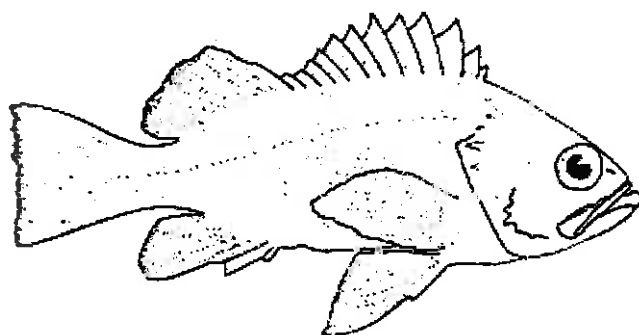


Pacific Fishery Management Council

Initial Rebuilding Plan
for
West Coast Canary Rockfish, *Sebastes pinniger*



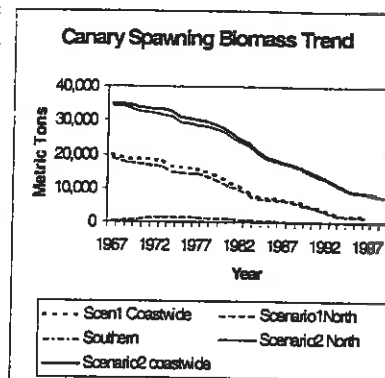
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Summary

The canary rockfish (*Sebastes pinniger*) resource off the coasts of Washington, Oregon, and California is overfished, with the current spawning biomass estimated to fallen to between about 7% and 20% of the unfished abundance. The minimum time necessary for this stock to recover to its maximum sustainable yield stock size, in the absence of all fishing-related mortality, ranges from 24 to 119 years. The optimistic level of 23 or 24 years is based on the possibility of either an immediate increase in recruitment to an intermediate level (782 thousand fish), or that the high estimated recruits per spawner (R/S) values during 1996-1998 represent a substantial probability for future recruitment, respectively. More realistic scenarios are based upon lower recruitment levels in 1996-1998 and R/S levels observed over a longer period. These scenarios produce rebuilding time frames of at least 74 years, and the recommended result (re-sampling from 1978-1995) shows a median time to rebuild of 119 years.



The estimated mean generation time for canary rockfish is 17 years. The National Standard Guidelines authorize rebuilding periods up to a maximum of a mean generation, plus the amount of time calculated for the stock to rebuild in the absence of fishing. In the case of canary rockfish, this would be a range of 42 years to 136 years. This rebuilding plan specifies the rebuilding period for canary rockfish to be 98 years.

A central question that contributes to the uncertainty in the current status and rebuilding potential of this stock is the mortality rate of adult female canary rockfish. Female canary rockfish make up substantially less than 50% of adult population samples, both in the commercial catch and research surveys. If this is a true reflection of the adult population, female rockfish must have a higher natural mortality rate, die younger on average, and have less opportunity to reproduce. In this case, the population is calculated to be about 7% of the unfished population size. If older female canary rockfish are really present in the population, but somehow are better at avoiding capture by commercial fishers and research surveys, then those (hidden) females continue to reproduce. In that case, the population is calculated to be about 20%-23% of the unfished population size.

The major factor that will control the rebuilding rate is the rate of recruitment of young fish into the population. Over the period of 1987-1995, the rate of recruitment was too low to replace the fish that died of natural causes. If this low reproduction rate were to continue indefinitely into the future, rebuilding could be delayed for centuries.

It will be extremely difficult to achieve the harvest reductions necessary to achieve the rebuilding goals and meet the rebuilding schedule. The analysis is based on a constant catch level, meaning the catch levels proposed for 2001 must be maintained for several decades. Major restructuring of the commercial groundfish fisheries will be necessary, including development of methods to reduce bycatch of canary rockfish in non-groundfish fisheries (such as the trawl fishery for pink shrimp). Recreational fishers will also need to actively avoid canary rockfish, which will likely mean not fishing for similar rockfish species, and perhaps refraining from fishing in large areas of the continental shelf. When canary rockfish become more abundant, it will become more difficult to avoid incidental catch and mortality, and further restrictions may be necessary in order to keep catches from increasing.

Even scientific sampling of the canary rockfish population could hinder recovery efforts. Fishery scientists will need to get as much information as possible from the fish caught by recreational and commercial fishers. The Council may wish to consider a mandatory retention provision, with recreational and/or commercial fishers required to turn in all canary rockfish to state or federal agencies for scientific processing. In addition, scientific sampling programs may need to focus more on egg and larvae surveys rather than trawl surveys in areas inhabited by canary rockfish.

Description of the Canary Rockfish Resource

Two new assessments for canary rockfish (*Sebastes pinniger*) were completed during 1999, in northern and southern areas, separated at Cape Blanco. Although each area was assessed separately, there is no definitive evidence for separate northern and southern stocks of canary rockfish. The division was made to simplify the assessment procedure for a variety of reasons (different data sets, etc.). Each assessment indicates the canary rockfish population is overfished at this time, and the Council took action in November 1999 to initiate rebuilding of this important stock. In January 2000, the National Marine Fisheries Service (NMFS) informed the Council it had formally designated the canary rockfish stock to be overfished, requiring the Council to prepare a rebuilding plan for this stock.

Background

Canary rockfish is an orange colored rockfish commonly inhabiting oceanic waters in depths from 91 to 274 meters. Historically, this species was fairly abundant throughout its range. The body of the canary rockfish is elongate, moderately deep and compressed. The head is large with an upper profile that is somewhat curved. The color is yellow orange with gray mottling on the back and paler, near white, below. The fins are also yellow orange. Canary rockfish are distinguishable from other rockfish by their distinct orange color with three bright orange stripes across the head and a dark blotch on the posterior end of the spinous dorsal fin. Canary rockfish resemble vermilion rock fish superficially. However, the underside of the canary rockfish lower jaw has no scales and feels smooth when rubbed from back to front. The lower jaw of the vermilion rockfish feels rough.



Canary rockfish occur from northern Baja California (Mexico), to the western Gulf of Alaska. Adult canary rockfish are primarily restricted along the continental shelf from 250 fathoms (1,500 feet/ 457 meters), inshore to 25 fathoms (150 ft/ 46 m). Adult canary rockfish feed on small crustaceans as well as anchovies, sand dabs, and other small fishes. The canary rockfish, like all members of the genus *Sebastes*, produces live young. Female canary rockfish reach sexual maturity at roughly 8 years of age. Fertilization and embryo development take place within the body of the mother. Egg production is correlated with size; the number of eggs increases from about 260,000 in a 19 inch female to about 1,900,000 in a female 26 inches long. Canary rockfish off the Pacific coast have a long spawning period from September through March, probably peaking in December and January off Washington and Oregon. Upon release from the female, larvae assume a planktonic life style in the upper 100 m of the water column. Very little is known about the early life history strategies of canary rockfish, but limited research indicates larvae are strictly pelagic (near the ocean surface) for a short period of time, begin to migrate to demersal (bottom) waters during the summer of their first year, and develop into juveniles around nearshore rock reefs, where they may congregate for up to three years. Canary rockfish tend to move to deeper waters as they age. Female canary rockfish generally grow faster and reach slightly larger sizes than males, but it appears males generally live considerably longer than females. Maximum ages indicate the two species are capable of reaching nearly 70 years of age, but very few females greater than 30 years old were observed in the sample data from Washington and Oregon. Since 1982, coastwide commercial canary rockfish landings have ranged from a high of 5,137 mt during 1982 to a low of 897 mt during 1995. In 1995, trip limits specific to canary rockfish were first imposed, and commercial vessels were required to sort the canary rockfish from the remainder of the catch. Commercial landings of canary rockfish remained below 1,300 mt annually after 1994, compared to average annual landings of 3,016 mt during 1982-1993. Recent (1996-1998) recreational catches averaged about 110 mt per year.

Summary of 1999 Stock Assessments

Landings and survey data indicate an absence of older female canary rockfish, and two possible explanations for this are explored in the northern assessment. The first possibility (scenario 1) is that females die from natural mortality at a faster rate than males, and the difference becomes greater with age. The second possibility (scenario 2) is that female canary rockfish die at a more constant rate (i.e., are subject to a constant mortality rate) but become more difficult to catch as they get older. At this time, the

scientific community is uncertain which explanation is correct; the 1996 and 1999 STAR Panels concluded both assumptions were equally valid. However, the two explanations lead to significantly different conclusions with respect to current abundance and the status of the stock compared to unfished conditions. Under scenario 1 (females die younger), current spawning biomass is estimated to be 949 mt for the northern area, which is 6.8% of the unfished spawning biomass. Under scenario 2 (female canary rockfish don't die young, but don't get caught), the northern population is in significantly better shape, with current spawning biomass estimated at 6,663 mt, which is 22.9% of the unfished spawning biomass. In either case, the canary rockfish stock is below 25% of the unfished biomass and therefore overfished.

The southern assessment was the first ever for that portion of the geographic range of the stock. The southern model performed better under the assumption of constant natural mortality than under the assumption of increasing mortality with age for females. Under base case conditions, the current spawning biomass in the southern area is estimated to be 529 mt, which is 7.7% of the unfished spawning biomass. If female canary rockfish actually die younger than males, the condition of the stock is substantially worse.

The Groundfish Management Team (GMT) combined the results of the two assessments as shown in the table below. Assuming scenario 1 for the northern assessment is correct, the coastwide spawning biomass is 1,478 mt (949+529), which is 7.1% of unfished. Under scenario 2 for the northern assessment, the coastwide spawning biomass is 7,192 mt (6,623+529), which is 20% of unfished.

ABC/OY results from combining northern and southern assessments for canary rockfish.

	Northern Assessment		Southern	Combined Assessments			
	Scenario 1	Scenario 2	Assessment	Scenario 1	Scenario 2		
Unfished spawning biomass	13,998	29,107	6,850	20,848	35,957		
Current spawning biomass	949	6,663	529	1,478	7,192		
% of unfished spawning biomass	6.8%	22.9%	7.7%	7.1%	20.0%		
F40% Yield	214	283	73	287	356	ABC - upper	Average of the two assessments 322
40-10 multiplier	0%	43%	0%	0%	33%		
F40% 40-10 Yield	0	122	0	0	119		59
F45% 40-10 Yield				0	102	OY - upper	51

Uncertainty in Assessment

Canary rockfish exhibit extremely low productivity (level of recruits per spawner) which has contributed to their decline in the northern area and impedes their recovery. There is tremendous uncertainty in these rebuilding projections due to extremely low levels of recruits per spawner (R/S) during 1987-1995 and high, but very uncertain, levels in 1996-1998. On the low side, rebuilding time frames stretch out to 136 to 217 years. During these delayed rebuilding scenarios, catch would need to be only about 15 mt per year in order for the stock to begin to grow out of its current low state. Increased catch later in the rebuilding period is likely to be possible, but not quantitatively examined here. On the high side, the median rebuilding time frame could be as short as 41-45 years and annual catches of 150-185 mt in the north would allow rebuilding. Such an optimistic scenario is risky because it is based upon three large, but poorly estimated, recruitments in 1996-1998. Intermediate scenarios use the 1996-1998 recruitments, but on a reduced level. Such intermediate results allow catches of 25-40 mt while rebuilding in 80-100 years.

A further uncertainty is due to the observation that the southern area of the stock appears to have greater productivity (higher R/S at low spawning biomass). Rough calculations based upon combining northern and southern information are more consistent with the optimistic rebuilding scenario. A new assessment and updated rebuilding analysis that examines the northern and southern data in a holistic manner should be conducted as soon as possible after the trawl survey in summer 2001 provides a new data point.

Basis for Determination the Stock Is Overfished

Northern area - The basic conclusions of the northern and southern assessments provide the basic information for the rebuilding analysis. The northern area assessment (scenario 1) indicates that in the era prior to 1967, the mean level of annual recruitment was 2,872 thousand age 1 fish. This level of recruitment would produce a female spawning biomass of 22,376 mt if unfished, but the average annual catch was 1,000 mt, which reduced female biomass to 16,811 mt at the beginning of the modeled period in 1967. Average recruitment during the period from 1967 to 1977 was 1,859 thousand fish, which is used as the estimate of "virgin" recruitment level. This lower recruitment level, combined with the average annual catch of 1,845 mt during this period, reduced spawning biomass to 13,757 mt in 1978. From 1978 to 1986, average recruitment was 1,621 thousand fish; catch averaged 2,860 mt; and spawning biomass declined to 6,613 mt in 1987. This level is barely above the overfished threshold. Over the period 1987-1995, recruitment declined precipitously to an average of only 622 thousand fish. The Council adopted quotas during this period that reduced annual catch to approximately 1,000 mt per year. However, due to the low recruitment during this period, female spawning biomass continued to decline to only 949 mt in 1999.

Under the second scenario for female mortality, recruitment and adult biomass trajectories in the north also follow a downward pattern. Prior to 1967, the mean annual level of recruitment was 2,744 thousand age 1 fish. This level of recruitment would produce a female spawning biomass of 44,991 mt if unfished, but the historical average catch of 1,000 mt reduced female spawning biomass to 34,210 mt at the beginning of the modeled period in 1967. (Female biomass per recruit is lower in scenario 1 because of higher female natural mortality compared to that in scenario 2.) Average recruitment during the period from 1967 to 1977 was 1,763 thousand fish, which is used as the estimate of "virgin" recruitment level. This lower recruitment level and an average catch of 1,845 mt reduced spawning biomass to 27,683 mt in 1978. Average recruitment during the period from 1978-1986 was 1,634 thousand fish; catch averaged 2,860 mt; and spawning biomass declined to 16,859 mt in 1987. From 1987 to 1995, recruitment declined precipitously to an average of only 802 thousand fish. Quotas that reduced annual catch to approximately 1,000 mt per year. But due to the low recruitment, female spawning biomass continued to decline to 7,157 mt in 1999, which is near the overfished level.

Southern Area - In the era prior to 1965, the mean level of recruitment was 1,060 thousand age 1 fish. This level of recruitment would produce a female spawning biomass of 11,657 mt if unfished. The average catch of 1,495 mt during 1950-1965 reduced female spawning biomass to 697 mt at the beginning of the modeled period in 1965. This is only 10% of the "virgin" or unfished spawning biomass level (6,850 mt) calculated from a long-term average recruitment of 617 thousand recruits.

Recruitment over the 1965-1977 period averaged only 473 thousand fish. This lower recruitment level and a much lower average catch of 620 mt allowed spawning biomass to recover to 1,280 mt in 1978, which is still below 25% of the "virgin" level.

Over the period 1978-1986, recruitment increased to 620 thousand fish; catch increased to 773 mt; and spawning biomass declined to 381 mt in 1987. Over the period 1987-1995, recruitment continued to average 620 thousand fish and average catch was 486 mt. Female spawning biomass continued to decline to 261 mt in 1993. The biomass has increased to 400 mt recently, but is still below the overfished threshold.

Both areas have high historical catches which mined an accumulated biomass that is estimated to have been based upon a pre-historical recruitment level that substantially exceeds the recruitment levels occurring during the period of the assessments. Even though pre-historical recruitment was high, the southern area's stock was already below the overfished threshold by 1965. In the northern area, the decline was slower. In the southern area, the stock continued to produce moderate levels of recruitment in spite of low spawning biomass and high fishing mortality rates. In the northern area, recruitment continued to decline through 1995. By the 1990s, both areas were producing 600-800 thousand recruits per year, but the southern area does it from a spawning biomass that is much smaller than the biomass in the north.

The high current R/S in the southern area indicates a resilient stock that would be expected to increase rapidly if fishing pressure was much reduced. In contrast, the current R/S in the northern area is extremely low and barely above the level that would allow the stock to recover even without fishing.

Canary Rockfish Rebuilding Goals and Objectives

The goals of the canary rockfish rebuilding program are to (1) achieve the population size and structure that will support the maximum sustainable yield within 98 years; (2) establish a long term management program that has a high probability that total annual fishing mortality of canary rockfish will not exceed the specified amounts; (3) foster public education programs about the need to rebuild the canary rockfish population, and how individuals can help; and (4) protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future.

Catch of Canary Rockfish

Estimated catches of canary rockfish, 1981-1998, as presented in the 1999-2000 Stock Assessment and Fishery Evaluation document. The recreational catch numbers are currently being reviewed to resolve discrepancies among the various data sources, and therefore should be considered preliminary

Canary	1981	1982	1983	1984	1985	1986	1987	1988	1989	1993	1994	1995	1996	1997	1998*
Commercial	4,667	2,191	2,470	1,952	3,105	2,863	3,016	2,597	3,174	2,901	2,116	1,287	897	1,146	1,097
WA	643	605	1,025	888	1,004	967	1,194	1,086	959	815	286	148	138	162	176
OR	3,537	1,174	1,017	906	1,634	1,556	1,553	1,035	1,783	1,535	1,611	923	546	780	705
CA	488	412	428	158	466	340	269	476	432	551	219	216	213	204	216
Recreational	219	300	99	128	228	245	264	252	149	120	88	125	93	141	90
WA	14	1	-	5	1	0	3	-	-	10	4	4	3	4	10
OR	47	41	4	20	60	21	30	56	25	46	33	50	26	43	49
CA	158	258	95	103	167	224	231	196	124	65	50	72	64	95	31

Rebuilding Analysis for Canary Rockfish

Appendix A

August 24, 2000
Richard Methot
National Marine Fisheries Service

Summary

Canary rockfish exhibit extremely low productivity (level of recruits per spawner) which has contributed to their decline in the northern area and impedes their recovery. There is tremendous uncertainty in these rebuilding projections due to extremely low levels of R/S during 1987-1995 and high, but very uncertain, levels in 1996-1998. On the low side, rebuilding time frames stretch out to 136 to 217 years. During these delayed rebuilding scenarios, catch would need to be only about 15 mt per year in order for the stock to begin to grow out of its current low state. Increased catch later in the rebuilding period is likely to be possible, but not quantitatively examined here. On the high side, the median rebuilding time frame could be as short as 41-45 years and annual catches of 150-185 mt in the north would allow rebuilding. Such an optimistic scenario is risky because it is based upon three large, but poorly estimated, recruitments in 1996-1998. Intermediate scenarios use the 1996-1998 recruitments, but on a reduced level. Such intermediate results allow catches of 25-40 mt while rebuilding in 80-100 years.

A further uncertainty is due to the observation that the southern area of the stock appears to have greater productivity (higher R/S at low spawning biomass). Rough calculations based upon combining northern and southern information are more consistent with the optimistic rebuilding scenario. A new assessment and updated rebuilding analysis that examines the northern and southern data in a holistic manner should be conducted as soon as possible after the trawl survey in summer 2001 provides a new data point.

Introduction

The most recent stock assessment for canary rockfish in the northern area (Columbia and U.S. Vancouver INPFC areas) indicated that a long-term decline had continued and that the abundance of the female spawning biomass had fallen below the depleted threshold (Crone et al., 1999). The assessment in the southern area indicates a somewhat different timeframe for the downtrend, but a similar conclusion regarding the depleted status of this stock is obtained (Williams et al., 1999). Canary rockfish was determined to be in an "overfished" state on Jan. 1, 2000 which initiated development of a rebuilding plan.

The purpose of this document is to estimate the potential rate of rebuilding of canary rockfish. The analysis will focus on the northern area which has had a larger population and fishery historically; then results will be extrapolated to the entire coast. The analysis will involve six steps:

- (1) examining the recruitment-spawner information to determine probable levels of recruitment in the near future and as the stock rebuilds;
- (2) determine unfished level of spawning biomass in order to calculate target levels for rebuilding;
- (3) determining the generation time, which affects the potential duration or rebuilding;
- (4) determining expected levels of recruitment during the rebuilding period;
- (5) calculating in rebuilding can occur within 10 years, and if not then calculating the time to rebuild with no fishing mortality;
- (6) finally, calculate the degree of reduction in fishing mortality needed to rebuild within a time period equal to one mean generation time plus the time to rebuild with no fishing mortality.

The canary rock fish assessment explored two scenarios regarding natural mortality and fishery selectivity for females. These two scenarios provide alternative explanations for the relative low occurrence of old females compared to the occurrence of old males. Scenario #1 has increasing natural mortality for older females and asymptotic fishery selectivity for both sexes. Scenario #2 has constant natural mortality for both sexes and dome-shaped fishery selectivity to explain the low incidence of old females in the fishery samples. Neither the STAT or STAR in 1999 was able to develop a preference between these two hypotheses, so both are carried forward in this rebuilding analysis. The model developed for the southern area was based on constant female natural mortality and a new approach to modeling fishery selectivity (Williams et al., 1999).

Assessment Summary

Before beginning this analysis of rebuilding, it is helpful to review the basic conclusions of the northern and southern assessments which provide the basic information for any rebuilding analysis.

Northern Area, scenario #1 -

- A. In the era prior to 1967, a mean level of recruitment of 2,872 thousand age 1 fish occurred. This level of recruitment would produce a female spawning biomass of 22,376 mt if unfished, but a historical average catch of 1,000 mt reduced this to 16,811 mt at the beginning of the modeled period in 1967.
- B. Recruitment over the 1967-1977 period averaged 1,859 thousand fish, which will be taken as the relevant estimate of "virgin" recruitment level. This lower recruitment level and an average catch of 1,845 mt reduced spawning biomass to 13,757 mt in 1978.
- C. Over the period 1978-1986, recruitment averaged 1,621 thousand fish; catch averaged 2,860 mt; and spawning biomass declined to 6,613 mt in 1987. This level is barely above the overfished threshold.
- D. Over the period 1987-1995, recruitment declined precipitously to an average of only 622 thousand fish. Assessments conducted during this era resulted in quotas that reduced annual catch to approximately 1,000 mt per year. But with the low recruitment (which could not be well estimated by these early assessments), female spawning biomass continued to decline to only 949 mt in 1999.

Northern Area, scenario #2 -

- A. In the era prior to 1967, a mean level of recruitment of 2,744 thousand age 1 fish occurred. This level of recruitment would produce a female spawning biomass of 44,991 mt if unfished, but a historical average catch of 1,000 mt reduced this to 34,210 mt at the beginning of the modeled period in 1967. Female biomass per recruit is lower in scenario #1 because of higher female natural mortality compared to that in scenario #2.
- B. Recruitment over the 1967-1977 period averaged 1,763 thousand fish, which will be taken as the relevant estimate of "virgin" recruitment level. This lower recruitment level and an average catch of 1,845 mt reduced spawning biomass to 27,683 mt in 1978.
- C. Over the period 1978-1986, recruitment averaged 1,634 thousand fish; catch averaged 2,860 mt; and spawning biomass declined to 16,859 mt in 1987.
- D. Over the period 1987-1995, recruitment declined precipitously to an average of only 802 thousand fish. Assessments conducted during this era resulted in quotas that reduced annual catch to approximately 1,000 mt per year. But with the low recruitment (which could not be well estimated by these early assessments), female spawning biomass continued to decline to 7,157 mt in 1999, which is at the overfished level.

Southern Area -

- A. In the era prior to 1965, a mean level of recruitment of 1,060 thousand age 1 fish occurred. This level of recruitment would produce a female spawning biomass of 11,657 mt if unfished, but average catch of 1,495 mt during 1950-1965 reduced this to 697 mt at the beginning of the modeled period in 1965, which is only 10% of the "virgin" spawning biomass level (6,850 mt) calculated from a long-term average recruitment of 617 thousand recruits.
- B. Recruitment over the 1965-1977 period averaged only 473 thousand fish. This lower recruitment level and a much lower average catch of 620 mt allowed spawning biomass to recover to 1,280 mt in 1978, which is still below 25% of the "virgin" level.
- C. Over the period 1978-1986, recruitment increased to 620 thousand fish; catch increased to 773 mt; and spawning biomass declined to 381 mt in 1987.
- D. Over the period 1987-1995, recruitment continued to average 620 thousand fish and average catch was 486 mt. Female spawning biomass continued to decline to 261 mt in 1993 and has increased to 400 mt recently, but is still below the overfished threshold.

Overview -

- A. Both areas have high historical catches which mined an accumulated biomass that is estimated to have been based upon a pre-historical recruitment level that substantially exceeds the recruitment levels occurring during the period of the assessments.
- B. Even though pre-historical recruitment was high, the southern area's stock was already below the overfished threshold by 1965. In the northern area, the decline was slower.

C. In the southern area, the stock continued to produce moderate levels of recruitment in spite of low spawning biomass and high fishing mortality rates. In the northern area, recruitment continued to decline through 1995. By the 1990s, both areas were producing 600-800 thousand recruits per year, but the southern area does it from a spawning biomass that is much smaller than the biomass in the north.

D. The high current "recruits per spawner" in the southern area indicates a resilient stock that would be expected to increase rapidly if fishing pressure was much reduced. In contrast, the current "recruits per spawner" in the northern area is extremely low and barely above the level that would allow the stock to recover even without fishing.

E. The increase in northern area recruitment in 1996-1998 is promising and consistent with the level of recruits per spawner found in the south, but these recent recruitment estimates are highly uncertain until these young fish have been seen in more than one survey and several years of fishery age composition data.

F. These north-south comparisons must be accompanied with a large caveat of uncertainty regarding stock structure. The division of the stock into north-south zones at Cape Blanco (Eureka-Columbia dividing line) does not represent knowledge of biological stock boundaries. Canary rockfish distribution in trawl surveys shows no break at this point of the coast and there is no other information with which to establish a biological stock boundary at that point. Although the northern and portions of the southern canary rockfish population are not likely to be completely separate, nor are they likely to be well-mixed annually, as evidenced by the different trends in stock abundance estimated in the two areas. There certainly is potential for oceanographic conditions to favor recruitment in the north versus recruitment in the south on a year-to-year and on a longer term basis. The degree of intermingling of these northern and southern recruits during their lifetime is unknown, and probably influenced by oceanographic conditions.

Projection model configuration

Projections were made using the synthesis assessment model in forecast mode. Most projections were done by resampling from the observed time series of recruits per spawner (R/S) and calculating the median time to rebuild among 500 trials.

Conditions for these projections were the same as those as estimated in Crone et al (1999) with the following exceptions:

1. Recent recruitments - Small fish occurring in the 1998 survey resulted in large estimates for recruitment of age 1 fish in 1996-1998. The assessment review in 1999 recommended an alternative scenario with these 3 recruitments set at half of their estimated value. Examination of the detailed model results support this alternative, and it is taken as the baseline conditions for this rebuilding analysis. Tables 1 and 2, and Figures 1,2,4 and 5 present the original "high" recruitment values. Recruitment in 1999 and 2000 is set equal to the average recruitment during 1987-1995.

2. Recent catch - The assessment was conducted with the assumption that 1999 catch would be the same as 1998 (996 mt). Available data indicate that total catch in 1999 was only 528 mt and this lower value is used in calculation the population numbers at age in 2001. Catch in 2000 is assumed to be 150 mt.
3. Maturity at age - These values were not correctly set in the 1999 analysis. Correcting these values changes the spawning biomass calculations presented in the 1999 assessment, but does not affect the fitting of the model because spawner-recruitment relationships were not included in the 1999 assessment. The corrected maturity schedule and spawning biomass calculations are used throughout this rebuilding analysis.

Scenario #1

Spawner-Recruit Relationship

The level of recruitment estimated in the most recent canary rockfish assessment exhibits a substantial decline. During 1987-1995, average recruitment was only 33% of the average that occurred during 1967-1977 (Table 1, Figure 1). As long as this low level of recruitment persists, the stock cannot rebuild to the 40% biomass level, even without fishing. The level of recruits per spawner for canary rockfish is barely above the replacement level throughout the time series (Figure 2). As long as similar levels of recruits/spawner occur, any rebuilding will be extremely slow. However, adding recruitment levels from the northern and southern regions moderates this decline, so that the 1987-1995 mean recruitment is 54% of the mean during 1967-1977.

Spawner-recruitment results of the canary rockfish assessment were used in the meta-analysis of general patterns of spawner-recruitment curvature for rockfish (Dorn 2000) based upon adding the northern and southern assessment results together. Dorn (2000) estimated a moderate level of steepness (0.55) in his examination of the combined northern and southern assessment results. The Beverton-Holt spawner-recruitment relationship was parameterized so that the steepness was defined as the level of recruitment when spawning biomass was at 20% of its unfished level.

Here we explore the parameters of the canary rockfish spawner-recruitment relationship for the northern area alone. The synthesis assessment model was rerun with the same data set as used in the 1999 assessment. The parameters for year-specific recruitment were kept at the same values as estimated in the 1999 assessment, so only the parameters of the spawner-recruitment relationship were estimated.

The estimated S/R steepness was only 0.381 (Figure 1). Hence, canary rockfish in the northern area are estimated to have a high level of decline in recruitment as spawning biomass is reduced to a low level. The low recruitments during 1987-1995 and the high recruitments during 1996-1998 create a poor fit to these spawner-recruitment information. If the 1996-1998 recruitments are replaced by half their value, then the estimated steepness is reduced and the overall fit is improved. If these 3 ending recruitments are deleted from the spawner-recruitment curve fitting, then the estimated steepness declines to 0.23 and the 1987-1995 recruitments are well fit by the estimated curve. When

synthesis is allowed to re-estimate the year-specific recruitment parameters while estimating the spawner-recruitment relationship, the estimated S-R curvature is 0.389 and the poorly estimated early and late recruitment values are moved towards the curve.

Unfished Abundance Level

Three possibilities are the level from the assessment model, the level from the fitted spawner-recruitment curve, and the level calculated from the mean recruitment level in the early years of the time series.

The highest value comes from the initial assessment where a recruitment level of 2,872 million age 1 recruits would produce an unfished female spawning biomass of 22,376 mt. In the initial assessment modeling, this initial recruitment level is acted on by a fishing mortality sufficient to produce a catch of 1,000 mt which reduces the initial spawning biomass down to 18,971 mt (Table 1, Figure 1).

The lowest level comes from the intercept between the estimated spawner-recruitment curve and the recruits/spawner replacement line. This level has 1,301 million recruits producing a spawning biomass of 10,136 mt. However, because this relationship is fitted to the logarithm of recruitment, a correction when backtransforming to mean recruitment is necessary. These transformed values are 1,598 million recruits producing an unfished spawning biomass of 12,450 mt (Table 1, Figure 1).

An intermediate level comes from taking the early mean recruitment level (1,859 million recruits in 1967 through 1977) which would produce a spawning biomass of 14,483 mt if unfished.

The intermediate level is taken as the best estimate of unfished spawning biomass (Figure 1). Note, however, that high historical catches were obtained while fishing down from an even higher level of biomass. The rebuilding target is set at 40% of the unfished spawning biomass level, which is 5,793 mt of female spawners.

This rebuilding target is essentially identical to the biomass level associated with MSY on the basis of the estimated spawner-recruitment curve. MSY is estimated to be approximately 725 mt which occurs at a spawning biomass of about 5,700 mt and a fishing mortality rate corresponding to a SPR of 63%. Note that because of the low S/R steepness for canary, fishing at an SPR of 65% is expected to produce a spawning biomass level equal to about 40% of the unfished level. The equilibrium catch at $F_{50\%}$ to $F_{70\%}$ ranges from 689 to 724 mt, but at F levels of $F_{50\%}$ - $F_{60\%}$ the equilibrium stock level would be less than the rebuilding target of 40%. Thus, upon completion of the rebuilding, the longterm harvest policy for canary rockfish should be no more aggressive than $F_{65\%}$ if the goal is to keep the stock size above the 40% level.

Note that the canary rockfish stock is estimated to have declined rapidly through the 40% biomass level, so few recruitments were observed while the biomass was in its target range (Figure 1). The estimated spawner-recruitment curvature and projected rebuilding rates

could easily change if the next several years of canary rockfish recruitment indicate that the stock has greater capacity to produce strong recruitment from intermediate stock levels.

Generation Time

This is calculated as the mean age of female spawners in an unfished population. It is calculated to be 16.8 years in scenario #1 in which female natural mortality increases at older ages.

Expected Recruitment Level

Three methods of calculating recruitment during rebuilding were considered. These are random resampling of observed recruitment levels, random resampling of observed levels of recruits/spawner (R/S) and random resampling of deviations from the estimated spawner-recruitment relationship. The first method is not used here because of the large change in recruitment level observed during the time series. The second method has been used in some other rebuilding analyses and will be the baseline approach here, but we note here that such a method incorporates no population compensation, so often leads to exponential model population growth as the stock increases above its current low level. The third method incorporates compensation in the form of the spawner-recruitment curve, and results from this method will be presented in comparison to the R/S method.

The main approach to estimating future recruitment levels is through randomly resampling the historical values of R/S (Figure 2) and multiplying the selected value by the previous year's spawning biomass to estimate the current year's recruitment of age 1 fish. These R/S values indicate very little ability of the population to compensate for fishing mortality. The 1996-1998 R/S values are higher, but these values are driven nearly solely by the highly variable occurrence of young canary rockfish in the 1998 triennial trawl survey. Most projections will be based upon resampling the R/S from 1978-1995. Sensitivity analyses will utilize different ranges of years for the resampling.

