



September 2, 2008

BY FAX, EMAIL and U.S. MAIL

Mr. Donald Hansen and Members of the Pacific Fisheries Management Council  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Re: Public Comment on Proposed Amendment 21 to the FMP: Intersector Allocation

Dear Mr. Hansen and Members of the Pacific Fishery Management Council:

The organizations of the Natural Resources Defense Council ("NRDC") and Pacific Marine Conservation Council ("PMCC") submit the following comments concerning proposed Amendment 21 to the Fishery Management Plan ("FMP") on groundfish intersector allocation.

As we have testified previously, we believe that the Intersector Allocation amendment is likely to have significant conservation and socioeconomic impacts on the groundfish fishery. Allocation of fish to the sectors will play a large role in determining the future footprint of each of the different limited-entry gears. As stewards of the resource, it is your obligation to choose an allocation that best serves the overall health of the oceans and which is consistent with the best direction for the fishery to evolve.

As many studies have demonstrated, fixed gear offers significant conservation benefits compared to trawl. The bycatch from the fixed gear sablefish fishery is orders of magnitude less than that of the sablefish trawl fishery (see Lekelia Jenkins, Gear Conversion as a Means to Reduce Bycatch and Habitat Impacts in the U.S. West Coast Sablefish Fishery (2008)) and the impact fixed gears have on bottom habitat are far less destructive than trawl (see National Research Council, Effects of Trawling & Dredging on Seafloor Habitat (2002)). Accordingly, we believe that the Council should give full consideration to a more forward-looking alternative, one which doesn't simply rely solely on recent history but instead provides an increase of 25-30% to the more conservation-oriented gears of long-lines and pots for those fisheries that are amenable to fixed gears.

To help develop this more forward-looking alternative, we conducted a survey of fixed gear fishermen to better determine where emerging fisheries exist and the extent of the species they could fish productively with a higher allocation. The results are attached and demonstrate that the fixed gear sector has the capacity and the desire to catch significantly greater amounts of the major target groundfish species.

Thank you for your consideration of this study. We appreciate the opportunity to tell you about our concerns and vision for the groundfish fishery and we look forward to working with you productively through the Amendment 21 process.

Sincerely,

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cc: Frank Lockhart

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# **Fixed Gear Survey for West Coast Groundfish Inter-sector Allocation**

**Prepared for submission to the  
Pacific Fishery Management Council**

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## **I. Background / Overview**

The Pacific Fishery Management Council (“Council”) and the National Marine Fisheries Service (NMFS) are planning to allocate a number of fish species to different gear sectors through Amendment 21 to the Groundfish Fishery Management Plan. This action is being taken primarily to facilitate an individual fishing quota system for the trawl fleet, although inter-sector allocation also can serve other management possibilities, such setting hard total fishing-related mortality caps by sector. NMFS is supporting this effort with analysis, including preparation of an environmental impact statement (EIS).

The Council and NMFS are currently considering long-term allocations to the trawl, fixed gear, open access and recreational fisheries for as many as 18 groundfish species and three complexes. Preliminary alternatives being considered for the Amendment have largely focused allocation percentages based on recent years’ (i.e. 2003 - 2005 and 1995-2005) catch history.

Because this Amendment would result in a long-term gear sector allocation, Natural Resources Defense Council (NRDC) and Pacific Marine Conservation Council (PMCC) believe that good stewardship of the resource require full consideration of an option that is not simply based on the recent past but is more forward looking. The allocation to gear sectors is a strong determinant of the extent that different gear types will fish. Since allocation will largely determine the trawl and fixed gear footprints, NRDC and PMCC believe that the Council and NMFS should choose allocation levels that are optimal for the health of the resource.

Fixed gear fishing offers significant environmental benefits over trawling, including lower bycatch rates and less bottom habitat impact (Johnson 2002; Morgan and Chuenpagdee 2003; Barnes and Thomas 2005; Jenkins 2008). Therefore, PMCC and NRDC believe a more forward-looking alternative should allocate a higher percentage of groundfish allocation to fixed gear fishermen than has occurred in recent history.

