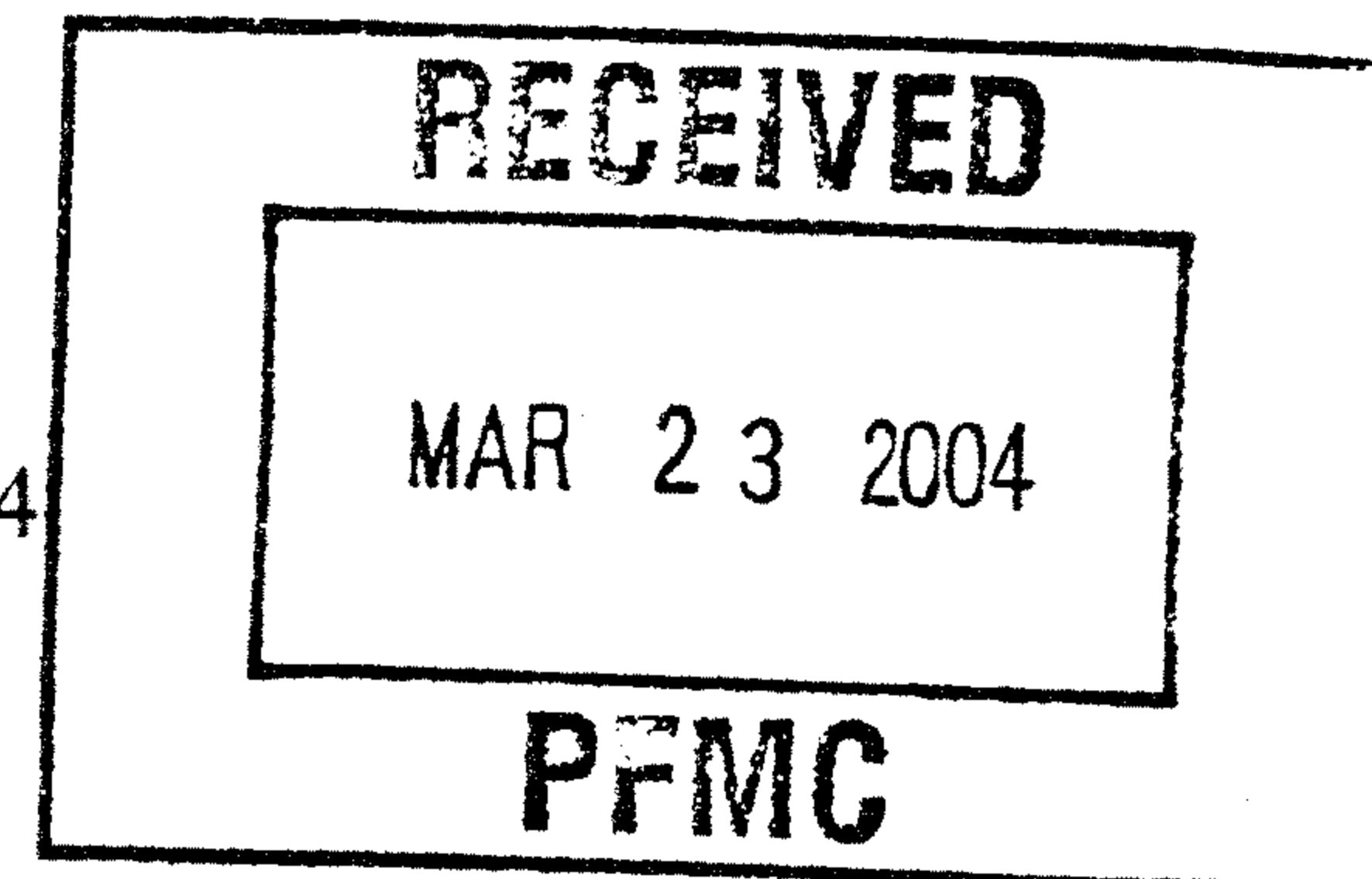


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March 19, 2004



To: Pacific Fishery Management Council Members.

