

August 20, 2006

To: Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Attn: Mr. Donald K. Hansen, Chairman

Re: Inseason Adjustments to Groundfish Management and Equal Opportunity for All Harvester Sectors

Dear Mr. Hanson and members of the Council,

I would like to submit my concerns in regards to the July 1st, 2006 Inseason Adjustments and Inseason Triggers regarding the Darkblotched Rockfish and the Canary Rockfish for the LE trawl fishery. And my concerns about the Council managing ALL trawl harvest sectors equally and fairly. My husband and I own a small groundfish trawler that we operate in the nearshore fishery off the coast of Washington state. Because of the size of our boat we can not fish in the deep waters seaward of the RCA. We can only fish between the RCA and the Three Mile shore line.

I very much agree with some of the recent management measures that were put in place to curtail the Whiting Trawl Fishery and the Non-Whiting Trawl fishery that impacts the Darkblotched Rockfish. I have been waiting to see fairer PFMC management practices and decisions applied to ALL fishers involved in taking certain species. This recent decision in regards to the Darkblotched Rockfish OY is finally one of those equitable decisions. The persons impacting the species the most certainly are the ones that should endure the consequences the most. It's not right when only one sector of the fishery or only a handful of fishermen severely impact the fishery and the entire coastal fishery has to suffer the consequences for their actions. By implementing this Inseason Adjustment for the Darkblotched Rockfish OY I can see that the PFMC has finally taken this into consideration. As a small, family owned and operated nearshore trawler we appreciate the Council's consideration.

I do have some serious concerns though, and they are in regards to where the Council's considerations truly lay. As written in the Federal Register (July 3, 2006 - Volume 71, Number 127), NMFS Public Notices (July 06 Public Notice), the PFMC recommendations (June 2006 Council Meeting List of Decisions), and the GMT's report to the Council (Agenda Item F.4.b, Supplemental GMT Report, June 2006) - the major consideration for the In-season Adjustment is to keep the Petrale fishery open in Period 6. There is nothing written stating consideration for keeping the small boat nearshore fishery open in Period 6. On the contrary, in the Inseason Triggers management plan it threatens to close the nearshore fishery down completely if 7.75mt of Canary rockfish are caught in any month, mainly because of boats that move inshore when the seaward RCA line is pushed further seaward. By the Council's own words (or the lack of them), the inequity of the regard and consideration between the harvester groups is obvious.

Quoted from the Federal Register:

"However, if Darkblotched rockfish mortality continues to be higher than projected or approaches the OY even with these inseason actions, there will not be an opportunity for a Period 6 Petrale fishery."

"In addition, it (the In-season Adjustments) should ensure an opportunity for a Period 6 Petrale sole fishery by reducing the mortality of Darkblotched rockfish."

PFMC's own words show an obvious preference for the Petrale fishery... and no regard for how that will effect the small boat nearshore fishery. My concerns and questions are these; why does the Council and NMFS place such high regard and consideration on the Petrale fishery (particularly Period 6), when it has absolutely no regard or concern for completely shutting down the small boat nearshore fishery? Why isn't there equal concern and consideration for keeping the nearshore fishery open all year just as there is for the Petrale fishery? Why is the Petrale fishery viewed as more important or valuable to the Council? The nearshore boats have an equal right to fish all year.

As the Council and NMFS are well aware of, there is a trawl fishery sector that is made up of small boats, many of them family owned and operated. Generally these boats are 60' or less in length and are not capable of fishing in deep waters. Many of these boats are not even large enough to carry the wenches and wire that are required to fish seaward of the RCA.

When an OY is met and the coastal fishery is shut down from the seaward RCA line (200 or 250fm) to the shore we are finished fishing until it is opened back up again... which is usually the next year. This means that we have no

other alternatives. We can not continue to fish seaward of the RCA line like the larger boats can. We are forced to suffer the impact of no income for several months until the fishery opens back up again. This is a huge and catastrophic economic hardship for many fishermen and boat owners. We have been suffering through this hardship for the past several years with Period 5 and 6 closures from the RCA shoreward. I ask anyone reading this letter to consider the financial hardship of you not being able to work and generate income for 60 to 90 days every year. The impact is devastating. To make this even harder for us to tolerate is the fact that the statistics show that the small boat nearshore fishery does not contribute greatly to the over-fished OY species. Most of the impacts are coming from the sectors that fish deeper than 100fm (PacFin, QSM data). Yet, we are the ones forced to suffer the greatest impact by not being allowed to fish for the rest of the year.

When we tried to address this concern to the Council previously, we were told by the Council that it is not the Council's *fault* that our boats are small and we can not fish in deep waters... that we would just have to "deal with it". I would like to point out that it is not 'our' fault either. The type of boat that someone owns and operates is no ones 'fault'. It is simply a matter of fact. And each permitted boat whether large or small, has the right to participate equally and fairly in the fishery under the laws of the Magnuson Stevens Act... and the right to equal regard and consideration by the PFMC. Anything that differs from these equal rights should be considered discrimination.