To help inform development of a forward looking alternative, NRDC and PMCC (on their own initiative) conducted a survey of active limited entry fixed gear groundfish fishermen to help determine the extent of the specific species they would be willing and able to utilize with a higher allocation. This summary of the survey results is being provided to the Council and NMFS for consideration in Amendment 21 and the accompanying EIS. Such an alternative could be analyzed for equity among a diverse fleet as well as for conservation benefits.

In addition to this survey, NRDC and PMCC expect and hope that scientific analysis, other written comments, and public testimony will be considered in deciding gear sector allocation as part of a robust and transparent public process.

The survey and results presented in the remainder of this paper suggest that the fixed gear fleet has both the capacity and desire to make productive use of an increased allocation of certain groundfish species.

## **II. Distribution and Response Rate**

The two page survey (see appendix A) was sent with an accompanying letter (see Appendix B) to 113 active limited entry fixed gear fishermen in early July 2008. Additional responses were sought through telephone calls to 39 recipients who did not initially respond to the printed survey (calls were made to those fishermen for whom telephone numbers could be found via on-line telephone directories).

A total of 23 surveys were at least partially completed and returned to PMCC, resulting in a response rate of 20.4%. Of these, six were from California based fishermen, 11 from Oregon and six from Washington. Results in this report are based on those surveys, with some additional comments taken during telephone conversations. Five respondents only partially completed the surveys, and did not include full details of catch history and expected future catches. The data from these surveys were included in the results and comments, but did not contribute to the information about current and expected catches.

## **III. Survey Results**

The 23 respondents included owners or operators of 28 vessels, utilizing 18 different ports from Bellingham, WA to San Pedro CA. Eleven respondents stated their primary port(s) was in Oregon, while 6 and 5 listed California and Washington, respectively. One individual listed two primary ports in different states—one in Washington and one in Oregon. Experience of participants ranges from 2 to 50 years, averaging 26 years. Vessels range in size from 25-85 feet (ft.), averaging 47 ft.

### **▪ Major fisheries**

The major species caught by the respondents (by number of participants) were sablefish, lingcod, minor slope rockfish complex, and shortspine thornyheads. Of these, sablefish were overwhelmingly the main target species (see Table 1). In all cases, however, they stated that their catches would be substantially greater if they were allowed greater access to these species.

Survey participants, prior to answering the question on how much more they could realistically catch and sell if the present allocation were increased, were reminded to take into consideration time, gear, expertise and market changes. These considerations were included in an effort to encourage thoughtful and realistic responses from participants given their individual situation and discourage 'infinite' demands for more allocation for the fixed gear fleet in general.

**Table 1.** Overall response by species<sup>1</sup>.

Species	# of responses	2007 catch	Expected harvest (with increased allocation)	Ratio expected (2007)
Lingcod N of 42	9	10,698	84,600	7.9
Lingcod S of 42	5	2,600	24,500	9.4
Pacific cod	0	0	0	-
Sablefish N of 36	13	500,311	1,945,000	3.9
Sablefish S of 36	3	183,000	660,000	3.6
Shortbelly Rockfish	1	0	7,000	∞
Chillipepper Rockfish	2	0	17,000	∞
Splitnose rockfish	1	0	4,000	∞
Yellowtail rockfish	3	2,500	20,000	8.0
Shortspine thornyhead N of 34	8	7,968	82,000	10.3
Shortspine thornyhead S of 34	1	2,000	50,000	25.0
Longspine thornyhead N of 34	4	1,500	25,000	16.7
Longspine thornyhead S of 34	1	4,000	4,000	1.0
Minor slope rockfish North	8	33,577	233,000	6.9
Minor slope rockfish South	6	21,500	346,000	16.1
Dover sole	3	1,250	16,000	12.8
English sole	1	10	5,000	500.0
Petrale sole	5	1,150	21,300	18.5
Arrowtooth flounder	3	2,100	7,000	3.3
Starry flounder	1	20	5,000	250.0
Other flatfish	5	0	65,000	∞
Spiny dogfish	1	300,000	300,000	1.0