Thank you for taking the time to read my comments prior to your April council meeting.

I am an open access groundfish fisherman. My vessel "Wild West" is a 23 foot open skiff. Currently I am fishing for shelf rockfish with rod & reel and slope rockfish with rod & reel and set lines. In addition, I have a deeper nearshore rockfish permit that is required by California. I no longer possess a nearshore fishery permit. California requires a nearshore permit to take nearshore rockfish, but would not accept any portion of my nearly 10,000 LBS. of rockfish landings under the category of "rockfish unspecified" as proof of participation.

I have done my best to keep up with the changing rules and regulations and I have tried my best to keep a good attitude, all with the hope that I will someday be able to catch enough rockfish to provide a living for myself and my family.

When the current season for shelf rockfish opened on March 1<sup>st</sup>, I was excited about the idea of returning to some of my favorite fishing areas, but unhappy with the 500LBS. for two months quota. Because I am a licensed fish receiver, I had pre-sold my catch to a Chinese restaurant for \$2.50 LB. Instead of rushing out and trying to catch everything in one day, I caught what I needed and returned to the dock. The first day I was out five hours for 140LBS. The second day, three hours for 196 LBS. The third day, three hours for 153 LBS. I fished less than one full day in a three week period. My catch consisted of 100% shelf rockfish with zero bocaccio. Every fish was a vermilion rockfish, with the exception of three flag rockfish, three speckled rockfish, and one greenspotted rockfish. There was zero by-catch and zero waste. My experience and equipment had allowed me to target only the desired fish, without interacting with any fish that need protection.

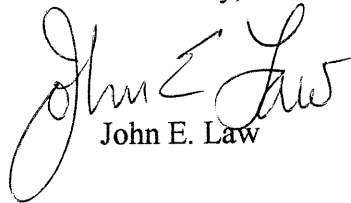
Unfortunately, there is a very bad side to all of this. The closures have created a gold rush mentality among some fisherman. Because of the high prices now paid, new fisherman are gearing up to "get my 500 LBS." Fishermen know that they can put out very little effort and make a quick \$1000. A recent example of this is easily confirmed because a NMFS observer was onboard the trip. With little knowledge of the fishery and a desire to show the observer that the shelf rockfish were plentiful, he fished in 45 fathoms near Pt. Loma, California. The trip resulted in 110 LBS. of vermilion rockfish, but 33 LBS. of copper and brown rockfish were discarded because he did not have a deeper nearshore permit! Because I have genuine concern for the health of the fishery, I will not make any attempt to fish inside of 60 fathoms for any type of rockfish, now that my shelf rockfish quota has been filled for the March – April period. If I did what this fisherman did I could go to the same area and keep 33 LBS. of deeper nearshore and discard 110 LBS. of shelf. With a 500 LBS. per month quota on deeper nearshore, this would be a terrible waste. Of course I could fish shallower, but then I would have to discard the nearshore rockfish because I do not have a permit. Obviously, the point that I am making is that as written, the rules allow for too much by-catch potential.

I am asking the council to consider the following ideas.

- 1) Adopt an immediate measure to stop new participants from catching shelf rockfish.
- 2) Implement a limited entry shelf rockfish permit.
- 3) Convince California to eliminate the deeper nearshore permit in the southern district and allow those fisherman with access to shelf rockfish to take all rockfish species including nearshore. This would end by-catch.
- 4) Allow participants with a shelf rockfish permit to keep any cow cod taken for personal home use. As stocks improve, the chances of encountering cow cod in the coastal areas will increase, and discarding these fish is a waste.

I have tried to keep my comments simple and to the point. I am supportive of the effort to rebuild rockfish stocks. I also believe that there is a way to allow those fisherman who have displayed an established interest in the fishery to continue to catch rockfish.

Sincerely,



John E. Law