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Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
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Portland, Oregon. 97220-1384

I am writing on behalf of Port San Luis Commercial Fishermen's Association (PSLCFA), a non-profit 501(c) 3 organization with 40 members, to express our concern that many of the PSLCFA fishermen may not qualify for "B" Permits in the PFMC Groundfish Management Plan Amendment 22 "Open Access Limitation" process. PSLCFA and the Port San Luis Harbor have been Groundfish dependent for decades. PSL has had many different legal gear types catching and landing groundfish for over 40 years. Groundfish has been a year-round fishery for the entire three state areas of California, Oregon, and Washington for over 40 years, and thus has provided added economic stability for that region. The Avila/PSL harbor area is located almost mid-way between the cities of Los Angeles and San Francisco is strategically placed and has had and will be able to access two of largest market areas on the west coast for groundfish sales and consumption. This access to both groundfish and the groundfish markets previously has added greatly to the economic stability to the local area. This stability mostly has been generated by a steady supply of groundfish sales revenue. Climate Change, The Groundfish Disaster Declaration (2000) and resulting lowering of Optimum Yields and bi-monthly trip limits on groundfish, the Trawl Buyback, TNC Trawl Permit buyout recently has led to instability in the fishing community and harbor of Avila/PSL. The good news is the groundfish stocks are rebounding quickly (Nearshore, Shelf, and Slope Groundfish finfish species) and are now plentiful in the ocean waters in close proximity of the Avila/PSL area. The three overfished groundfish species that are constraining fishing effort in the Avila/PSL area are bocaccio rockfish, canary rockfish, and widow rockfish. All three of these shelf rockfish species are increasing their respective populations. PSLCFA believes that these three shelf rockfish stocks will show continued growth and may be already rebuilt. Also these three overfished shelf species are drastically constraining healthy groundfish stocks in the Avila/PSL area. Chilipepper rockfish, vermilion rockfish, yellowtail rockfish, and lingcod are all being harvested at a very small percentage of their respective harvest guidelines (set by the PFMC) by the PSL commercial fishermen. In the very near future these constraining stocks will be rebuilt and will be very accessible to the Avila/PSL commercial fishermen.

PSLCFA respectively requests the Council to select as its first Preferred Alternative one of the following two PSLCFA alternatives: PA#1 1). Establish a Limited Entry B permit to vessels that have at least one landing in the years of 2004-2007 (recent Participation) and for Cumulative poundage requirement, Sablefish or Lingcod endorsements (if any) the years of 1998-December 2007. The capacity reduction in open access directed groundfish has already happened in California, especially vessels where

the owner of the vessel has a valid California Nearshore Fishy Permit (Shallow or Deeper). Vessels catching Nearshore Finfish species have decreased in length and thus capacity drastically starting with Groundfish Disaster declaration and resulting management measures of dropping Nearshore Minor Rockfish (south of 40:10) to a mere 550 lbs. per two month period. This ended the multi-day large trip boats which carried two skiffs and had a live fish carrying capacity of up to 20 barrels of live fish (approximately 2,000 lbs of fish) and the vessel fished weekly (weather permitting). Also low bi-monthly trip limits on Cabezon further reduced Nearshore vessels. Today in the Avila/PSL the nearshore vessel median length is approximately 20-22 feet in length. This generally prohibits fishing slope species safely but does allow for safe access to the shallow shelf areas to fish Shelf Rockfish and Lingcod.

The second alternative option the PSLCFA respectively requests the Council to choose as its Preferred Alternative is PSLCFA alternative PA #2: Table 2-4 B permit qualification criteria page 28 in the Preliminary Draft EA: Open Access Limitation ---Alternative 3 (b) Top # of ??? vessels using QF-3 (cum lbs. 1998-2007, w/2004-2007 trip), Group1 greater or equal to 100 lbs. Cumulative of B species (1998-2007). With additional sub alternatives or criteria, (friendly amendments) #1. Permit issued to vessel or preferably to the person (vessel owner during qualifying period) (to match California's Nearshore Permit on person requirement) if vessel's owner holds a valid California Nearshore Fishery Permit. #2. Vessel length endorsement is to be issued on permit of qualifying vessel. If vessel owner has a California Nearshore Fishery Permit then put the vessel length endorsement stamped on the Open Access B Permit and issue to the person. #3 Add heritage fishermen B permit exception as follows: If the alternative chosen by the Council has less than 5 vessels that qualify for a B permit that are 30ft or greater (large enough to fish slope groundfish species) in a historically groundfish dependent port the minimum number of B Permits is increased to 5 B permits issued to vessels greater than 30 ft by the heritage alternative. An example of a "Heritage Qualification would be. All four of the following criteria must be met to issue additional permits: a).A commercial fishermen with a commercial fishing vessel greater than 30ft. b).and has had a commercial fishing license in California for the past 20 years. c). The vessel owner's residence must be in close proximity of the groundfish dependent port for at least the last 3 years d). If the Port qualifies less than 5 vessels with a vessel length greater than 30 feet for B permits. All four criteria must be met to issue a B permit under the heritage qualification.