▪ **Lingcod**

Eighteen of the 23 respondents stated that they fished for lingcod, and 14 provided information about recent and potential catches. All stated that with increased allocation they would expect to catch more. The ratio between recent and potential catches was slightly higher for lingcod south of 42° (2,600 in 2007, 24,500 potential, ratio 9.4) than north of 42° (10,698 in 2007, 84,600 potential, 7.9 ratio)

▪ **Sablefish**

All but one of the respondents indicated that they either had limited entry permits for sablefish, or fished for sablefish under the open access portion of the quota. Sixteen respondents provided information about recent catch and potential catch. Recent catches ranged from 500 to 145,500 pounds. All indicated that they would catch more sablefish if a higher allocation were available, ranging from 10,000 to 500,000 pounds. Total catch by these 16 respondents was 683,311 pounds, and potential catch was 2,605,000 pounds. The average factor by which potential catches exceeded current catches was 3.8. Two others provided information about 2007 catch and stated that they could catch an “unlimited” amount of sablefish.

<sup>1</sup> The “# of responses” is total number of respondents who stated that they would expect to catch that species, even if they recorded no catch of the species in 2007.

Two respondents directly commented that sablefish are easier to catch now than at any time in the past that they can remember. One also noted that conservation areas that exclude trawlers have a positive effect on sablefish.

▪ **Minor slope rockfish**

Fifteen respondents stated that they fished for species in the minor slope rockfish complex, and there was a high level of interest in increasing catch for these species. For north of 40°10'N latitude, this includes aurora (*S. aurora*), bank (*S. rufus*), blackgill (*S. melanostomus*), darkblotched (*S. crameri*), redbanded (*S. babcocki*), rougheye (*S. aleutianus*), sharpchin (*S. zacentrus*), shortraker (*S. borealis*), splitnose (*S. diploproa*), yellowmouth (*S. reedi*). Eight respondents caught 33,577 pounds in 2007, and estimated future potential catch of 233,000, for a ratio of 6.9.

One commented that the use of floating groundlines for slope rockfish was effective; catching mostly shortraker and rougheye rockfish with only about 1% incidental catch of POP and darkblotched rockfish. Marketing these fish via air freight to Japan for high quality product gave a much better price.

South of 40°10'N latitude the complex includes aurora (*S. aurora*), bank (*S. rufus*), blackgill (*S. melanostomus*), darkblotched (*S. crameri*), Pacific ocean perch (*S. alutus*), redbanded (*S. babcocki*), rougheye (*S. aleutianus*), sharpchin (*S. zacentrus*), shortraker (*S. borealis*), yellowmouth (*S. reedi*). Six respondents (one of whom also fished for minor slope rockfish north) caught 21,500 pounds in 2007, and estimated potential catches of 346,000 pounds, for a ratio of 16.1

▪ **Shortspine thornyheads**

Nine respondents indicated that they would catch more shortspine thornyheads if given greater access. Eight of these were north of Pt. Conception (34°N). Their total 2007 catch was 7968 pounds, and estimated potential catch was 82,000 pounds, for a ratio of 10.3.

Two respondents commented that trawling had damaged markets for thornyheads, and that they had trouble selling their catch.

▪ **Other species**

The other species listed in the survey were Pacific cod, shortbelly, chillipepper, splitnose and yellowtail rockfish, longspine thornyheads, Dover, English and petrale sole, arrowtooth and starry flounder, other flatfish and spiny dogfish. These species appear to be minor target species or incidental catch, although in some cases greater allocations may allow the development or expansion of fixed gear fisheries.

No Pacific cod were expected to be caught by survey respondents. One respondent noted that this was a result of depth restrictions currently in force.

