

Agenda Item B.1.a
Open Public Comment 2
November 2007

Please consider the enclosed material as public comment.

These are my thoughts and recommendations for the process of issuing an Open Access B permit to participants in the directed groundfish fishery.

This material was assembled after I attended an informal meeting with CA. DFG representatives and several groundfish participants in Los Alimitos CA. on August 22, 2007.

Sincerely, John Law

On Wednesday August 22, 2007, I attended a meeting in Los Alimitos CA. at the invitation of the California Department of Fish and Game. The intent of this informal gathering was for fishermen from various ports to express their views and ideas toward the idea of creating a permitting process for participants in the open access directed groundfish fishery.

The conversation was lively and a variety of views were shared buy all in attendance. There were four fishermen from Morro Bay/ Avila , three from Mission Bay and one from Newport.

As expected the two hours went by fast and several areas of the permitting process were never addressed.

The discussion of the six alternatives was cut short because the ideas presented by the Morro Bay group did not allow for any debate. They had all entered the sablefish trap fishery at the end of 2006 and their only option was for the council to consider status quo or no action. When the trawl fleet was eliminated from this area it opened up waters that were off limits before. They could now trap without the fear of gear loss.

Unless the council decides to separate the sable fish trap participants from those who target rockfish I am against status quo or no change. The council has stated that its intentions are to reduce the number of participants to those who are most dependent and committed to the fishery. There is a big difference between being dependent on the fishery and WANTING to be dependent on the fishery. By allowing participants to continue that have no long term stake in the fishery, the council would be going against its own stated objectives.

My primary fisheries are shelf rockfish and ling cod. I have a deeper nearshore permit that allows me to take the few fish available in extreme southern California. As stated at the meeting the optimum yield for shelf rockfish is not likely to change much in the near future. The only way for the quotas to go higher is for the number of participants to go lower. The council must act to determine which participants will be allowed to share the available stock and also act to remove the latent capacity out of the group.

The most realistic alternative is #4. This alternative stops the process and does not require any future stacking or buying of permits. I would support #3 if it is for those participants from 2001 or before.

I do not like the idea of using dollar value to determine eligibility because the value of fish caught in 1998 could be quite different from the value of the same catch in 2006. In addition some of us are fish receivers and actually sell our catch at much higher value than the one stated on the landing receipt.

I do support the idea of using a participants individual landing history instead of using a vessels history. Many have owned multiple vessels over the period of 1998 – 2006.

Qualifications for Open Access B permit eligibility.

The objective in selecting a particular quantity or frequency of landings for a minimum landing requirement should be to try and identify those fishery participants who are economically most dependent on and committed to a particular fishery. Strategic Plan Document page 30.

Time Window.

April 1998 – September 2006 Time Window
This time frame has been chosen by the council.

Long Term Participation – Recent Year Participation

Five years participation from 1998 – 2006 with participation in any one year from 1998 – 2001 and 2005 or 2006.

A participant could qualify by entering the fishery on December 31, 2001 and continuing until January 01, 2005. Resulting in five years credit in just three years.

Minimum Landing Requirements.

Two metric tons, in combination, over the nine year period. With the shortened years of 1998 and 2006 this will be roughly a 500 LB. per year average over the period. Long term participants would have more years to meet the qualifications and those with less time would be able to show a dependence on the fishery.

Those who joined the fishery after 2001 did so knowing that the council had started the process of future licensing. The council announced in 2001 that its intentions were to bring “the CURRENT open access participants into limited entry”. To include those who entered in 2002 or later would undermine the sacrifices that participants had to endure in the initial stages of management.

Many entered the fishery to take advantage of the decreased quotas for shelf, bocaccio and ling cod, these larger operations fished the slope to take advantage of the missing shelf rockfish in local markets. In some cases the only reason for participation was the hope of being issued a valuable transferable permit.