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Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

April 14, 2006

Re: Trawl Individual Fishing Quota analysis

Dear Chairman Hansen,

Thank you for the opportunity to comment on behalf of Pacific Marine Conservation Council (PMCC) on the preliminary analysis that might be used as the basis for developing a draft environmental impact statement for a proposed west coast groundfish dedicated access privilege program (DAP). PMCC is a nonprofit fisheries conservation group that includes commercial and sport fishermen, marine scientists, conservationists and community advocates.

PMCC is very concerned about the inadequacy of the range of alternatives currently under analysis, the basic features within the alternatives, and the failure of program developers to fully implement the DAP-related recommendations of the U.S. Commission on Ocean Policy (USCOP). We've expressed these concerns in scoping, in written comments and in oral testimony, and we'll attempt to avoid redundancy here.

We hope that these comments will be useful for those developing the west coast DAP analysis for the Pacific Fishery Management Council (PFMC), as well as useful to members of the PFMC as they direct changes to the content and approach of the analysis.

A suite of alternatives that represent an adequate range of possible actions should be adopted. Apparently this step still requires additional guidance from the PFMC.

Once the alternatives are clear, each alternative should be evaluated relative to each of the goals and objectives as adopted by the PFMC. This step is not adequately explicit in the draft analysis as of this date. PMCC also recommends a concurrent evaluation of each alternative for conformity with the recommendations of the USCOP. It is particularly important to the public interest whether or not substantial and measurable conservation benefits would result from alternatives, as measured against the future baseline.

We feel strongly that it is essential when developing management options for the groundfish fishery, especially new approaches such as DAPs, to assume that area management will need to play a role. We discuss this below in the context of the emerging science that describes spatial limits for sub-populations of some fishes, as well as in the interest of equity benefits of smaller management units. The trend toward area management is obvious and this analysis should acknowledge this reality both in terms of program features and in the description of future baseline conditions.

Community impacts objective

As PMCC previously testified at the March 16, 2006, meeting of the Trawl Individual Quota Independent Experts Panel, a modification to Objective 7 (page 27 of the draft analysis) should be made to reflect guidance from the PFMC. This change is significant because it reflects the stronger intention of the PFMC to “Minimize adverse effects from an IFQ program on fishing communities.”

On page 30 of the June 2005 PFMC minutes it is recorded:

“Mr. Anderson asked for a friendly amendment to Motion 19, that would modify the goals and objectives on page 2 of C.5.a, Attachment 1 as follows: change goal 1 to read “and attainment of fishery management objectives” and remove the words “to the extent practicable” under Objective 7. The motion was accepted as a friendly amendment.”

Motion 19 later passed.

PMCC finds that the tools to mitigate adverse impacts to communities analyzed thus far are deficient to achieve that end. The most basic of tools that should be part of any IFQ program is a conservative and enforceable cap on consolidation of *control* of quota shares.

Additional tools that are reasonable to evaluate include spatial distribution of quota to protect community interests (as well as to avoid local depletion of sub-populations of fish), direct distribution of quota to communities, provisions that allow fishermen and groups representing any type of commercial or recreational effort to own quota, and establishment of stewardship areas prior to or concurrent with implementation of a DAP.

Alternatives Considered but Excluded from Detailed Analysis

PMCC is concerned about what we consider the premature rejection of alternatives and features of alternatives from detailed analysis. Some of these we consider to be within a reasonable range of alternatives that could accomplish the goals and objectives adopted by the PFMC.

We find it somewhat arbitrary to presume, as stated on page 55 of the draft analysis, that “Elements and options that are included in the Components Analysis will be assessed in a both a quantitative and qualitative manner that will include the justification for exclusion.”

PMCC is interested, for example, in a full analysis of bycatch sector caps by gear type and geographic area, to provide a fair contrast of this approach with other alternatives. Such an approach has been anticipated as a bycatch reduction system as outlined in Amendment 18 of the Pacific Groundfish Fishery Management Plan.

We also agree with the PFMC that an alternative based on IFQs for overfished species should be included. Again, from page 30 of the June 2005 PFMC minutes:

Mr. Anderson moved (Amendment #4 to Motion 19) to add to the package for analysis recommendation C from the GMT report (IFQs for overfished species only). Mr. Mallet seconded.... Amendment #4 passed.

Consistency with Congressional action

Congress is taking up reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, and there is a likelihood that such legislation will be passed this year. One bill, S.

