

March 2000

FISH DIVISION
FISHERIES INFO. SECTION
COMMERCIAL LANDINGS DATA

PRELIMINARY 2000 LANDINGS OF ROCKFISH, BLACK (ROUND, COMBINED)
WITH ALL GEAR
BY PORT BY MONTH

PAGE 1
RUN DATE: 02/23/00
RUN TIME: 09:03

PORT	MONTH	POUNDS	TICKETS	AVERAGE
GARIBALDI	01	144	2	72
TOTAL GARIBALDI		144	2	72
PACIFIC CITY	01	7	1	7
PACIFIC CITY	02	31	1	31
TOTAL PACIFIC CITY		38	2	19
NEWPORT	02	52	1	52
TOTAL NEWPORT		52	1	52
PORT ORFORD	01	512	14	36
PORT ORFORD	02	39	3	13
TOTAL PORT ORFORD		551	17	32
GOLD BEACH	01	100	2	50
TOTAL GOLD BEACH		100	2	50
BROOKINGS	01	21	1	21
TOTAL BROOKINGS		21	1	21
TOTAL FOR COAST		906	25	36

OREGON DEPARTMENT OF FISH AND WILDLIFE

March 2000

(FFT)ANYSPECRPT

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PRELIMINARY 1999 LANDINGS OF ROCKFISH, BLACK (ROUND, COMBINED)
WITH ALL GEAR
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PAGE 1
RUN DATE: 01/28/00
RUN TIME: 16:06

PORT	MONTH	POUNDS	TICKETS	AVERAGE
ASTORIA	01	578	2	289
ASTORIA	03	379	2	189
ASTORIA	04	73	4	18
ASTORIA	05	3,701	5	740
ASTORIA	06	645	12	53
ASTORIA	07	558	17	32
ASTORIA	08	224	6	37
ASTORIA	09	787	4	196
ASTORIA	10	312	3	104
TOTAL ASTORIA		7,257	55	131
GARIBALDI	03	64	1	64
GARIBALDI	04	1,785	17	105
GARIBALDI	05	3,115	23	135
GARIBALDI	06	4,158	27	154
GARIBALDI	07	4,070	26	156
GARIBALDI	08	4,232	27	156
GARIBALDI	09	3,745	26	144
GARIBALDI	10	1,075	7	153
GARIBALDI	11	371	3	123
TOTAL GARIBALDI		22,615	157	144
PACIFIC CITY	03	47	1	47
PACIFIC CITY	04	5,281	35	150
PACIFIC CITY	05	9,077	38	238
PACIFIC CITY	06	13,114	55	238
PACIFIC CITY	07	9,130	84	108
PACIFIC CITY	08	10,711	94	113
PACIFIC CITY	09	6,182	46	134
PACIFIC CITY	10	1,941	9	215
PACIFIC CITY	11	288	3	96
TOTAL PACIFIC CITY		55,771	365	152
DEPOE BAY	04	400	2	200
DEPOE BAY	05	243	4	60
DEPOE BAY	06	83	2	41
DEPOE BAY	10	190	1	190
DEPOE BAY	11	114	2	57
TOTAL DEPOE BAY		1,030	11	93
NEWPORT	06	4	1	4
NEWPORT	08	3	1	3
NEWPORT	09	55	1	55
NEWPORT	10	44	1	44
TOTAL NEWPORT		106	4	26

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PAGE 2
RUN DATE: 01/28/00
RUN TIME: 16:06

PORT	MONTH	POUNDS	TICKETS	AVERAGE
FLORENCE	08	6	1	6
FLORENCE	09	2	1	2

TOTAL FLORENCE		8	2	4
CHARLESTON	03	8	1	8
CHARLESTON	05	180	1	180
CHARLESTON	06	9	1	9
CHARLESTON	07	188	6	31
CHARLESTON	08	1,375	48	28
CHARLESTON	09	251	11	22
CHARLESTON	10	128	7	18
CHARLESTON	12	3	1	3

TOTAL CHARLESTON		2,142	76	28
BANDON	07	62	3	20
BANDON	08	178	5	35

TOTAL BANDON		240	8	30
PORT ORFORD	01	3,916	32	122
PORT ORFORD	02	293	3	97
PORT ORFORD	03	3,165	31	102
PORT ORFORD	04	22,399	167	134
PORT ORFORD	05	16,464	142	115
PORT ORFORD	06	30,499	283	107
PORT ORFORD	07	20,305	221	91
PORT ORFORD	08	23,843	220	108
PORT ORFORD	09	11,587	104	111
PORT ORFORD	10	7,047	77	91
PORT ORFORD	11	1,356	15	90
PORT ORFORD	12	464	5	92

TOTAL PORT ORFORD		141,338	1,300	108
GOLD BEACH	01	875	4	218
GOLD BEACH	03	83	1	83
GOLD BEACH	04	112	2	56
GOLD BEACH	05	988	12	82
GOLD BEACH	06	1,809	15	120
GOLD BEACH	07	5,672	59	96
GOLD BEACH	08	4,377	80	54
GOLD BEACH	09	1,460	26	56
GOLD BEACH	10	2,580	33	78
GOLD BEACH	11	210	5	42
GOLD BEACH	12	797	8	99