Rebuilding in the Absence of Fishing

The rate of rebuilding with no fishing mortality depends only upon the level of recruitment that occurs during the rebuilding period, which begins in 2001. It is informative to consider first how rebuilding would proceed if various constant levels of future recruitment occurred. As noted above, mean recruitment during 1987-1995 was less than 40% of the 1,859 thousand recruits in the "virgin" level, so if this low recruitment level persists the stock cannot rebuild to the 40% target. If the average recruitment immediately increased to 782 thousand (which is the mean recruitment during 1987-1991 as the spawning stock was declining through the 40% biomass level), then rebuilding to that 40% biomass level would occur in 23 years. This scenario with relatively constant recruitment (and increasing R/S) at lower spawning stock size is consistent with combining the northern and southern results. However, in the northern area alone, lower recruitment levels have occurred as the stock continued to decline and the relative constancy of R/S (Figure 2) indicates that resampling from recent R/S values is a more realistic characterization of the likely rate of rebuilding.

With resampling R/S, the time to rebuild is sensitive to the range of years from which this resampling occurs (Table 3) and to the level of the 1996-1998 recruitments. Using the reduced 1996-1998 recruitments in the calculation of the starting population in 2001, then resampling from 1978-1995 produces a median time to rebuild of 119 years (Table 3).

Preliminary calculations used the higher estimates of recruitment in 1996-1998. These higher recruitments start the rebuilding early and provided high R/S values in the future resampling. If the resampling includes 1987-1997, then 2 of the 10 possible values are from the uncertain high estimates. This provides an optimistic result with median rebuilding in 24 years. Even when the higher recruitments are not used in the resampling, their contribution to the starting population in 2001 reduces median rebuilding from 119 years to 82 years.

The range of years used to resample also has a great impact on the results. Higher R/S during 1978-1986 produces rebuilding in 74 years, but lower R/S in 1987-1995 delays rebuilding substantially. Adding the higher R/S values from 1996 and 1997 reduces the time to rebuild.

Similar calculations of time to rebuild occur if the calculations are based upon deviations from the estimated spawner-recruitment curve.

The time to rebuild ranges from an optimistic level of 23 or 24 years if either there is an immediate increase in recruitment to an intermediate level (782 thousand fish), or if the high estimated R/S values during 1996-1998 represent a substantial probability for future recruitment, respectively. More realistic scenarios are based upon lower recruitment levels in 1996-1998 and R/S levels observed over a longer period. These scenarios produce rebuilding time frames of at least 74 years, and the recommended result (resampling from 1978-1995) shows a median time to rebuild of 119 years.

The assessment of canary rockfish in the southern area (Eureka-Monterey) found continued moderate recruitment and high R/S values at low levels of spawner abundance (Figure 3). The combined average historical recruitment from north plus south would produce a spawning biomass of 18,477 mt if unfished (using unfished S/R from the northern analysis). The 1987-1995 average recruitment from the combined areas has no obvious trend and averaged 1,291 thousand fish. At this level of recruitment, the combined area population would rebuild in 16 years. This calculation should not be considered definitive. At this time we have not quantitatively combined the northern and southern results in a way that would allow rebuilding calculations based upon R/S deviations.

The target rebuilding time is equal to one generation time plus the time to rebuild with zero fishing.

Rebuilding

Rebuilding scenarios were conducted at various levels of constant catch. The level of catch that can be sustained during rebuilding is strongly related to the degree that R/S during rebuilding are above the $F=0$ replacement level. Under the scenario with lower 1996-1998 recruitment and resampling from 1978-1995, the stock can only sustain 13 mt

of catch per year without delaying rebuilding beyond 136 years (Table 3). This extremely low level of potential catch is extraordinary in comparison to the >1000 mt catches that occurred for many years. The difference is due to the fact that the high catches were not sustainable and were reducing the stock size, and that R/S has been extremely low for canary rockfish. It is unknown what sort of prolonged climate conditions would have allowed historical R/S to be sufficiently high to build up the biomass that supported the historical fishery.

Under the higher recruitment scenario with resampling from 1987-1997, the stock can rebuild in 42 years 67% of the time while catch is 150 mt per year. Preliminary calculations were also made with the higher recruitment scenario and constant exploitation rate rather than a constant catch level. In this case, fishing at $F_{80\%}$ (without 40-10 adjustment) would allow rebuilding in 42 years. During early years (while biomass is low) the annual catch would be about 50 mt. As the stock approached the rebuilt level, the annual catch would be near 300 mt. Over the course of the rebuilding, the median total catch from this $F_{80\%}$ policy would be 37% greater than that obtained from a constant catch of 150 mt per year.

Scenario #2

Spawner-Recruit Relationship

The level of decline estimated in scenario #2 is not as extreme as that estimated in scenario #1. In addition, the absolute level of recruitment has not declined as much (Table 3, Figure 4). During 1987-1995, average recruitment was 46% of the average that occurred during 1967-1977 (Table 3). However, the level of recruits per spawner in the late 1980s to mid 1990s is very low (Figure 5) and even closer to the replacement line than in scenario #1. As long as this low level of recruitment per spawner persists, any rebuilding will be very slow. As in scenario #1, the 1996-1998 recruitment estimates are higher, but based on limited data.

A spawner-recruitment curve fitted as in scenario #1 produces an estimate of curvature equal to 0.403 (Figure 4), which is similar to the 0.38 level estimated in scenario #1.

Unfished Abundance Level

Three possibilities are the level from the assessment model, the level from the fitted spawner-recruitment curve, and the level calculated from the mean recruitment level in the early years of the time series.

The highest value comes from the initial assessment where a recruitment level of 2,744 million age 1 recruits would produce an unfished female spawning biomass of 44,991 mt. Note that the level of female spawning biomass per recruit is much higher in scenario #2 than in scenario #1 because of the lower female natural mortality in the second scenario. In the initial assessment modeling, this initial recruitment level is acted on by a fishing mortality sufficient to produce a catch of 1,000 mt which reduces the initial spawning biomass down to 34,210 mt (Table 2, Figure 4).

The lowest level comes from the intercept between the estimated spawner-recruitment curve and the recruits/spawner replacement line. This level has 1,250 million recruits producing a spawning biomass of 20,495 mt. However, because this relationship is fitted to the logarithm of recruitment, a correction when back transforming to mean recruitment is necessary. These transformed values are 1,567 million recruits producing an unfished spawning biomass of 25,693 mt (Table 2, Figure 4).

An intermediate level comes from taking the early mean recruitment level (1,763 million recruits in 1967 through 1977) which would produce a spawning biomass of 28,909 mt if unfished.

The intermediate level is taken as the best estimate of unfished spawning biomass Figure 4. We note, however, that high historical catches were obtained while fishing down from an even higher level of biomass. The rebuilding target is set at 40% of the unfished spawning biomass level, which is 10,277 mt of female spawners. The spawning biomass in 1999 is at 25% of the unfished level according to scenario #2.

Generation Time

This is calculated as the mean age of female spawners in an unfished population. It is calculated to be 24.7 years in scenario #2.

Expected Recruitment Level

The main approach to estimating future recruitment levels is through randomly resampling the historical values of recruits per spawner (Figure 5) and multiplying the selected value by the previous year's spawning biomass to estimate the current year's recruitment of age 1 fish. These R/S values indicate very little ability of the northern portion of the stock to compensate for fishing mortality.

Rebuilding in the Absence of Fishing

The rate of rebuilding with no fishing mortality depends only upon the level of recruitment that occurs during the rebuilding period, which begins in 2001. With resampling R/S, the time to rebuild is sensitive to the range of years from which this resampling occurs (Table 3) and to the level of the 1996-1998 recruitments. Using the reduced 1996-1998 recruitments in the calculation of the starting population in 2001, then resampling from 1978-1995 produces a median time to rebuild of 192 years (Table 3).

Preliminary calculations used the higher estimates of recruitment in 1996-1998. These higher recruitments start the rebuilding early and provided high R/S values in the future resampling. If the resampling includes 1987-1997, then 2 of the 10 possible values are from the uncertain high estimates. This provides an optimistic result with median rebuilding in 20 years. Even when the higher recruitments are not used in the resampling, their contribution to the starting population in 2001 reduces median rebuilding from 192 years to 85 years.

The range of years used to resample also has a great impact on the results. Higher R/S during 1978-1986 produces rebuilding in 75 years, but lower R/S in 1987-1995 delays

rebuilding beyond the timeframe of the simulations. Adding the higher R/S values from 1996 and 1997 reduces the time to rebuild to 98 and 84 years.

The time to rebuild ranges from an optimistic level of 20 years if the high estimated R/S values during 1996-1998 represent a substantial probability for future recruitment. More realistic scenarios are based upon lower recruitment levels in 1996-1998 and R/S levels observed over a longer period. These scenarios produce rebuilding time frames of at least 75 years.

Adding southern area results to this scenario #2 northern result probably will not have as great an impact as adding the south to the scenario #1 north. This is because the northern abundance in scenario #2 is larger, so adding the southern recruitments will have a diminished proportional contribution.

Rebuilding

Rebuilding scenarios were conducted at various levels of constant catch. The level of catch that can be sustained during rebuilding is strongly related to the degree that R/S levels during rebuilding are above the $F=0$ replacement level. Under the scenario with lower 1996-1998 recruitment and resampling from 1978-1995, the stock can sustain less than 15 mt of catch per year without delaying rebuilding beyond 217 years (Table 3). Even adding the R/S from 1996 and 1997 would only allow 25 mt of catch per year during rebuilding. Under the higher recruitment scenario with resampling from 1987-1997, the stock can rebuild in 45 years 51% of the time while catch is 185 mt per year.

Expansion for Southern Area

The estimate of female spawning biomass in the southern area in 1998 was 376 mt, which is 20.2% of the combined north-south female spawning biomass according to scenario #1, but only 4.7% according to scenario #2. A simple estimate of allowable catch in the combined north-south areas could be based upon these percentages. However, the level of recruitment in the southern area is nearly on par with that in the northern area, so this simple expansion based upon current distribution of biomass may underestimate the combined potential. The current $F_{50\%}$ yield (with no adjustment for the 40-10 OY policy) in the southern area is approximately 55 mt, which would represent an upper bound on possible short-term contribution from that area.

Table 1. Time series of canary rockfish abundance in the northern area according to scenario #1 in which fishery selectivity is asymptotic at older ages, and females are estimated to have increasing natural mortality (Crone et al 1999). The high recruitment values in 1996-1998 reported here are adjusted downwards by 50% for the baseline rebuilding analysis.

YR	Total Biomass	Female Spawning Biomass	Age 1 Recruits	Catch
Initial Equilibrium	53109	18971	2872	1000
67	53016	18971	526	2504
68	51145	18384	526	2802
69	48833	17639	3692	1731
70	47612	17366	1606	1607
71	46499	17110	3278	1427
72	45529	16856	847	1382
73	44538	16522	1312	4181
74	40492	14912	2333	860
75	40117	14773	1842	1351
76	39166	14421	1652	785
77	38831	14294	2834	1672
78	37528	13757	1309	2326
79	35583	12912	2423	3192
80	32857	11712	3170	3215
81	30269	10600	570	2608
82	28481	9801	1845	4352
83	24871	8298	1254	4277
84	21482	6995	1429	1839
85	20784	6873	1173	2084
86	19804	6696	1417	1848
87	19001	6613	652	2698
88	17161	6065	670	2578
89	15359	5497	946	2820
90	13185	4734	681	2174
91	11643	4205	960	2802
92	9381	3302	704	2433
93	7488	2556	540	1982
94	6034	1962	346	960
95	5631	1826	101	770
96	5420	1789	1351	974
97	4977	1644	936	920
98	4612	1480	1083	996
99	4197	1265	473	996

Alternative Calculations of unfished level:

S/R equil	30912	10136	1301	0
S/R, with bias adjust	37969	12450	1598	0
67-77 recr mean	44168	14483	1859	0
init. Equilibrium	68240	22376	2872	0

Table 2. Revised time series of canary rockfish abundance in the northern area according to scenario #2 in which fishery selectivity is dome-shaped and natural mortality is constant for all ages and both sexes (Crone et al 1999).

YR	Total Biomass	Female Spawning Biomass	Age 1 Recruits	Catch
Initial Equilibrium	67277	34210	2744	1000
67	67186	34210	433	2504
68	65297	33639	433	2802
69	62933	32822	3542	1731
70	61626	32467	1425	1607
71	60413	32112	3162	1427
72	59332	31752	723	1382
73	58226	31305	1277	4181
74	54024	29468	2226	860
75	53460	29147	1751	1351
76	52337	28626	1618	785
77	51857	28361	2805	1672
78	50423	27683	1270	2326
79	48326	26646	2395	3192
80	45405	25164	3140	3215
81	42563	23691	581	2608
82	40482	22509	1858	4352
83	36530	20500	1269	4277
84	32731	18657	1465	1839
85	31604	18050	1217	2084
86	30208	17402	1519	1848
87	29013	16859	749	2698
88	26805	15841	792	2578
89	24658	14815	1178	2820
90	22166	13593	898	2174
91	20337	12628	1286	2802
92	17819	11288	928	2433
93	15706	10132	764	1982
94	14049	9147	500	960
95	13468	8677	129	770
96	13127	8356	2240	974
97	12620	7961	1580	920
98	12270	7574	1840	996
99	11945	7157	960	996

Alternative Calculations of unfished level:

S/R equil	40545	20495	1250	0
S/R, with bias adjust	50827	25693	1567	0
67-77 recr mean	57190	28909	1763	0
init. Equilibrium	89004	44991	2744	0

Table 3. Summary results of rebuilding calculations. All scenarios present results from 500 trials. R/S refers to scenarios based upon resampling recruits per spawner. HR represents scenarios with the 1996-1998 recruitments at their original (high) level. Other scenarios have these 3 recruitments at half of their original level.

Scenario #1

Conditions	% Rebuilt	Years to Rebuild			Annual Catch
		Min	Max	Median	
Resamp R/S 78-95	-	55	249	119	0
Resamp R/S 87-97, HR	-	13	57	24	0
Resamp R/S 78-95, HR	-	39	231	82	0
Resamp R/S 78-86	-	47	165	74	0
Resamp R/S 87-95	-	114	999	369	0
Resamp R/S 78-96	-	38	176	74	0
Resamp R/S 78-97	-	37	129	64	0
Resamp R/S 78-95	53%	63	275	132	13
Resamp R/S 78-95	42%	75	344	144	20
Resamp R/S 87-97, HR	67%	17	97	35	150
Resamp R/S 78-97	47%	42	203	81	40

Scenario #2

Conditions	% Rebuilt	Years to Rebuild			Annual Catch
		Min	Max	Median	
Resamp R/S 78-95	-	58	797	192	0
Resamp R/S 87-97, HR	-	10	66	20	0
Resamp R/S 78-95, HR	-	23	675	85	0
Resamp R/S 78-86	-	35	180	75	0
Resamp R/S 87-95	-	999	999	999	0
Resamp R/S 78-96	-	37	312	98	0
Resamp R/S 78-97	-	33	228	84	0
Resamp R/S 78-95	34%	66	999	273	15
Resamp R/S 87-97, HR	51%	14	999	45	185
Resamp R/S 87-97, HR	68%	12	183	36	150
Resamp R/S 78-97	51%	51	338	108	25

Figure 1. Estimated recruitment and spawner levels for scenario #1

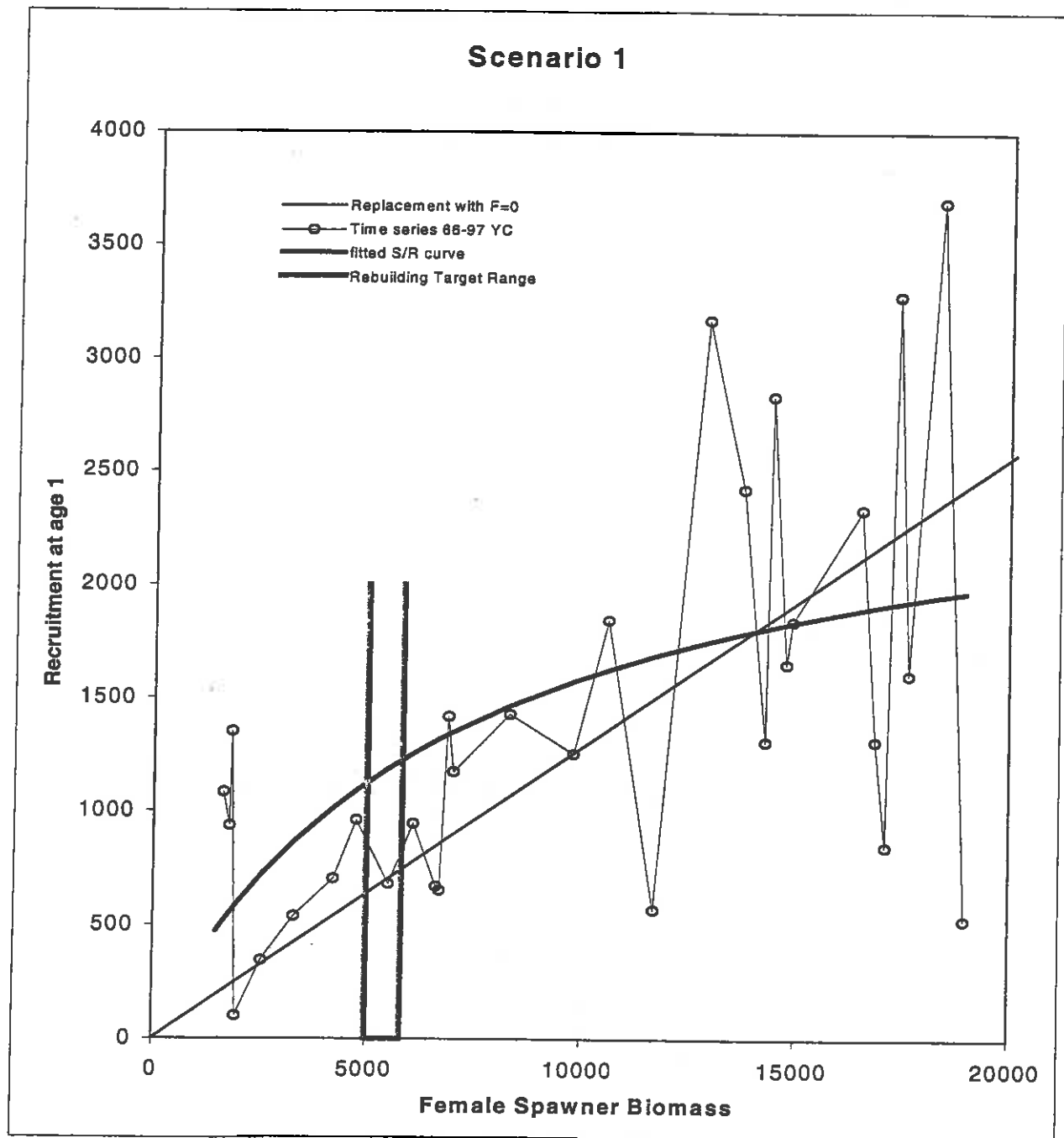


Figure 2. Recruits per Spawner time series for scenario #1. The bold horizontal line represents the replacement level with no fishing. The curved line is from the estimated recruitment-spawner relationship.

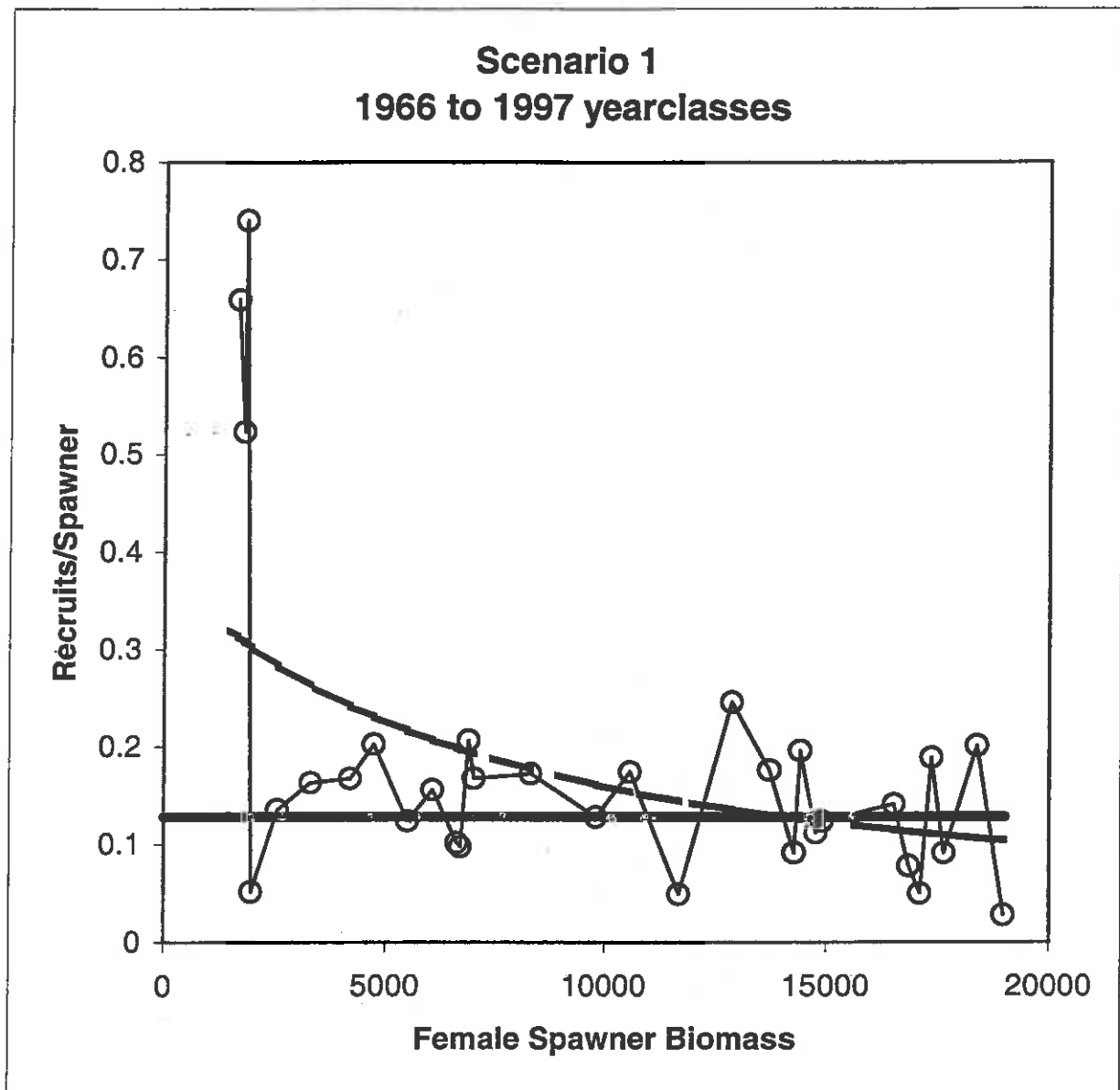


Figure 3. Comparison of recruits per spawner between the northern and southern assessment areas (based upon scenario #1 in the north). Unlike Figures 1 and 2, the recruitment values for 1996-1998 in the north are adjusted down to 50% of their original estimated value.

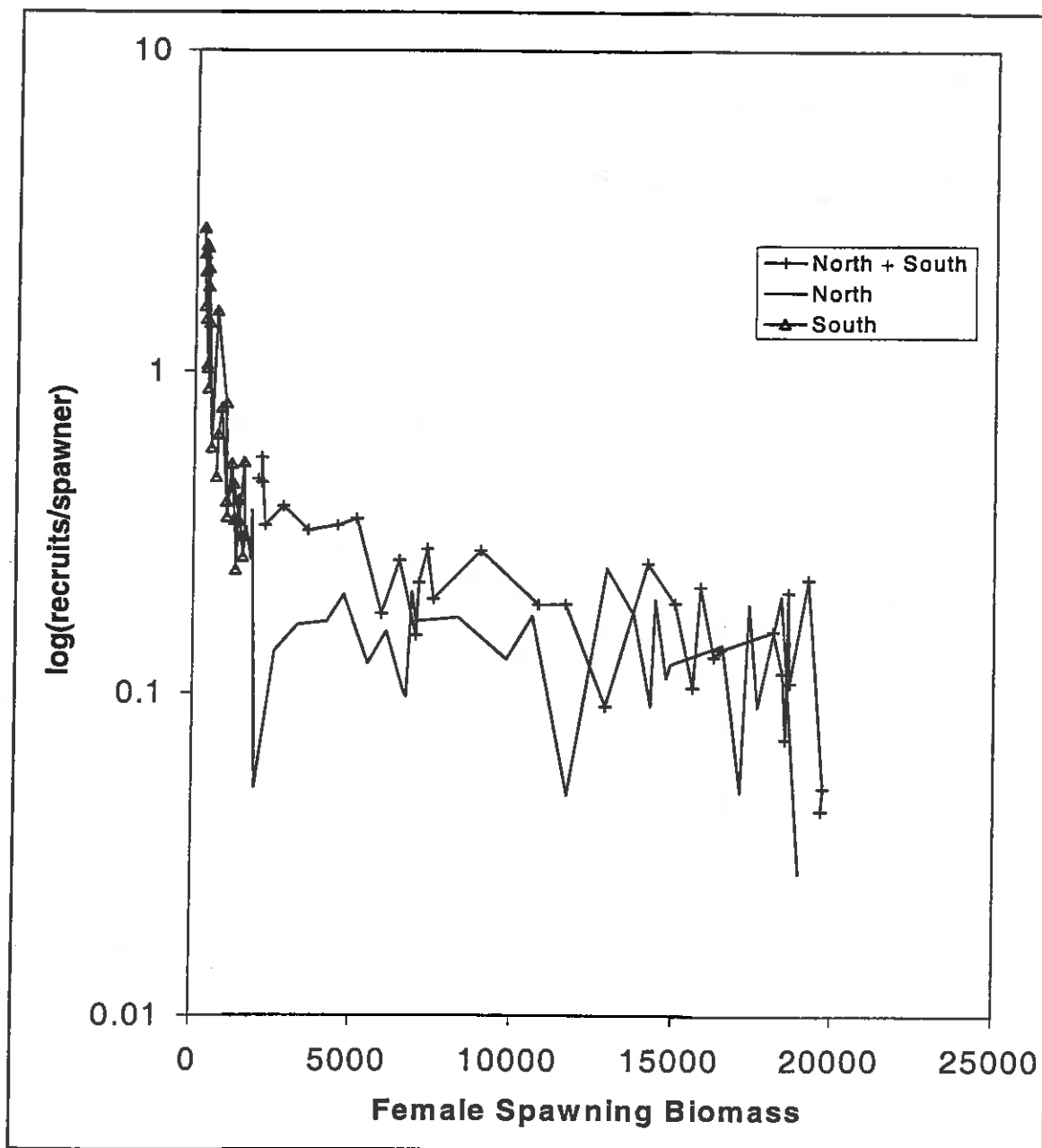


Figure 4. Estimated recruitment and spawner levels for scenario #2. Values for 1996-1998 are at their original estimated value (high recruitment).

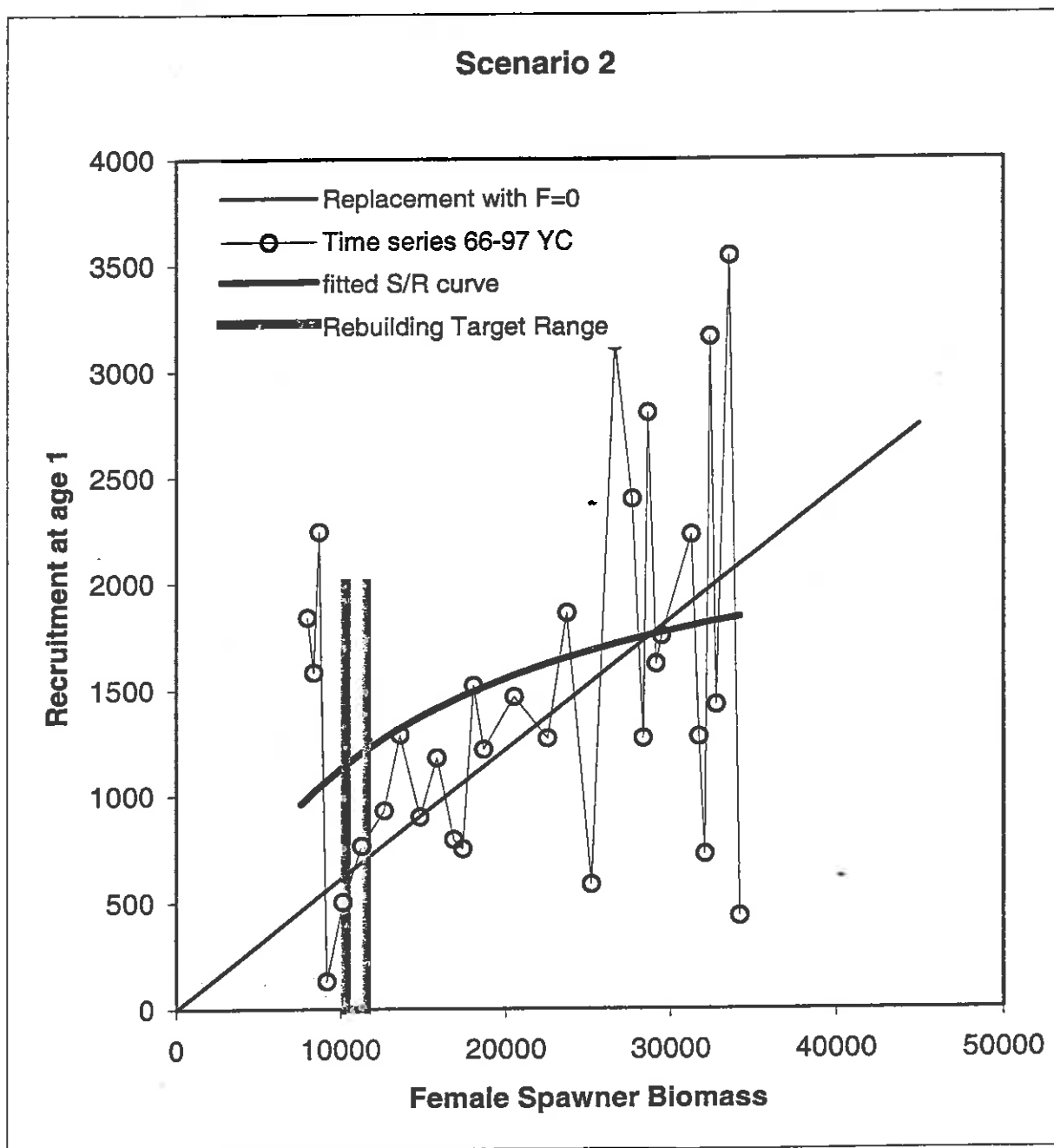
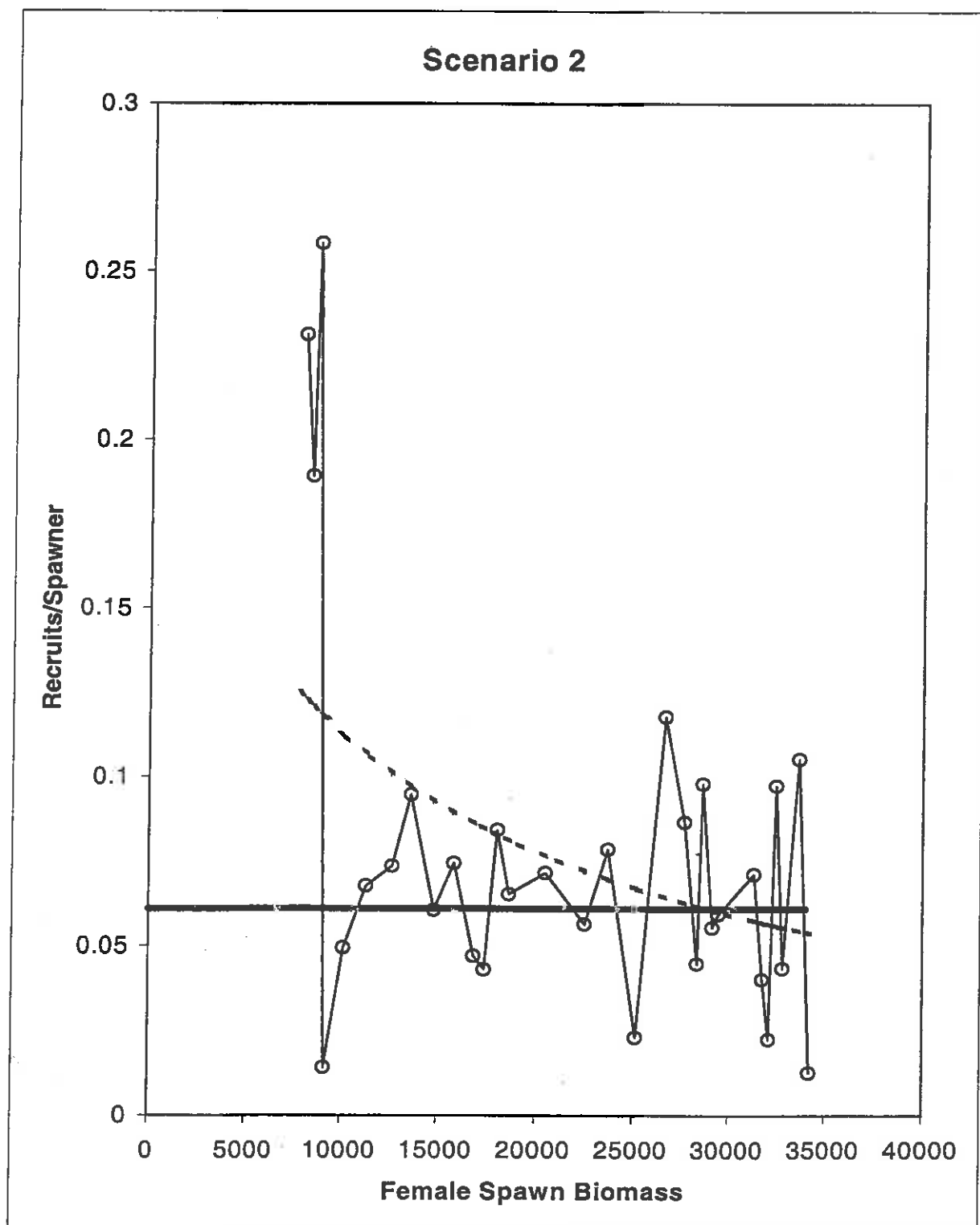
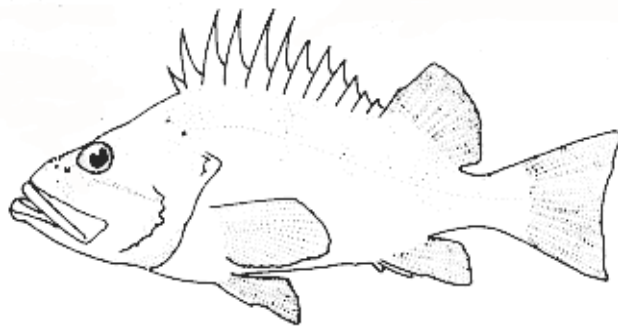


Figure 5. Estimated time series of recruits per spawner for scenario #2.