Only small amounts of shortbelly, chillipepper and splitnose rockfish were recorded as caught in 2007, and the fishers with these landings did not include information about

expected landings. Two respondents stated that they could target these species and catch significant quantities, even though they recorded no landings for them in 2007. Landings of yellowtail rockfish were larger and three respondents would expect to catch larger quantities if given larger allocations.

Longspine thornyheads were landed by five respondents. Two noted that markets were poor or non-existent for this species and one that they were difficult to catch consistently. Nevertheless, expected catches were up to 10,000 pounds, indicating that some thought that targeting longspine thornyheads was feasible.

Landings of flatfish by survey respondents were fairly small. However, there was some interest in increasing catches, especially for petrale sole. Some respondents included halibut in the “other flatfish” category, which explains part of the large number in that category, but others noted that they would catch skates and sand dabs. Other comments included raising the possibility of targeting Dover, English and petrale sole with traps, and that this could be done with minimal rockfish bycatch.

Only one respondent targeted spiny dogfish. Three others noted that they caught them but had no market available.

▪ **Use of incidental catch**

Question 6 in the survey asked:

“If you had access to additional incidental catch of the following species, would it allow you to more fully prosecute other associated **Limited Entry Fixed Gear** fisheries in which you are interested? If YES, how much more could you realistically use? “

Most of those who answered this question said that they would be able to use more of these species. Answers are summarized in Table 2.

**Table 2:** Summary of responses to Q6.

Species	No	Yes	Max.	Min.	Average	Total
Pacific Ocean Perch	3	7	20000	1000	10143	71000
Widow Rockfish	4	8	20000	1000	10125	81000
Darkblotched Rockfish	3	10	25000	500	11550	115500

▪ **Comments**

The survey included a space for respondents to add their comments. These fell into three general categories of comments: (1) fixed gear gives better product and commands a higher price (6 comments); (2) allocation process has been unfavorable to fixed gear (4 comments); and (3) current regulations are a burden on fixed gear fishers and need to be relaxed (6 comments). Many comments in the latter category specifically mentioned the rockfish conservation areas (RCA) and that these regulations are a hindrance to small boat fisheries. Others noted that they would like to be able to switch between fishing traps and hooks under longline permits in order to develop trap fisheries with lower bycatch rates.



Telephone follow-up work resulted in similar comments being shared. A number of the individuals contacted through the follow-up phone calls said that they were not interested in participating in the survey because they believed that the system favors the trawl fleet and would not change.

#### **IV. Conclusions**

The results of this survey demonstrate that the fixed gear sector is capable of catching a greater amount of many of the major target groundfish species. The primary species were sablefish, lingcod, minor slope rockfish complex and shortspine thornyheads. The results suggest that if fixed gear fleet allocation was increased, fixed gear fishermen have the desire and capacity to potentially catch almost four times as much sablefish, eight times as much lingcod, ten times as much of the minor slope rockfish complex, and 13 times as many shortspine thornyheads. Some respondents also expressed interest in other minor species such as petrale and Dover sole, longspine thornyheads, yellowtail and chillipepper rockfish. Respondents noted that trap fisheries for some of these species could be developed with low bycatch rates.

#### **V. References**

- Barnes, P. W. and J. P. Thomas, Eds. (2005). *Benthic Habitats and the Effects of Fishing*. Bethesda, MD, American Fisheries Society.
- Jenkins, L. D. (2008). *Gear Conversion as a Means to Reduce Bycatch and Habitat Impacts in the U.S. West Coast Sablefish Fishery*: 50 pp.
- Johnson, K. A. (2002). *A Review of National and International Literature on the Effects of fishing on Benthic Habitats*. NOAA Technical memorandum NMFS-F/SPO-57 U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service.
- Morgan, L. and R. Chuenpagdee (2003). *Shifting Gears: Addressing the Collateral Impacts of Fishing Methods in U.S. Waters*. The Pew Charitable Trusts, Washington, D.C.