TOTAL GOLD BEACH		18,963	245	77

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PAGE 3
RUN DATE: 01/28/00
RUN TIME: 16:06

PORT	MONTH	POUNDS	TICKETS	AVERAGE
BROOKINGS	01	70	1	70
BROOKINGS	03	125	4	31
BROOKINGS	04	2,498	24	104
BROOKINGS	05	3,488	36	96
BROOKINGS	06	3,499	29	120
BROOKINGS	07	6,917	45	153
BROOKINGS	08	3,600	34	105
BROOKINGS	09	3,593	24	149
BROOKINGS	10	6,342	32	198
BROOKINGS	11	56	1	56
BROOKINGS	12	76	1	76

TOTAL BROOKINGS		30,264	231	131

TOTAL FOR COAST		279,734	2,454	113

OREGON DEPARTMENT OF FISH AND WILDLIFE

(FFT)ANYSPECRPT

FISH DIVISION
FISHERIES INFO. SECTION
COMMERCIAL LANDINGS DATA

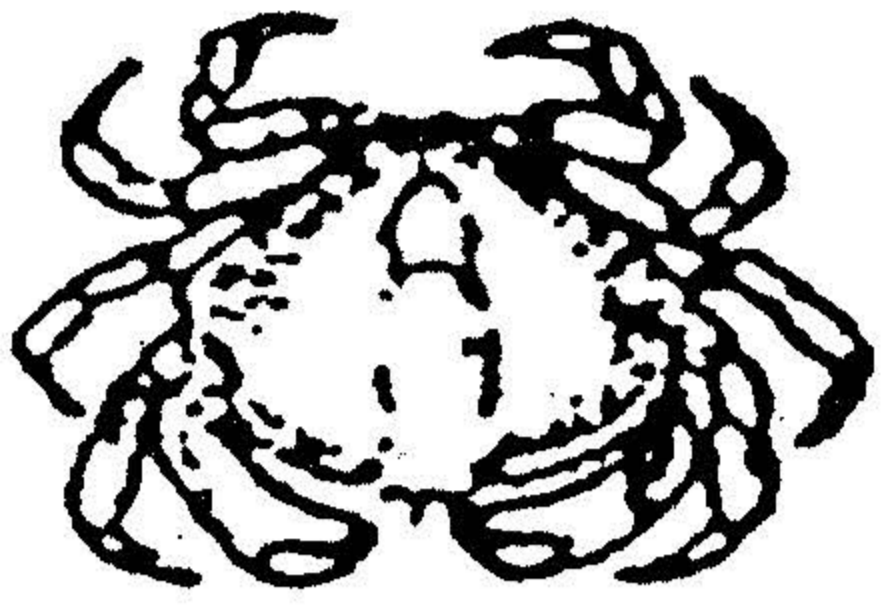
PRELIMINARY 1999 LANDINGS OF ROCKFISH, BLACK (ROUND, COMBINED)
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PAGE 1
RUN DATE: 01/28/00
RUN TIME: 16:06

MONTH	POUNDS	TICKETS	AVERAGE
01	5,439	39	139
02	293	3	97
03	3,871	41	94
04	32,548	251	129
05	37,256	261	142
06	53,820	425	126
07	46,902	461	101
08	48,549	516	94
09	27,662	243	113
10	19,659	170	115
11	2,395	29	82
12	1,340	15	89

TOTAL FOR COAST	279,734	2,454	113

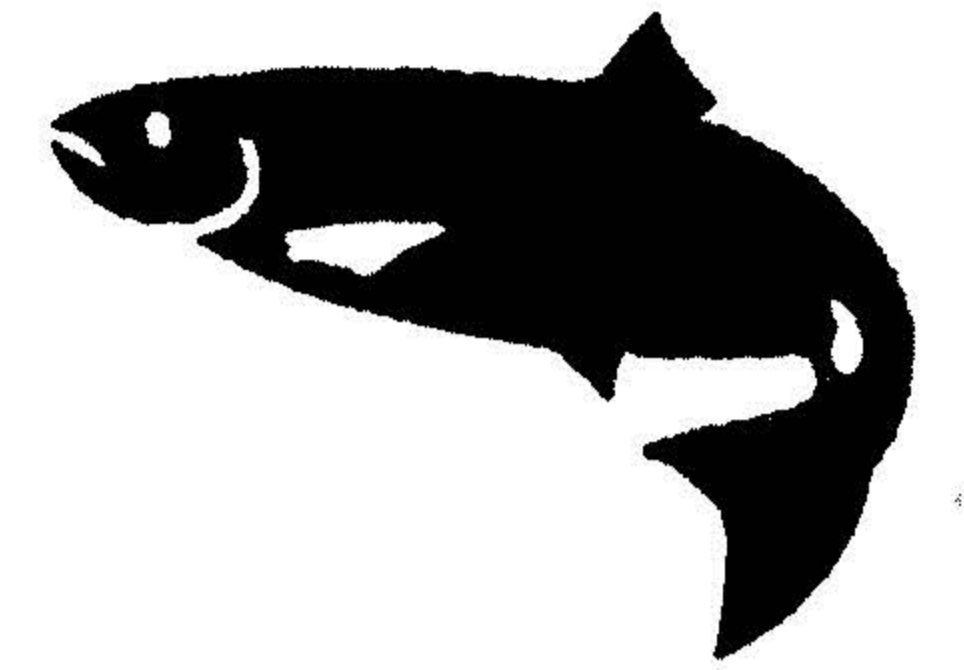
HUMBOLDT FISHERMEN'S MARKETING ASSOCIATION, INC.