2021, has passed out of the Senate Commerce Committee. This bill includes basic standards that apply to Limited Access Privilege Programs (LAPP), such as this trawl IFQ. Two bills introduced in the House of Representatives, H.R. 5018 and H.R. 5051, include similar standards.

A stand-alone bill, the Fishing Quota Standards Act or H.R. 3278, has also been introduced in the House. The provisions in this bill closely track the recommendations of the USCOP and the PMCC positions regarding national standards for IFQs.

PMCC believes that it would be wise to craft the quota system alternatives so that they are consistent with standards under consideration by Congress. We realize that there has been discussion of an attempt to exempt this program from national standards designed to protect the environment and our fishing communities. Please consider however, the Congressional intent expressed in the report language which accompanies S. 2021:

EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS- New section 303A(h) would ensure that section 303A would not require a reallocation of quota share from any limited access system, including sector allocations, submitted to the Secretary and approved by the Council prior to the date of enactment of this bill.

However, the LAPP provisions of S. 2012 adopt the recommendations of the U.S. Ocean Commission, and the Committee expects that quota programs now being developed by the Councils will incorporate these recommendations even before enactment of this legislation. The Committee recognizes that Councils must move forward on programs under development and does not intend to cause unwarranted delays by requiring mature plans to be re-drafted wholesale. But Councils should attempt to ensure plans adhere to the spirit of the criteria recommended by the U.S. Ocean Commission and those contained in the bill in order to improve the consistency and fairness of future programs.

Area management in the future of the groundfish fishery

The way that west coast groundfish fisheries are managed is out of balance. The existing coast-wide management approach of West Coast groundfish does not protect the biological structure of fish populations, encourages local area depletion and provides disincentives for conservation-minded fishermen. As a result of this approach, high levels of bycatch in one geographic area can shut down fishing in other geographic areas.

Recent science (reviewed by Berkeley et. al. 2004) concludes that fish stocks may consist of “several reproductively isolated units, and that recruitment may come from only a small and different fraction of the spawning population each year.” The authors go on to state that “the age structure of a stock combined with the spatial distribution of recruitment are as important as spawning biomass in maintaining long-term sustainable population levels. In particular, there is an increasing number of examples of complex population structure in species currently managed as a unit stock, and increasing evidence that only a small fraction of spawners in a stock – those that spawn at the right time and place – successfully contribute to each new cohort.” None of this variation is currently accounted for in the management of West Coast groundfish populations. Recent modeling efforts also suggest that age structure can have a profound effect on recruitment variability in cod (Begg and Martiensdottier 2002) and sustainable harvest levels in rockfish (Spencer et al. *in press*).

Attempting to manage constraining overfished species on a coastwide basis is an ongoing challenge just in seeking fairness and equity between gear groups and regions. Add to this the evidence that local depletions may lead to stock fragmentations and it starts to become clear that the entire coast is

likely too broad a scale for management of at least some species. And it could get worse. Tradable IFQ shares would likely encourage local depletion more than current management, and at the same time could further limit opportunities for fishing in areas where populations are abundant.

Solutions that move toward area management will likely appear at multiple scales in an adaptive process. Precautionary measures such as harvest guidelines by state have already been used, even without stock assessments that explicitly evaluate the relative strength of fish populations by region. Differential trip limits broken by capes or state lines have also been used.

A natural and practical way for this to progress is to cape-to-cape management, which would divide the west coast management unit into smaller areas delineated by Cape Flattery, Cape Blanco, Cape Mendocino, and Point Conception, well-known biogeographic boundaries in fish distributions. Beyond the biological benefits, a thoughtful approach to management on smaller scales could promote local stewardship and benefit communities as well.

It makes good sense to at a minimum provide for distribution of DAP quota shares on a geographic basis. The British Columbia groundfish trawl individual vessel quota program took such an approach, even in the absence of data identifying sub-populations of quota fish. Managers in British Columbia had the foresight to anticipate the disruption a future redistribution of quota by area would have on the fishery.

Even if spatial elements are not included within the DAP alternatives, which we believe would be a grave mistake, the practicality of area management cannot be ignored. First, the science is emerging that will likely necessitate management of some species at smaller geographic scales. Second, there is strong demand in some communities for area management, and for stewardship areas that could provide, among other benefits, local incentives for effective conservation. And, third, the problem of bycatch has not gone away just because a DAP is under consideration. Although Amendment 18 unacceptably lacks a time schedule for action to reduce bycatch, it does express the intent of the PFMC to institute bycatch caps by fishing sector, which could be subdivided geographically.