Pacific Fishery Management Council

Initial Rebuilding Plan
for
West Coast Cowcod, *Sebastes levis*



OCTOBER 2000

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Summary

The cowcod (*Sebastes levis*) resource in the Conception area is overfished, with the current spawning biomass estimated to have fallen to between 4% and 11% of the unfished abundance. The minimum time that would be required for this stock to recover to its maximum sustainable yield stock size, in the absence of all fishing-related mortality, is calculated to be 42 to 80 years, assuming constant average recruitment over the entire time span. The mean value is 61 years. This range reflects the uncertainty about whether the stock is currently at 126 mt, 238 mt, or 451 mt.

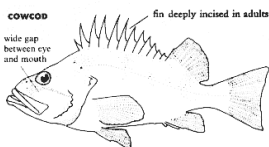
The maximum age for this species is estimated to be 75 years, which corresponds to an estimated mean generation time of 37 years. The National Standard Guidelines authorize rebuilding periods up to a maximum of the time calculated for the stock to rebuild in the absence of fishing, plus one mean generation time. In the case of cowcod, this would be 98 years. This rebuilding plan specifies the rebuilding period for cowcod in the Conception area to be 98 years.

Population trajectories were repeated 250 times with different constant fishing mortality rates to find a fishing rate that provided some catch but resulted in a 60% probability of achieving the maximum sustainable yield biomass within 98 years (see attached analysis). This is a harvest rate of approximately 1% per year, assuming the current stock size is 238 mt, for an initial fishing mortality of 2.4 mt in 2001. Such a low fishing mortality rate can only be achieved if no target fishing for this stock is allowed, and that no fishing be allowed in areas where this species occurs. (A possible exception might be fishing gear that never approaches the ocean floor.) In addition, protection measures for this stock should be extended to the Monterey management area (to the north).

It will be extremely difficult to determine the effectiveness of protective measures and to monitor recovery of this stock because all fishing mortality must be avoided. It is possible that even scientific sampling of the adult population could hinder recovery efforts. It may be necessary to monitor the stock in the Monterey area and extrapolate the information to the Conception area. In addition, egg and larvae surveys may become a central part of the monitoring effort. Innovative survey techniques, such as visual observations in deep sea submersibles, should also be developed.

Stock Description

The cowcod resource was assessed for the first time in 1999 by U.S. scientists of the National Marine Fisheries Service (NMFS) and California Department of Fish and Game (CDFG). The stock is considered to be one continuous population that extends from central Baja California, Mexico, to central Oregon; cowcod are most common off southern and central California. The assessment addressed only the Conception area portion of the stock (southern California) and determined the spawning biomass has fallen to between 4% and 11% of its unfished size. In response to this information, in November 1999 the Council adopted strict management measures to reduce landings to less than 5 mt in 2000. On January 1, 2000 the NMFS formally designated the cowcod rockfish resource in the Conception management area to be overfished. According to the groundfish fishery management plan, a stock is considered to be overfished when its abundance (or reproductive potential) declines below 25% of its unfished level, the overfished threshold.



Cowcod is one of the largest west coast rockfish. The maximum recorded size is 37 inches (94 cm), but larger specimens have been reported. The body and head of the cowcod are somewhat compressed. The head is very large. The mouth is large with a projecting lower jaw. Adults are uniform pale pink to orange in color. Young fish have four dark vertical bands on their sides which gradually fade into dusky blotches as they increase in size. Their heads are large and spined, the dorsal fins are deeply notched, and there is an unusually wide space between the eye and the upper jaw. The diet of the cowcod includes mainly fishes, octopus, and squid. Juvenile cowcod eat small shrimp and crabs. New age and growth data indicate that cowcod

a are long lived, slow growing, and become sexually mature at the relatively old age of 12 years. As with other members of the genus *Sebastes*, fertilization is internal, and females give birth to planktonic larvae during the winter. The larvae are free floating and may be found in shallower water; however, as they grow larger they move to deep water rocky environment. Adults are usually associated with rocky bottoms, particularly where there are sharp, steep drop-offs. They typically inhabit the continental slope and upper continental shelf, from about 500 - 1,200 feet deep (about 150 meters to 350 meters). Larvae and juveniles are planktonic for up to three months and likely to disperse long distances before settling to the bottom.

Because of its large size, the cowcod has been one of the most sought after rockfishes in southern California. The California record for sport caught cowcod is 21 lbs 14 oz, but the recreational fishery has produced confirmed specimens as large as 34 lbs in recent years.

Fishable biomass is similar to spawning biomass because cowcod are recruited to the fishery near the size of first maturity. That means cowcod are typically not caught before they reach sexual maturity. While cowcod spawning biomass will always be somewhat less than fishable biomass, for the purposes of the rebuilding analysis they are assumed to be approximately equal.

B_{msy} : The rebuilding target is the spawning biomass level that produces maximum sustainable yield (MSY). Experience from other fisheries has shown the B_{msy} is often near 40% of initial biomass, which is also the biomass target for rebuilding the stock. Butler et al. (1999) estimated initial biomass at 3,370 mt with 2,840 mt and 3,990 mt as lower and upper 95% confidence intervals. The rebuilding target for the Conception Area is then 1,350 mt biomass with 1,140 and 1600 mt as lower and upper 95% confidence intervals respectively.

Mean Generation Time

If an overfished stock cannot be rebuilt within 10 years, then the maximum time allowed for rebuilding is the length of time required to rebuild at $F=0$ (zero fishing mortality) plus one mean generation time. Mean generation time (Pielou 1977) can be estimated from the net maternity function (product of survivorship and fecundity at age. Parameters used to estimate mean generation time for cowcod are taken from Butler et al. (1999). Because larger and older cowcod females have high reproductive values, mean generation time is sensitive to maximum age. The oldest cowcod in a sample of 264 fish was 55 years (Butler et al. 1999), but it may not represent maximum age of this species. It is likely that older fish could be found if a larger sample size were available, or if samples were available from the un-exploited population. A plausible range of maximum age of cowcod is from 60-100 years which results in mean generation times of 35-40 years. Since data were not available to narrow this range, the analysts used 75 years as the maximum age for cowcod and estimated mean generation time at 37 years. This long generation time is due in part to the fact that cowcod continue to grow after maturity, and thus older and larger female cowcod have very high reproductive value.

Simulation Model

Cowcod stock rebuilding was modeled using a surplus production model because of the density dependent population growth inherent in the logistic equation. The analysts also tried the delay difference model used in the cowcod stock assessment (Butler et al. 1999), but that model yielded longer rebuilding times (average time = 145 years). Population simulations began with the 1998 cowcod biomass. Surplus production was modeled using a log-normal distribution fitted to recruitment during 1951-1998 (Butler et al. 1999). Population trajectories with a fixed mean r indicated that minimum time to B_{msy} with no fishing was 61 years.

The time series of recruitment from the stock assessment model is highly correlated with a lag of one year. In order to test whether the auto correlation affected rebuilding time, we incorporated an auto correlation of 0.8 into recruitment to the population. This changed the pattern of biomass trajectories but had no effect on the median time to rebuilding or the probability of success when averaged over 500 replicates.

The maximum time to rebuild to B_{msy} is thus 98 years, which is the sum of the minimum time in the absence of fishing (61 years) plus one mean generation (37 years). Population trajectories with randomly sampled log-normal production were repeated 250 times with different constant values of F (fishing mortality rate) to find a fishing rate that provided some catch but resulted in a 60% probability of achieving B_{msy} within 98 years.

Initial Conditions

The cowcod stock assessment (Butler et al. 1999) found uncertainty in the 1998 biomass estimates. Upper and lower 95% confidence intervals indicated that the 1998 cowcod biomass could be at 4-11% (126-451 mt) of unfished stock size. In order to capture the uncertainty in current cowcod stock size, population trajectories were initialized at 126 mt, 238 mt, and 451 mt. Mean time to B_{msy} with no fishing varies, which under different initial conditions, are 42 years, 62 years, and 80 years respectively.

Projections

If the 1998 population is as low as 4% of the unfished biomass, almost no realistic quota achieves rebuilding. If the 1998 biomass is 7% of unfished biomass, which is the base case scenario from the assessment, then a quota of 2.4 mt will achieve rebuilding in about 95 years. If the 1998 biomass is 11% of the unfished biomass, then a quota of 4.5 mt will achieve rebuilding in 67 years.

Cowcod Rebuilding Goals and Objectives

The goals of rebuilding programs are to (1) achieve the population size and structure that will support the maximum sustainable yield within 98 years; (2) establish a long term management program that has a high likelihood that total annual fishing mortality of cowcod will be near zero during the initial phase of the rebuilding period; (3) foster public education programs about the need to avoid killing cowcod in order to rebuild the population; and (4) protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future.

To achieve these rebuilding goals, the Council will (1) set harvest levels that will achieve the established rebuilding schedule; (2) establish measures such as area closures, bag limits, and commercial landing limits that will reduce the potential that cowcod will be killed during the initial phase of the rebuilding period; (3) monitor the condition of the stock at least every two years to ensure the goals and objectives are being achieved; (4) identify any critical or important habitat areas and implement measures to ensure their protection; and (5) promote public education regarding these goals, objectives and the measures intended to achieve them.

Rebuilding Modeling and Calculations

The calculations of rebuilding time, target biomass, and projected abundance for the stock are provided in Appendix A.

Discussion

The combination of an unproductive stock and extremely low current biomass level compounds the difficulties to rebuild cowcod. Rebuilding yields are very low compared to the large amount of fishing effort that is present in California waters. This provides the opportunity for target yields to be inadvertently exceeded due to inherent imprecision in catch statistics, and unrecorded fishing mortality from discarded bycatch. Calculations show that the long-term consequence of small over harvest could be significant. Unaccounted removals as small as 1-2 tons per year may sufficiently jeopardize the rebuilding plan. It will be necessary to closely monitor annual commercial and recreational catch in order to assure that rebuilding targets are not exceeded. Reliable estimates of discards are a critical element to rebuilding efforts, since discarded cowcod do not survive. Identification and closure of geographic areas where cowcod abundance is comparatively high may useful and/or necessary in achieving rebuilding targets, goals and objectives.

Future reassessments will demonstrate whether management measures have accomplished intended objectives. However, it is likely that many years will need to pass before it is possible to detect statistically significant change in abundance for an unproductive species such as cowcod.

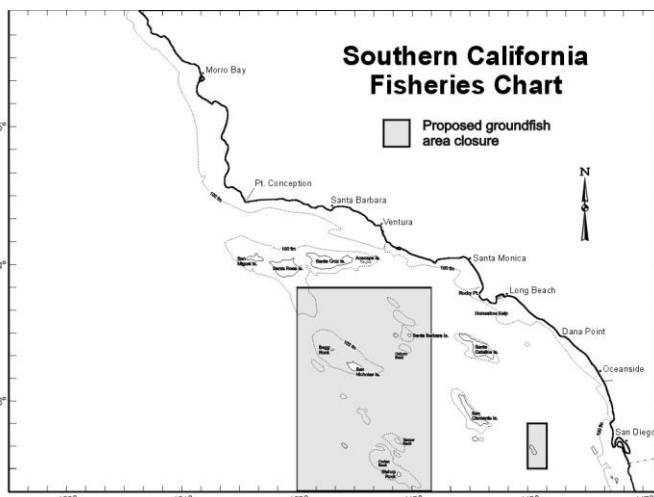
Rebuilding yields have been calculated for that portion of the stock that is found in the Conception management area. The stock ranges much further to the north, and a significant fishery has also occurred in the Monterey area. The Monterey area was not included in rebuilding calculations because there is little definitive information on that portion of the stock, and consequently was outside the area of the stock assessment. However, significant catches have occurred in the Monterey area over many years, and it is likely that the stock is also overfished in that portion of the range. One possible approach for estimating rebuilding yields for the Monterey area is to take proportional catch reductions to that which are necessary in the Conception area.

Proposed Management Measures for 2001

In conjunction with the very low OY proposed for 2001, the Council and the California Fish and Game Commission are considering prohibiting all fishing for and retention of cowcod south of Cape Mendocino by commercial and recreational fisheries. This prohibition would be intended to eliminate targeting on cowcod. It could increase discard of dead fish, but is likely the total number of dead fish would be reduced by this prohibition. Retention of cowcod would be prohibited in the Monterey area also, which would be consistent with the recommendation of the Groundfish Management Team (GMT). The GMT has expressed concern that the portion of the cowcod stock in the Monterey management area is probably overfished also.

Area Closures to Prevent Bycatch and Bycatch Mortality

Cowcod are relatively sedentary rockfish that typically are found in discrete areas and habitats. Most recreational and commercial catch of this species occurs in these areas and could be avoided if fishers did not fish in those areas. In order to eliminate accidental catch of cowcod, and to prevent intentional fishing for this species, the Council is considering closing areas in southern California year round to fishing activities that potentially have a significant impact on the species. Two areas have been identified for potential closure to groundfish fishing: 1) a large area offshore from Huntington Beach down to the Mexico border and 2) a smaller area off of San Diego. Two closure options are being considered. Option 1 would prohibit fishing for all federal groundfish species and most State-managed, bottom-dwelling species in the area(s). Option 2 close the areas to all fishing except recreational fishing for nearshore (shallow water) bottom-dwelling species.



The potential closed areas are defined as follows. Area 1 is the smaller area bound by 118°50' W. Longitude, 33°50' N latitude, 120°W longitude, and 32°20' N latitude. Area 2 is the larger area bound by 117°50' W longitude, 32°50' N latitude, 118° W longitude, and 32°30' N latitude.

In addition to commercial and recreational groundfish fisheries managed by the Council and federal government, the State of California has proposed to prohibit commercial prawn trawling in Areas 1 and 2 described above. This would be done to ensure cowcod are not taken incidentally to fishing for prawns in these areas.

COWCOD REBUILDING ANALYSIS

Appendix A

by
John Butler and Tom Barnes

Introduction

The cowcod (*Sebastes levis*) resource is currently considered to be one continuous population that extends from Washington south into Mexico. Fishable biomass is similar to spawning biomass because cowcod are recruited to the fishery near the size of first maturity. While cowcod spawning biomass will always be somewhat less than fishable biomass, for the purposes of the rebuilding analysis they are assumed to be approximately equal. The International North Pacific Fisheries Commission (INPFC) Conception Area portion of the stock was assessed by U. S. scientists in 1999 at which time the spawning biomass was determined to have fallen below 10% of its unfished size (Figure 1). The Pacific Fishery Management Council (PFMC) responded by imposing significant reductions in quotas.

Management Reference Points

B_{msy}: The rebuilding target is the spawning biomass level that produces MSY. Experience from other fisheries has shown the B_{msy} is often near 40% of initial biomass, which is also the biomass target for rebuilding the stock. Butler et al. (1999) estimated initial biomass at 3370 MT with 2840 MT and 3990 MT as lower and upper 95% confidence intervals. The rebuilding target for the Conception Area is then 1350 MT biomass with 1140 and 1600 MT as lower and upper 95% confidence intervals respectively.

Mean Generation Time

If the stock cannot be rebuilt within 10 years, then the maximum time allowed for rebuilding is the length of time required to rebuild at F=0 plus one mean generation time. Mean generation time (Pielou 1977) can be estimated from the net maternity function (product of survivorship and fecundity at age; Figure 2 and Table 2). Parameters used to estimate mean generation time are taken from Butler et al. (1999). Because larger and older cowcod females have high reproductive values, mean generation time is sensitive to maximum age. The oldest cowcod in a sample of 264 fish was 55 y (Butler et al. 1999), but it may not represent maximum age of this species. It is likely that older fish could be found if a larger sample size were available, or if samples were available from the un-exploited population. A plausible range of maximum age of cowcod is from 60-100 years which results in mean generation times of 35-40 years. Since data were not available to narrow this range, we used 75 y as the maximum age for cowcod and estimated mean generation time at 37 y. This long generation time is due in part to the fact that cowcod continue to grow after maturity, and thus older and larger female cowcod have very high reproductive value.

Simulation Model

We modeled cowcod rebuilding using a surplus production model because of the density dependent population growth inherent in the logistic equation (Appendix II). We also tried the delay difference model used in the cowcod stock assessment (Butler et al. 1999), but that model yielded longer rebuilding times (Average time = 145 y). Population simulations began with the 1998 cowcod biomass. Surplus production was modeled using a log-normal distribution fitted to recruitment during 1951-1998 (Butler et al. 1999). Population trajectories with a fixed mean r indicated that minimum time to B_{msy} with no fishing was 61 y.

The time series of recruitment from the stock assessment model is highly correlated with a lag of one year (Figure 3). In order to test whether the auto correlation affected rebuilding time, we incorporated an auto correlation of 0.8 into recruitment to the population. This changed the pattern of biomass trajectories but had no effect on the median time to rebuilding or the probability of success when averaged over 500 replicates.

The maximum time to rebuild to B_{MSY} allowed by the Magnuson-Stevens Fishery Conservation and Management Act is the minimum time (61 y) plus one mean generation time (37 y) or a total of 98 y. Population trajectories with randomly sampled log-normal production were repeated 250 times with different constant values of F to find a fishing rate that provided some catch but resulted in a 60% probability of achieving B_{MSY} within the maximum allowed time.

Initial Conditions

The cowcod stock assessment (Butler et al. 1999) found uncertainty in the 1998 biomass. Upper and lower 95% confidence intervals indicated that the 1998 cowcod biomass could be at 4-11% (126-451 MT) of unfished stock size. In order to capture the uncertainty in current cowcod stock size, population trajectories were initialized at 126, 238 and 451 MT. Mean time to B_{MSY} with no fishing varies, which under different initial conditions, are 42, 62 and 80 y respectively.

Projections

The probability of rebuilding success under alternative fishing rates and three initial conditions are presented in Table 1. If the 1998 population is as low as 4% of the virgin biomass, almost no realistic quota achieves rebuilding. If the 1998 biomass is 7% of virgin biomass, which is the basecase scenario from the assessment, then a quota of 2.4 MT will achieve rebuilding in about 95 y. If the 1998 biomass is 11% of the virgin biomass, then a quota of 4.5 MT will achieve rebuilding in 67 y.

Discussion

The combination of an unproductive stock and extremely low current biomass level compounds the difficulties to rebuild cowcod. Rebuilding yields are very low compared to the large amount of fishing effort that is present in California waters. This provides the opportunity for target yields to be inadvertently exceeded due to inherent imprecision in catch statistics, and unrecorded fishing mortality from discarded bycatch. Calculations show that the long-term consequence of small over harvest could be significant. Unaccounted removals as small as 1-2 tons per year may sufficiently jeopardize the rebuilding plan. Although it will be necessary to closely monitor annual commercial and recreational landings, additional information will be necessary to provide assurance that rebuilding targets are not exceeded. Reliable estimates of discards are a critical element to rebuilding efforts, since discarded cowcod do not survive. Identification of geographic areas where cowcod density is comparatively high may also be of interest to managers seeking ways to assure that cowcod catches do not exceed rebuilding targets.

Future reassessments will demonstrate whether management measures have accomplished intended objectives. However, it is likely that many years will need to pass before it is possible to detect statistically significant change in abundance for an unproductive species such as cowcod.

Rebuilding yields have been calculated for that portion of the stock that is found in the Conception Management Area. The stock ranges much further to the north, and a significant fishery has also occurred in the Monterey Management Area. The Monterey Area was not included in rebuilding calculations because that portion of the stock is data poor, and consequently was outside the area of the stock assessment. However, significant catches have occurred in the Monterey Area over many years, and it is likely that the stock is also overfished in that portion of the range. One possible approach for estimating rebuilding yields for the Monterey Area is to take proportional catch reductions to that which are necessary in the Conception Area.

Literature cited

Butler, J. L., L. D. Jacobson, J. T. Barnes, H. G. Moser, and R. Collins. 1999. Stock assessment of cowcod. In: Pacific Fishery Management Council. 1999. Appendix: Status of the Pacific Coast Groundfish Fishery through 1998 and recommended biological catches for 1999: Stock assessment and fishery evaluation. Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, Oregon, 97201.

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Figure 1. Basecase model results for Cowcod spawning biomass with 95% confidence interval.

Figure 2. Net maturity function of female cowcod.

Figure 3. Cowcod recruitment biomass and spawning biomass during 1951-1998.

Table 1. Probabilities of cowcod rebuilding under a constant harvest rate, assuming three alternative 1998 biomass levels. **Catch** is the mean annual catch during the first three years of the projection period (1999-2000); **Percent Success** is the percentage of simulations that achieve rebuilding schedule; **Median Time** is median time (y) to reach Bmsy (=0.4*3370 MT). Bold values are base case run.

LOW 1998 BIOMASS (4 % OF VIRGIN BIOMASS)

F	CATCH MT	PERCENT SUCCESS	MEDIAN TIME
0	0	100	81
0.00425	0.55	60	94
0.01	1.3	1	121
0.02	2.5	0	277
0.03	3.7	0	>300
0.04	5	0	>300

MEDIUM 1998 BIOMASS (7 % OF VIRGIN BIOMASS)

F	CATCH	PERCENT SUCCESS	MEDIAN TIME
0	0	100	62
0.009	2.1	60	90
0.01	2.4	55	95
0.02	5	0	227
0.03	7	0	>300
0.04	9	0	>300

HIGH 1998 BIOMASS (11 % OF VIRGIN BIOMASS)

F	CATCH	PERCENT SUCCESS	MEDIAN TIME
0	0	100	42
0.01	4.5	99	67
0.014	6.4	60	92
0.02	9	0	186
0.03	13	0	>300
0.04	16	0	>300

Table 2. Weight at age, Maturity, Reproductive output (M_x) and Survivorship (L_x) of Cowcod (*Sebastes levis*)

Age	Weight	Maturity	M_x	L_x
1	-805.36302	0	0	1
2	-590.69241	0	0	0.94648515
3	-377.30596	0	0	0.89583414
4	-165.196	0	0	0.8478937
5	45.6451091	0	0	0.8025188
6	255.22496	0.01	2.5522496	0.75957212
7	463.551097	0.0189	8.76111573	0.71892373
8	670.631019	0.0308	20.6554354	0.68045064
9	876.472182	0.0497	43.5606675	0.64403642
10	1081.082	0.0794	85.8379105	0.60957091
11	1284.46783	0.1246	160.044691	0.57694981
12	1486.637	0.19	282.461029	0.54607443
13	1687.59678	0.2789	470.670742	0.51685133
14	1887.35442	0.3894	734.93581	0.48919211
15	2085.9171	0.5125	1069.03251	0.46301307
16	2283.29197	0.6341	1447.83544	0.43823499
17	2479.48614	0.7408	1836.80333	0.41478291
18	2674.50666	0.8249	2206.20055	0.39258587
19	2868.36057	0.8859	2541.08063	0.37157669
20	3061.05483	0.9276	2839.43446	0.35169182
21	3252.5964	0.9548	3105.57904	0.33287108
22	3442.99215	0.9721	3346.93267	0.31505754
23	3632.24895	0.9829	3570.13749	0.29819728
24	3820.37361	0.9895	3780.25968	0.2822393
25	4007.3729	0.9936	3981.72571	0.2671353
26	4193.25355	0.9961	4176.89986	0.2528396
27	4378.02226	0.9976	4367.515	0.23930892
28	4561.68567	0.9986	4555.29931	0.22650234
29	4744.25041	0.9991	4739.98058	0.2143811
30	4925.72303	0.9995	4923.26017	0.20290853
31	5106.11008	0.9997	5104.57825	0.19204991
32	5285.41805	0.9998	5284.36097	0.18177239
33	5463.65339	1	5463.65339	0.17204486
34	5640.82252	1	5640.82252	0.16283791
35	5816.93182	1	5816.93182	0.15412366
36	5991.98763	1	5991.98763	0.14587576
37	6165.99624	1	6165.99624	0.13806924
38	6338.96393	1	6338.96393	0.13068048
39	6510.89692	1	6510.89692	0.12368714
40	6681.80141	1	6681.80141	0.11706804
41	6851.68353	1	6851.68353	0.11080316
42	7020.54942	1	7020.54942	0.10487354
43	7188.40514	1	7188.40514	0.09926125
44	7355.25674	1	7355.25674	0.0939493
45	7521.11023	1	7521.11023	0.08892162
46	7685.97158	1	7685.97158	0.08416299
47	7849.84673	1	7849.84673	0.07965902
48	8012.74156	1	8012.74156	0.07539608

49	8174.66196	1	8174.66196	0.07136127
50	8335.61374	1	8335.61374	0.06754238
51	8495.6027	1	8495.6027	0.06392786
52	8654.6346	1	8654.6346	0.06050677
53	8812.71517	1	8812.71517	0.05726876
54	8969.85009	1	8969.85009	0.05420403
55	9126.04503	1	9126.04503	0.05130331
56	9281.3056	1	9281.3056	0.04855782
57	9435.6374	1	9435.6374	0.04595926
58	9589.04598	1	9589.04598	0.04349975
59	9741.53686	1	9741.53686	0.04117187
60	9893.11554	1	9893.11554	0.03896856
61	10043.7875	1	10043.7875	0.03688317
62	10193.5581	1	10193.5581	0.03490937
63	10342.4327	1	10342.4327	0.0330412
64	10490.4168	1	10490.4168	0.03127301
65	10637.5157	1	10637.5157	0.02959944
66	10783.7346	1	10783.7346	0.02801543
67	10929.0788	1	10929.0788	0.02651618
68	11073.5536	1	11073.5536	0.02509717
69	11217.1641	1	11217.1641	0.0237541
70	11359.9155	1	11359.9155	0.02248291
71	11501.813	1	11501.813	0.02127974
72	11642.8616	1	11642.8616	0.02014095
73	11783.0665	1	11783.0665	0.01906311
74	11922.4327	1	11922.4327	0.01804295
75	12060.9652	1	12060.9652	0.01707739
76	12198.6689	1	12198.6689	0.01616349
77	12335.549	1	12335.549	0.01529851
78	12471.6102	1	12471.6102	0.01447981
79	12606.8574	1	12606.8574	0.01370493
80	12741.2957	1	12741.2957	0.01297151
81	12874.9297	1	12874.9297	0.01227734
82	13007.7643	1	13007.7643	0.01162032
83	13139.8043	1	13139.8043	0.01099846
84	13271.0544	1	13271.0544	0.01040988
85	13401.5194	1	13401.5194	0.0098528
86	13531.2039	1	13531.2039	0.00932553
87	13660.1127	1	13660.1127	0.00882647
88	13788.2503	1	13788.2503	0.00835412
89	13915.6214	1	13915.6214	0.00790705
90	14042.2305	1	14042.2305	0.00748391
91	14168.0823	1	14168.0823	0.00708341
92	14293.1812	1	14293.1812	0.00670434
93	14417.5318	1	14417.5318	0.00634556
94	14541.1385	1	14541.1385	0.00600598
95	14664.0058	1	14664.0058	0.00568457
96	14786.1381	1	14786.1381	0.00538036
97	14907.5398	1	14907.5398	0.00509243
98	15028.2152	1	15028.2152	0.00481991
99	15148.1688	1	15148.1688	0.00456197

Appendix B

Annual surplus production during 1951-1998 was computed by:

1)

Where B_y was a biomass estimate from the basecase run of the cowcod assessment model (Butler et al. 1999) at the beginning of the year y , K is the population carrying capacity or “virgin biomass,” C_y was catch data and r is the slope of the production function at the origin. Production was modeled using the logistic model with process errors:

2)

Solving for r_y gives:

3)

The recruitment parameter r_y was calculated for each year from 1951-1998 and modeled using the lognormal distribution. Then forward projections of biomass were obtained from rearranging Eq (1), giving:

4)

Where P_y was obtained from Eq. (2) using a stochastic lognormal r .

REBUILDING PLANS FOR CANARY ROCKFISH AND COWCOD

Situation: The West Coast canary rockfish and cowcod rockfish resources are currently classified as overfished. The Council is required to prepare and submit rebuilding plans for these stocks before the end of this year. Preliminary action was taken at the September meeting, and final adoption is scheduled for this meeting. The draft canary rockfish rebuilding plan is provided as Exhibit C.1, Attachment 1, and the cowcod plan is Attachment 2. The Council scheduled a meeting of its Ad-Hoc Allocation Committee October 23-24 to address these plans and other 2001 management issues. The committee will present an oral summary of its meeting and any recommendations.

The groundfish fishery management plan describes the intended elements of rebuilding plans. The purpose of stock rebuilding plans is to provide the overall guidance for rebuilding overfished groundfish stocks. The Council should lay out its vision of how the stock will rebuild over time, including targets, checkpoints and strategies for rebuilding overfished stocks to healthy and productive levels. Rebuilding plans should provide the objectives that regulations are intended to achieve, and proposed regulations and results will be evaluated for consistency with the rebuilding plans. It is likely rebuilding plans will be revised over time to respond to new information, changing conditions, and success or lack of success in achieving the rebuilding schedule and other goals. In general, the goals of rebuilding programs are to (1) achieve the population size and structure that will support the maximum sustainable yield within the specified time period; (2) minimize, to the extent practicable, the social and economic impacts associated with rebuilding, including adverse impacts on fishing communities; (3) fairly and equitably distribute both the conservation burdens (overfishing restrictions) and recovery benefits among commercial, recreational, and charter fishing sectors; (4) protect the quantity and quality of habitat necessary to support the stock at healthy levels in the future; and (5) promote widespread public awareness, understanding, and support for the rebuilding program. Rebuilding plans should explain the status of the overfished stock, pointing out where lack of information and uncertainty may require that conservative assumptions be made in order to maintain a risk-averse management approach; identify present and historical harvesters of the stock; and provide the basis for any harvest sharing plans during the rebuilding period and for when rebuilding is completed. The Council, NMFS, and the states will set harvest levels to achieve the specified rebuilding schedule; implement any necessary measures to allocate the resource in accordance with harvest sharing plans; and should promote innovative methods to reduce bycatch and bycatch mortality of the overfished stock. Rebuilding plans must be reviewed at least every two years; this includes monitoring fishing mortality and the condition of the stock.

Canary Rockfish - Canary rockfish occur over wide geographic range of the continental shelf and are caught in several fisheries, including groundfish trawl, groundfish commercial hook-and-line, groundfish sport, and several incidental fisheries such as the pink shrimp trawl fishery. There is considerable uncertainty about the abundance of the stock and its ability to rebuild, even in the absence of all fishing. The draft rebuilding plan presents a range of rebuilding times and initial harvest levels. In September, the Council initially endorsed an intermediate view that results in rebuilding in 80-100 years. Coastwide harvest would be 60 mt every year, based on an analysis that the northern portion of the stock could support harvest of 25-40 mt and the southern portion could support about half that amount. For comparison, the 1998 combined recreational and commercial harvest was over 1,200 mt; the recreational fishery alone took about 90 mt. Potential harvest in the pink shrimp fishery must be accounted for as well. The Council does not manage the shrimp fishery but indicated it will ask the states to require pink shrimp trawl vessels to use fish excluder devices.