(707) 443-0537

216 H Street
Eureka, California 95501

FAX (707) 443-1724



Ms. Penny Dalton
Administrator, National Marine Fisheries Service
1335 East-West Highway
Silver Springs, MD 20910

Dear Ms. Dalton:

The board of directors of HFMA strongly supports the use of federal disaster relief funds to buy back some West Coast trawl permits. We need to move forward with a well-designed buyback program promptly, as attrition through bankruptcy is unacceptable. We also strongly believe that a) the vessels as well as all their permits must be retired; b) the terms of the buyout must allow the vessel owners to walk away whole; and c) the proper approach for resource conservation is to buy out the biggest producers at the top of the pyramid, not the smaller producers at the bottom.

Some will say this is a big boat vs. small boat allocation issue. Simply put, we are far beyond that argument. Groundfish are in crisis and overcapitalized fishing operations must be removed if the resource is to have any chance of recovery. Experience has shown that such vessels are not compatible with sustainable fisheries and a healthy marine environment--hence the state of groundfish fisheries today.

We also want to state very clearly that we are not opposed to trawling *per se*. A properly managed and capitalized trawl fleet is essential to the health of West Coast fisheries. Both fish processors and fish markets depend on a steady flow of groundfish, many species of which can only reasonably be taken with trawl gear. With no groundfish coming in, those fish processors that survived would be forced to pay their overhead out of the much smaller volume of non-groundfish species, resulting in much higher costs per pound and lower ex-vessel prices for those species. The great challenge now facing the Pacific Fishery Management Council is to reduce the take of groundfish sufficiently to allow for stock recovery while maintaining a working fleet of groundfish boats.

To elaborate the need for a vessel/permit buyout:

A) The reason for the groundfish disaster, and the proposed buyout, is that some sectors of the groundfish fishery are seriously overcapitalized. Simply put, the cash flow demands of the existing fleet exceed the sustainable harvest capacity of the groundfish resource. To retire groundfish permits while leaving the vessels in service would simply transfer the

overcapitalization to other fisheries and, we believe, would lead in fairly short order to a repeat of the fishery disaster/plea for a buyback scenario. It makes much better sense both economically and biologically to remove the vessels now. If all their permits are not retired, those permits will be sold to new construction, defeating the conservation purpose of the buyout.

b) there are two points here: first, it isn't fair to punish fishermen for being successful, i.e., for being ambitious, hard-working, and seeking to realize the American dream. Second, these fishermen will not willingly participate in a buyback program if it is punitive. At a minimum, their debts on the vessel should be retired and they should leave the program with enough capital in hand to restart elsewhere, whether in smaller-scale fisheries or ashore.

c) Cash-flow needs increase dramatically with increased vessel size; hence the volume of product needed to sustain the vessel also increases dramatically. We hope we have learned, for example, that there are no fisheries capable of sustaining the catch levels required by a fleet of factory trawlers. We believe that a given fishery resource can better be harvested sustainably by many smaller boats, with lower debt service, insurance, fuel and gear costs, than it can by relatively fewer larger boats with their much higher cash-flow needs.

In summary, we hope that a buyback program will be conceived and designed with an eye for the future fleet profile necessary to achieve long-term sustainability in American fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Pellegrini', with a long horizontal flourish extending to the right.

Paul Pellegrini
President, HFMA

cc. Congressman Mike Thompson
Congressman George Miller
Congresswoman Nancy Pelosi
Congresswoman Anna Eshoo
Senator Dianne Feinstein
Senator Barbara Boxer

RULES OF CONDUCT FOR MEMBERS OF REGIONAL FISHERY MANAGEMENT COUNCILS

As a member of a Regional Fishery Management Council, you serve on behalf of the Government and are held to a high standard of conduct to ensure public confidence in the actions of the Councils. The Fishery Management Councils were created by statute to create a means for cooperation among the Federal Government, state governments, and members of the public with expertise in commercial and recreational fishing and conservation in the creation of fishing policy. Although all members are expected to honestly and conscientiously work toward the fishing policy which is best for the nation, your role on the Council may vary depending on whether you are a voting or non-voting member and whether you are a regular Federal employee, a state official, or a public member who was nominated by a governor and appointed by the Secretary of Commerce. In recognition of these varying types of service, the applicable conduct rules will also vary.

Conduct rules cover financial conflicts of interest; misuse of Council resources, including information; bribes and similar payments; and, for some members, limits on representing others before the Federal Government both during Council service and after termination of such service.

The specific rules which apply to each type of member—public member, Federal official, and state government official—are summarized below.

If you have a question about conduct rules or their application to a specific situation, you should seek guidance from the Regional Attorney assigned to provide advice to your Council.

You may also seek advice from an attorney in the Ethics Division of the U.S. Department of Commerce at (202) 482-5384, particularly with respect to Government-wide conflict of interest rules (including rules on bribes, misuse of resources, lobbying the Government, and post-service activities).