PMCC believes that all of these trends and expectations should be part of the analysis of future baseline conditions, both for the purpose of evaluating any incremental benefits of each DAP alternative, and for anticipating the management environment at the time when a DAP might be implemented.

Thank you for considering our comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Huhtala", written in a cursive style.

Peter Huhtala
Senior Policy Director

References: We cited some of these documents in our comments. All of them are incorporated into our comments by reference, because we believe that they each contribute to understanding facets of recent science regarding stock structure and spatial distribution of fish populations. We believe that awareness of this information should compel inclusion of spatial elements within many DAP alternatives, and it also provides insight into the scientific basis for a trend in west coast groundfish fisheries toward area management. Links to most of these documents can be found on the PMCC website at www.pmcc.org.

Begg, G.A. and G. Marteinsdottir. 2002. Environmental and stock effects on spawning origins and recruitment of cod *Gadus morhua*. *Marine Ecology Progress Series* 229:263-277.

Berkeley, S.J. et al. 2004. Fisheries Sustainability via Protection of Age Structure and Spatial Distribution of Fish Populations. *Fisheries*. 29(8):23-32.

Buonaccorsi, V.P. et al. 2002. Population structure of copper rockfish (*Sebastes caurinus*) reflects postglacial colonization and contemporary patterns of larval dispersal. *Can. J. Fish. Aquat. Sci.* 59:1374-1384.

Gomez-Uchida, D. et al. 2003. Microsatellite markers for the heavily exploited canary (*Sebastes pinniger*) and other rockfish species. *Molecular Ecology Notes* 3:387-389.

Gomez-Uchida, D. and M. Banks. 2005. Microsatellite analyses of spatial genetic structure in darkblotched rockfish (*Sebastes crameri*): Is pooling samples safe? *Can. J. Fish. Aquat. Sci.* 62:1874-1886.

Larson, R.J. and R.M. Julian 1999. Chaotic Genetic Patchiness and Fisheries Management. *CalCOFI Rep.*, 40:94-99.

Miller, J.A. et al. 2005. A comparison of population structure in black rockfish (*Sebastes melanops*) as determined with otolith microchemistry and microsatellite DNA. *Can. J. Fish. Aquat. Sci.* 62: 2189-2198.

Rocha-Olivares, A. and R.D. Vetter. 1999. Effects of oceanographic circulation on the gene flow, genetic structure, and phylogeography of the rosethorn rockfish (*Sebastes helvomaculatus*). *Can. J. Fish. Aquat. Sci.* 56: 803-813.

Spencer, P., D. Hanselman, and M. Dorn. In press. The effect of maternal age of spawning on estimation of F_{msy} for Alaskan Pacific ocean perch. Lowell Wakefield Symposium, Alaska Sea Grant.

Withler, R.E. et al. 2001. Co-existing populations of Pacific ocean perch: *Sebastes alutus*, in Queen Charlotte Sound British Columbia. *Marine Biology* 139:1-12.

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

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PFMC

Bernard Bjork
36293 Barrtoldus Loop
Astoria, OR 97103

May 02, 2006

Dear Chairman Hansen;

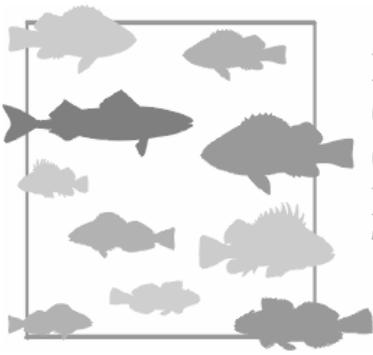
I am a retired fisherman of 30 years. For 21 of those years I fished in the Alaska Halibut and Black Cod fishery, 9 of those years under the IFQ system. Last year I was asked by local Astoria/Warrenton based groundfish drag fishermen to help them with certain aspects of their Individual Transferable Quota System. After looking into their plan I could see that it was a very good idea. Being able to transfer too much of a certain species to another vessel (on paper) during a given trip would eliminate most bycatch. Making it 100% observer covered would be a major change from the "Good Old Days".

Processor or community quotas are not the way to go. Senator Smith's Two Pie Hake Quota is definitely not the way to go. Making our fishermen into modern day sharecroppers under either processor or community quotas is not the American way. Keeping fishermen as independent as possible is the proper course. I was able to use the quota I received as collateral for two separate loans. I used that money to refurbish my boat, and acquire more quota. That money made its way to local shipyards, engine dealers, electronic stores, gear stores, and quota brokerages. The days of the company store are over. Lets not go back to that.