**Appendix A**  
**Survey**

## SURVEY FOR FEDERAL GROUNDFISH ALLOCATION – DON'T LET FIXED GEAR BE LEFT OUT

The Pacific Fishery Management Council (PFMC) is analyzing a Fishery Management Plan Amendment which will assign long-term percentages of groundfish species to different gear types. Currently, the only alternatives being considered allocate fish on the basis of historical catch—under which the trawl gear fleet gets the vast majority of the commercial groundfish. Through the advocacy efforts of a number of non-profit organizations, including Pacific Marine Conservation Council and Natural Resources Defense Council, the PFMC has agreed to consider one additional, “more forward-looking” alternative, under which fixed gear (as a more conservation-oriented gear than trawl) could potentially receive a higher groundfish allocation.

In order to develop this alternative for PFMC consideration, we need your help. The information you supply in this short survey about the species you fish and where you land them will help us show that there are existing and emerging fixed gear fisheries that should be considered for allocation. Your participation and answers are extremely important. All responses will remain confidential, and they will never be associated with your name in any way. If possible, please return the survey in the accompanying pre-addressed stamped envelope by **July 18, 2008**.

For more information on this survey or the potential PFMC Fisheries Management Plan Amendment, please contact Peter Huhtala at [peter@pmcc.org](mailto:peter@pmcc.org) or (503) 325.8188.

**Please read the waiver carefully:** I understand and acknowledge by completing this survey, I am stating that I voluntarily agree to participate.

1. In what port(s) do you primarily land your groundfish catch: \_\_\_\_\_
2. How many years have you been fishing West Coast groundfish: \_\_\_\_\_
3. What type(s) of state and federal endorsement(s) do you currently have: \_\_\_\_\_
4. What length (in feet) is the vessel you currently own/operate: \_\_\_\_\_
5. The table on the other side includes a list of groundfish species and asks you to answer questions about your current groundfish harvests and what your harvests might look like if groundfish allocation to the fixed gear fleet was not limited. **Please turn to the other side of the page now and then answer the remaining questions after filling out the table on the other side.**
6. If you had access to additional incidental catch of the following species, would it allow you to more fully prosecute other associated **Limited Entry Fixed Gear** fisheries in which you are interested? If YES, how much more could you realistically use?
  - Pacific Ocean Perch:     NO     YES, please state in pounds per year how much more you could realistically use: \_\_\_\_\_
  - Widow Rockfish:     NO     YES, please state in pounds per year how much more you could realistically use: \_\_\_\_\_
  - Darkblotched:     NO     YES, please state in pounds per year how much more you could realistically use: \_\_\_\_\_
7. Other comments: \_\_\_\_\_

8. Another part of our survey may involve talking directly with commercial groundfish fishermen to learn more about their thoughts on emerging fixed gear fisheries. If you would be willing to share your knowledge and experiences with us, please include your name and contact information below.

PLEASE RETURN THE SURVEY IN THE ACCOMPANYING PRE-ADDRESSED STAMPED ENVELOPE. THANK YOU FOR YOUR PARTICIPATION!

## SURVEY FOR FEDERAL GROUND FISH ALLOCATION – DON'T LET FIXED GEAR BE LEFT OUT

How many pounds of each species did you harvest in 2007 under your **Limited Entry Fixed Gear Permit** (please leave blank if you do not fish that species):

A. Which species listed below could you realistically catch and sell more of if the present allocation of that species to **fixed gear** was retained or increased. In your answers, please focus on future possibilities given time, gear, expertise and market changes. **(please include a pound amount for each species you would catch more of and please leave blank if you would not fish or increase your catch of that species):**

B. In what general area would you fish each species listed in Column B (for each, please circle one of the following general areas):

- NB – North of Cape Blanco to the Canadian Border
- BM – Cape Blanco to Cape Mendocino
- MC – Cape Mendocino to Point Conception
- SC – South of Point Conception to the Mexican Border