Also the Council should allow for a committee for Open Access Commercial fishermen that do not qualify for B permits. Committee makeup is at least 50 percent commercial fishermen and if possible a Council member of the Council in the respective states of the commercial fishermen that do not receive B permits and would like to give reasons why they should get a permit.

Justification for PSLCFA Proposed Alternatives: National Standard (1) "Prevent Overfishing while achieving on a continuing basis, the optimum yield from each fishery...Under more draconian "Open Access Limitation" alternatives listed in the EA PSL may not have enough vessels with permits to catch and land at PSL the Slope and

Shelf groundfish species that are presently underutilized and available in close proximity of PSL. Also vessels from PSL use gear types that minimize the risk of "Overfishing". For shelf rockfish and lingcod, rod and reel is the primary gear. Pot gear (majority) and long line gear (minority) are the gears used to catch sablefish by PSL fishermen. National Standard (4) "Conservation and management measures shall not discriminate between residents of different states". California has taken more conservation and restrictive management measures in proportion to Oregon and Washington. Also the PSL/Avila port region and the commercial fishermen of PSL have had a greater proportion of impacts by conservation and management measures (RCA's, MLPA for state waters, trawl buyback, allocation of nearshore species sport/commercial, etc.) than other regions in California. National Standard (5) "Conservation and management measures shall, where practicable, consider efficiency in utilization of fishery resources." The Port of PSL/Avila has Fish processing, fish buyers, fish transportation, resident commercial fishermen, commercial fishing vessels, and close access to major markets. These factors taken in combination can position the PSL/Avila area to efficiently utilize the available groundfish resources better than most other regions on the west coast. National Standard (6) "Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches. PSLCFA believes that if the Council picks an alternative that requires large landings of B species to qualify for a B permit that only a very few fishermen or vessels will qualify for a B species. Also since most A permitted vessels have moved out of area or the trawl permits retired. The B species fish would not produce optimum yield catches on a continuing basis. Lingcod and Shelf Rockfish and are increasing at an increased rate and both Lingcod and Shelf Rockfish are moving back into their historical habitat and depth range. This increase is especially noticeable in waters less than 30 fathoms in the Avila/PSL area. I have had many reports (personal communication) by Nearshore Commercial fishermen of increased catches of B species Lingcod and Shelf Rockfish while fishing for the Shallow and Deeper Nearshore Finfish species. Nearshore Fishery Permit holders typically fish at least 10 days per 2 month fishing period. The Council needs to allow for this (contingency of) "increased take of Lingcod and Shelf Rockfish" by issuing B permits to active year round Nearshore Permit holders in the Avila/PSL area. Also in 2007 the Sablefish Stock assessment included the area south of 36 degrees to the Mexican border. Previously a precautionary 50 percent of historical landing was used for OY. In 2009 the OY was increase to 1371mt. up from 212mt. for 2008. This large OY increase in sablefish (especially in Avila/PSL area) was another contingency that was not anticipated by this EA. In conclusion to comments about National Standard (6) PSL/Avila is close to the fish... now we need B permits to catch and land them. National Standard (7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication. For vessels in state managed fisheries where the permit is on the person costs may be minimized by allowing the option of putting the Open Access B permits on the person to conform to the state permits. National Standard (8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of Overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet the requirements of paragraph (2), in order to (A) provide for the sustained participation of such

communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities. Avila/PSL is such a community. The cumulative impacts of the excessive state marine reserves, the rockfish conservation area, Trawl buyouts, etc. have the PSL harbor and area commercial fishermen in financial distress. If the Open Access Limitation Permitting process is punitive on the local commercial fishermen, the sustained participation of such communities (Avila/PSL) has a increased probability of failure. National Standard (9) Conservation and management shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.....If a large percentage commercial fishermen with Deeper Nearshore Permits in the Avila/PSL can qualify for B permits the bycatch rates of shelf rockfish and lingcod for those fishermen will be less than if they received C permits (incidental catch).

Sincerely,

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