If you are a state government official, you should seek advice from the state office responsible for administering your state's ethics rules.

RULES OF CONDUCT FOR PUBLIC MEMBERS

If you serve as a public member of the Council, you are considered a Federal employee for purposes of criminal conflict of interest statutes applicable to other United States Government employees. However, because of the unique nature of the Councils, which are composed of members of the public who have special expertise in fishing matters and who, in many cases, are from the commercial or recreational fishing industries, special ethics rules apply. For regular Federal employees, disqualification is usually the preferred method for avoiding a conflict of interest; however, for Fishery Management Councils, in order to allow full participation by members of the public with knowledge of and experience in fishing matters, the method chosen by Congress to deal with conflicts of interest is full public disclosure of fishing interests and a system of appointment which encourages a diversity of views. However, as noted below, disqualification is required with regard to matters which will have a particular effect or a disproportionate effect on your financial interests relative to those of others in the fishing industry.

DISCLOSING FINANCIAL INTERESTS

Public Financial Disclosure Report of Fishing Interests. You are required to report any interest in a "harvesting, processing, or marketing activity" on a Financial Interest Form–NOAA Form 88-195, "Statement of Financial Interests for Use by Voting Members and Nominees of Regional Fishery Management Councils."

When to Report. You must file this report with the Executive Director of your Council:

- within 45 days of taking office,
- within 30 days of any acquisition of a financial interest or a substantial change in a financial interest that is required to be reported, and
- February 1 of each year.

What to Report. You must list on this report any financial interest in a "harvesting, processing, or marketing activity" which you hold or which is held by your spouse, minor child, partner, or any organization (other than the Council) in which you serve as an officer, director, trustee, partner, or employee. More specifically, you must report:

- stock, equity, and ownership interests in any
 - company or business engaged in any harvesting, processing, or marketing activity;
 - fishing vessel engaged in any harvesting, processing, or marketing activity;
 - equipment company or company that provides other services to any harvesting, processing, or marketing activity;
 in any fishery under the jurisdiction of your Council;
- employment with any
 - company or business engaged in any harvesting, processing, or marketing activity;
 - fishing vessel engaged in any harvesting, processing, or marketing activity;
 - equipment company or company that provides other services to any harvesting, processing, or marketing activity;
 - firm providing consulting, legal, or representational services to any entity engaged in, or providing equipment or services essential to, a harvesting, processing, or marketing activity;
 in any fishery under the jurisdiction of your Council; and
- employment with, or service as an officer, director, or trustee of, any
 - association whose members include companies, vessels, or other entities engaged in harvesting, processing, or marketing activities; and
 - company providing services to harvesting, processing, or marketing activities
 in any fishery under the jurisdiction of your Council.

Any other financial interest should not be reported. You should not report stock, equity, or other ownership interest in, or employment with, a firm or organization engaged in advocacy on environmental issues or in scientific fisheries research.

Public Review of Reports. You should file your completed report with the Executive Director of your Council. A copy will be sent by Council staff to the National Marine Fisheries Service (NMFS) Regional Administrator with jurisdiction over your Council; the NMFS Regional Attorney who advises your Council; the NMFS Office of Sustainable Fisheries; and the Ethics Division of the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce.

Your report will be available for inspection by members of the public in the office of the NMFS Regional Administrator with jurisdiction over your Council, at Council offices, and at Council meetings and hearings. They will be retained for five years after termination of your last term in office.

If you believe that these provisions require your disqualification from a matter, you may announce your disqualification (or recusal) at any time before the vote on the matter. If you have any question regarding the application of the rules to your situation, you may seek advice from the Regional Attorney who advises your Council or an attorney in the Ethics Division of the U.S. Department of Commerce. If you would like a determination as to whether an interest requires your disqualification, you may seek such a determination from the Regional Attorney who advises your Council using the procedures set forth below.

Participation in Discussions and Deliberations. If you are disqualified from voting on a matter because the decision would have an expected and substantially disproportionate benefit on a harvesting, processing, or marketing interest which you have disclosed, you may, nevertheless, participate in Council and committee deliberations in the matter after notifying the Council that you will not be voting on the matter and after identifying the financial interest that would be affected.

Procedures for Determinations Regarding an "Expected and Substantially Disproportionate Benefit." You may ask for a determination as to whether a matter will have an expected and substantially disproportionate benefit to you (or those whose interests are attributed to you) from the Regional Attorney assigned to advise your Council (or such other attorney as designated by the National Oceanic and Atmospheric Administration). The Regional Attorney may also make such a determination on his or her own initiative. Neither you, nor another Council member, nor a member of the public may initiate a procedure regarding another Council member. However, you may provide written and signed information to the Regional Attorney indicating that initiation of such a procedure may be appropriate. You should make a request for a determination:

- within a reasonable time before the Council meeting at which the matter at issue will be addressed, or
- during the Council meeting before the vote on the matter at issue.

You should make a request for a determination as far in advance of the Council meeting as possible in order to provide the Regional Attorney sufficient time to thoroughly examine and consider available information.