C. In what months would you anticipate fishing each species (e.g. May–September):

SPECIES	CURRENT PRACTICES		THINKING FORWARD			
	A. 2007 harvest by species (in pounds)	B. Expected harvest if access wasn't limited (in pounds)	C. General area you WOULD fish by species	D. Months you WOULD fish by species		
Lingcod	—	—	—	—		
N. of 42° (OR & WA)			NB	BM	MC	SC
S. of 42° (CA)			NB	BM	MC	SC
Pacific Cod			NB	BM	MC	SC
Sablefish	—	—	—	—		
N. of 36° (Monterey north)			NB	BM	MC	SC
S. of 36° (Conception area)			NB	BM	MC	SC
Shortbelly Rockfish			NB	BM	MC	SC
Chilipepper Rockfish			NB	BM	MC	SC
Splitnose Rockfish			NB	BM	MC	SC
Yellowtail Rockfish			NB	BM	MC	SC
Shortspine Thornyhead	—	—	—	—		
N. of 34° 27'			NB	BM	MC	SC
S. of 35° 27'			NB	BM	MC	SC
Longspine Thornyhead	—	—	—	—		
N. of 34° 27'			NB	BM	MC	SC
S. of 35° 27'			NB	BM	MC	SC
Minor Slope Rockfish North			NB	BM	MC	SC
Minor Slope Rockfish South			NB	BM	MC	SC
Dover Sole			NB	BM	MC	SC
English Sole			NB	BM	MC	SC
Petrale Sole			NB	BM	MC	SC
Arrowtooth Flounder			NB	BM	MC	SC
Starry Flounder			NB	BM	MC	SC
Other Flatfish			NB	BM	MC	SC
Spiry Dogfish			NB	BM	MC	SC

**Appendix B**  
**Survey Cover Letter**

Dear XXXX:

We are sending you this letter because (as you might already know) there is a political process underway at the Pacific Fishery Management Council ("Council") to set hard, long term allocations to the trawl, fixed gear, open access and recreational fisheries for 18 groundfish species and 3 complexes. This action is being taken to support an individual fishing quota system for the trawl fleet and a number of species fished by fixed gear fishermen will be allocated as part of this process.

The Council has been primarily focused on allocating these groundfish species based on historical use, which results in the vast majority of the groundfish being given to the trawl gear. Under this framework, the groundfish trip limits that are currently approved for fixed gear permits could be further restricted. A hard allocation that either reduces current opportunities or fails to allow for developmental fisheries greatly reduces any future opportunity to benefit from harvesting many groundfish species. At the April Council meeting, however, Pacific Marine Conservation Council (PMCC), Natural Resources Defense Council and others successfully argued that the National Marine Fisheries Service (NMFS) should prepare an environmental impact statement that considers a reasonable range of allocation options. Rather than simply looking at recent catch history while crafting allocations, we believe that consideration should be given to the future needs, emerging fisheries, and potential innovations of the fixed gear fleet.

To credibly provide the Council with an alternative that takes account of what groundfish species the fixed gear fishery might need or use in the future, however, we need your help. We need to know about your operation and what groundfish species you can anticipate using in the future by having you fill out the short survey we included. We are also interested in interviewing people so please feel free to volunteer for that too. The survey results (which will be completely confidential) will be compiled by PMCC along with information from personal interviews. We will then prepare a summary document to present to NMFS.

We hope that you will participate in the survey. If you would prefer to go over the questions on the phone, please call Peter Huhtala at (503) 325-8188, or email him at [peter@pmcc.org](mailto:peter@pmcc.org).

We also encourage you to directly participate in the allocation process. You can write to the Council anytime, referencing Amendment 21 of the Groundfish Fishery Management Plan. Their email address is [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov). You'll find additional contact information at [www.pcouncil.org](http://www.pcouncil.org).

The Council will most likely discuss this allocation at their November 2008 meeting (which is being held the week of November 2-7 in San Diego). We expect the Groundfish Allocation Committee will work up recommendations for preferred alternatives in January 2009. Final adoption could be complete during the spring of 2009.

Thank you for your time. If you have any questions please don't hesitate to call or email.

Best Regards,



Peter Huhtala  
Director of Government Affairs