The other serious concern I have is that I do not agree with the Inseason Triggers for the LE trawl fishery. I do agree with trip limitations, but I do not agree with moving the shoreward RCA line in to the shoreline. Again, this would only facilitate to force the small boats to bear the brunt of the management actions. The larger boats would simply go back out past the seaward RCA line where they could continue to fish for the remainder of the year and the small nearshore boats would be shut down completely, unable to participate equally in the fishery.

The Council's rationalization for this is, that if the nearshore gets too much pressure... such as catching 7.75mt of Canary rockfish in any month... because boats are moving in-shore when the seaward RCA line gets pushed out, then the shoreward RCA line will be moved in to the shoreline. This is so incongruous. The larger boats that are impacting the nearshore can just move back out past the seaward RCA line and continue fishing for the rest of the year, but the small boats that have not impacted the nearshore are shut down. That is discrimination.

Also, as quoted from the PFMC in the Federal Register (Vol. 71, No. 127, July 3, 2006):

"At its June 2006 meeting, the Pacific Council recommended this mechanism (the In-season Triggers) for addressing concern for the potential loss of the period 6 Petrale fishery, and concern over potential effects on Canary rockfish if trawl effort increases in areas shoreward of the RCA."

Why does the Council place such high regard and concern for the Petrale trawl fishery and it does not share that same regard and concern for the small boat nearshore trawl fishery? Why does one sector have more importance than another does? The Council's concerns should be equal for all sectors. That is how the Council is mandated to operate. But by the Council's own words, it is not doing that. By knowingly allowing a situation to occur (seaward boats move inshore) that could have the potential to shut down an entire sector (small nearshore boats), that is not equal consideration.

The Council should be capable of managing the trawl fishery in a way that is non-discriminatory for ALL fishers. Either manage the fishery in a way that ensures all trawl sectors to have equal opportunity to fish all year or if the fishery needs to be closed, then shut it down to ALL harvesting sectors. No preferred harvester groups.

Knowing that the Council likes suggested solutions to the problems that we voice, I have a few suggested solutions. The Council already practices sector management, my suggestions are just additional solutions using the same practice.

My first suggested solution is an important one that could greatly lessen the impact of the nearshore trawl fishery from all fishers. Most larger boats will probably not agree with it, but it would even out the playing field of the nearshore fishery and greatly slow down the harvest rate of important species that are always close to reaching their OY.

- 1) Reduce the length of the footrope for the Selective Trawl net to 65 - 70' for ALL boats fishing shoreward of the RCA line regardless of the boat size. The main boats fishing the nearshore fishery are the smaller ones (for obvious reasons already stated) and most of their Selective Trawl footropes are no longer than 70'. When the larger deep-water boats move in to fish the nearshore area, many of them are using a Small footrope or Selective Trawl net that has a footrope length of 100' or more. This gives a big and uneven advantage to the large boats using large nets and only serves to speed up the rate at which the OY's are reached. Creating a uniform footrope length of 65-70' for ALL nets and for ALL boats fishing shoreward of the RCA would greatly lessen the impact and would provide a longer and more equal fishing opportunity for the nearshore fleet.
- 2) Make trip limits for boats fishing shoreward of the RCA and boats fishing seaward of the RCA separate.

- 3) Make each sector accountable for their own impact on the fishery. If an OY is met by a sector that fishes seaward of the 100fm line then that sector is closed and can not move shoreward to continue harvesting. Equally, if an OY is met by a sector that fishes shoreward of the 100fm line then that sector is closed and can not move seaward to continue harvesting. This makes each sector accountable for their own actions.
- 4) Distinguish between fishing boat capabilities by creating a 60' or 65' limit for nearshore fishers... much like Alaska's 58' Seine limit and the 32' Gillnet limit. Boats fishing between the RCA and the shoreline would be restricted to 60-65' in length.
- 5) Manage the coastal fishery with state boundaries, where each state has it's own quota and OY systems. That way each state is accountable for it's own impacts and fishers can not over-harvest in another state. These lat/long coordinates have already been created and entered into the PFMC and NMFS database.
- 6) Be more diligent in having equal regard and consideration for all trawl fishery harvester sectors. Do not value one sector more than another. Ensure that all trawl fishery harvester sectors have an equal opportunity in order to uphold equal fishing rights as stated in the MSA.

I ask that the Council please DO continue the Bycatch Inseason Adjustment, but I ask that the Council please DO NOT implement the Trigger portion of the Inseason Adjustment. Please DO NOT close the area between the RCA and the shoreline during Period 5 for any reason. Give the small boat nearshore trawl fishery the same equal opportunity and consideration that you give to the Petrale fishery. Thank you for your time in reading my letter and I hope you will consider my concerns and solutions.

Sincerely,

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