A Regional Attorney who receives reliable and probative written and signed information prior to a Council meeting relating to a disqualification determination (or during a Council meeting if the issue could not reasonably have been anticipated prior to the meeting) will announce at the beginning of the meeting the receipt of such information, the nature of the information, and the identity of the person providing the information. This announcement will be made during the meeting if

reliable and probative information is received after the beginning of the meeting.

If the Regional Attorney determines that you may not vote on a matter because it will have an expected and substantially disproportionate benefit to you (or anyone whose interests are attributed to you), you may not vote on the matter, but you may state for the record how you would have voted. You may also fully participate in deliberations and discussions regarding the matter (after notifying the Council of your disqualification and after identifying the financial interest that would be affected).

If you disagree with a determination by a Regional Attorney regarding yourself or any other Council member, you may file a written request with the NOAA General Counsel for review of the determination. Such a request must be received within ten days of the determination. A reversal of the determination will not affect any Council vote which has already been taken. The decision by the NOAA General Council may, however, provide useful guidance regarding future Council actions.

Disqualification from Participating in Matters Primarily of Individual Concern.

You may not participate in any Council matter which is primarily of individual concern if you (or those whose interests are attributed to you) have a financial interest in the matter. This disqualification applies to participating in deliberations, rendering advice, and making recommendations, as well as voting on the matter.

Definition of "matters of primarily individual concern." "Matters primarily of individual concern" are those matters which affect a small number of identified, or easily identifiable, parties, rather than broad policy matters affecting a large number of individuals.

For example, a contract between your Council and a company would be a matter primarily of individual concern; thus, you would be disqualified from participating in any Council action regarding the contract if you had stock in the company or were employed by the company. A Fishery Management Plan would usually be considered a broad policy matter. However, if a fishery only had a few active vessels, a Fishery Management Plan regarding that fishery would be a matter primarily of individual concern and you would be required to disqualify yourself from participating in matters concerning the Plan if you owned one of the vessels.

This disqualification requirement is based on conduct regulations rather than a criminal conflict of interest statute.

LATE**RECEIVED**

MAR - 2 2000

PPMC***Coos Bay Trawlers' Association, Inc.***

PO Box 5050

7960 Kingfisher Dr.

Coos Bay, OR 97420

Phone (541)888-8012

Fax (541)888-6165

E-mail ctrawl@mail.coos.or.us

A Non-Profit Organization

Statement to Council on Agenda Items
 March 2000, Council Meeting Sacramento

For the first time in over three years, we are unable to attend the March Council meeting in Sacramento due to the extreme cut backs in this year's harvest rates. Our organization works within a budget and so we are conserving our resources for meetings where more groundfish issues will be addressed. However, we would like the Council to know our opinion on two agenda items.

Agenda Item G 1

EFP

The Whiting EFP is plagued with legal trip limit loop-holes and is clearly an EFP that has outlived the language of the permit. This fishery needs to move to regulations rather than allowed to continue as an EFP. First, we all know the participants target other species beside Whiting. The effect was early closure for everyone else, a hardship for the majority that could have been avoided. The bycatch of certain species in the Whiting fisheries also effected the price of that specie on the entire coast. Second, the verbiage of the EFP prevents anyone from profiting from the salmon bycatch produced by this full retention permit but this EFP clearly produces more groundfish bycatch than salmon bycatch. With no pre-defined destination for funds generated by the groundfish bycatch, abuse of this EFP is inevitable. If the EFP can not be moved into regulation, their bycatch has to be counted towards their regular groundfish monthly trip limit which would eliminate both concerns mentioned above.

Agenda Item G5

Rockfish Bycatch Mortality

Rockfish bycatch mortality continues to be estimated because of a lack of bycatch data. We could start collecting real bycatch data by changing the logbooks so that bycatch data has a place to be recorded at the same time the fishermen records other required information. We wonder why recording discard information has never been a collection requirement of the fishermen in the first place. The best science available reported by OSU's Dave Sampson shows at least 95% accuracy rate of usual observer gathered data by fishermen in the observers absence and yet the scientists have failed to asked the fishers to gather this very important missing piece of information for ever. We contend that with just minor changes in the logbooks we could actually begin to capture some of this data tomorrow by relying on the fishers to record the information. This isn't the time