At this time, the Council is voting on a proposed rebuilding plan for canary rockfish that has a rebuilding period of 98 years; a fixed annual catch of 60 mt, is based on Scenario 1 in the rebuilding analysis (Appendix A); assumes recruitment similar to the 1978-1997 period; and has 47% of the rebuilding projections achieving the target population size in time (see Table 3, page A-14 of the rebuilding analysis).

Cowcod - Cowcod in U.S. waters occur almost exclusively in California, primarily in the Conception and Monterey areas. The 1999 cowcod stock assessment addressed only that portion of the stock in the

Conception area, but the assessment authors and the Groundfish Management Team expressed concern that the Monterey portion of the stock is almost certainly overfished as well. The extremely low levels of abundance and productivity of this stock restrict the rebuilding alternatives. Information on geographic distribution of the stock and areas of higher abundance was presented at the June 2000 meeting, and in September the Council reviewed proposals for two area closures intended to protect this sedentary species. The rebuilding analysis estimates 2001 harvest levels ranging from a few hundred pounds to about 6 mt for the Conception area; this is the equivalent of about 50-1,000 fish for the year. If all fishing mortality was eliminated, the stock is projected to rebuild in 61 years; a total annual catch rate that is equivalent to 2.4 mt (about 350 fish) in 2001 would add about 37 years to the rebuilding period.

At this time, the Council is voting on a proposed rebuilding plan for cowcod that has (1) a 98 year rebuilding period; (2) an annual fishing rate that equates to 2.4 mt in 2001; and (3) the use and extent of area closures to reduce bycatch. At this fishing rate, there is a 60% likelihood the stock would rebuild in the allotted time.

Council Action:

1. Adopt rebuilding plans for canary rockfish and cowcod.

Reference Materials:

1. Draft canary rockfish rebuilding plan (Exhibit C.1, Attachment 1).
2. Draft cowcod rebuilding plan (Exhibit C.1, Attachment 2).
3. Exhibit C.1.d, Public Comment.

PFMC
10/18/00

Canary Rockfish Rebuilding Analysis
Addendum for November 2000 PFMC meeting

This addendum to the canary rockfish rebuilding analysis documents the expected impact of the scenario selected by the PFMC at its September 2000 meeting. In addition, The results of other assessment and rebuilding scenarios are tabulated in Tables 1 and 2.

FEATURES OF SELECTED SCENARIO:

1. Age-specific female natural mortality (scenario #1 from northern area assessment).
2. Current female spawning stock size is at 8.7% of the unfished level in scenario #1¹.
3. Forecasts are based upon 50% reduction in recruitment for 1996-1998
4. Rebuilding target (40% of unfished biomass level) is based upon expected unfished biomass calculated from the average age 1 recruitment level in 1967-1977 (Figure 1)
5. Rebuilding rates are based upon random resampling of recruits per spawner (R/S) observed in 1978-1997 (Figure 2)

BASIC RESULTS:

1. Rebuilding with no fishing occurs in 64 years in 50% of the simulations (Table 1, Figure 3)
2. Generation time is 17 years, so allowed rebuilding time frame is $64+17 = 81$ years
3. Catch in the northern area of 39 mtons per year would allow rebuilding in 81 years in 50% of the simulations (Figure 3 and Figure 4)
4. The range of possible rates of rebuilding is wide (Figure 3 and Figure 5) due to the high variability in recruitment.
5. A constant catch of 39 mtons per year represents an exploitation rate of less than 1% per year during the early years of rebuilding. A constant exploitation rate of only 0.37% would also

¹Similar overall rebuilding results are obtained from scenario #2 which has a lesser decline in biomass, but a greater decline in recruitment compared to scenario #1.

achieve rebuilding in 81 years, but would have short-term catch levels of only 16 mtons then higher catch levels as the stock rebuilds.

DISCUSSION POINTS:

1. The extremely low rate of rebuilding, and the low level of allowable catch while rebuilding, is due to the low level of R/S (Figure 2) that has been observed for canary rockfish. There are two reasonable explanations for this low recruitment:
STOCK - If the low level of R/S observed during the 1990s is due to an inherent inability of the canary rockfish stock to produce good recruitment at low spawner levels, then rebuilding is unlikely to be faster than calculated here, and future fishery productivity of canary rockfish could be lower than for other rockfish species.
CLIMATE - If the low level of R/S observed during the 1990s is due to long term, climate-related fluctuations in fish productivity, then a change to more productive ocean conditions could restore higher recruitment levels sooner and produce more rapid rebuilding. The timing and magnitude of such a current or future climate shift and its effect on recruitment of canary rockfish cannot be predicted with available information. As more information on climate effects on recruitment is obtained, better forecasts of rebuilding times should be possible.
2. A coastwide annual catch of 60 mtons is based upon the calculated 39 mtons for the northern area and an expansion to the southern area. Because of uncertainty in the north-south boundary in the assessment, there is not sufficient evidence to require a strict north-south allocation of the 60 mton coastwide catch. An updated stock assessment that carefully examines the north-south characteristics of the stock should be conducted after results of the summer 2001 survey are available.
3. Future rebuilding analyses will present the progress towards rebuilding and will update information on expected future rates of rebuilding. These analyses will incorporate updated stock assessments and should have more information on effects of climate on recruitment, so it is highly likely that some adjustment to the rebuilding plan will be necessary.

Table 1. Summary results of rebuilding calculations for assessment scenario #1. Each row of table summarizes results from 500 trials. **Allowable Years** is the median number of years to rebuild without fishing plus the mean generation time. The **%Rebuilt** is the percentage of trials that achieve rebuilding within the allowable number of years. HR represents scenarios with the 1996-1998 recruitments at their original (high) level. Other scenarios have these 3 recruitments at half of their original level.

Scenario #1						
Years for Resampling	% Rebuilt	Years to Rebuild			Annual Catch	Allow- able Years
		Min	Max	Median		
78-95	-	55	249	119	0	136
78-95	53%	63	275	132	13	
78-86	-	47	165	74	0	
87-95	-	114	999	369	0	
78-96	-	38	176	74	0	
78-97	-	37	129	64	0	81
78-97	50%	43	167	80	39	
78-95, HR	-	39	231	82	0	
87-97, HR	-	13	57	24	0	41
87-97, HR	67%	17	97	35	150	
78-97 HR	--	14	105	31	0	48
78-97 HR	51%	18	136	47	125	

Table 2. Summary results of rebuilding calculations for assessment scenario #2.

Scenario #2						
Years for Resampling	% Rebuilt	Years to Rebuild			Annual Catch	Allow -able Years
		Min	Max	Median		
78-95	-	58	797	192	0	218
78-95	34%	66	999	273	15	
78-86	-	35	180	75	0	
87-95	-	999	999	999	0	
78-96	-	37	312	98	0	
78-97	-	33	228	84	0	110
78-97	51%	51	338	108	25	
78-95, HR	-	23	675	85	0	
87-97, HR	-	10	66	20	0	46
87-97, HR	68%	12	183	36	150	
87-97, HR	51%	14	999	45	185	
78-97, HR	-	11	77	24	0	50
78-97, HR	59%	14	262	45	100	
78-97, HR	52%	14	313	48	125	

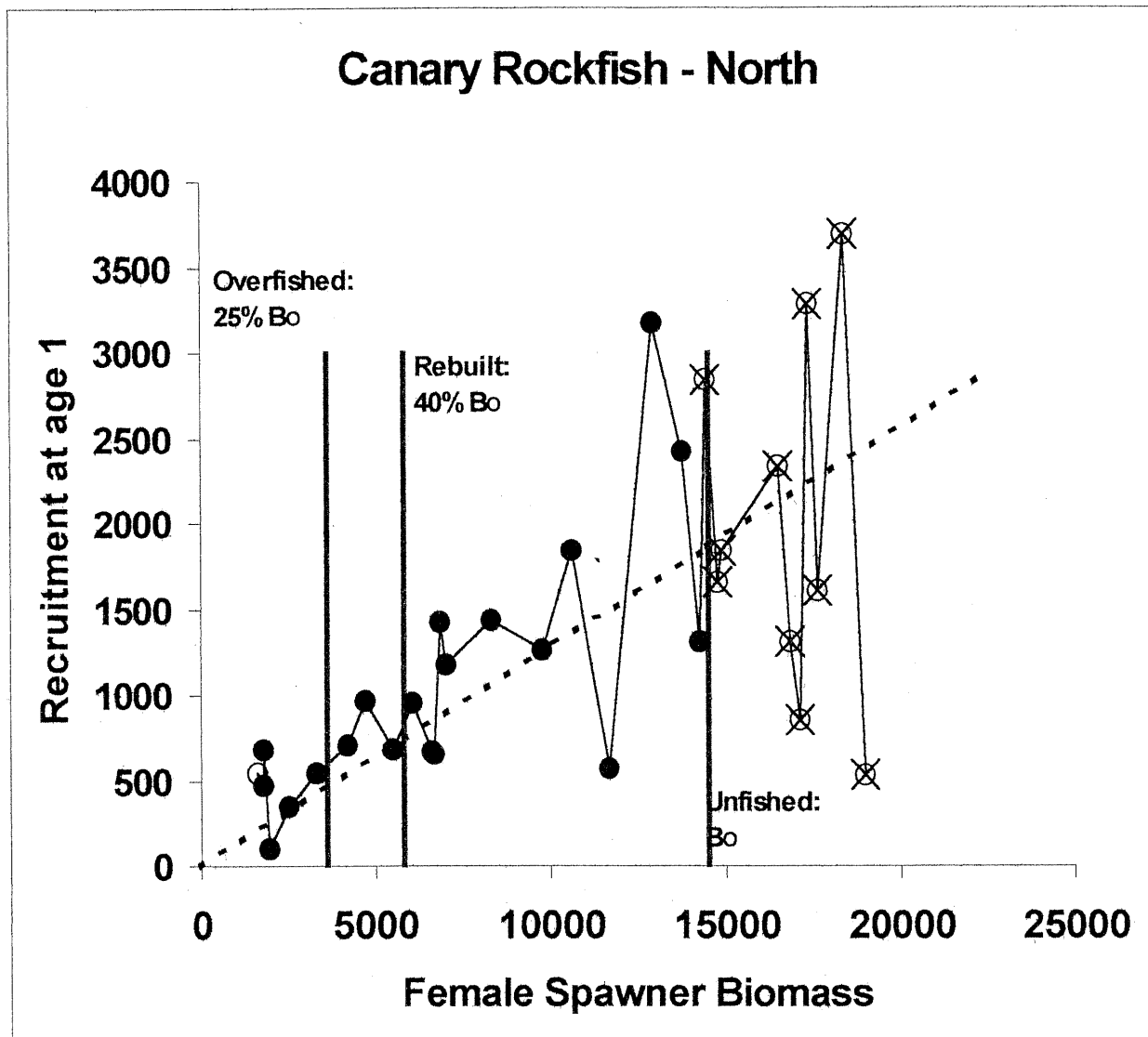


Figure 1. Time series of recruitment versus spawning biomass for canary rockfish in the northern area according to scenario #1 and with recruitments in 1996-1998 (leftmost points on figure) reduced to 50% of initial assessment according to recommendations of STAR panel. The recruitment points with an X were used to calculate the unfished biomass level, B_0 . The dashed line shows the level of recruitment that would maintain that level of female spawning biomass. The recruits/spawner values for the solid points (see Figure 2) were resampled to calculate rebuilding rates.

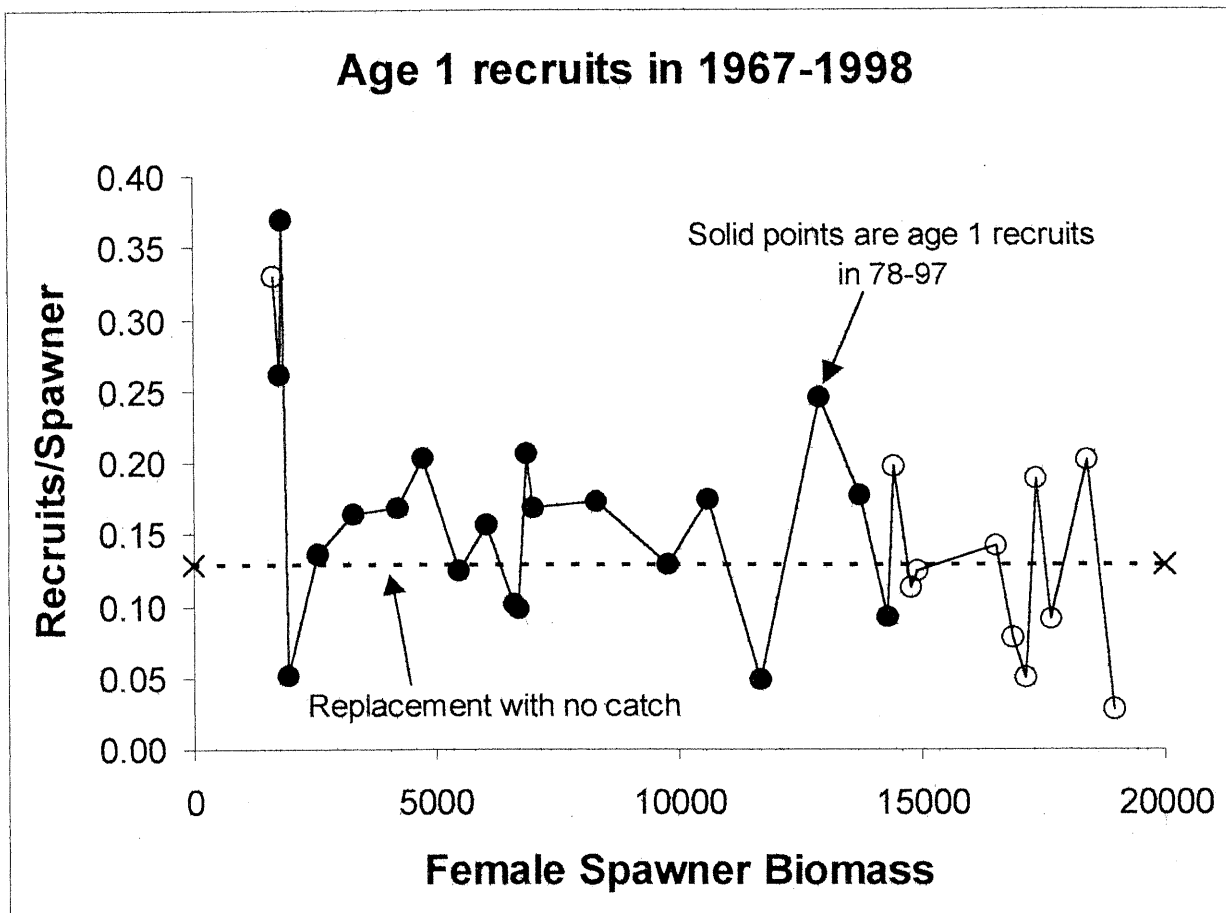


Figure 2 Level of recruitment per spawner that was used to calculate rebuilding rate.

CANARY REBUILDING results of 500 simulations

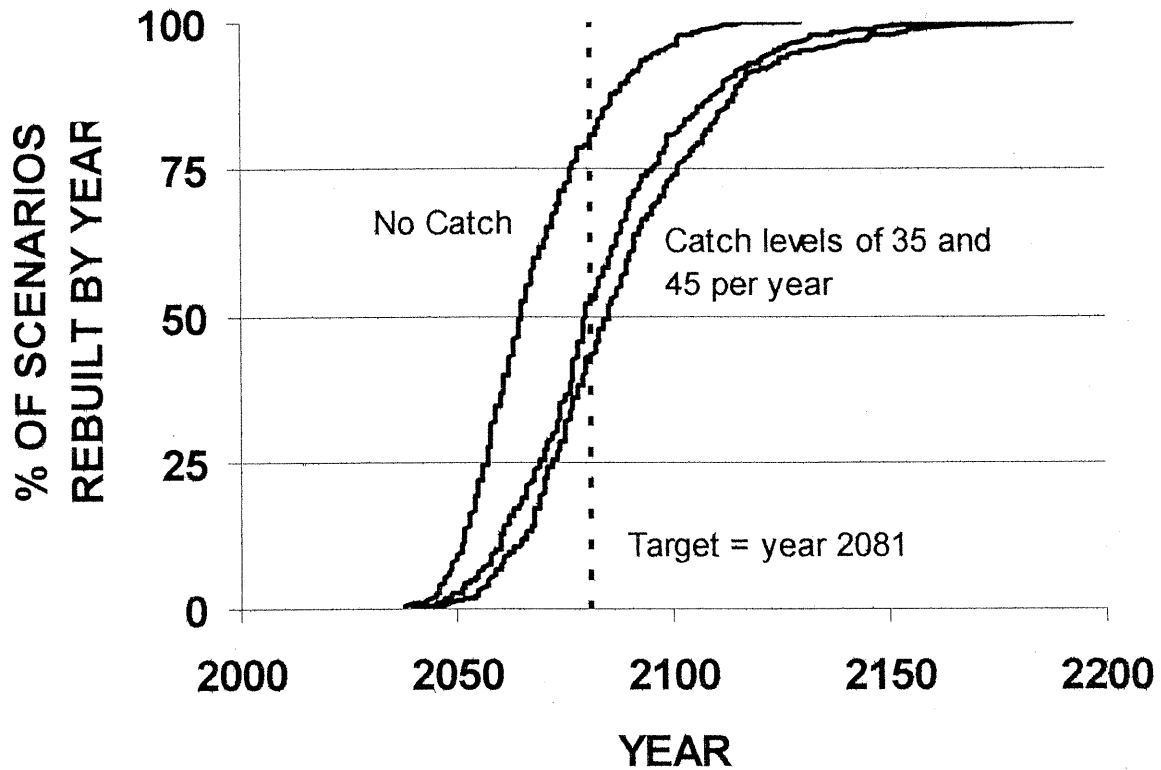


Figure 3. Percentage of 500 simulations that achieve the rebuilt biomass level in the indicated year. The “no catch” line shows that 50% of simulations achieve the rebuilt level in 64 years. At a catch of 39 mtons per year (intermediate between displayed levels of 35 and 45 mtons) the population is expected to rebuild in 50% of the simulations by the year 2081.

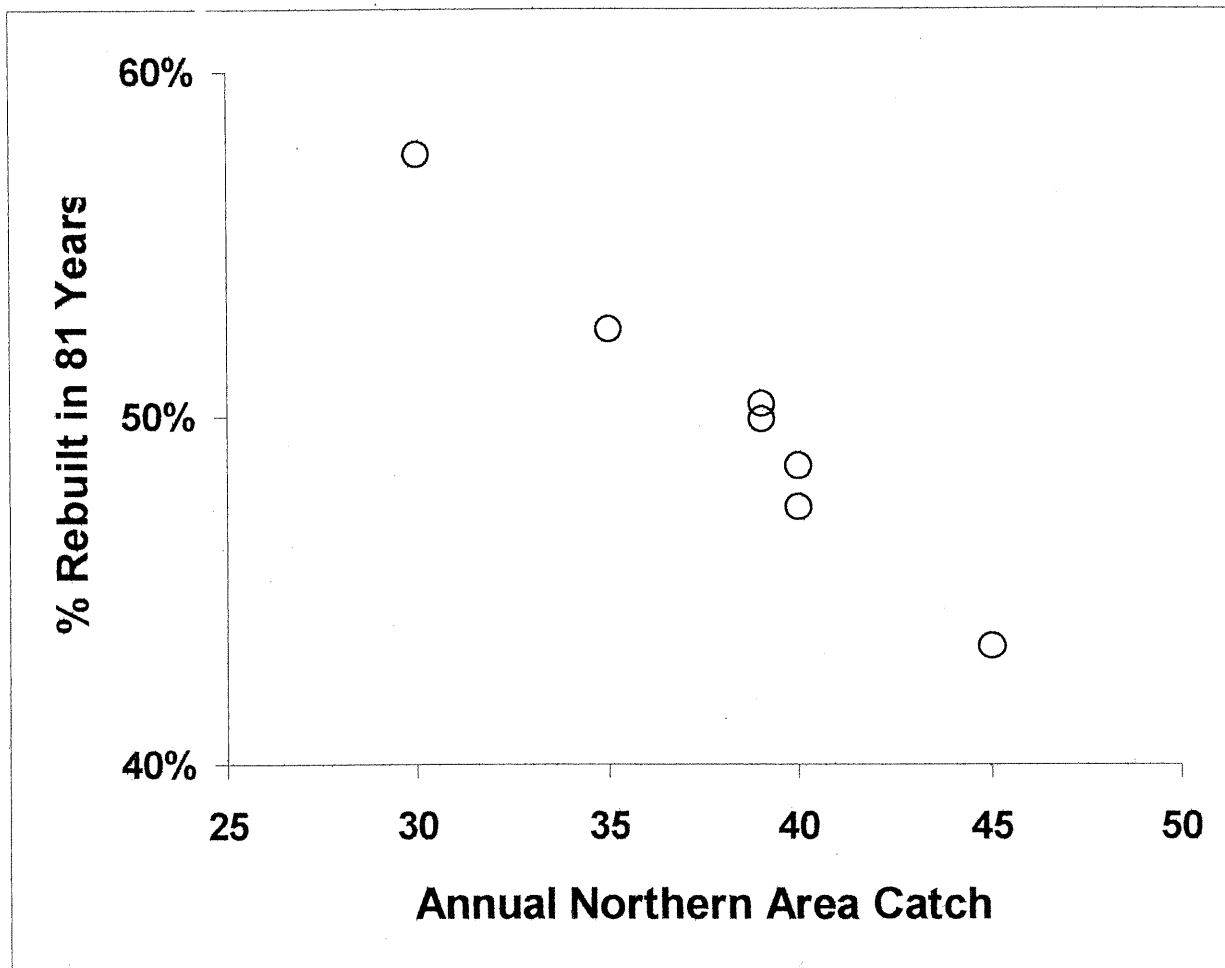


Figure 4. Relationship between annual catch level in the northern area and the probability of being rebuilt in 81 years. The multiple points shown at catch levels of 39 and 40 mtons demonstrate the level of variability in this calculation due to the use of only 500 simulations.

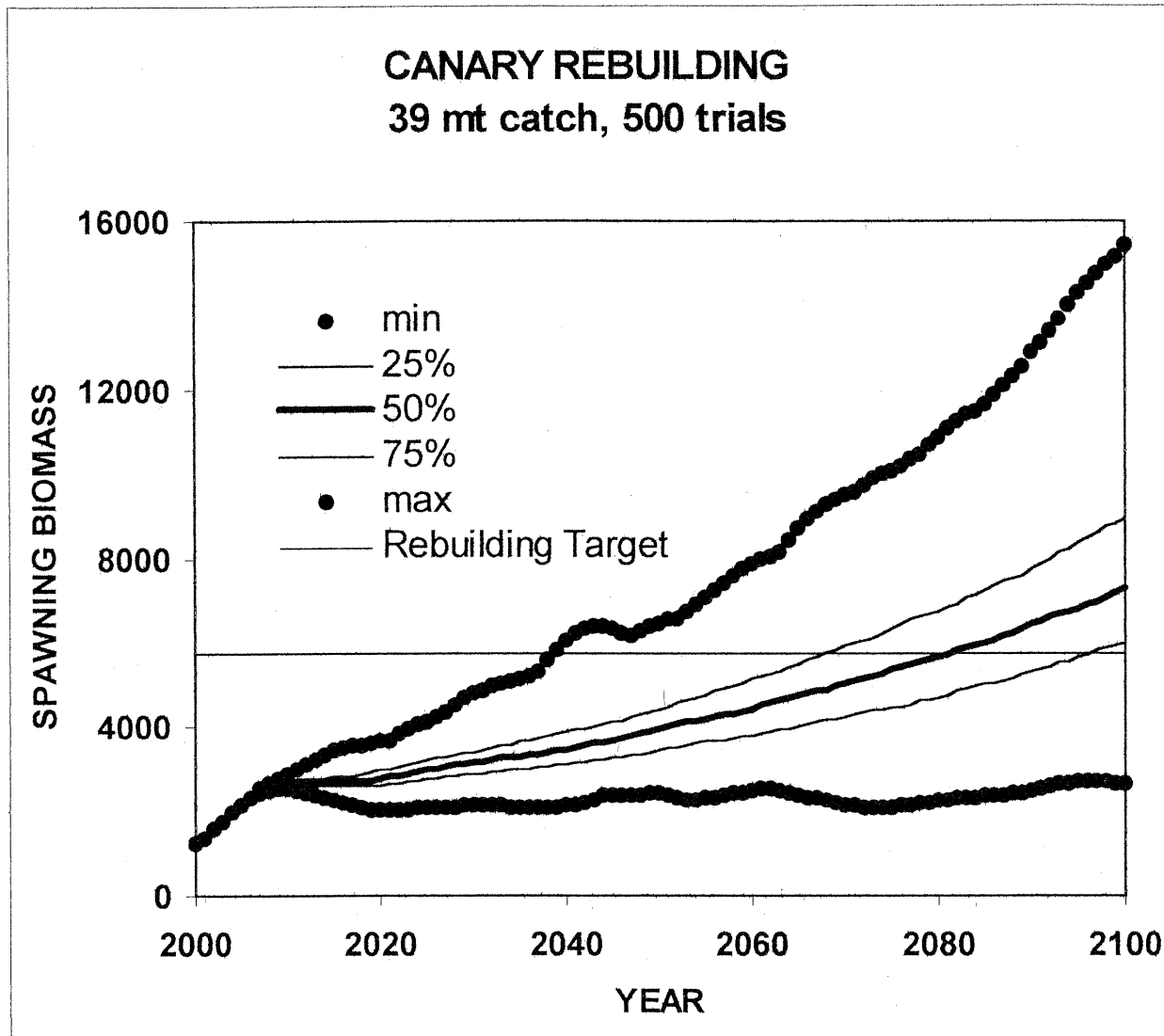


Figure 5. Trajectory of spawning biomass expected with an annual catch of 39 mtons and recruitment levels selected by resampling recruits per spawner from 1978-1997. The initial steeper recovery is due to the stronger recruitment in 1996-1998. The maximum rate of rebuilding occurs when similarly large recruitments occur frequently in the future. The minimum rate shows that if larger recruitments occur very infrequently, then the stock will maintain itself, but little or no rebuilding will occur. The 50% line (median) shows that 50% of the simulations will show rebuilding in 81 years at a catch of 39 mtons per year.

DRAFT REPORT OF THE AD-HOC ALLOCATION COMMITTEE
October 23-24, 2000

The Chairman of the Committee, Jim Lone, called the meeting to order at 10 a.m. Committee members in attendance were:

Mr. Phil Anderson, Washington Department of Fish and Wildlife (WDFW)
Mr. Burnie Bohn, Oregon Department Fish Wildlife (ODFW)
Mr. LB Boydston, California Department of Fish and Game (CDFG)
Dr. Dave Hanson, Pacific States Marine Fisheries Commission
Mr. Jim Lone (Committee Chairman)
Mr. Bill Robinson, National Marine Fisheries Service (NMFS)

The Committee was assisted by Jim Glock and Don McIsaac (Council Staff), Eileen Cooney (NOAA Counsel), and Yvonne DeReynier. Groundfish Management Team (GMT) members Brian Culver, Dave Thomas, Mark Saelens, and Jim Hastie assisted the committee as needed, along with Lt. Dave Cleary (OSP). Council staff member Mr. Dan Waldeck was also in attendance, and Council members Ralph Brown and Hans Radtke. Public attendance represented groundfish trawl, shrimp trawl, commercial open access, seafood processing, and the recreational fishery.

Status of 2000 Catch Levels for Lingcod and Bocaccio

LB Boydston reported California has decided to close the recreational fishery for lingcod south of Cape Mendocino on November 1 due to higher than anticipated catch levels. The expected total recreational catch of lingcod in the region is 218 mt; the closure will prevent catch of an additional 53 mt. The Washington recreation fishery will also close, as scheduled, on October 31. Oregon will remain open. Mr. Boydston also reported the California Fish and Game Commission decided not to take action to close the recreational rockfish fishery because the total bocaccio catch is expected to be very near the OY. The recreational catch is higher than expected, but the commercial catch low enough to offset the overage.

The GMT also reported the coastwide canary rockfish is expected to reach 120-135 mt in 2000, well below the 200 mt OY but far in excess of the proposed 2001 OY of 60 mt. Jim Hastie also noted that landings of darkblotched rockfish this year comprise a lower percentage of the total slope rockfish landings (about 30% rather than the previous 50%), which means there can be more fishing opportunities for other slope rockfish next year. Mark Saelens reported ODFW has charted locations of year 2000 trawl activity to date, and it appears the fleet is avoiding areas of darkblotched abundance.

Proposed 2001 Harvest Levels

Jim Glock summarized the preliminary OY's adopted for public review at its September meeting. The Committee focused on those species where the preliminary OY's represented significant declines from 2000 and OY's that would likely be a controlling stock from a management perspective.

Jim Hastie reported the 1998 whiting assessment is being updated to include recent whiting harvest levels, and the results are similar to the original projections. The 1998 assessment predicted a population decline which will likely require reduction of the OY next year. He indicated the U.S. OY may be near 190,000 mt, down from the current 232,000 mt. He also discussed the recent Pacific ocean perch analysis and rebuilding plan, and said the 2001 OY may be lower than recommended by the GMT if the SSC does not concur. He said there will not be an update on darkblotched rockfish, and the question about historical foreign catch levels is unanswered. The upper OY (130 mt) is based on an assumed foreign catch of about 5%.

Draft Rebuilding Plans for Canary Rockfish and Cowcod

Jim Glock briefly summarized the draft rebuilding plans, pointing out the canary plan would set an annual catch limit of 60 mt for the entire rebuilding period, while the cowcod plan would set annual harvest at about 1% of the adult biomass (2.4 mt in 2001). The Committee did not spend time discussing the specific aspects of the draft rebuilding programs relative to the different recruitment assumptions or probabilities of rebuilding. the

Management Options for 2001, Preliminary Impact Analysis and Results of Stakeholder Meetings

Mr. Boydstun reported that 3 in-state meetings were held in California following the September Council meeting. More than 200 interested members of the public attended the meetings and there was a thorough discussion of the management challenges facing California's commercial and recreational fisheries. Mr. Boydstun indicated that California plans to continue the basic 2000 recreational management approach into 2001, but will allow recreational fishing in the nearshore areas during the rockfish closures. There will be a 4-month closure option in the central California region. He said they have developed different configurations of the proposed cowcod closure areas and will consider allowing nearshore fishing within the area. He noted that bocaccio should also be helped by the closure. He expects a closure will be adopted, but the specific details aren't clear yet. The 2-month closure will likely be extended to 4 months in the southern region, and the bag limits for bocaccio and canary rockfish will be reduced. He hopes the lingcod bag can be retained or increased; the minimum size for cabezon will be increased to 15 inches. He said measures for state-managed species will be coordinated to minimize bycatch of groundfish species.

Burnie Bohn reported that Oregon convened a special meeting last week and will hold another after the allocation committee meeting. The meeting concluded that 2000 management measures were probably too conservative because landings will end up below OY. It may not be necessary to reduce things much next year. He said they discussed the FMA proposal, and included it on the Council's list as "option 5." He said if an observer program can be in place by July 2001, that may open up some additional options later in the year. They did not discuss open access management much, except for the Pacific City provisions; they would like to continue them in 2001. There were no recreational representatives at the meeting, so recreational management was not discussed much. However, they mentioned the possibility of a "less than three" canary rockfish bag sub-limit and the desire to have a lingcod bag limit of 2 fish. With respect to the shrimp fishery, they want to develop a management package before April. They have not been able to identify areas where canary rockfish can clearly be avoided.

Phil Anderson reported Washington held two meetings. He said it may be possible to reduce the recreational canary rockfish catch, but Washington doesn't catch much anyway (about 2 mt this year). Washington wants to increase the lingcod bag limit to two, and will continue the closure period. He said the shrimp fishers who attended one of the meetings seemed willing to consider fish excluders and footrope modifications to reduce canary bycatch. In addition, he reported that WDFW staff had been examining 1999 logbook data for targeting locations and bycatch rates for canary rockfish in different areas and fisheries.

Peter Leipzig presented the FMA proposal to the committee, noting the commercial catch of canary will be about 40 mt this year. The current management has resulted in a reduction in canary rockfish catch of more than 90%. The proposal for 2001 would set different limits north and south of Cape Mendocino and at different times during the year.

Recommendations for 2001 Management

The Committee started the process of developing a management strategy for 2001 with the recognition that Canary rockfish are taken in the majority of commercial and recreational fisheries north of Cape Mendocino, California. The Committee created a "canary scorecard" to keep a running tally of the quantity of canary taken in the commercial and recreational fisheries that were added to a 2001 management proposal. The Committee began with the creation of a suite of recreational fisheries for each of the three states designed to minimize canary catches followed by an effort to build a set of fisheries for the commercial sector. In general, the Committee prioritized fishing opportunities that created the greatest harvest of healthy stocks while minimizing or eliminating the bycatch of canary rockfish.