Chairman Hansen, I want to thank you and the council members for all the time you give to your community. This time that you give back to your community is a choice that you make. Please allow our fishermen to be able to continue to make decisions and choices. They can do that much better under Private ownership of quota, not under processor or community quotas.

Sincerely;


Bernard Bjork



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P.O.O.R.T. • PO BOX 679 • PORT ORFORD, OR 97465 • (541) 332-0627 • poort@carrollswab.com

May 26, 2006

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

RE: Agenda item F.3

Dear Chairman Hansen:

I attended the Trawl workshop in Portland on April 19th to find out how the Contractor intends to analyze the potential impacts of a trawl IQ plan on communities. The community session was held at the end of the workshop, many people had left, and the Contractor decided to change the format and give each person a chance to comment instead of breaking into working groups. I think it is important to note that what many people consider to be the most important issue—how the trawl IQ plan will negatively impact coastal communities and other fisheries—wasn't approached with the same process as the other issues. I believe it is critical that the PFMC not allow community impacts to be pushed aside or given token analysis. The following issues need to be analyzed by the Contractor before the Council moves forward with approving a trawl IQ plan:

--Community impacts: the Contractor proposed to limit analysis of impacts to communities to "trawl communities". **All coastal communities must be considered.** I can list a dozen negative impacts the trawl fishery and trawl management has had on my community, the non-trawl community of Port Orford, Oregon. One major impact is the groundfish harvest reductions brought on by destructive trawl gear that put the Port Orford longline fleet completely out of business. Another example is the influx of capital into the crab fishery from the trawl buyback that brought thousands of crab pots into an already over-capitalized fishery. There is a long list of negative impacts to my community over many years. I anticipate severe impacts to my community if the trawl IQ plan isn't designed with area-based IQs - where the fish was historically landed - the entire trawl IQ could end up being fished right here at Port Orford. Localized, serial depletion of fish stocks is a very real threat to our community.

--Loss of jobs in coastal communities: A major goal of IQs is to promote efficiency which translates to consolidation. Obviously many deckhands are going to lose jobs. I worked for the Oregon Groundfish Disaster Outreach Program and we had a tough time finding jobs in coastal communities for the displaced fishermen. Most people had to leave the coast and move to the I-5 corridor to find family wage jobs. It is devastating to coastal communities to lose working people, to lose families. The Council needs to acknowledge this issue and analyze it, and then decide if efficiency-a trawl IQ plan-is the best way to go.

--Impacts on other fisheries: IQs will make fishermen millionaires overnight. What will be the impact when IQ is sold and the fisherman invests the capital in other fisheries that have latent opportunity? That enormous

influx of money into other fisheries will just shift the trawlers problems to other fisheries. For example, while the Oregon crab fishery is considered over-capitalized, at least 100 permits have landed less than 10,000 pounds in any one year of the 5 year window period for pot limits. That's a great deal of latent capacity available for the trawl IQ money. If Oregon does get a pot limit in place, highly efficient fishermen with lots of cash to reinvest buying latent permits, investing in the fastest boats and premium gear will severely impact the crab fishery. The same is true for west coast salmon. All fisheries have been negatively impacted by the trawl buyback money being poured into bigger, faster boats, more gear, purchasing latent permits. Do we need to destroy every fishery so the trawlers can "rationalize" their fishery?

--Impacts on other groundfish fishermen: The Council made a terrific mistake when you moved forward with a trawl only IQ program. The commercial longline fleet and sport and recreation fishermen are left with the unknown; we do not know what to expect for our fishery in the future. How do you intend to manage the other fishers? You should not move a trawl IQ program forward until you acknowledge what you are going to do about all the other groundfish fishermen. You have created incredible instability in the other groundfish sectors so the trawlers can get their IQ pushed through.

It is easy to understand why the trawlers want an IQ program. This is about making men millionaires. What is difficult for me to understand is what's in it for the PFMC that is the steward of the fish and the communities? What's in it for the country—this is a public resource?

Analyzing or scoping options for the IQ plan is important work for the Council to consider. The information generated from a thorough analysis of the impacts of a trawl IQ plan will provide critical guidance for the Council. Please spend the time and money needed to make sure you get the best possible information before you move the trawl IQ program forward.

Sincerely,

Leesa Cobb

Program Director