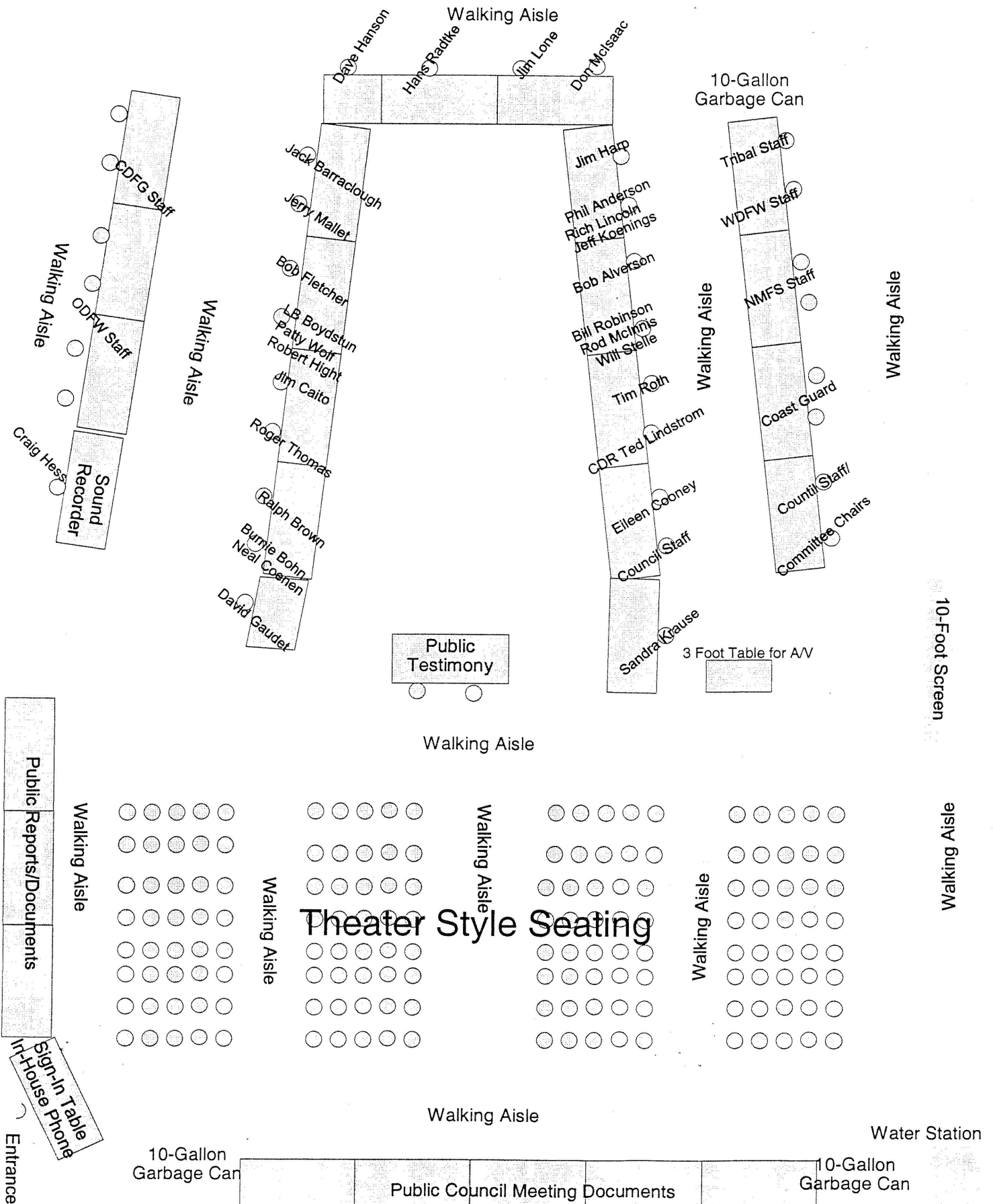
to pick and choose which best science is going to be used. Too often we see science picking and choosing in order to control the outcome. They select the boat they believe will produce the desired outcome, they select the area to be studied to control the outcome and they manipulate the numbers fed into models to control the outcome. Before we venture off into observer bureaucracy we have to ask, "Why haven't the fishermen been asked to routinely collect this important bycatch/discard data?"

In closing, we would like to state that an emergency situation has been declared. It is going to take all of us working together to straighten it out. It is time that we put our mistrusts and in trepidation behind us and find ways to work together to solve our problems. The problem for us is keeping our businesses viable; the problem for you is management of a natural resource with accountability. The rational utilization of our natural resource should be our common goal!

Sincerely,

Steve Bodnar, Coos Bay Trawlers' Association, Inc.

PACIFIC FISHERY MANAGEMENT COUNCIL COUNCIL MEETING ROOM DIAGRAM



YOU ARE HERE!

To Capital Freeway and
Downtown Sacramento

Maxi's
Am. Cafe

Pepper-
mill

El
Torrito

Point
West

Chuck E
Cheese

Monterey
Bay Canners

Olive
Garden

Coco's

Luau
Garden

Burger
King

Two Guys
From Italy

ARDEN FAIR MALL

Bistro 33
Burger King
Cafe Europa
CA Cafe Bar & Grill
Chicago Hot Dogs
China Inn

Dos Coyotes
Fresh Choice
Gourmet Sausage & Suds
Jasper's Giant Burgers
Johnny Rockets
Kanpai Sushi
La Salsa
Max's Opera Cafe

Oishii
Orange Julius
Panda Express
Paradise Bakery & Cafe
Pretzel Time
Sabarro
Steak Escape
Swiss Pretzel Shop