Information provided by the GMT indicated that canary rockfish generally reside in depths ranging from 50 to 150 fathoms. As a result of the extremely low OY needed to meet the draft rebuilding program, the fishing opportunities recommended by the Committee are largely confined to those waters inside or outside these water depths and include closures of this corridor.

Recreational The committee prepared a summary of the recreational proposals (see table) and estimated the canary rockfish catch would fall between 46 and 70 mt. To reduce the coastwide recreational catch of canary to 46 mt, California would have to close the recreational fishery for rockfish for four months, California and Oregon would each be required to reduce the canary bag limit to one fish, and Washington would be required to modify its bag limit to no more than 2 canary or yelloweye in their rockfish bag limit.

Commercial The GMT advised the committee that under normal conditions, 3 mt of canary rockfish would be expected to be taken in the at-sea whiting fishery and that 11 mt had been landed in the 1999 pink shrimp trawl fishery down from nearly 30 mt in 1998. With the extremely low quantity of canary available for harvest, the committee looked for commercial fishing strategies that would result in zero or near zero bycatch of canary rockfish. With the exception of the fishery south of Cape Mendocino, the whiting fishery, and a mid-water widow fishery, the strategy developed by the Committee restricts all other commercial fishing on the shelf (50-150 fathoms) where canary rockfish are known to reside. The Committee prioritized consideration of fishing strategies on the slope (>150 fathoms) including fisheries designed to target Dover sole, thornyheads and sablefish commonly referred to as the (DTS) complex fishery. The GMT calculated the harvest quantities of the target species that could be expected in addition to the amount of canary bycatch anticipated, (see table). It was noted that this fishing strategy would be limited by the OY for Shortspine thornyhead and that the Darkblotched rockfish OY would not be exceeded. The GMT will try to further develop this option including trip limit estimates.

Sablefish bycatch apportionment options were presented by Jim Hastie in a revised analysis of sablefish discard/mortality apportionment options. The committee discussed the analysis but did not include a recommendation to the Council in this report regarding the options for apportioning the bycatch mortality between the sectors.

In addition, Phil Anderson noted that trawlers might leave as much as 400 mt of sablefish unharvested due to shortspine thornyhead constraints, and noted that the Strategic Plan proposed allowing a sector access their allocation of a particular species using an alternative gear type. He thought the Council should consider allowing trawlers to use open access gear (e.g., pots, or hook and line) to harvest their allocation. The Committee also discussed the possibility of using an EFP to investigate different strategies to harvest healthy species without impacting canary rockfish. Examples included a summer arrowtooth flounder/sablefish fishery or a mid-water yellowtail fishery.

General Concerns and Considerations

Bill Robinson expressed concern that the amount of canary landed in the 2000 fishery may not accurately reflect the total fishery related mortalities of canary rockfish in the 2000 fishery. Landing data presented by the GMT indicates the catch has been reduced by over 90% as a result of the management measures adopted last November for this year's fishery. However, if the 2000 management measures increased canary discard rates, the total canary mortalities may be significantly higher than indicated by the total landings. This speaks to the need for the Council to have a means of verifying its management intent through an on-board observer program.

Eileen Cooney stressed the need for a full discussion of why the committee did not choose alternative management approaches, such as prohibiting all landings of canary rockfish or requiring that all canary rockfish be retained so the total amount could be tabulated. She said if there are any fisheries that would be eliminated, the Council needs to explain why. Also, why did the committee not recommend a "no fishing" option, or require that vessels carry observers.

The pink shrimp fishery's bycatch of canary rockfish was discussed. The pink shrimp fishery is managed by

the states however the regulations pertaining to the harvest of groundfish taken in the fishery falls under the jurisdiction of the federal groundfish regulations. The 1999 landed catch of canary rockfish was 11 mt and the Committee discussed means of reducing it by 50% or 5.5 mts. The most effective means of achieving this reduction would be through the use of finfish excluders. The states would necessarily need to take the lead on a such a requirement. If the success of the 2001 management strategy for canary rockfish is partly dependent on constraining the bycatch of canary rockfish in the pink shrimp fishery, the Council and NMFS would need some certainty from the states that the measures intended to accomplish the reductions would be enacted by the states.

Public Comment - Most of the public in attendance represented commercial fishing and processing interests. The majority of the public comment stressed the need for fair and equitable sharing of the conservation burden, and participants noted the impact on the commercial sectors appeared much more severe than on the recreational sector. There was also a call for fleet reduction that would be supported by the entire commercial industry.

FISHERY	Fishery Description		Catches/Impacts	
			Range of Options	
Recreational				
	WA sport		2	2
	OR sport		16	21
	CA sport		26	45
Trawl				
	Shrimp		5.5	11
	Whiting			3
	Slope LS Thornyhead	>150 fm only	0	0
	Slope Sablefish	>150 fm only	0	0
	Slope Dover	>150 fm only	0	0
	Slope Petrale	>150 fm only	0	0
	Midwater Widow		1	1.5
	Nearshore Flatfish	<50 fm	1	1
	South of Mendocino	all depths trawl	1	1
	Midwater Yellowtail		0	0
	Summer Arrowtooth	>150 fm only	0	0
Fixed Gear				
	LE except 3-Tier Sablefish	close 50 - 150 fm;	1	1
		reduced Widow, YT targets		
	LE 3-T Sablefish		1	1
	South of Mendocino	reduced Widow, YT targets	1	1
	OA incl salmon troll	close 50 - 150 fm	2	2
	OA South of Mendocino		0	0
Listing of other fisheries zeroed out				
Research and Stock Assessment??				
Totals			57.5	90.5

COMMERCIAL FISHERY HARVEST ESTIMATES

Method: Build a commercial management proposal, starting with target species/gear/locations with lowest bycatch first, then layering on target species/gear/locations with higher bycatch.

Assumption: Fishing in water deeper than 150 to 200 fathoms has near zero canary bycatch.

Fisheries that meet that standard: (1) Dover sole, thornyheads and trawl-caught sablefish (DTS) complex [shortspine thornyhead is the constraining factor], and (2) midwater trawl fishery for widow rockfish, especially in winter [canary is constraining factor].

Approach: divide year into quarters (3 months each), and schedule target fisheries where bycatch rates (or expected bycatch amounts) are lowest.

Example (in metric tons per quarter); DTS limited by shortspine thornyhead

target species	1st quarter	2nd quarter	3rd quarter	4th quarter
longspine thornyhead	target: 400	target: 300	target: 200	target: 400
	total, inc. incidental: 487	total, inc. incidental: 389	total, inc. incidental: 275	total, inc. incidental: 491
sablefish	target: 300	target: 200	--	target: 100
	total, inc. incidental: 602	total, inc. incidental: 535	total, inc. incidental: 492	total, inc. incidental: 654
Dover sole	target: 2,200	target: 1,500	target: 1,300	target: 2,000
	total, inc. incidental: 2,269	total, inc. incidental: 1,551	total, inc. incidental: 1,312	total, inc. incidental: 2,091
Petrale sole	target: 700	--	--	target: 700
Widow rockfish, midwater	900	--	--	900
<OR>	450	450	450	450
<OR>	600	450	450	600

Total expected shortspine thornyhead catch: 545 mt

Total expected canary rockfish catch: zero mt (if no widow targets in 2nd and 3rd quarters); otherwise, 1.5 mt.

PROPOSED RECREATIONAL MANAGEMENT MEASURES

	California			Oregon	Washington	expected total
	South	Central	North			
canary	1	1	1	1	2 (canary+yelloweye)	
bocaccio	2	2	--	--	--	
lingcod	2 @ 26"	2 @ 26"	same as Oregon?	2 @24"	2 @ 24"	
	closed Jan-Feb and Nov-Dec	closed Mar-Jun	same season as Oregon	closed Mar-Apr, or no closure	closed Jan- Mar and Nov-Dec	
cowcod	1 per angler 2 per boat	1 per angler 2 per boat	--	--	--	
rockfish	10	10	10	10	10	
total expected catch	40 mt		2	21 mt	2 mt	70 mt
	30 mt		2	16 mt	2 mt	46 mt

Assuming recreational total of 70 mt, plus 3 mt in whiting fishery, plus 11 mt in the pink shrimp trawl fishery, the total canary catch would be 84 mt. Assuming recreational total of 44 mt, plus 3 mt in whiting fishery, plus 11 mt in the pink shrimp trawl fishery, the total canary catch would be 60 mt.

Recreational Shelf Assumptions

- 1) Status quo regulations and estimated 2000 catches used as baseline
- 2) Cowcod closure areas are implemented under all options except status quo
- 3) Nearshore rockfish species not included in options
- 4) OYS

Boccaccio	100	MT
Lingcod	304	MT
Canary	18	MT (south of Cape Mendocino)
Cowcod	2.4	MT
5. Southern management line for seasonal closures is at Point Conception

Recreational Shelf Options

Option 1	Status quo
Option 2A	Closed January - April in north Closed November - February in south Use 2000 preseason allocation
2B	Closed March - June in north Closed November - February in south Use 2000 preseason allocation
2C	Closed January - April south of Cape Mendocino Use 2000 preseason allocation

Recreational Shelf Options

(continued)

Option 3A

Closed January - April in north

Closed November – February in south

Subtract 2000 commercial catch from OY

Add remainder to recreational fishery

3B

Closed March - June in north

Closed November - February in south

Subtract 2000 commercial catch from OY

Add remainder to recreational fishery

3C

Closed January - April south of Cape Mendocino

Subtract 2000 commercial catch from OY

Add remainder to recreational fishery

Recreational Shelf Options

(continued)

Option 4

Closed January - June in north

Closed January - April south to Point Conception

Subtract 2000 commercial catch from OY

Add remainder to recreational fishery

Expected Recreational Harvest (mt) from Suggested Options

		Bocaccio		Lingcod	Canary	Cowcod
Target		45	45	173	8	1.2
Option	1	87	87	271	55	4.5
	2A	39	53	208	32	1.9
	2B	36	48	180	24	1.9
	2C	40	55	213	32	1.1
Bag Limit		1 fish	2 fish	1 fish	1 fish	1 fish

Meets target

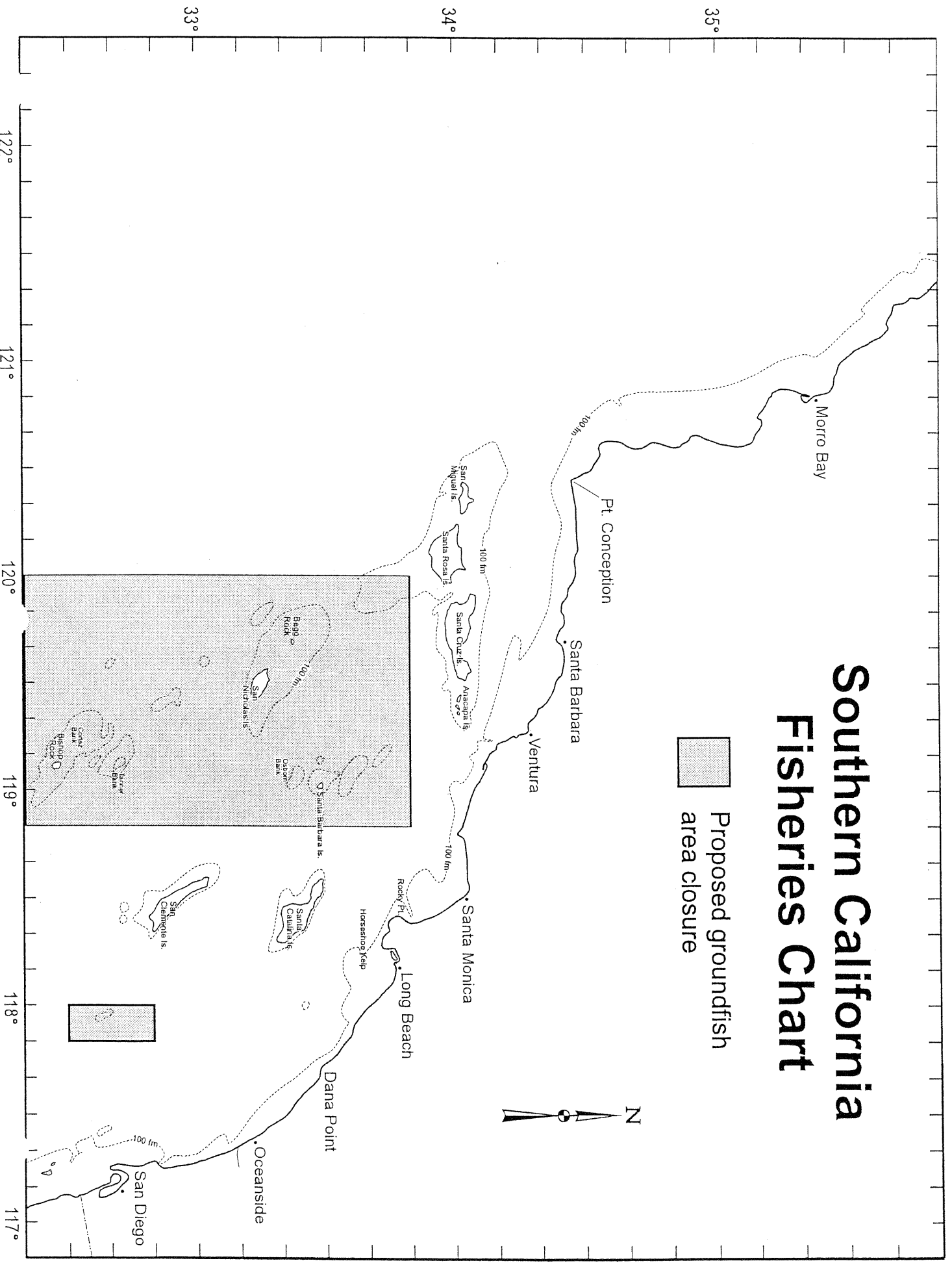
Expected Recreational Harvest (mt) from Suggested Options

		Bocaccio		Lingcod	Canary	Cowcod
Target		85	85	250-300	18	2.3
Option	1	87	87	271	55	4.5
	3A	53	65	208	32	1.7
	3B	48	59	180	24	1.7
	3C	55	67	213	32	1.0
Option	4	48	60	175	21	1.1
	4	48	60	175	21	1.1
Bag Limit		2 fish	3 fish	1 fish	2 fish	1 fish

Meets target

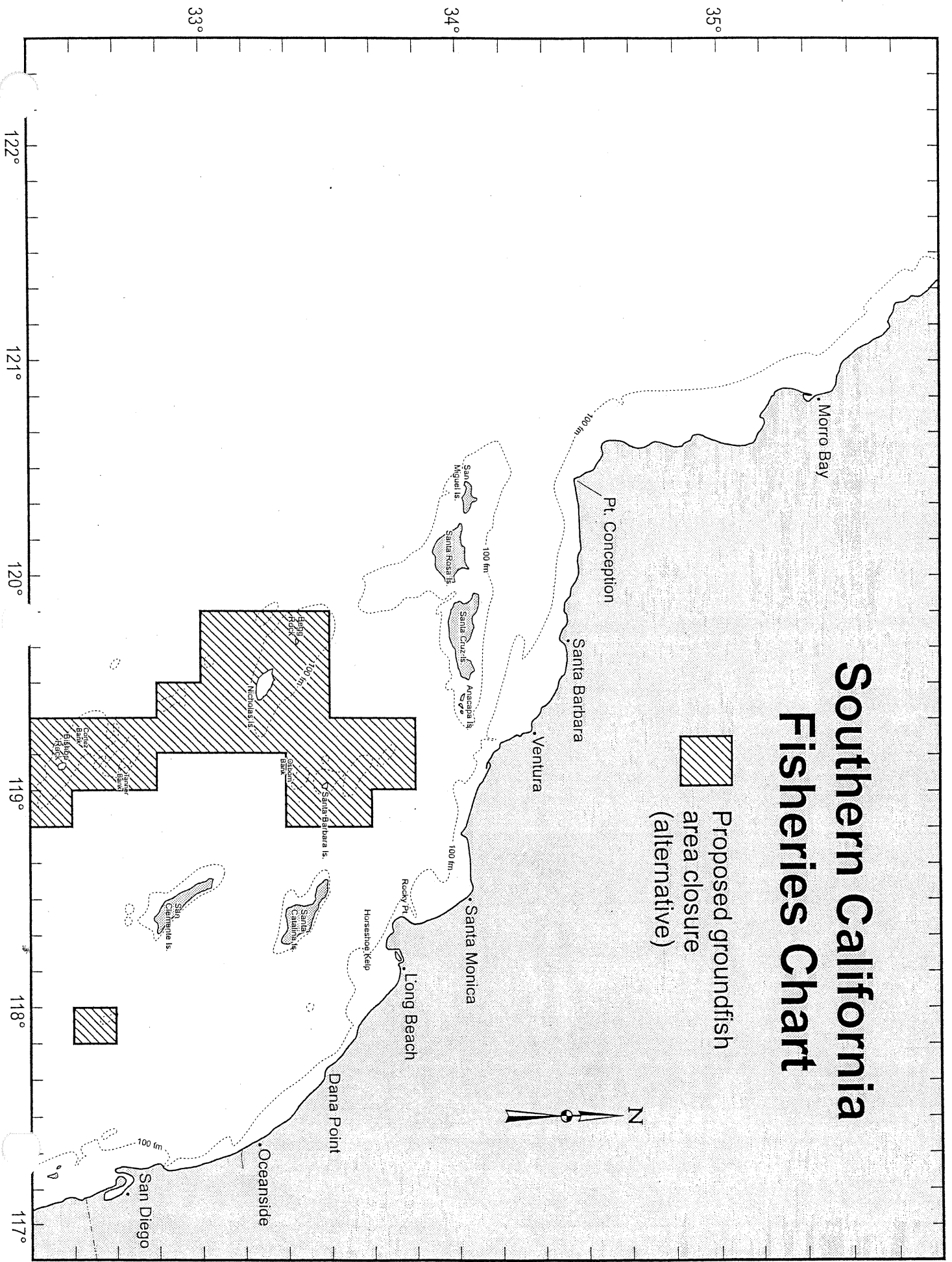
Southern California Fisheries Chart

Proposed groundfish
area closure



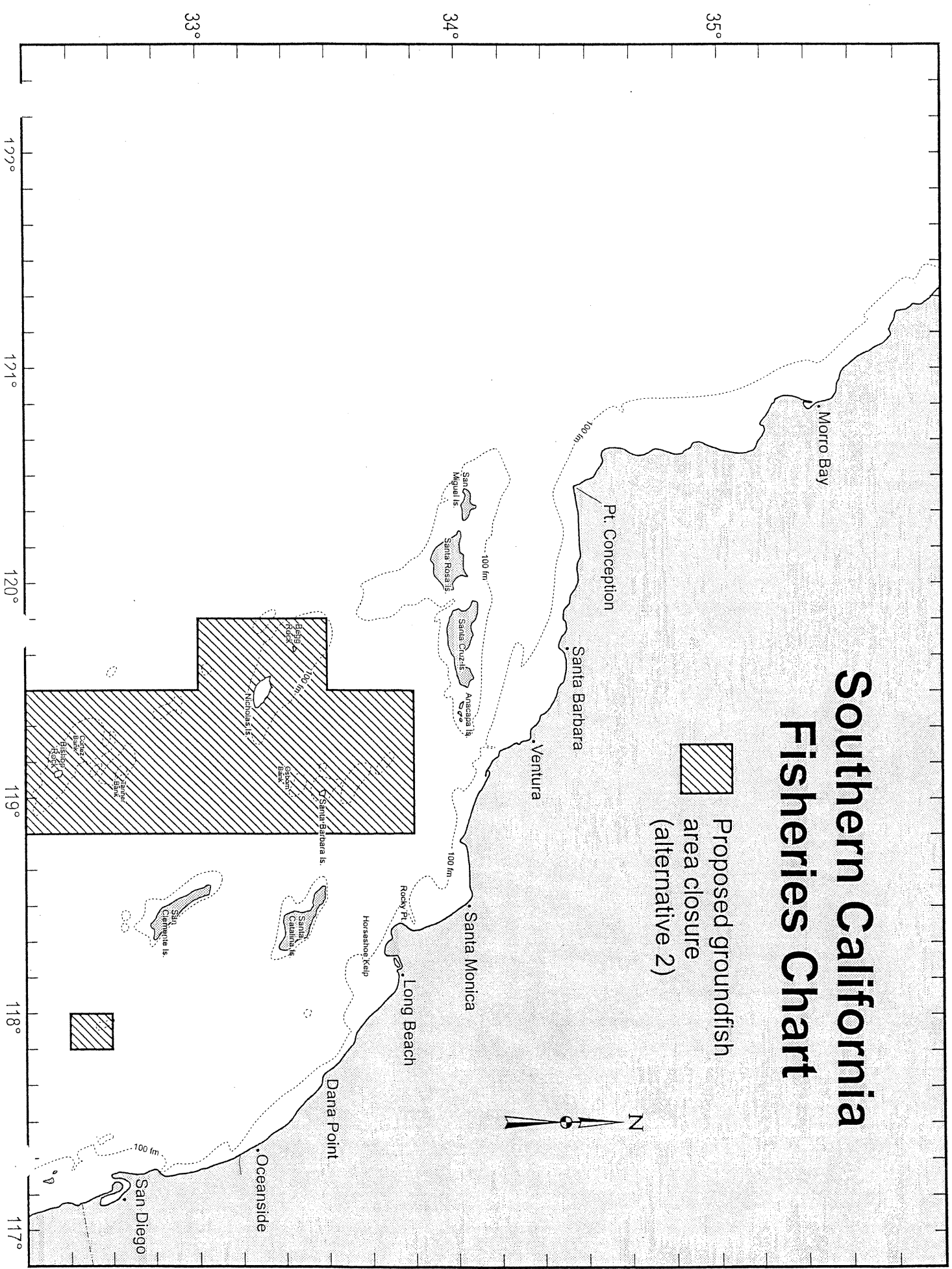
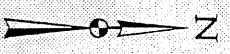
Southern California Fisheries Chart

 Proposed groundfish
area closure
(alternative)



Southern California Fisheries Chart

 Proposed groundfish
area closure
(alternative 2)



ENFORCEMENT CONSULTANTS COMMENTS ON
REBUILDING PLANS FOR CANARY ROCKFISH AND COWCOD

The Enforcement Consultants (EC) want to brief the Council on one of the proposals that has been mentioned for consideration.

The issue surrounding an area for the protection of canary rockfish which is based on a depth or fathom curve of 50 fathoms to 150 fathoms. Currently, the states have limited resources or capability for offshore patrols. The 50 fathom line is close enough for some enforcement, but outside 10 miles becomes a problem; particularly in October to March, due to weather constraints.

The U.S. Coast Guard has capability to go offshore, but have limited cutter patrol hours. When spread to all three states, this asset becomes very sparse.

We have evaluated the use of aircraft, and again, the states are very limited in their ability.

The U.S. Coast Guard has approximately 1,400 hours for fishery enforcement for helicopter use in Oregon and Washington; and about 200 hours for C130 aircraft. There are 200 to 400 hours available for northern California. The effectiveness of aircraft is directly related to their ability to identify the fishing activity from the air.

With current enforcement budgets and manpower, it will be extremely difficult to adequately enforce this type of regulation.

If the Council proceeds with large closure areas, the EC recommends careful consideration of what is to be accomplished. The structure of the regulations relating to the closure can have large impacts on our ability to enforce, unfortunately the more restrictive the closure, the better the ability to enforce. Some measures to be considered are:

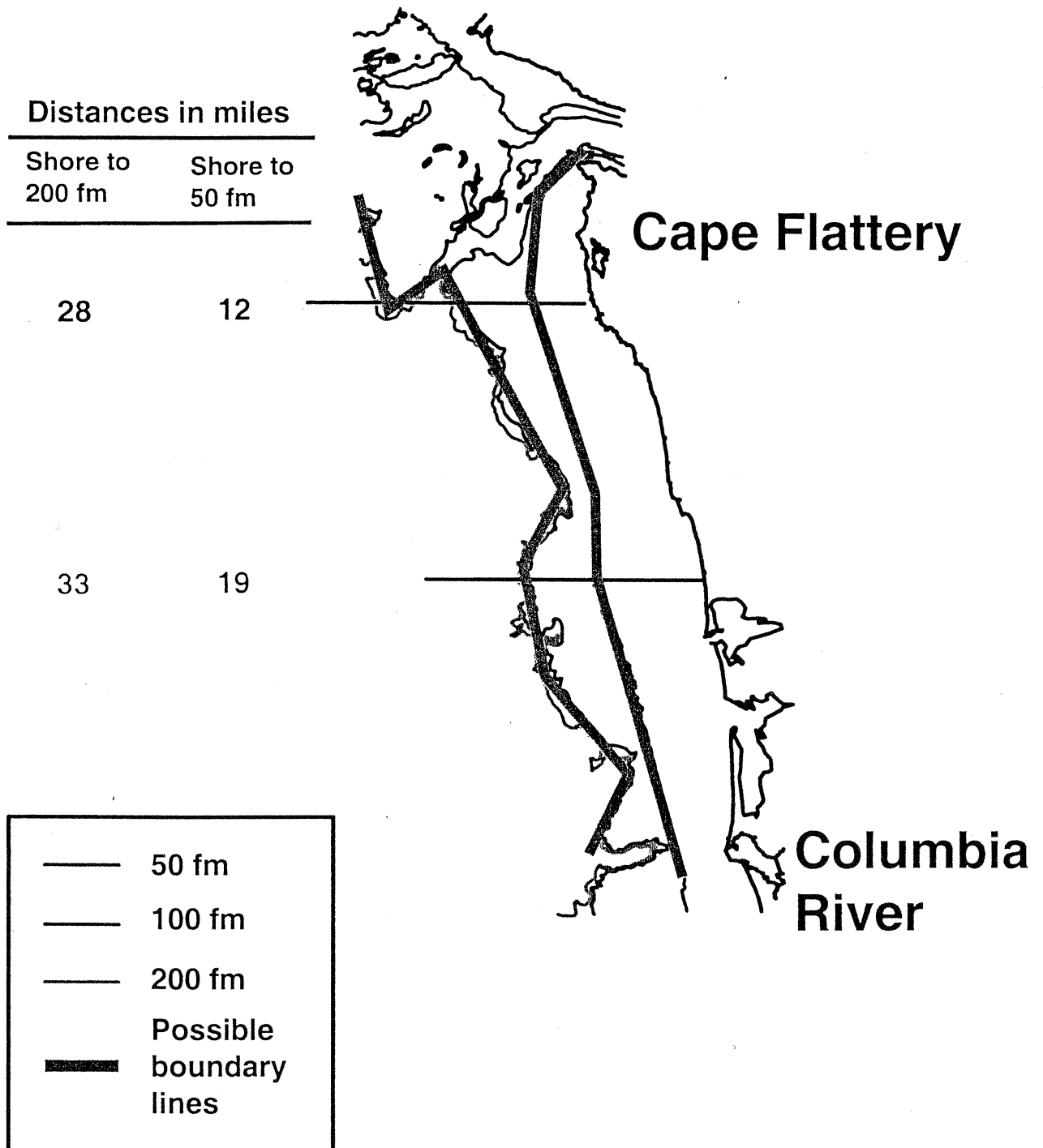
1. No fishing within the closure.
2. Observers to fish in closure area.
3. Declaration of vessels fishing in closure and notification of landing time.
4. Vessel monitoring system.
5. Consolidate fishing time into shorter time frames.
6. No retention in any fisheries for species to be protected.

The EC recognizes that all these examples of measures have impacts or different effects on industry, communities, and the states. Real effectiveness of the closure will depend on industry acceptance and not enforcement.

We encourage the Council to proceed with evaluation of vessel monitoring system for use in the fishery. We think there may be opportunity for its use in some areas.

The EC also would urge the Council to write a letter to the states, National Marine Fisheries Service, and the U.S. Coast Guard that reflects the need for adequate enforcement. We are not asking you to necessarily ask for more money to fund these programs, but the EC stresses the need for adequate marine enforcement, because it is critical to the Council's ability to manage resources.

Washington



Oregon

Distances in miles

Shore to 200 fm	Shore to 50 fm
--------------------	-------------------

36

13

17

7

35

10

16

5

11

4

Columbia River

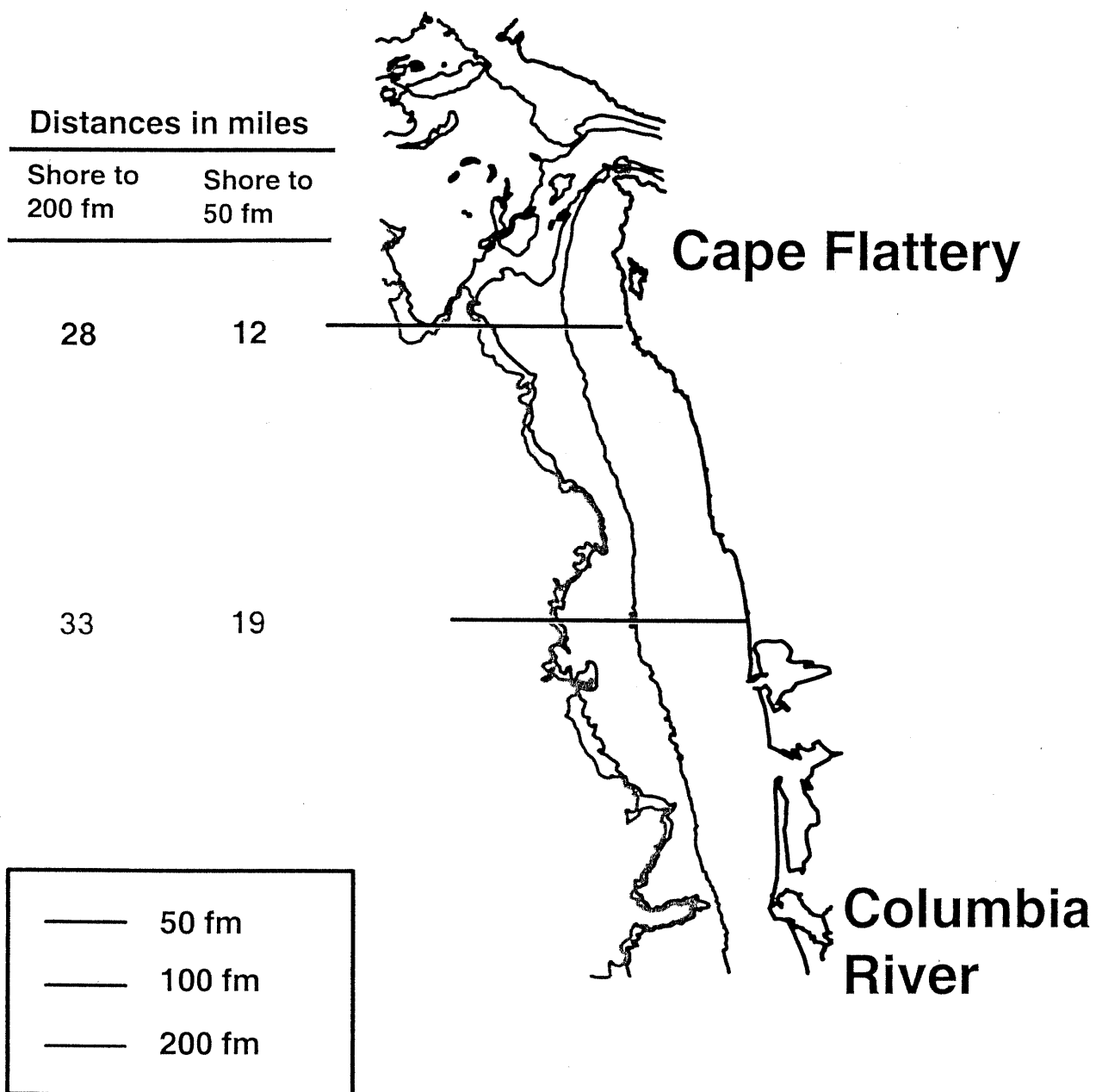
Newport

Cape Blanco

OR/CA Border

— 50 fm
— 100 fm
— 200 fm
Possible
boundary
lines

Washington



Oregon

Distances in miles

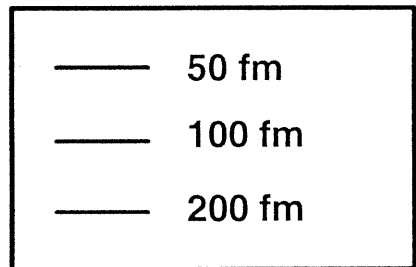
Shore to 200 fm	Shore to 50 fm
36	13
17	7
35	10
16	5
11	4

Columbia River

Newport

Cape Blanco

OR/CA Border



Distances in miles		
Shore to 200 fm	Shore to 50 fm	Between 50 - 200 fm
28	12	16

33	19	14
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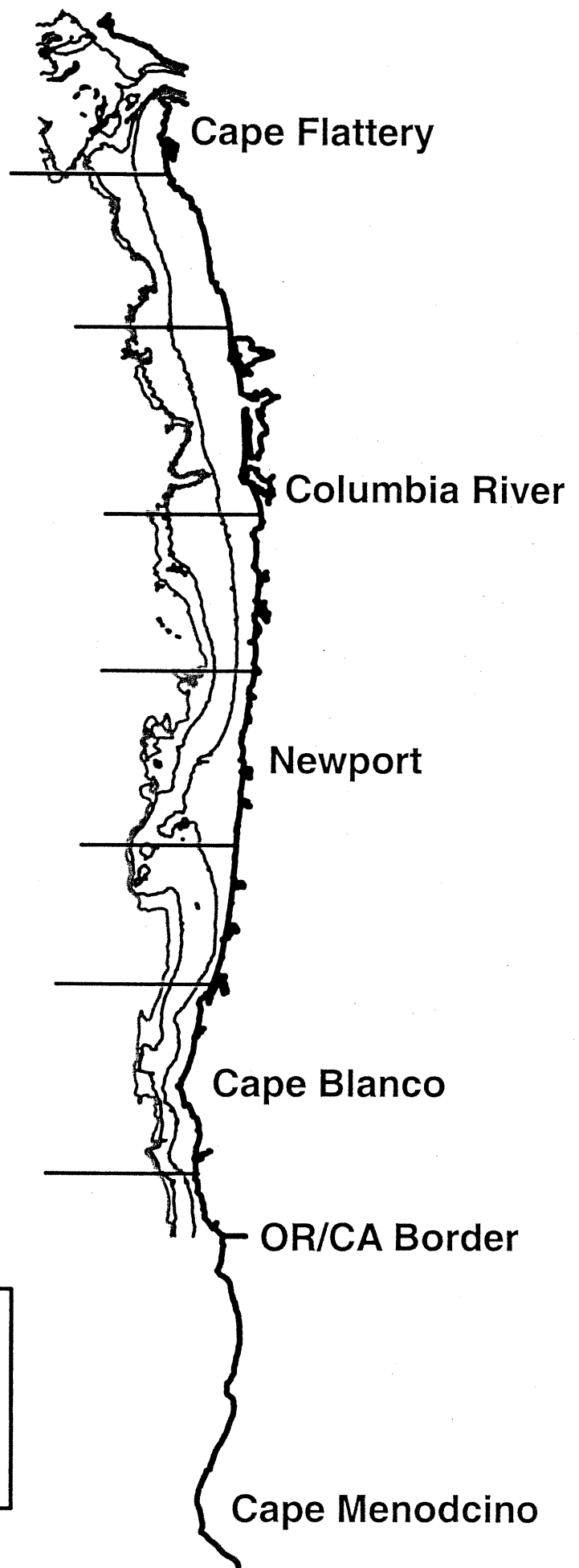
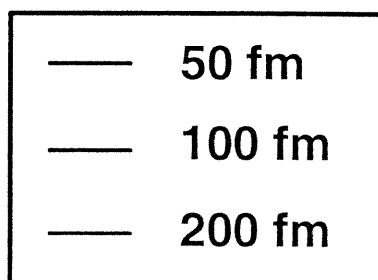
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GROUND FISH ADVISORY SUBPANEL COMMENTS ON
REBUILDING PLANS FOR CANARY ROCKFISH AND COWCOD

The Groundfish Advisory Subpanel (GAP) reviewed proposed rebuilding programs for canary rockfish and cowcod.