Arden Way

Heritage Lane

Point West Way

Response Road

Challenge Mkt

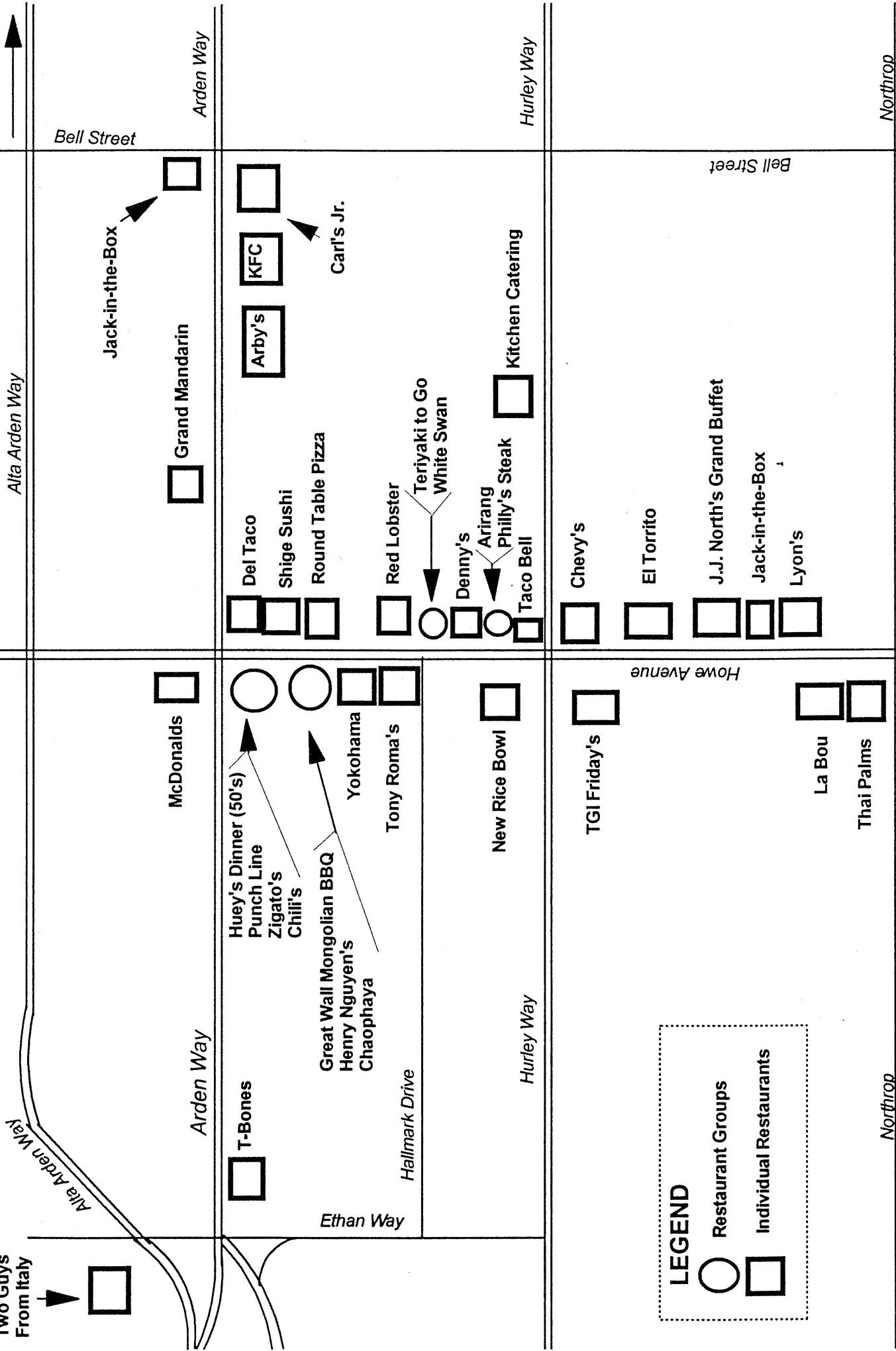
Exposition Blvd.

West to Arden Fair Mall and Motel

Two Guys
From Italy

Eat Your Vegetables

To USBR Office
1/4 mi. on Left



ALPHABETICAL LISTING OF NEARBY RESTAURANTS

AFM = Arden Fair Mall
Area code for all numbers is 916

Arby's	920-3480	Olive Garden	649-8305
Arirang Restaurant & Bar	929-7739	Orange Julius, AFM	646-6484
Bistro 33, AFM	925-2333	Panda Express, AFM	921-5386
Burger King, AFM	929-3792	Paradise Bakery & Café, AFM	568-5890
Burger King, Arden Way	920-8498	Peppermill Restaurant	929-4014
Café Europa, AFM	929-4140	Philly's Steak & Burgers	922-3758
California Café Bar & Grill, AFM	925-2233	Point West Café	649-1928
California Pizza Kitchen, AFM	568-0932	Pretzel Time, AFM	924-0332
Carl's Jr Restaurant	920-8157	Punch Line Sacramento	925-5500
Chaophaya	923-9195	Red Lobster Restaurant	921-6011
Chevys Mexican Restaurant	923-6574	Round Table Pizza	924-3731
Chicago Style Hot Dogs, AFM	922-8507	Sbarro, AFM	564-0341
Chili's Grill & Bar	929-5838	Shige Sushi	929-1184
China Inn, AFM	920-0959	Steak Escape, AFM	924-8552
Chuck E Cheese's	920-9181	Swiss Pretzel Shops Inc., AFM	922-3559
Coco's Family Restaurant	922-6741	T-Bones II	920-5544
Del Taco	920-0541	TGI Friday's	925-5766
Denny's	924-6755	Taco Bell	922-9647
Dos Coyotes Border Café, AFM	927-0377	Teriyaki To Go	924-6647
Eat Your Vegetables	922-8413	Thai Palms Restaurant	929-5915
El Torito Restaurant, Arden Way	927-0071	Tony Roma's	922-8787
El Torito Restaurant, Howe Ave.	924-1000	Two Guys From Italy	920-9582
Fresh Choice, AFM	649-3839	White Swan	929-8230
Gourmet Sausage & Suds Co., AFM	925-3500	Yokohama Japanese Restaurant	927-5311
Grand Mandarin Restaurant	927-5628	Zigato's Bar & Grill	641-8283
Great Wall Mongolian BBQ	925-5347		
Henry Nguyen Restaurant	927-1014		
Huey's Diner	929-1950		
J. J. North's Grand Buffet	922-5577		
Jack In The Box, Arden Way	922-9569		
Jack In The Box, Howe Ave.	646-4670		
Jasper's Giant Hamburgers, AFM	646-6747		
Johnny Rockets, AFM	564-9567		
KFC (formerly Kentucky Fried Chicken)	927-2231		
Kanpai Sushi, AFM	641-2216		
Kitchen Catering	568-7171		
La Bou	920-0974		
La Salsa Restaurant, AFM	565-0144		
Luau Garden Buffet	929-3690		
Lyon's Restaurant	929-1348		
Max's Opera Café, AFM	927-6297		
Maxi's American Café	929-8855		
McDonald's	922-2774		
Monterey Bay Cannery Restaurant	920-3474		
New Rice Bowl Oriental Buffet	922-1288		
Oishii, AFM	920-5578		