In regard to both rebuilding plans, the GAP continues to express strong concerns over the intent and ability to monitor rebuilding. Although the law requires rebuilding plans be monitored every two years, it is unclear how this is going to be done. Management regulations to accomplish rebuilding will further disrupt the flow of data required to rigorously examine rebuilding progress, a problem we are already facing. This is especially true for those species that rely heavily on fisheries dependent data. There is no clear determination of who will pay the cost of monitoring or where the money will come from. There seems to be no way of determining when we have done enough. These are serious questions the Council will need to address.

In regard to cowcod, the GAP believes adjustments need to be made to the text on page 4 regarding area closures. It is the GAP's understanding the specific closures identified are not those proposed to accomplish rebuilding. The plan needs to be modified to reflect Council action.

In regard to canary rockfish, a majority of the GAP believes modifications can be made which will accomplish rebuilding while still allowing a carefully-managed fishery to be prosecuted. The GAP notes the uncertainty associated with the canary stock assessments, including a decision to discount the results of the 1998 triennial survey. Further, the assumptions used to judge recruitment ignore the higher level of recruitment identified in recent years. Given that the acceptable biological catch (ABC) suggests 228 tons of canary could be caught while maintaining stock status quo, a decision to reduce harvest to 60 metric tons seems extreme, especially given the economic impact. If the Council chose to accept a recruitment level between the low recruitment assumed and the higher recruitment noted, and added a reasonable level of catch to reflect what seem to be healthier southern stocks, the GAP believes a conservative harvest of between 120 and 150 metric tons coastwide could be allowed. The GAP recommends the Council adopt a more moderate assumption on recruitment strength, so a modest fishery can continue for both recreational and commercial sectors. The results of the 2001 triennial survey will provide better data in time for the 2002 stock assessment (which coincides with the 2-year monitoring requirement). This more moderate approach makes sense in light of the questions surrounding the assessments, available data, and recent recruitment strength.

A minority of the GAP believes the rebuilding plan should be adopted as presented, using the 60 metric ton harvest amount.

The GAP spent a considerable amount of time discussing the allocation issues that arise from the presumed apportionment of canary rockfish impacts among the various fisheries. Similar issues were raised in regard to the apportionment of minor nearshore rockfish both north and south of the Mendocino line.

The GAP is extremely concerned the presumed apportionments constitute an allocation among fishery sectors. The GAP notes the Groundfish fishery management plan and implementing regulations are very clear on what constitutes an allocation and how allocations are to be accomplished by the Council. The Council has established an allocation process, which the GAP has supported. The GAP believes the Council should - and in fact is required by law to - adhere to this process. Simply deciding that one sector or another should be allowed a larger share of a diminished harvest undermines confidence in the management process. If allocation is to be accomplished, the GAP believes the established process must be followed.

Looking further at proposals for apportioning canary rockfish harvest, a majority of the GAP recommends reductions made in 2001 be proportional to the harvest levels that were allocated under emergency regulations for the 2000 fishery. This will provide the equitable treatment of fishing sectors required by

law.

A minority of the GAP agrees reductions must be made, but disagreed with establishing a particular proportional target, because only vigorous efforts by all sectors to avoid canary harvest will meet harvest goals. All GAP members agreed reductions can only be accomplished if efforts are made to avoid harvesting canary rockfish and noted both state and anecdotal data indicating many fishermen - both recreational and commercial - are already making efforts to avoid harvesting canary rockfish. Because many people are unaware of the serious problem with canary rockfish, better public education and changes in fishing techniques can significantly reduce canary catch, as demonstrated in the Washington recreational fishery this year.

PFMC
10/31/00



MEMORANDUM

OREGON DEPARTMENT OF FISH AND WILDLIFE

Exhibit C.1.c
Supplemental ODFW Report
November 2000

Date: 10/30/00

To: Council Members

From: Neal Coenen, Acting Director, Fish Division

Subj: Canary Rockfish

Background

Following the Council's September session we have had three separate meetings with industry members trying to develop more of an understanding of the canary rockfish rebuilding plan requirements and to develop appropriate management measures.

No meeting was more contentious than the one after the October 23-24, 2000 ad hoc allocation committee meeting and its suggested recommendation to virtually close the shelf fishery permanently.

While stock conservation is the first priority, we see several problems developing for the Council:

1. Such a drastic option was not discussed in September by the Council, so many affected in the industry will be taken completely unaware of the proposed changes.
2. The standards for sharing the conservation burden and allocating benefits of rebuilding are fairness and equity, not elimination of the fishery.
3. The economic value information provided to the committee was limited and cannot be considered a net benefit analysis, which is needed to support such a serious decision.
4. Perhaps the greatest concern is that the ad hoc allocation committee's recommendation appears incomplete as canary rockfish catches of several fisheries and research were not addressed. Are these activities also to be permanently eliminated?
5. The implications of the shelf closure on conservation of nearshore and slope species and fisheries effort do not appear to have been assessed; and,
6. The recommendation does not appear to account for the significant catch reduction achieved between 1999 and 2000 because year 2000 to date catch was not considered.

In addition, there are concerns with Council process issues and the information used to base recommendations on. One problem is the Council has to make three highly related decisions at different times on the agenda: First, adopt the rebuilding plan in the afternoon, then set the OY, and second, adopt management measures on Thursday. Another problem lies in the assessments, regarding confidence in recruitment estimates and productivity. There is a real possibility we will devastate a selected sector without sufficient analysis, when, over the next 2 years added information could be available to increase our confidence in our decision making. Another

aspect of this might be characterized as implementing through an emergency rule the decision really intended by the strategic plan

Suggestions for Discussion

1. Adopt an OY of 80 mt or so. This would allow a shelf fishery for at least part of the year, based on year 2000 landings to date with small footrope gear (see attached table). This would also allow fish for other fisheries, research, salmon troll gear, etc. for full catch accounting.
2. The rebuilding plan admits uncertainty in numerous places. The 60 mt is the intermediate catch level established. Adopting an additional increment of 20 mt should only modestly extend the range of years expected for rebuilding. This is after all, a management and social decision about risk and benefit – not a scientific one. Updating the rebuilding plan after the 2001 trawl survey should reduce uncertainty regarding incoming recruitments.
3. 2001 management should be similar to 2000 measures for small footrope which resulted in only 2-6 mt of canary rockfish catch. This represents around a 90% reduction in canary harvest by shelf trawlers in 1999. Adoption of the small footrope gear has already moved activity out of 25% of the shelf area responsible for the great majority of canary catches in the past (Figure 1). Closure of the remaining 75% will likely only afford protection for a very small proportion of the present canary rockfish biomass at the cost of all other shelf groundfish resources – especially flatfishes that are currently being underutilized due, in part, to present restrictions.

We offer these points for Council consideration of management options for 2001. I also want to point out that our fisheries transition needs the benefit of time and thinking by the strategic plan implementation committee, to guide the industry towards sustainability. We have already made dramatic changes in 2000 that we have not fully evaluated.

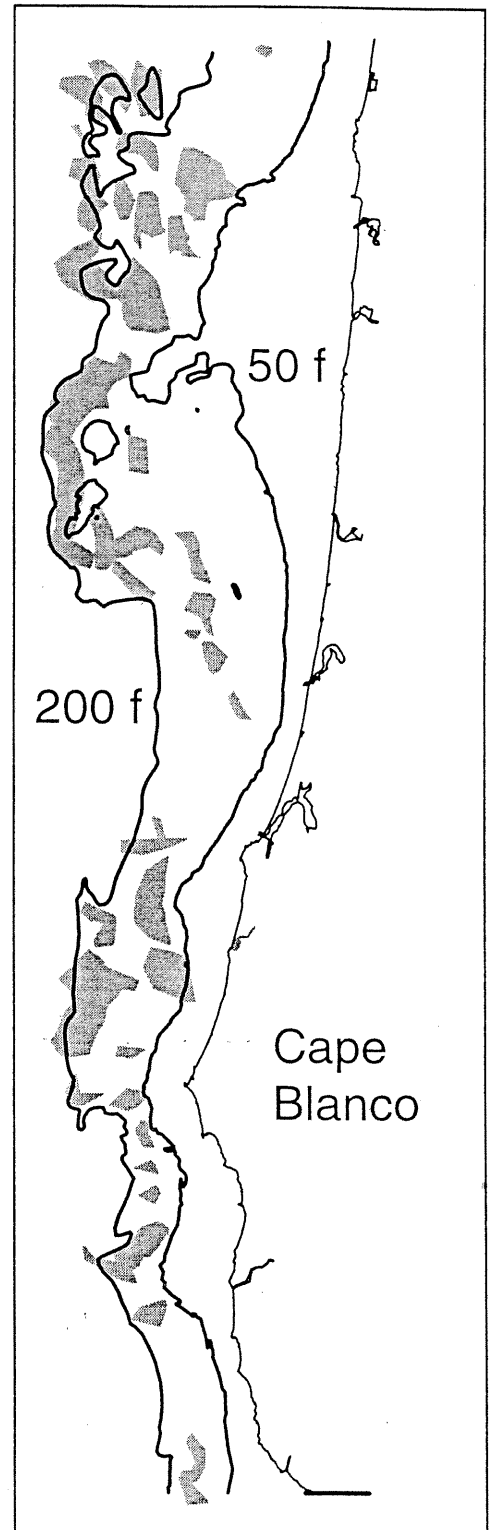
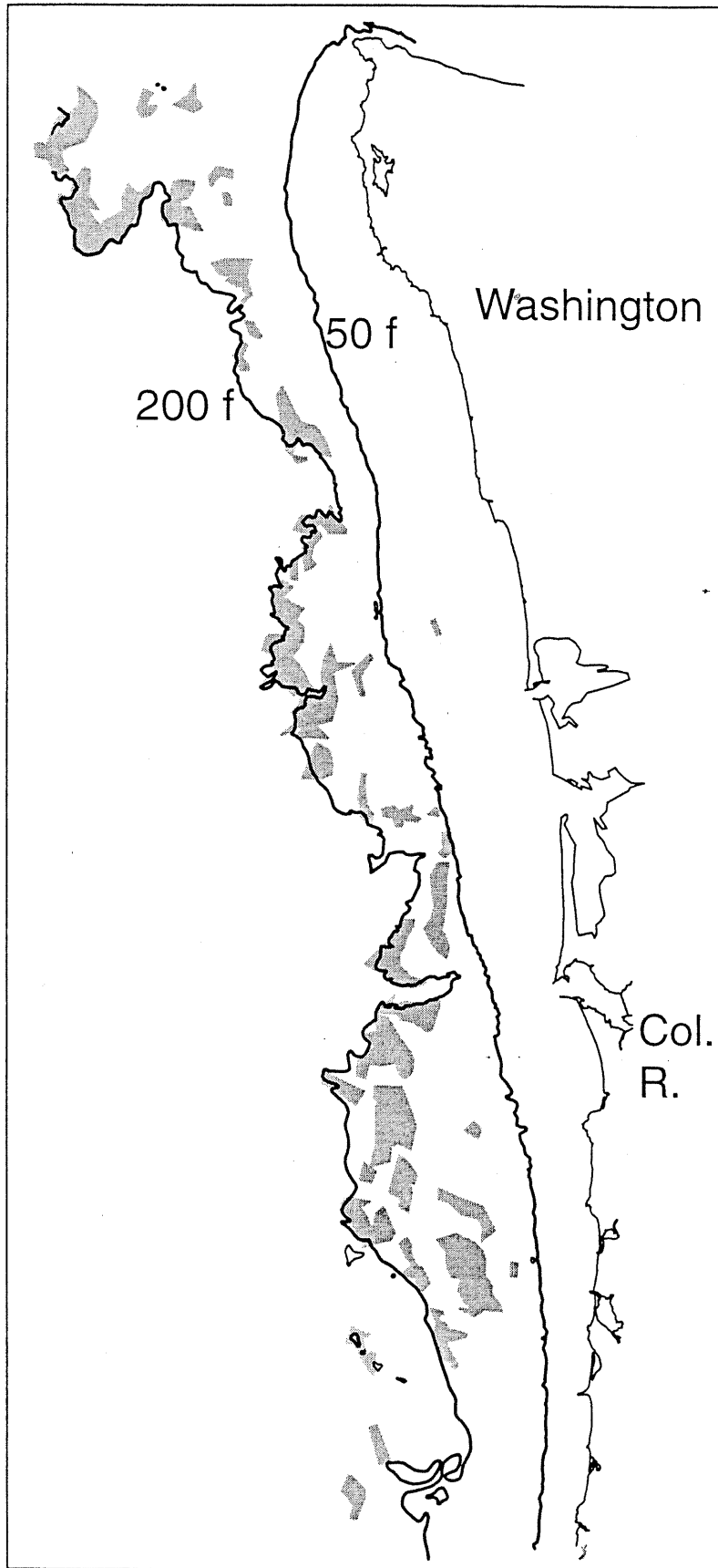


Figure 1. High rockfish CPUE areas in which little bottom trawling occurred in 2000, due to the small footrope regulation and low canary rockfish limits.

Table 1. Quota Species Monitoring (QSM)
reported through August, 2000, plus best REC catch.

Fishery	Canary			Total
	WA	OR	CA	
COM Open Access	1	6	1	9
COM Limited Entry	4	12	6	27
Total COM Fishery	5	18	7	30
REC Fishery	2	21	60	83
Total Fishery	7	39	67	113

Table 2. Quota Species Monitoring (QSM)
reported through August, 1999, plus best REC catch.

Fishery	Canary			Total
	WA	OR	CA	
COM Open Access	3	50	-	53
COM Limited Entry	97	256	-	353
Total COM Fishery	100	305	-	405
REC Fishery	4	35	100	139
Total Fishery	104	340	100	544

Table 3. Catch reduction 1999 to 2000, percent.

Fishery	Canary			Total
	WA	OR	CA	
COM Open Access	67	88	-	83
COM Limited Entry	96	95	-	92
Total COM Fishery	95	94	-	93
REC Fishery	50	40	40	40
Total Fishery	93	89	33	79

Table 4. Catch allowance for 2001.

Fishery	Canary			Total
	WA	OR	CA	
COM Open Access	0	1	1	2
COM Limited Entry	2	7	5	14
Total COM Fishery	2	8	6	16
REC Fishery	2	16	26	44
Total Fishery	4	24	32	60

* Distribution of COM catch by state is estimated.

Table 5. Catch reduction 1999 to 2001, percent.

Fishery	Canary			Total
	WA	OR	CA	
COM Open Access	100	98	-	96
COM Limited Entry	98	97	-	96
Total COM Fishery	99	97	-	96
REC Fishery	50	54	74	68
Total Fishery	96	93	68	89

Bycatch Reduction Devices in the Oregon Ocean Shrimp (*Pandalus jordani*) Fishery:
Status of Current Knowledge

Robert W. Hannah
Stephen A. Jones

Oregon Department of Fish and Wildlife
Marine Program

October 2000

Executive Summary

The status of bycatch reduction devices (BRD's) in the ocean shrimp (*Pandalus jordani*) fishery is a "good news-bad news" situation.

The Good News

1. The devices ODFW has tested are effective at reducing bycatch, especially bycatch of large rockfish, flatfish and hake.
2. These BRD's do a pretty good job of reducing unwanted bycatch, not just the large marketable fish.
3. The Nordmore grate has low shrimp loss rates and is the most efficient BRD.

The Bad News

1. All of the "user friendly" devices (fisheye and soft-panel excluders) cause variable and, sometimes high, rates of shrimp loss.
2. The soft-panel devices tend to collapse in many nets, causing high shrimp loss.
3. The Nordmore grate causes significant operational difficulties for most vessels (doors have to be loaded to steam even short distances or nets get twisted).

The Bottom Line

If a soft-panel BRD can be developed that maintains its shape in most nets, BRD's could be very effective in this fishery. Ideas that have been suggested for testing include incorporating rib lines, using a shorter intermediate, or moving the panel section up to the front of the intermediate. Flume tank experiments might be the quickest way to try and develop a truly effective soft-panel BRD. Using the field approach we've used at ODFW, and assuming level funding, the additional research will take about 2 years.

At best, this also leaves unaddressed the very real question as to survival of excluded fish.

This document attempts to summarize the current status of knowledge about the performance of "fish excluders" or bycatch reduction devices (BRD's) in Oregon's ocean shrimp trawl fishery. It is based primarily on fishing experiments conducted by ODFW staff since 1994. It is also based on field and underwater video observations, discussions with shrimp fishermen and net shop owners, and discussions with BRD experts from the Gulf of Mexico region.

History

Ocean shrimp fishermen began experimenting with BRD's in the early 1990's, in response to a large increase in the abundance of Pacific whiting (*Merluccius productus*) on the shrimp grounds (Hannah et al. 1996, Hannah and Jones, in press). The catches of Pacific whiting were so large that entire fishing grounds became unfishable without a BRD. The BRD's fishermen used were homemade or locally made soft-panel excluders (Figure 1) and produced high and variable shrimp loss, along with modest exclusion efficiency, that was generally below the performance of the Nordmore grate (Hannah et al. 1996, Isaksen et al. 1992). Voluntary use of BRD's continued to grow, with 33% of active Oregon shrimp vessels owning some type of BRD by 1994, although most used these devices less than 25% of the time (Jones et al. 1996). However, mandatory use of BRD's has not been implemented by any of the managing states or the Pacific Fishery Management Council and by 1998, BRD use had fallen again to virtually zero (ODFW, unpublished data).

The reasons for the decline in use of BRD's by Oregon shrimp fishermen are numerous. Resistance by fishermen to mandatory use of BRD's is based mostly on the value of the marketable bycatch, which has traditionally been retained and sold. Based on fish ticket data from 1987 to 1995 (see for example Lukas and Carter 1998), the ex-vessel value of marketable bycatch in the Oregon ocean shrimp fishery ranged from 2% to 5.5% of the total ex-vessel value from this fishery. Shrimp loss caused by the various BRD's, as well as net handling problems, contributed to the decline (Hannah et al. 1996). As in the past, fishermen also developed alternative, if not ecologically friendly, ways of handling the unwanted bycatch. Fishermen developed "shaker grates", vibrating grates with widely spaced bars, placed between the hopper conveyor belt and the sorting belt. These devices catch and divert larger fish, separating them mechanically from the shrimp, with marketable fish being removed manually and unwanted fish washing overboard. Some fishermen tied 23 kg weights to their codends and altered haul back procedures to allow the net to hang vertically in the water for several minutes to let fish, primarily Pacific whiting, float out the mouth of the net.

A variety of factors have contributed to the reluctance by managers to make BRD's mandatory in the ocean shrimp fishery. While concerns about enforcement and tri-state coordination probably top the list, concern over the survival of excluded fish has also been raised as an issue. At the present time, both voluntary BRD use and research into excluder performance are at very low levels. However, the fleet continues to innovate and develop technology for dealing with unmarketable

bycatch. A large portion of the fleet has adopted a ladder-roller style footrope (Figure 2), over the traditional "tickler chain" footrope, which has been shown to reduce the catch of small rockfish and small flatfish by 48% and 87%, respectively (Hannah and Jones, in press).

Types of Excluders

Since 1994, ODFW has evaluated how 10 different shrimp trawl modifications influence bycatch and shrimp catch. We've tested a modified trawl footrope (Hannah and Jones, in press), eliminated parts of the trawl belly, evaluated square mesh escapement panels in the codend and tested 6 configurations of codend devices. The codend devices tested include the Nordmore grate (Figure 1), the "fisheye" (Figure 3) and a variety of soft panel devices (Figure 1). Most of the evaluations involved comparative fishing experiments on double-rigged shrimp vessels. In some cases, underwater video was also used to evaluate trawl configuration and to see how a device might be working.

Performance

Table 1 summarizes the performance of each type of excluder device tested. The "fisheye" is the easiest to install and use, but has higher shrimp loss, and is very sensitive to the installation location. The Nordmore grate is the most efficient device, with high exclusion rates and low shrimp loss. In some experiments we actually saw an increase in shrimp retention with the Nordmore grate. Underwater video studies suggest this may be due to the fact that contact with fish causes increased escapement of shrimp through the codend meshes; eliminate the fish and more shrimp are retained. The soft-panel devices are intermediate in efficiency (Table 1) and have performance that is highly variable between individual nets (see below).

Operational Problems

All of the rigid devices (the Nordmore grate and fisheye) cause serious operational problems for some shrimpers. Most vessels are double-rigged, and leave their nets in the water (at the surface) while relocating the vessel over short distances. The Nordmore grate tends to spin in the water during steaming, making a tangled mess of the net. So to use the Nordmore grate effectively, most shrimpers need to fully load their gear, including the doors, before relocating the boat. This can have a major impact on the vessel's time actually fishing and, in rough weather, can create a safety hazard for the crew.

The fisheye also causes operational problems for some vessels. For vessels that use a seine block to load their gear, a fisheye cannot be used. Since a fisheye needs to be near the rear of the codend to be effective, in high volume fishing shrimp loss can be extreme. To use a fisheye effectively in this fishery, fishermen would need to be able to legally disable the device when shrimp volume was high.

Additional Research Needed

Soft-panel excluders will probably ultimately prove to be the best excluder device for this fishery. They can be hauled through a seine block and they probably can be positioned further forward to minimize shrimp loss in high volume fishing. They also can be very efficient at excluding large fish, such as rockfish. The principal problem with these devices is that in some nets they tend to "collapse", causing a very low panel angle and excessive shrimp loss. This has been verified by fishing experiments and underwater video.

The next step in the development of "soft-panel" devices is to test some modifications that are aimed at keeping the devices from collapsing. Some of the ideas that have been suggested are rib lines in the excluder, rib lines in the whole net, shortening the "intermediate", and moving the excluder forward, where the spreading force of the net is greater. Within the next few years, we hope to test some of these suggested modifications, if sufficient funding is available.

References

- Hannah, R. W. and S.A. Jones (in press). Bycatch Reduction In An Ocean Shrimp (*Pandalus jordani*) Trawl From a Simple Modification to the Trawl Footrope. NAFO/ICES International Pandalid Shrimp Symposium, Halifax, Nova Scotia.
- Hannah, R.W., S. A. Jones and V. J. Hoover. 1996. Evaluation of fish excluder technology to reduce finfish bycatch in the pink shrimp trawl fishery. Oregon Dept. Fish Wildl., Information Rept. Ser., Fish. No. 96-4. 46 p.
- Isaksen, B., J.W. Valdemarsen, R.B. Larsen and L. Karlsen. 1992. Reduction of finfish by-catch in shrimp trawl using a rigid separator grid in the aft belly. Fisheries Research 13:335-352.
- Jones, S.A., R.W. Hannah and J.T. Golden. 1996. A survey of trawl gear employed in the fishery for ocean shrimp *Pandalus jordani*. Oregon Dept. Fish Wildl., Information Rept. Ser., Fish. No. 96-6. 23 p.
- Lukas, J. and C. Carter. 1998. 1996 pounds and value of commercially caught fish and shellfish landed in Oregon. Oregon Dept. of Fish and Wildlife. 120 p.

Table 1. Percent reduction in catch (lbs), for selected species groups, caused by various BRD's in comparative fishing experiments in the ocean shrimp trawl fishery, 1994-98.

BRD	Shrimp	Large Rockfish	Large* Flatfish	Pacific Whiting
Nordmore grate (6/95)	Increase	100.0	97.0	100.0
Nordmore grate (7/95)	10.0	100.0	90.0	99.0
Nordmore grate (9/95)	Increase	95.0	93.0	100.0
Nordmore grate (6/98)	Increase	100.0	78.4	99.5
Nordmore grate (6/98)	5.7	100.0	97.5	99.4
5" Soft-panel	7.0	100.0	89.5	80.0
5" Soft-panel	15.0	97.0	97.5	67.0
8" Soft-panel	6.0	44.0	77.5	41.0
8" Soft-panel	Increase	100.0	93.0	70.0
8" Soft-panel	31.0	100.0	100.0	81.0
8" Soft-panel (modified)	2.0	87.0	--	62.0
3" Soft-panel	7.0	100.0	98.0	97.0
Fisheye at 76 meshes	22.6	72.0	69.5	79.4
Fisheye at 82 meshes	9.6	82.8	51.6	73.2

*Average of estimates for large and medium flatfish from Hannah et al. (1996)

"--" = Insufficient data.

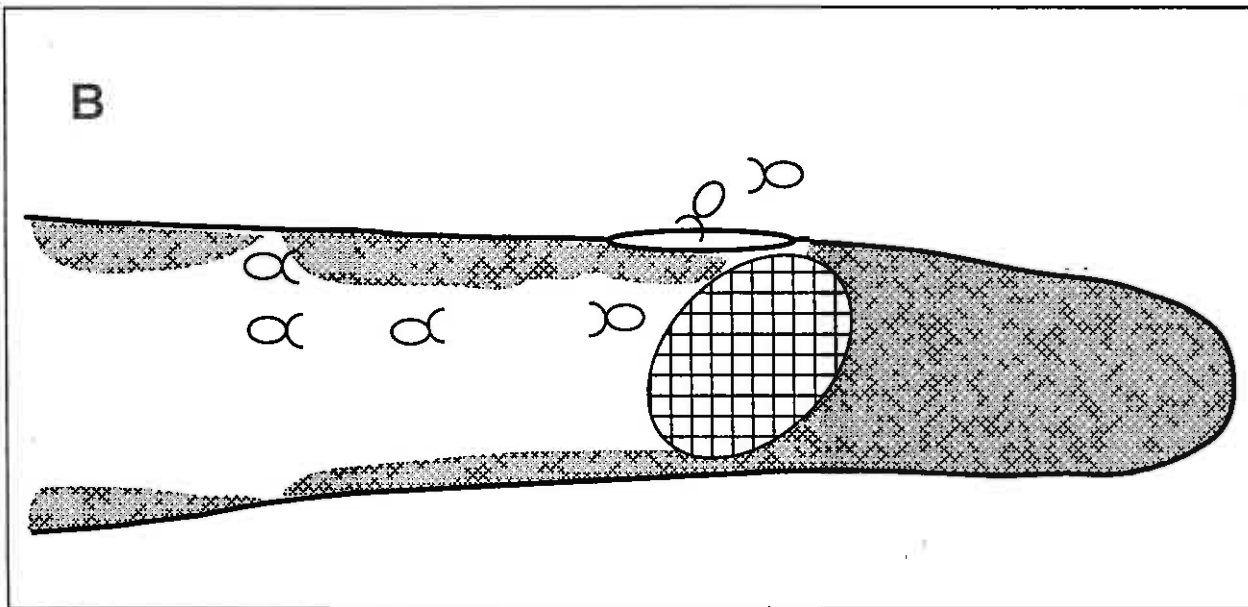
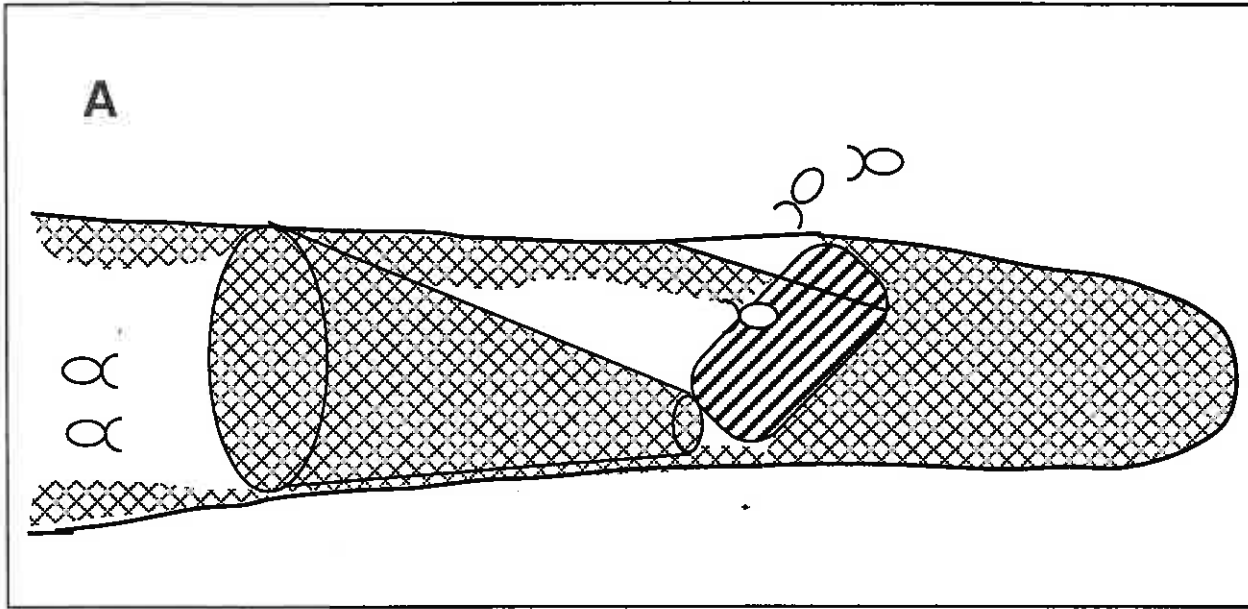


Figure 1. Nordmore grate (A) and soft-panel (B) bycatch reduction devices.

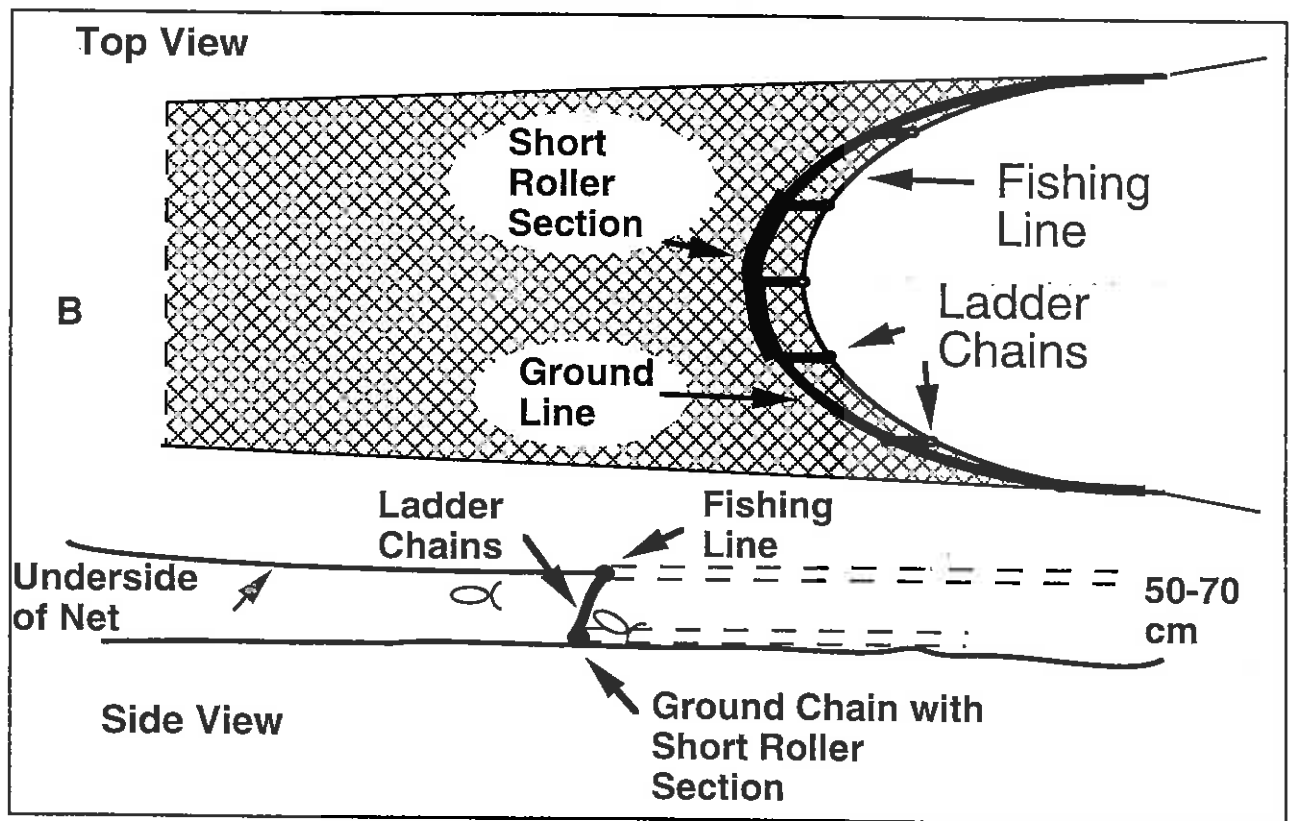
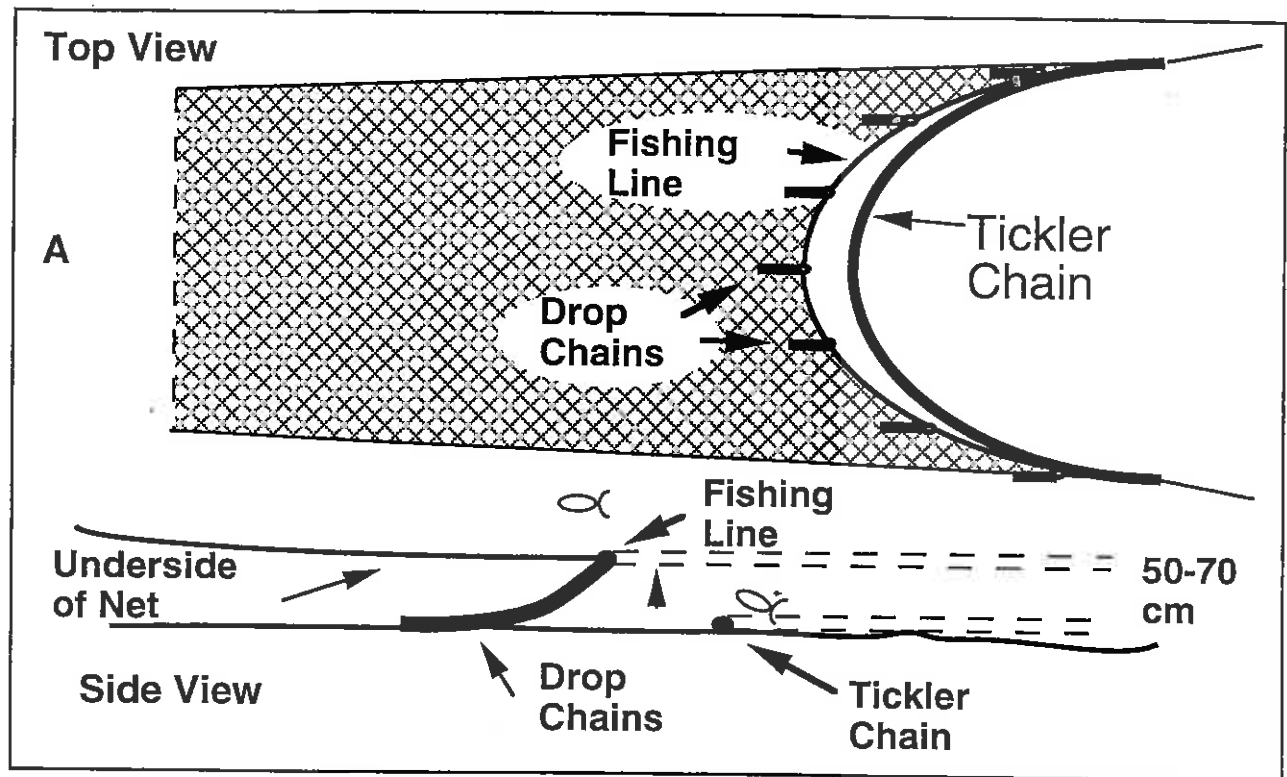


Figure 2. Schematic of trawl footrope with tickler and dropper chains (A) and with ladder/roller footrope (B).

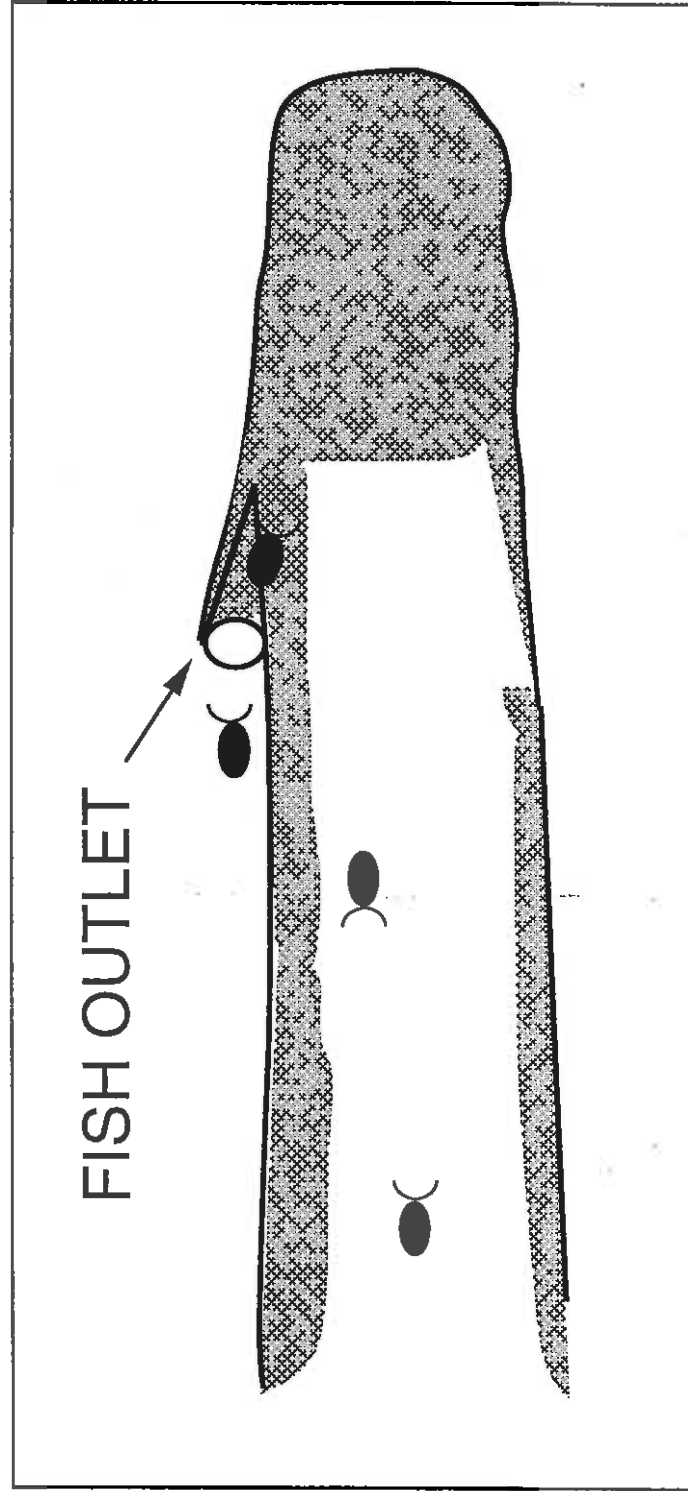


Figure 3. Diagram of the "fisheye" bycatch reduction device.



NATURAL RESOURCES DEFENSE COUNCIL

October 5, 2000

BY FAX (206-526-6736) AND FIRST-CLASS MAIL

William Stelle Jr.
Administrator, Northwest Region
National Marine Fisheries Service
7600 Sand Point Way N.E.
BIN C15700, Bldg. 1
Seattle, WA 98115-0070

Dear Mr. Stelle:

In early September, the National Marine Fisheries Service ("NMFS") announced its approval of rebuilding plans for bocaccio, lingcod, and Pacific ocean perch ("POP"), three overfished species that are managed under the Pacific Coast Groundfish Fishery Management Plan ("FMP"). Notice of Approval of Overfished Species Rebuilding Plans, 65 Fed. Reg. 53,646 (Sept. 5, 2000). On behalf of its more than 400,000 members, the Natural Resources Defense Council hereby files its comments on this decision by NMFS.

While we are pleased that NMFS is taking steps to attempt to protect bocaccio, lingcod and POP (collectively "the three overfished species"), the rebuilding plans approved by the agency fail to meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"), the National Environmental Policy Act, and basic administrative law. We urge NMFS to rewrite these rebuilding plans in a manner that complies with applicable law.

I. NMFS Has Violated the Magnuson-Stevens Act by Approving Rebuilding Plans That Are Neither an FMP, an FMP Amendment, Nor Regulations.

Section 304(e)(3) of the Magnuson-Stevens Act mandates that rebuilding plans for overfished species take the form of "a fishery management plan, plan amendment, or proposed regulations for the fishery ..." 16 U.S.C. § 1854(e)(3). Since the rebuilding plans for bocaccio, lingcod and POP are neither FMPs, FMP amendments, nor regulations, NMFS's approval of these plans constitutes an obvious violation of the Magnuson-Stevens Act.

II. NMFS Has Failed to Establish Rebuilding Periods That Are the Shortest Time Periods Possible.

Section 304(e)(4)(A) of the Magnuson-Stevens Act requires each rebuilding plan to "specify a time period for ending overfishing and rebuilding the fishery ..." 16 U.S.C. § 1854(e)(4)(A). This rebuilding period must be "as short as possible, taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem." *Id.* at § 1854(e)(4)(A)(i).

As an initial matter, the rebuilding plans for the three overfished species fail to specify a discrete rebuilding period for each species. For example, the bocaccio rebuilding plan concludes that "the maximum allowable rebuilding time is 26 years plus one mean generation length (12 years for bocaccio), for a total of 38 years." Pacific Fishery Management Council, Initial Rebuilding Plan for West Coast Bocaccio, *Sebastes paucispinus* (hereafter "Bocaccio Rebuilding Plan") 1 (Feb. 2000). See also Notice of Approval of Overfished Species Rebuilding Plans, 65 Fed. Reg. at 53,647 ("[i]n the case of bocaccio, ... the maximum rebuilding time would be 38 years"). This conclusion, however, falls well short of the statutory requirement to actually "specify a time period for ending overfishing and rebuilding the fishery ..." 16 U.S.C. § 1854(e)(4)(A).

Even if the rebuilding plans did establish specific rebuilding periods for each overfished species, the plans would still violate the Magnuson-Stevens Act due to their failure to show that the rebuilding period selected is the shortest one possible, as required under the statute. The bocaccio rebuilding plan, for example, acknowledges that the minimum time necessary to rebuild bocaccio populations could be as little as 20 years. Bocaccio Rebuilding Plan at 1. Thus, even if the bocaccio rebuilding plan had specified a rebuilding period of 38 years, the plan fails to establish that such a 38-year period is the shortest period possible for rebuilding the species. By approving rebuilding plans for the three overfished species that fail to demonstrate that the rebuilding periods established are as short as possible, NMFS has violated the Magnuson-Stevens Act.

III. The Rebuilding Plans Fail to Meet the Statutory Requirements to End Overfishing and to Rebuild Affected Stocks.

Section 304(e)(3) of the Magnuson-Stevens Act requires that rebuilding plans be sufficient "to end overfishing in the fishery and to rebuild affected stocks of fish ..." 16 U.S.C. § 1854(e)(3)(A). The rebuilding plans for the three overfished species fail to meet this test, because they contain no constraints on fishing or other activities that have caused the dramatic drops in the populations of these species and that stand in the way of rebuilding the

William Stelle, Jr.

October 5, 2000

Page 3

stocks. In essence, the rebuilding plans approved by NMFS are vague statements of aspiration that present the goal of rebuilding the species but that mandate no specific requirements to make rebuilding a reality. Apparently, NMFS prefers to seek to address those requirements on a year-by-year basis in the annual specifications and management measures that NMFS is required to issue for the groundfish fishery each year whether or not stocks within that fishery are overfished. This failure to specify measures and limits designed to rebuild the overfished species means that the rebuilding plans offer the three overfished species no more protection than they had prior to the approval of the rebuilding plans.

By approving rebuilding plans that fail to mandate actions sufficient to end overfishing in the fisheries and to rebuild the affected stocks of fish, NMFS has violated the Magnuson-Stevens Act.

IV. The Rebuilding Plans Fail to Address Bycatch Adequately.

Bycatch is a substantial problem in the Pacific Coast Groundfish Fishery. NMFS has acknowledged, for example, that bocaccio "is caught incidentally in commercial and recreational fisheries targeting many other different species." 65 Fed. Reg. 45,308, 45,310 (July 21, 2000). NMFS also has acknowledged that "[b]ycatch'... information in the groundfish fishery is scarce" and that a "lack of current discard information ... makes it difficult to assess the success or failure" of its measures for managing the groundfish fishery. 65 Fed. Reg. 221, 236, 233 (Jan. 4, 2000).

Rebuilding plans for overfished species must comply with the national standards for fishery conservation and management established by the Magnuson-Stevens Act. 16 U.S.C. § 1851(a). National Standard 9, concerning bycatch, "requires Councils to consider the bycatch effects of existing and planned conservation and management measures." 50 C.F.R. § 600.350(b). More specifically, NMFS's regulations provide:

To evaluate conservation and management measures relative to this and other national standards, as well as to evaluate total fishing mortality, Councils must ..., [f]or each management measure, assess the effects on the amount and type of bycatch and bycatch mortality in the fishery.

Id. at § 600.350(d)(2) (emphasis added). Since there is no such adequate consideration and assessment of bycatch in any of three rebuilding plans prepared by the Pacific Fishery Management Council, NMFS violated the Magnuson-Stevens Act by approving the plans.

National Standard 9 also requires fishery management councils and NMFS to minimize bycatch and, to the extent bycatch cannot be avoided, to minimize the mortality of such bycatch. 16 U.S.C. § 1851(a)(9). Since the rebuilding plans for the three overfished

species fail to include adequate measures to minimize bycatch and bycatch mortality, NMFS violated the Magnuson-Stevens Act when it approved the plans.

Finally, and perhaps most basically, the Magnuson-Stevens Act requires rebuilding plans to include "a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery ..." 16 U.S.C. § 1853(a)(11). See also 50 C.F.R. § 600.350(d)(4) ("To evaluate conservation and management measures relative to this and other national standards, as well as to evaluate total fishing mortality, Councils must ... [m]onitor selected management measures.") (emphasis added). Since the rebuilding plans contain no measures to monitor or assess bycatch of the three overfished species, the plans violate the Magnuson-Stevens Act.

The current experience with bycatch in the bocaccio fishery highlights why NMFS's approval of the rebuilding plans was not consistent with law. For the year 2000, NMFS set the harvest level for bocaccio at 100 metric tons. This harvest level is intended entirely to account for bocaccio bycatch. In NMFS's words, "[t]hese very conservative harvest levels do not allow directed bocaccio targeting, but rather acknowledge that some incidental catch will occur." Notice of Approval of Overfished Species Rebuilding Plans, 65 Fed. Reg. at 53,647.

Unfortunately for bocaccio, no later than June 2000, less than halfway through the management year, it became clear that bocaccio bycatch was running far ahead of the assumptions used in establishing the harvest level. On July 17, the Pacific Fishery Management Council ("the Council") wrote a letter in which it broadcast its concern about the high bycatch rates undermining the effectiveness of the rebuilding plans. The Council's executive director wrote:

At the Council's June 26-30, 2000 meeting ..., the Council received a report that recreational harvest of bocaccio and lingcod south of Cape Mendocino appears to be proceeding much more rapidly than anticipated. In fact, recreational take of bocaccio in this area has already exceeded the preseason estimate and threatens to reach the entire annual quota for all fisheries. Similarly, the catch of lingcod taken by recreational fishers is also higher than anticipated. The Council is extremely concerned about the status of these important groundfish stocks, the effectiveness of the rebuilding plans, and the management of all fisheries that impact these stocks.

Letter from D.O. McIsaac, Ph.D., Executive Director, Pacific Fishery Management Council, to Robert Treanor, Executive Director, California Fish & Game Comm'n 1 (July 17, 2000) (emphasis added) (attached to this letter as Exhibit A). Even assuming arguendo that the year 2000 groundfish management measures can properly be deemed part of the rebuilding plans for the three overfished species, NMFS plainly violated the Magnuson-Stevens Act and basic principles of administrative law by approving the rebuilding plans after receiving information

William Stelle, Jr.

October 5, 2000

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from the author of the rebuilding plans that the assumptions underlying the year 2000 harvest levels are faulty and that the Council is "extremely concerned about ... the effectiveness of the rebuilding plans." We urge NMFS in the strongest possible terms to rewrite the rebuilding plans for the three overfished species to take proper account of bycatch and to set harvest levels that will be effective in rebuilding these species.

V. The Rebuilding Plans Fail to Assess Adequately Effects on Essential Fish Habitat and to Minimize Adverse Effects on Essential Fish Habitat.

Under the Magnuson-Stevens Act, rebuilding plans must "minimize to the extent practicable adverse effect on [essential fish] habitat caused by fishing ..." 16 U.S.C. § 1853(a)(7). The rebuilding plans also "must contain an assessment of the potential adverse effects of all fishing equipment types used in waters described as [essential fish habitat]," 50 C.F.R. § 600.815(a)(3)(ii), among other required assessments. Because the rebuilding plans fail to assess adequately impacts to habitat of the three overfished species and fail to minimize adverse effects on essential fish habitat, NMFS violated the Magnuson-Stevens Act by approving the rebuilding plans.

VI. NMFS Failed to Comply With the National Environmental Policy Act.

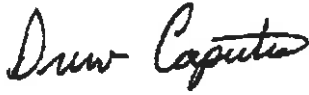
The National Environmental Policy Act ("NEPA") requires federal agencies to evaluate the environmental impacts of any "major federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). NMFS's approval of the rebuilding plans for the three overfished species plainly may have a significant environmental impact, in light of the depleted nature of the fisheries and the important effect the rebuilding plans should have on the Pacific Coast groundfish fishery. By failing to prepare an adequate environmental impact statement on the rebuilding plans, or at least to prepare an environmental assessment that can properly support a finding of no significant impact, NMFS has violated NEPA.

VII. Conclusion.

As NMFS has properly recognized, bocaccio, lingcod and POP are in a precarious, depleted state. To provide for the proper management and rebuilding of these overfished species, we urge NMFS and the Council to remedy the above-specified shortcomings as soon as possible so that the rebuilding plans comply with all applicable legal requirements.

William Stelle, Jr.
October 5, 2000
Page 6

Sincerely,



Drew Caputo
Senior Attorney



Karen Garrison
Senior Policy Analyst

cc: Donald McIsaac, Ph.D.
Executive Director
Pacific Fishery Management Council

RECEIVED

OCT 1 2000

Public comment agenda item # C.1

October 13th, 2000

PFMC

Dear Pacific Management Council;

About 10 years ago I wrote letters during the public comment periods requesting that you require us to use the most selective gear possible (**no discards**). What state would the fisheries be in today if you had simply outlawed fishing methods with large bycatches?

About 9 years ago the Council went to limited entry permits for qualified fishermen with the intent of reducing pressure on the fisheries by reducing the amount of boats fishing. So - **How are the fisheries doing now?** Please let's learn from past mistakes.

I do understand that you don't want to be caught in a verbal war between fishermen of different gear types. I now believe that the only fair way to manage the fisheries is to have large permanently closed fishing zones so groundfish like canary rockfish and cowcod (which take a very long time to reach maturity) have a good chance to reproduce.

I also understand that us fishermen as a rule hate closures. So instead of calling the permanently closed areas "no fishing zones" how about calling the areas that are not closed "**commercial fishing zones**" or "**open fishing zones**".

Please, don't repeat history anymore - be brave and do the right thing!

Sincerely,



Lloyd Reeves - owner groundfish permit #0005
P.O.Box 6908
Los Osos, Ca. 93402
Tel# (805)534-1640

RECEIVED

OCT 15 2000

PFMC

TO: Mr. Jim Glock
Pacific Fishery Management Council

October 13, 2000

Cow Cod Bio Mass (Cortes Bank only)

The last time I collected a shelf rock fish quota, we worked 1 ½ days on the Cortes Bank in an area equal to about 200 acres. Of that quota, 60 fish were cow cod. They totaled almost 1000 pounds, with a 16 pound average weight.

I have modeled the Cow cod bio mass on our last effort at the Cortes Bank:

- | | |
|---------------------------|-----------------|
| 1. Cortes Bank | 230,400 acres |
| 2. 60 Cow Cod = | 1000 pounds |
| 3. 200 acre area worked = | 50 lb. per acre |

On strict modeling there is a bio mass of 5760 tons. Factor in 100% error: 2880 tons and factor in another 100% error and there is still 1440 tons.

Taking the last modeled number and the statement that Cow Cod are at 2% of their historic level, that means this bank supported 72,000 tons or 144,000,000 pounds of Cow Cod. The largest recorded catch was 184 tons in one year.

The Cow Cod is a minor-very minor shelf species. If you factor in all the other species; vermillion, bocaccio, chili-pepper, red widow, brown speckled, etc., you have just about run out of water for them to swim in!

A conservative estimate would be 40% of historic levels. This small sampling survey of 60 fish is the only real science I have seen to date. Also, it has been my observation after 30 years on the fishing grounds that Cow Cod are for the most part a solitary fish as opposed to the great schools of other species; chili peppers, red widows, etc..

Value of California Fish

I. Value of fish to California Business and it's citizens

example;

1 (one) 6 lb. Vermilion rock fish (shelf species)

Fisherman	@	\$ 3.00=	\$ 18.00
-----------	---	----------	----------

Wholesaler	@	\$ 4.50=	\$ 27.00
------------	---	----------	----------

Restaurant (average sushi bar)			
125 pieces per fish	@	\$2.00= per piece	<u>\$250.00</u>

This <u>one</u> fish will generate	\$295.00
------------------------------------	----------

II. People employed or directly affected Number of people

1. Boat	
Crew	3
2. Support	
Fuel Dock	8
Bait Boat and Packer	40
3. Equipment and Suppliers	
Engines, Generators	22
Electronics	6
Hydraulics	10
Shipyards	30
Maintenance	15
4. Markets (wholesale only)	
IMP (example)	44
Restaurant (medium)	11
5. Fish & Game personnel,	
Harbor Master and personnel (avg)	26

People directly and substantially benefiting:	215
---	-----

How to restore depleted area to near carrying levels in 10 years, easily and with very low monetary expenditures.

Take the roe and milk from gravid fish. Mix together and reintroduce into the proper areas. In this way we can achieve nearly 100% fertilization rate as opposed to a fraction of the percent in nature. This is being done right now in private industry in other nations. This is not new, or particularly difficult.

I would strongly suggest that Steve Kelly (F/V Island Tak) and Joe Villarreal (F/V Mirage) be hired or chartered to procure the Cow Cod as they move into their spawning cycle, checking small amounts until they appear "ripe" then taking larger amounts.

If there becomes a "timing" problem, the milk/roe could be handled the same as human sperm and eggs; with liquid nitrogen. It is economical and easy.

I understand that there are some sport fishing problems near the metropolitan centers. These problems should be easy to change if you have the will to.

There are a lot of platforms waiting to be "decommissioned." They come complete with habitat and financing. I visualize at least 1000 steel artificial reefs. The Southern California coastal bank is woefully lacking significant hard bottom habitat/ relief. Obviously there is not enough oil platforms for 1000 reefs, but it would be an immediate start.

In viewing video from the State Land Commission's fiasco of removing 28 well heads and re-entry structures on the Gaviota coast, it appears steel will out produce rock habitat 10 to 1. I have an edited version of these videos, which can be made available for your viewing the amount of fish and other sea life on these structures. It is truly amazing.

Regarding the bocaccio issue: during the last 3 years that I have been fishing squid, I have seen and "lit up" a lot of 20-30 ton spots of juvenile bocaccio. Santa Cruz, Santa Rosa, Santa Barbara, and Catalina. Bocaccio are everywhere in mass quantities, with the end of El Nino, there are some monster year classes. The stocks appear to be healthy and reproducing like crazy. These juvenile fish came from somewhere.

Captain Steve Kelly, F/V Island Tak, says that there are school after school living 20-30 fathoms in the mud in front of Oxnard and in the Santa Monica Bay. The outer banks also hold large populations of adult fish; the Tanner, Cortes, Cherry and Potato Banks and San Nicolas Island.

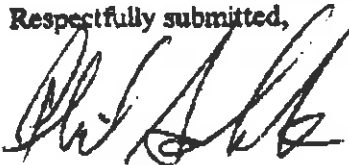
It seems that California is at a cross-roads with population and marine environment/resource. Ocean run fish is the only pure protein available to us. We also expect the ocean to provide recreational fishing. The commercial sector provides the rest of the state's citizens access to this pure food resource. Both are important, both have problems but are curable in the short term with the proper programs.

TO CUT EVERYTHING OFF IS NOT THE ANSWER OR SOLUTION. THE SKY IS NOT FALLING IN SOUTHERN CALIFORNIA. MANAGEMENT HAS NOT PROVIDED ANY SCIENCE -ZERO- FOR THEIR MANAGEMENT DECISIONS.

The only science you have is an environmental business that needs disaster to remain in business. Taco Bell got \$63 million for genetically-altered corn in their tortillas. Find the money for real science.

I have outlined for you a solution. Please give it the most serious consideration. These programs will require a fisherman's oversight committee and I would want to be a part of that.

Respectfully submitted,



Phil Schenck
F/V Terri's Gale
Point Conception Groundfishermen's Assoc.

14212 Alta Street
Westminster, CA 92683
714-898-7825 phone & FAX

CENTER FOR MARINE CONSERVATION

580 Market St., Suite 550
San Francisco, CA 94104

October 23, 2000

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

Comments on October 2000 PFMC agenda item C. 1., Rebuilding Plans for Cowcod and Canary Rockfish.

Chairman Lone and Council members,

The Center for Marine Conservation (CMC) respectfully submits these comments on the issue of Rebuilding Plans for cowcod and canary rockfish. CMC represents over 20,000 members on the west coast with an interest in healthy ocean ecosystems. We have been actively involved in this issue for several years through participation on the Groundfish Advisory Subpanel and we have commented previously on these rebuilding plans as well as fisheries management measures for these species.

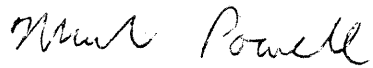
These rebuilding plans are fundamentally deficient because there is no credible measurement of fisheries-caused mortality for these species. There is no accounting system for commercial and recreational discards, and only a very poor system for monitoring recreational landings. The lack of reliable data on discards and recreational catch is contrary to requirements in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) for rebuilding plans. Rebuilding plans are required to end overfishing and rebuild affected stocks. 16 U.S.C. 1854 (e) (3). Further, rebuilding plans must be reviewed at least every two years for "adequate progress towards ending overfishing and rebuilding affected fish stocks." 16 U.S.C. 1854 (e) (7). Without adequate monitoring, it is impossible to know whether the rebuilding plans are working. The rebuilding plans should be modified to require monitoring of total fisheries-caused mortality for cowcod and canary rockfish.

The rebuilding plans also fail to specify management measures sufficient for rebuilding cowcod and canary rockfish as required by the Magnuson-Stevens Act. 16 U.S.C. 1854 (e) (3). Lacking specific measures, the rebuilding plans are merely incomplete statements of goals and actual rebuilding is deferred to the annual management process. The rebuilding plans should be modified to include management measures that will dramatically reduce mortality of cowcod and canary rockfish, and provide some reasonable assurance that fisheries-caused mortality will remain below rebuilding targets throughout the rebuilding period. Relying on the annual management process does not provide adequate assurance of rebuilding.

These problems with the rebuilding plans have tremendous practical significance. Bycatch of overfished species is likely to be an increasingly large fraction of total mortality as landings are

These problems with the rebuilding plans have tremendous practical significance. Bycatch of overfished species is likely to be an increasingly large fraction of total mortality as landings are reduced. Anecdotal reports suggest that discarding of depleted species is common when they are accidentally caught while fishing for other, more abundant species. Rebuilding plans are unlikely to be successful if they lack specific measures to protect overfished species and reliable monitoring of the effectiveness of these protections.

Thank you for the opportunity to comment on these issues,

A handwritten signature in cursive script, reading "Mark Powell". The ink is dark and the handwriting is fluid.

Mark Powell, Ph.D.
Pacific Fisheries Project Manager

PETER LEIPZIG
FISHERMEN'S MKT. ASSOC.
10/31/06

COMMENTS ON C-1

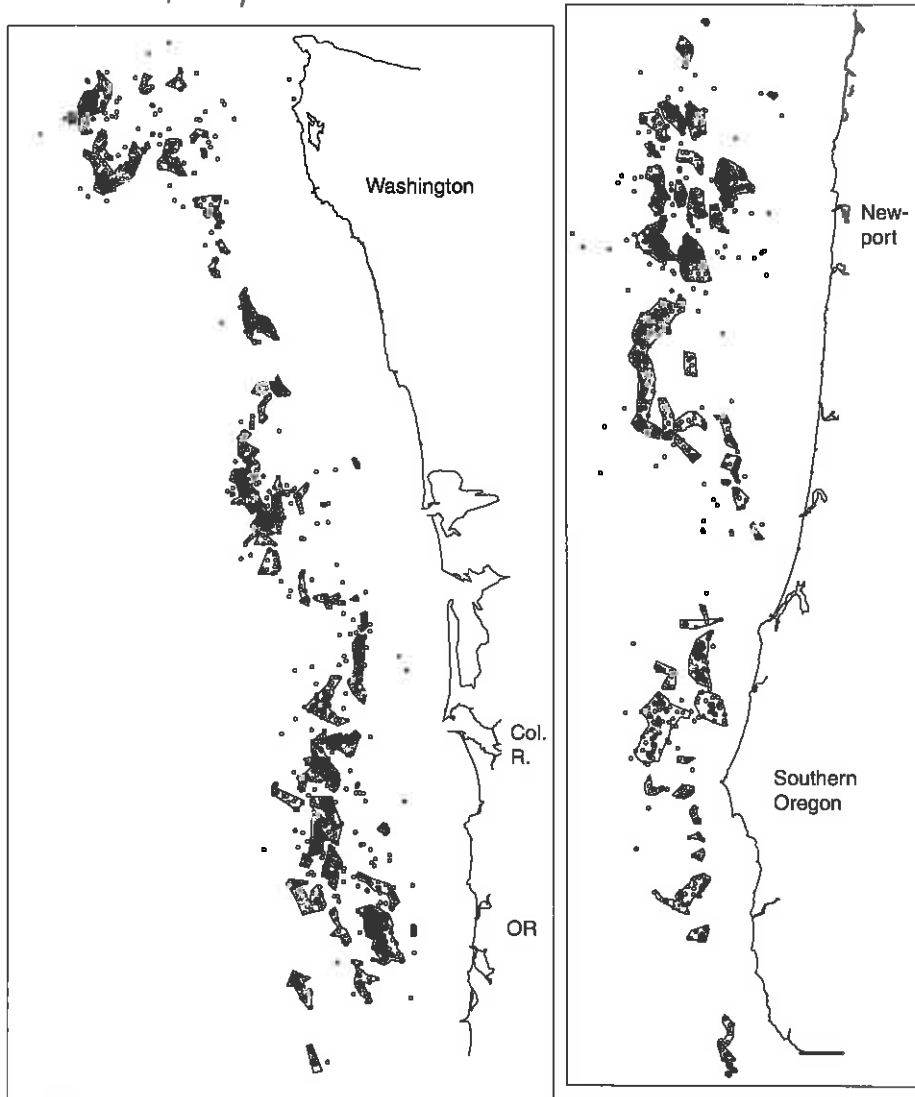


Figure 1. Distribution of high CPUE (>800 lbs/h) rockfish tows (Oregon logbooks) from 1993-95. Polygons enclose clusters of productive tows.