MAR 13 2000

MEMORANDUM

DATE: March 10, 2000
TO: Sandra Krause
FROM: Karen Garrison
RE: Bycatch overheads

Here are the overheads from the presentation on the ground fish bycatch amendment, made on behalf of NRDC, CMC, ED, and PMCC.

Please call me if you have any questions.

Bycatch is a legal problem

PFMC may be in violation of Magnuson-Stevens National Standard 9 and bycatch requirements for FMPs.

Specifically, an FMP must:

- (a) establish a standardized reporting methodology to assess bycatch and
- (b) include specific measures to minimize bycatch and mortality of bycatch that can't be avoided.

NMFS rejected bycatch amendment in Groundfish FMP.

Over a year has passed since that rejection letter.

PFMC and NMFS may also be in violation of rebuilding requirements and other National Standards that govern FMPs:

(1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery ...

(2) Conservation and management measures shall be based upon the best scientific information available.

(5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources...

(efficiency definition: “ratio of effective output to total input”)

Bycatch is a conservation problem

Unrecorded bycatch and discard:

- likely contributing to overfishing of managed species
(e.g. POP, lingcod, canary rockfish)
- likely contributing to depletion of unassessed species
(e.g. black gill, shortraker, roughey)
- may undermine success of rebuilding effort
(bocaccio a main concern, but not the only one)

Failure to use best available scientific data

Current assumptions based on studies from 1980s, with few adjustments to take account of factors such as:

- Increased fishing capacity
- Changes in gear, shorter trip limits
- Changes in fish populations

More recent data not incorporated:

- Oregon voluntary observer study
- Logbook data
- Triennial trawl survey data

Duty to review current data collection is mandatory.

“A review and, where necessary, improvement of data collection methods, data sources, and applications of data must be initiated for each fishery to determine amount... and other characteristics of bycatch and bycatch mortality...” --50 C.F.R. Sec. 600.350(d)(1)

Duty to monitor bycatch is mandatory.

“monitoring programs *must* be established” --63 Fed Reg at 24,227 (May 1, 1998)

Lack of funds is no excuse.

“The FCMA makes no allowance for the financial...burden of establishing such reporting programs” --63 Fed Reg at 24,227 (May 1, 1998)

Available data *must* be used in the meantime.

Where uncertainty exists, regulations require a precautionary approach.

Measures taken so far to address bycatch may be progress, but are insufficient

- Effect of landings ban for shelf species caught with big roller gear is unknown.
- Explicit assumptions should be made about impacts of gear modifications, and validated.
- Groundfish OYs rarely take account of discards due to co-occurrence; analysis of log book data and other data sources could help determine such adjustments.
- Current assumptions about bycatch and discard almost certainly underestimate mortality (e.g., zero discard assumption for bocaccio and some minor rockfish are most extreme examples)

Recommendations for immediate steps:

- Develop bycatch amendment as quickly as possible, based on review of data and full examination of alternatives. Amendment to include (or be accompanied by) bycatch monitoring program and specific bycatch minimization measures.
- Monitor bycatch of depleted species through a validated full-retention system or other monitoring program.
- Take immediate steps to minimize bycatch for depleted species, including:
 - (1) use of best available data, not out-dated formulas, to estimate bycatch rates
 - (2) determination of OYs, in-season catch adjustments, or other measures that take those estimates into account
 - (3) designation of closed areas where co-occurrence of depleted species is high

Bycatch amendment should fully consider:

- a mandatory observer program or equivalent
- a harvest priority policy or other means to allocate larger shares of the resource to fishing sectors with demonstrably lower bycatch rates.
- closed areas
- bycatch caps that trigger fishery closure
- alternatives to a year-round trawl fishery
- a bycatch performance standard based on the most selective gear types, that all fishing sectors must meet

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Roster published by the Pacific Fishery Management Council pursuant to National Oceanic and Atmospheric Administration NA97FC0031.

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