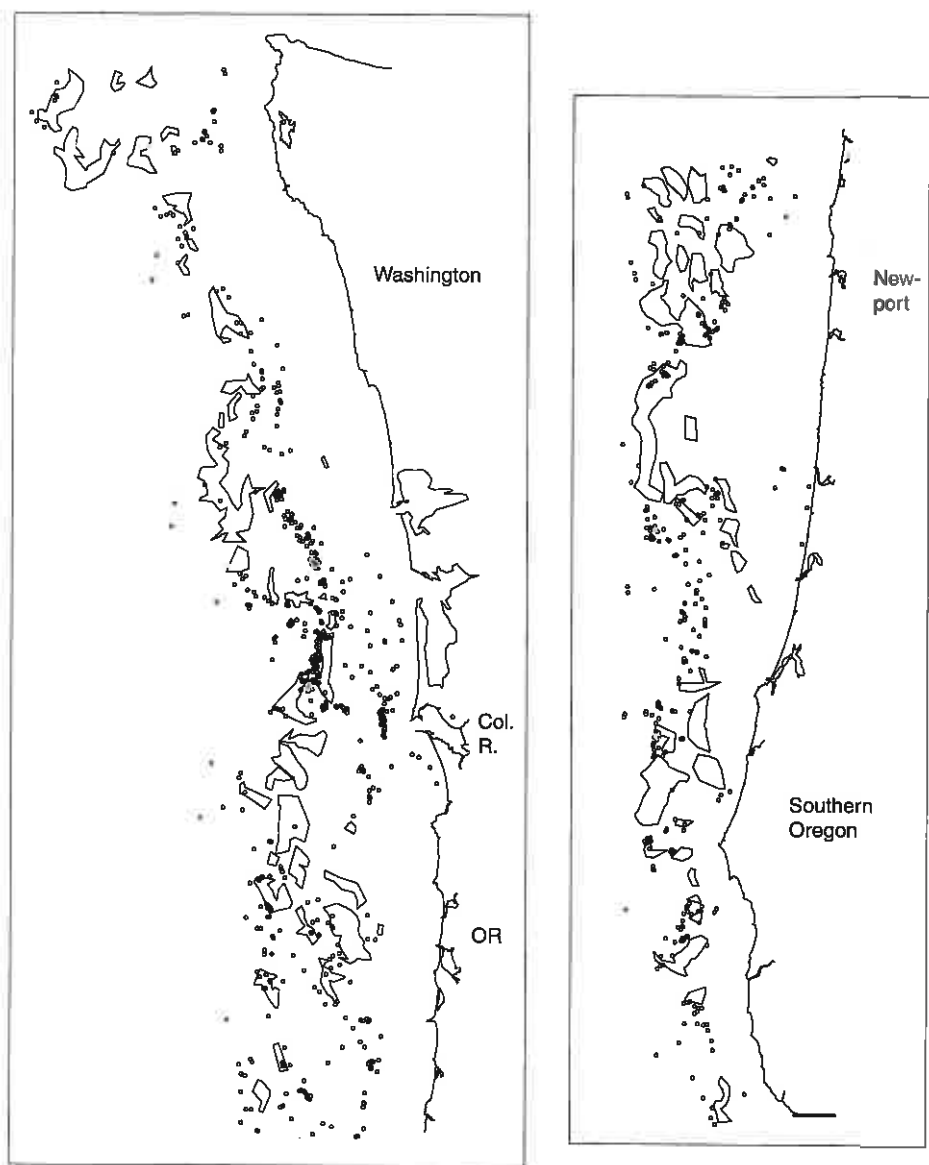


Figure 2. Comparison of geographic distribution of Oregon small footrope trawl effort, January through June 2000 (small circles- gear 392) with high rockfish CPUE areas (polygons) from 1993-95.

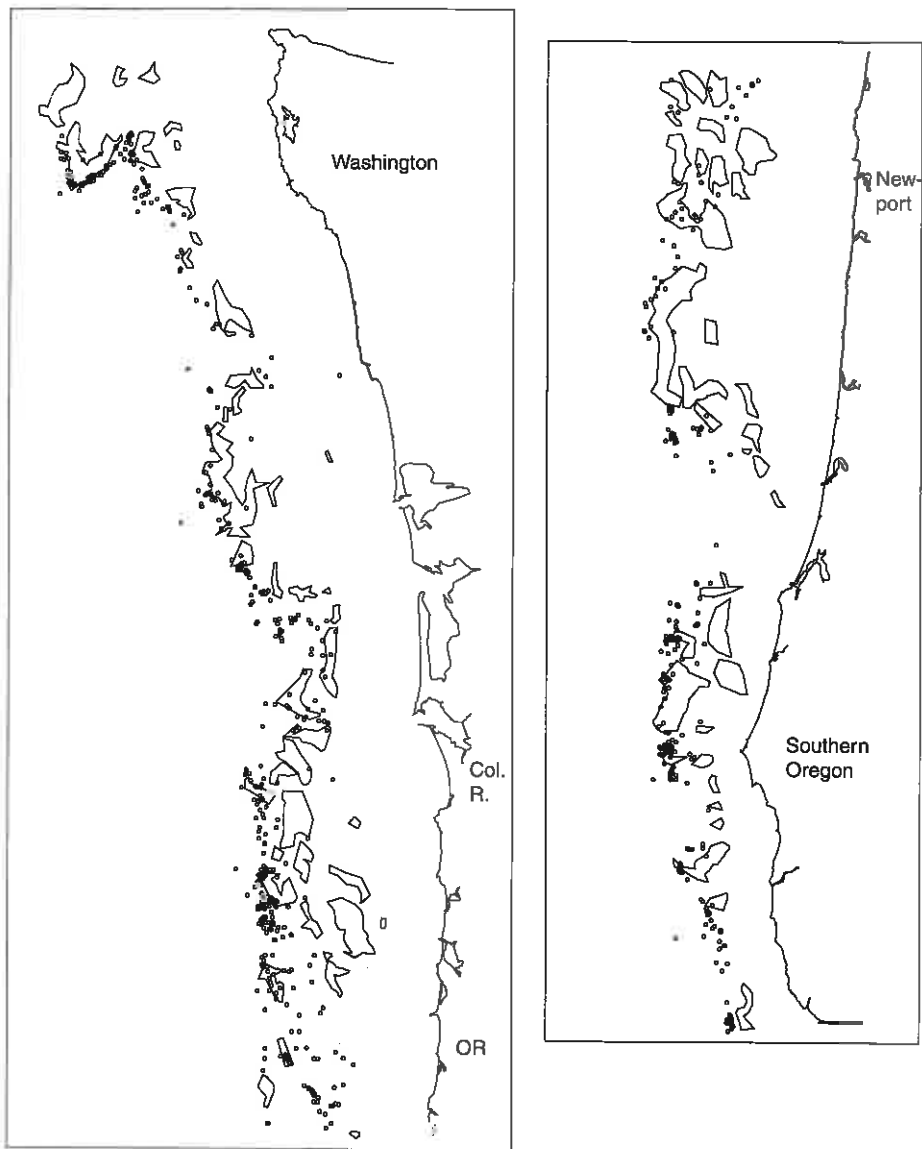


Figure 3. A comparison of January through June 2000 roller trawl gear (391) versus high rockfish CPUE areas (polygons) from 1993-95.

APPORTIONMENT OF SABLEFISH BYCATCH ESTIMATES

Situation: At the September Council meeting, the Council passed a two-element motion regarding the issue of apportioning sablefish bycatch between various harvest sectors. The first element was to distribute, for public review, three options to change from the status quo approach. The second element was to provide a chronology of the Council record on how this issue was dealt with in the past. The information below describes the three options that are alternatives to the current approach; this information was included in the Council Newsletter to help focus review and comment. Due to the short period between the September and November meetings, the staff was not able to provide the chronological record of previous Council considerations on this matter.

In response to the Groundfish Strategic Plan, the Groundfish Management Team (GMT), has provided the Council with data that allows consideration for a different method of accounting for sablefish bycatch/discard in the various commercial fishery sectors. In particular, options would no longer deduct sablefish discard "off the top" of all fishery sectors (see 2001a in table below), but rather discard amounts would be deducted from each major sector individually. Options for Council consideration at the November meeting include status quo (10% off the top of all sectors, 2001a); 17.7% off the top of all sectors (2001b); sector-specific discard rates applied to each sector (2001c); and sector-specific discard rates for tribal and open access fisheries, with distribution of total and landed catch between limited entry trawl and fixed gear based on historical catch with an assumed 29% trawl discard rate (2001d). The net general effect of changing to an individual sector-based discard assessment is to reduce the landing allowable for the trawl fisheries and increase the allowable landings for the aggregate tribal, open access, and fixed gear fisheries.

New information from the Enhanced Data Collection Program (EDCP) indicates trawl bycatch is higher than previous estimates of 10% of total catch. EDCP information indicates trawl discard is 29% of trawl total catch, which is equal to 17.7% of all-sectors total catch (2001b). Note that a lower discard rate is assumed for the limited entry fixed gear fishery than for the open access or tribal fisheries, because the majority of the limited entry fixed gear allocation is taken in the derby fishery, which leaves little opportunity for discard.

Overview of approximate sablefish poundage (in metric tons) available to various sectors under alternative discard accounting approaches.

	2001a	2001b	2001c	2001d	Preliminary
	mts	mts	mts	mts	Assumed Discard Mortality
			Change from 2001b	Change from 2001b	
Discard Accounting Method	10% Off the Top	17.7% Off the Top	Individual Sector	Individual Sector	
Allocation (LE Trawl/Fixed-gear)	58%/ 42% Landed Catch	58% / 42% Landed Catch	58% / 42% Total Catch	61% / 39% Total Catch (58% / 42% Landed Catch)	
OY (mt)	6,895	6,895	6,895	6,895	
Discard	690	1,220			
Tribal	621	567	621	621	+9% 10%
Open Access	525	480	525	525	+9% 10%
Limited Entry					
Trawl	2,935	2,684	2,315	2,435	-14% -9% 29%
Fixed-gear	2,125	1,943	2,220	2,061	+14% +6% 6%

Council Action:

1. Consider adoption of a different sablefish bycatch accounting and apportionment approach, including discard rate estimates.

Reference Materials:

1. A Preliminary Analysis of Discarding in the 1995-1999 West Coast Groundfish Fishery (Exhibit C.2, Supplemental NMFS Report).

PFMC

10/16/00

Groundfish Management Team Revised Estimates of Sablefish Bycatch/Discard Mortality
and Options to Apportion Bycatch Mortality Among Commercial Fishing Sectors

This report is an update of the preliminary analysis of options to apportion sablefish bycatch/discard mortality in 2001. The first table is an updated version of the 4-option table presented at the September Council meeting. The second is a step-by-step review of the assumptions in arriving at the discard rates used in the first table. It is important to clarify that because some survival of discarded sablefish is expected, the term 'total catch' OY is misleading. Rather, it should be considered a 'total kill' OY or allocation. As a result, it is no more appropriate to apply a discard mortality rate to the total amount of fish caught, than it would be to apply the rate to the total landings. In this analysis, the GMT has attempted to reconstruct the amount of fish that would be killed as discard mortality, per 100 lb of landings, and to calculate an appropriate rate by dividing this amount by the sum of landings (100) plus the discard mortality.

Fixed-gear fleet: The GMT drew upon its previous analysis of fish-size differentials between the different phases of the fishery to postulate the amount of fish the fleet might be cycling through, in order to achieve higher percentage of larger fish in the daily trip limit (DTL) and mop-up phases. Since we know next to nothing about how the fish are actually handled or how much ghost fishing is occurring, the GMT chose a mortality rate of 20% for discarded fish. The GMT consulted with Mike Rust, NMFS, about potential long-term stress mortality that might be delayed after capture and release. He pointed out that the effect of a stressful event may not run its course for a week after the event. Even if the fish are handled well, changes in water temperature as they are brought to the surface can provide sufficient shock to the system to eventually result in death. The GMT also included some anticipated discard for participants in the 3-tiered fishery who were at or near the limit in the 1999 fishery.

Trawl fleet: In calculating total trawl discard mortality, the GMT tried to acknowledge two facts. First, some discard occurs in trips without Dover sole, thornyheads and trawl-caught sablefish (DTS) complex landings (and these were not included in deriving the 29% figure). Second, elimination of the limit for small sablefish, if continued in 2001, will reduce size-related discards. The GMT assumed this might result in a 20% reduction in the 29% rate, due to increased retention of small fish. The GMT then added an arbitrary 5%-points to this amount to reflect discard that was not included (which presumably occurred because vessels were already at their limit). The GMT assumed an average mortality rate of 70% for discarded fish, which may be too low for a predominantly summer fishery, and may be too high for a winter fishery. It may be appropriate to estimate trawl discard survival based on the target fishing opportunities the Council adopts.

Table 1.--Overview of sablefish allocations to fishery sectors, under alternative methods of accounting for discard mortality.

	2001a		2001b		2001c		2001d		Derivation of 2001b rate	
	Allocated catch		Allocated catch		Allocated catch	chg. from 2001b	Allocated catch	chg. from 2001b	% of total allocated catch	Assumed discard mortality rates Sector Fleet
Discard accounting method	Current method (% off top)				Individual sector accounting trawl based on EDCP; other rates assumed					
	10%		12.5% (EDCP)							
LE allocation between trawl / fixed-gear	58% / 42% allocation of landed catch				58% / 42% of total catch		61% / 39% total catch (58% / 42% landed catch)			
Total catch OY (mt)	6,895		6,895		6,895		6,895			12.4%
Total assumed discard mortality (mt)	690		862		856		888			
Tribal										
Total catch allocated (mt)					690		690		10.0%	0.3%
Assumed discard mortality rate					3%		3%			
Assumed discard mortality (mt)					21		21			
Landed catch (mt)	621		603		669	+10.9%	669	+10.9%		
OA										
Total catch allocated (mt)					583		583		8.5%	0.7%
Assumed discard mortality rate					8%		8%			
Assumed discard mortality (mt)					47		47			
Landed catch (mt)	525		510		537	+5.1%	537	+5.1%		
LE Trawl										
Total catch allocated (mt)					3,261		3,430		47.3%	10.4%
Assumed discard mortality rate					22%		22%			
Assumed discard mortality (mt)					717		754			
Landed catch (mt)	2,935		2,853		2,543	-10.9%	2,675	-6.2%		
LE fixed-gear										
Total catch allocated (mt)					2,361		2,193		34.2%	1.0%
Assumed discard mortality rate					3%		3%			
Assumed discard mortality (mt)					71		66			
Landed catch (mt)	2,125		2,066		2,290	+10.9%	2,127	+2.9%		
If ITQ exception approved										
LE fixed-gear					8%		8%			
Assumed discard mortality rate					189		175			
Assumed discard mortality (mt)					2,172		2,017			

Assumed distribution of sablefish sizes after, distribution of 'Unspecified grade' fish, using average price for all landings of the same condition and size

	DTL fishery		3-tiered fishery		Mop-up fishery	
Large	22.0%	63.6%	11.0%	43.1%	22.2%	61.2%
Medium	41.7%		32.0%		39.1%	
Small	30.1%	36.4%	42.0%	56.9%	32.8%	38.8%
Extra-small	6.2%		14.9%		6.0%	

Assessment of discard mortality in the DTL and Mop-up fisheries

If the 3-tiered fishery is taken to be the "true" encounter rate, the amount of fish that would have been caught in order to get 62 lb of L-M in every 100 landed would be:	144.2
So, for every 100 lb landed, the amount discarded would be:	44.2
If the total mortality rate from handling, time on deck, ghost fishing, etc. is:	20%
The amount of discard mortality poundage would be:	8.8
The sum of landed catch and discard mortality poundage would be:	108.8
Yielding discard mortality as a % of [landings + discard mortality] of:	8%

Assessment of discard mortality in the 3-tiered fishery

Of the 164 eligible permits, 68 had landing close to their limits in 1999, representing:	41%
If the amount of their actual catch exceeded their landings by:	15%
Given the generally proportional distribution of permits that achieved limits throughout the 3 tiers, this rate of overage would result in discard as a % of landings of:	6.2%
Using the mortality rate from above (20%), 100 lb of landings would produce mortality lbs =	1.2

If we weight these discard rates the fish caught in each portion of the fishery, we get

	<u>DTL</u>	<u>3-tier</u>	<u>Mop-up</u>	
discard rate	8%	1.2%	8%	
weight	15%	80%	5%	
fleet	1.2%	1.0%	0.4%	2.6%

However, if the ITQ moratorium were lifted for the fishery in 2001 and a generally unconstraining season length were set, we would have to seriously consider applying the 8% rate estimated for the DTL and mop-up fisheries to the entire LE fixed-gear allocation.

Trawl sablefish mortality rate

EDCP discard rate	sm. fish savings of 20%	add. discard from non- DTS land.	Overall discard rate	landings + discard / 100 lb land.	assumed mortality rate	lbs of discard mort.	Discard mort. / (landings + dis. mort.)
29%	23%	5%	28%	139	70%	27	22%

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
APPORTIONMENT OF SABLEFISH DISCARD ESTIMATES FOR 2001

The Groundfish Advisory Subpanel (GAP) reviewed proposed formulas for allocating sablefish discards among gear sectors.

After considerable discussion and a presentation from the Groundfish Management Team (GMT), a majority of the GAP recommended the Council adopt the apportionment identified as "2001c" in the Supplemental GMT Report under this agenda item. A minority of the GAP agreed apportionment by sector is appropriate, but recommended no particular apportionment scheme.

PFMC
10/31/00

Preliminary Council acceptable biological catch (ABC) and optimum yield (OY) recommendations for 2001 for the Washington, Oregon, and California region by management area (metric tons). Page 1 of 3. (Species marked with * are overfished).

ROUNDFISH	Preliminary Council ABC Recommendations					Proposed 2001 OYs	2000 OYs	
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total for Areas Noted		Total Catch
LINGCOD* b/	610		509			1,119 b/	611	378
Pacific cod	3,200		c/			3,200	NA c/	
Whiting d/	232,000 d/					232,000 d/	232,000	232,000
Sablefish e/	7,661 e/					7,661 e/	6,895 e/	7,919
Conception area f/					472	472	472	
ROCKFISH							Total Catch	
PACIFIC OCEAN PERCH*	1,541 g/		c/			1,541 g/	626 g/	294
Shortbelly	13,900 h/					13,900	13,900 h/	13,900
WIDOW	3,727 i/					3,727 i/	1,775-2,864 i/	4,333
CANARY* j/	228 j/					228 j/	60 j/	200
Chilipepper			2,700 k/			2,700 k/	2,000 k/	2,000
BOCACCIO* l/	c/		122			122 l/	100 l/	100
Splitnose m/			615			615	461 m/	615
Yellowtail n/	3,146		c/			3,146 n/	3,146 n/	3,539
Thornyheads								
Shortspine o/	757 o/					757 o/	689 o/	970
Conception area					175	175	175	
Longspine p/	2,461 p/					2,461 p/	2,461	4,102
Conception area					429	429	429	
COWCOD*			19	5		24	2.4 q/	<5
DARKBLOTCHED* r/	302 - 349					302-349	95-130	(256)
Minor Rockfish N s/	5,456 j/					5,456 s/	3,636 s/	3814
Minor Rockfish S t/			3,731			3,731 t/	2,053	1899
Remaining rockfish u/	3,625		680 u/					
bank	c/		350			350 v/	NA	
black w/	1,200					1,200	NA	
blackgill x/	c/		440			440 x/	NA	
bocaccio	420					420	NA	
redstripe	768		c/			768	NA	
sharpchin	409		60			469	NA	
silvergrey	51		c/			51	NA	
splitnose	322		c/			322	NA	
yelloweye	39		c/			39	NA	
yellowmouth	132		c/			132	NA	
yellowtail			155			155	NA	
Other rockfish y/	2,068 y/		2,777 y/				NA	

FLATFISH	Preliminary Council ABC Recommendations						Proposed 2001 OYs	2000 OYs
	Vancouver	Columbia	Eureka	Monterey	Conception	Total for areas noted	Total Catch	
Dover sole z/	7,151				526	7,677 z/	7,677	9,426
English sole	2,000	1,100				2,693 aa/	NA	
Petrale sole aa/	1,450	500	800	200		2,567 aa/	NA	
Arrowtooth flounder	5,800					5,046 aa/	NA	
Other flatfish	700	3,000	1,700	1,800	500	6,699 aa/	NA	
OTHER FISH bb/	2,500	7,000	1,200	2,000	2,000	14,700	NA	

- a/ ABC applies to the U.S. portion of the Vancouver area, except as noted. For lingcod, the U.S. ABC is set at 44% of the total for the area.
- b/ Lingcod - designated as overfished in 1999; the new coastwide assessment calculates separate ABCs for the northern (Vancouver-Columbia) and southern (Eureka-Monterey-Conception) stocks based on $F_{45\%}$. The OY (611 mt) is the sum of the yields (307 mt plus 304 mt) from the two new assessments associated with a constant exploitation rate where 60% of the simulated runs rebuilt in 9 years.
- c/ These species are neither common nor important to commercial and recreational fisheries in the areas footnoted. Accordingly, for convenience, Pacific cod in the areas footnoted is included in the non-numerical OY for "other fish." Rockfish species are included in either the "other rockfish" or "remaining rockfish" category for the areas footnoted only.
- d/ An update of the previous whiting assessment is expected in November. If the results are similar (within about 10%), the current ABC and OY values (232,000 mt, U.S. only) will be carried over to 2001. If the results are different, the Council will delay its decision on the final 2001 ABC and OY until the March 2001 meeting.
- e/ Sablefish - ABC (7,661 mt) is based on $F_{45\%}$, and the preliminary total catch OY (6,895 mt) is based on application of the 40-10 adjustment for stocks below 40% of unfished biomass. The stock is estimated to be at 37% of its unfished level, but there is substantial uncertainty in the biomass estimate; incoming recruitment appears poor. The Council is considering alternative methods of applying bycatch adjustments, which will affect the landed catch targets for the various commercial fishing sectors. As in the past, this OY applies north of 36°N latitude.
- f/ The ABC and OY for the Conception area (south of 36°N latitude), which are based on historical landings, remain the same as 2000. There are no limited entry and open access allocations for the Conception area at this time.
- g/ Pacific Ocean perch - the ABC for this overfished stock is based on the 2000 assessment for Vancouver and Columbia (1,523 mt, at F_{MSY}), plus 18 mt for Eureka. The preliminary OY for the Vancouver-Columbia-Eureka area is 626 mt (which is based on $F_{50\%}$ and the 40-10).
- h/ Shortbelly rockfish remains an unexploited stock and is difficult to assess quantitatively. NMFS recruitment surveys indicate poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population. The GMT recommends ABC and OY remain at 13,900 mt.
- i/ Widow rockfish - the 2000 assessment indicates the stock has declined to about 24% of its unfished reproductive potential and is overfished; a draft rebuilding analysis indicates the stock is above 50% of its MSY level (which is an alternative overfished threshold) meaning the stock is not overfished. The 3,727 mt preliminary ABC is based on the $F_{50\%}$ harvest rate. One OY option (2,864 mt) is based on $F_{50\%}$ and the 40-10 policy; the second OY option (1,775 mt) is based on $F_{65\%}$ and the 40-10 policy, which is calculated to rebuild the stock in 10 years.
- j/ Two canary rockfish assessments in 1999 addressed the northern and southern portions of the stock and estimated current abundance to be between about 7% of unfished in the south to 20% of unfished in the north. The coastwide ABC (228 mt) is based on $F_{50\%}$. The preliminary OY range (60 mt) is based on the initial rebuilding analysis, the sum of 40 mt in the north and 20 mt in the south.
- k/ Chilipepper rockfish - The ABC (2,700 mt) for the Monterey and Conception areas is based on the 1998 assessment and application of the $F_{50\%}$ harvest rate. The stock is estimated to be above the 40% precautionary threshold so the default OY would equal ABC. The Council recommends OY remain at 2,000 mt, in part to avoid increased bycatch of bocaccio. (The northern remaining rockfish ABC in 2000 includes 43 mt of chilipepper for the Eureka area.)
- l/ Bocaccio in the south is overfished; the preliminary ABC (122 mt) is based on $F_{50\%}$. The proposed OY is unchanged from 2000, which was set based on the rebuilding plan.
- m/ Splitnose rockfish (often called "rosefish") - ABC (615 mt) is a reduction from 2000 based on the revised F_{MSY} harvest rate policy. Consistent with the Council's precautionary policy, the preliminary OY recommendation (461 mt) reflects a 25% reduction from ABC, because of the less-rigorous assessment method used for this stock.
- n/ Yellowtail rockfish - the preliminary ABC recommendation (3,146 mt) applies to the Eureka, Columbia, and U.S. portion of the Vancouver areas. The stock is estimated to be at 63% of its pristine level. OY would equal ABC due to current stock abundance. However, the stock is expected to continue declining in the near future due to poor recruitment in recent years. Discard of yellowtail rockfish in the at-sea fisheries for Pacific whiting will be taken into account when setting the landed catch equivalent.

- o/ Shortspine thornyhead - the ABC recommendation (757 mt) is based on a synthesis of two stock assessments prepared in 1998 and application of the $F_{50\%}$ harvest rate. The assessment addressed the area north of 36° N latitude, which is the northern boundary of the Conception area. Therefore, this ABC and OY apply only to that area. The stock size was estimated to be 32% of the unfished abundance in 1999. The OY (689 mt) is based on $F_{50\%}$ and the 40-10 policy. The landed catch equivalent will reflect a reduction for discard. A separate ABC and OY (based on historical catch) apply to the part of the Conception area north of Point Conception; there is no ABC or OY for the southern Conception area.
- p/ Longspine thornyhead - the ABC (2,461 mt) north of the Conception area is the same as in 2000, based on the average of the 3 year individual ABCs at $F_{50\%}$. The stock is estimated to be above the 40% precautionary threshold. If the Council chooses to apply the $F_{50\%}$ harvest rate and the revised discard adjustment, the total and landed catch OYs would be 2,461 mt and 2,067 mt, respectively. The ABC and OY for the Conception area apply north of Point Conception. The southern Conception area has neither an ABC or OY.
- q/ Cowcod - the 1999 assessment of the Conception area indicates this stock is overfished, with abundance below 10% of the unfished level. The Council recommends ABC in the Conception area be 5 mt (based on the assessment) and 19 mt in the Monterey area (based on average landings from 1983-1997). The preliminary OY is 2.4 mt.
- r/ Darkblotched rockfish - The 2000 assessment indicates the stock is overfished, with current biomass about 22% of the initial biomass. The lower ABC (302 mt) is based on 10% catch in the Russian fishery; the upper ABC (349 mt) assumes 0%. The lower OY (95 mt) is the constant annual catch that would rebuild the stock in 10 years, based on the 10% assumption; the upper OY (130 mt) is the constant catch to rebuild in 10 years, assuming a smaller percentage.
- s/ Minor rockfish (north) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the U.S., Vancouver, Columbia, and Eureka areas combined. The final ABCs will be adjusted to comply with the revised harvest rate policy. The total catch OY is the sum of 75% of the "remaining rockfish" total plus 50% of the "other rockfish" ABCs in these three areas. The reduction in the contribution of remaining and other rockfish is intended to reflect the new default harvest rate and an additional 25% reduction is made to address uncertainty in stock status due to limited information. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- t/ Minor rockfish (south) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the Monterey and Conception areas combined. The final ABCs will be adjusted to comply with the revised harvest rate policy. The ABC is the sum of all those individual species ABCs in these areas. The reduction in the contribution of remaining and other rockfish is intended to reflect the new default harvest rate, and an additional 25% reduction is made to address uncertainty in stock status due to limited information. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- u/ Remaining rockfish includes all rockfish species below in the table except the "Other Rockfish" category.
- v/ Bank rockfish - the preliminary ABC is 350 mt. This species will contribute 200 mt (75% of ABC, minus 25% as a precautionary adjustment) to the 2001 minor rockfish OY in the south.
- w/ Black rockfish - this 1,200 mt is the sum of the ABC calculated for the assessment area (700 mt) plus the average catch in the unassessed area (500 mt). This stock contributes 950 mt towards the minor rockfish OY in the north: 700 mt for the assessed area and 50% of the unassessed area. The 50% reduction is a precautionary adjustment.
- x/ Blackgill rockfish - the 1998 stock assessment estimates the Conception area stock to be at about 51% of pristine levels. The 365 mt ABC is based on $F_{40\%}$; 75 mt was added for the Monterey area. Upon completion of the assessment in 1998, this stock was moved from the "Other Rockfish" category to the "Remaining Rockfish" category. The GMT will continue to monitor landings, if landings reach 300 mt, the GMT will alert the Council to the possible need for management action or a stock assessment.
- y/ Other rockfish includes rockfish species of the genus *Sebastes* not identified above in this table. The ABC recommendation is the same as 2000; it is based on the 1996 *Sebastes* complex review of commercial landings and includes an estimate of recreational landings. These species have never been formally assessed.
- z/ The 1997 Dover sole assessment evaluated the resource north of 36° N latitude as a unit and provided ABCs for landed catch based on the both the $F_{35\%}$ and $F_{40\%}$ harvest rates. The preliminary ABC is based on $F_{40\%}$ ABC. The Conception area Dover sole ABC was at the level established in the original FMP, which was based on average landings. This is reduced by 50%, consistent with the new harvest policy. The ABCs represent total catch, and were converted by estimating that 5% of the total catch is discarded. Therefore, the coastwide ABC and OY range of 7,677 mt are for total catch with a landed catch equivalent of 7,293 mt.
- aa/ English and petrale soles, arrowtooth flounder, and other flatfish - the 1998 petrale sole assessment provided ABC values based on both $F_{35\%}$ and $F_{40\%}$. The same ratio (.87) was used to calculate total ABCs at $F_{40\%}$ for the other species of flatfish.
- bb/ Includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in c/.

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Final Council acceptable biological catch (ABC) and optimum yield (OY) recommendations for 2001 for the Washington, Oregon, and California region by management area (metric tons). Page 1 of 3.

ROUNDFISH	Final Council ABC Recommendations for 2001					Final 2001 OYs (Total Catch)	2000 OYs
	Vancouver a/	Columbia	Eureka	Monterey	Conception	Total for Areas Noted	
LINGCOD b/	610		509			1,119 b/	611 378
Pacific cod	3,200		c/			3,200	NA c/
Whiting d/		190,400 d/				190,400 d/	190,400 232,000
Sablefish e/		7,661 e/				7,661 e/	6,895 e/ 7,919
Conception area f/					425	425	212
ROCKFISH							
PACIFIC OCEAN PERCH	1,541 g/					1,541 g/	303 g/ 270
Shortbelly		13,900 h/				13,900	13,900 h/ 13,900
WIDOW		3,727 i/				3,727 i/	2,300 i/ 4,333
CANARY j/		228 j/				228 j/	93 j/ 200
Chilipepper			2,700 k/			2,700 k/	2,000 k/ 2,000
BOCACCIO l/			122			122 l/	100 l/ 100
Splitnose m/			615			615	461 m/ 615
Yellowtail n/	3,146					3,146 n/	3,146 n/ 3,539
Thornyheads							
Shortspine o/		757 o/				757 o/	689 o/ 970
Conception area					123	123	62 o/
Longspine p/		2,461 p/				2,461 p/	2,461 4,102
Conception area					390	390	195 p/
COWCOD					2.4	2.4	2.4 q/ <5
			19			19	2.4
DARKBLOTCHED r/		302 - 349				302-349	130 -256
Minor Rockfish N s/	4,823 k/					4,823 s/	3,137 s/ 3814
Minor Rockfish S t/			3,556			3,556 t/	2,043 1899
Remaining rockfish u/	2,755		854 u/				
bank	c/		350			350 v/	NA
black w/	1,115					1,115	NA
blackgill x/	c/		343			343 x/	NA
bocaccio	318					318	NA
chilipepper	32					32	
redstripe	576		c/			576	NA
sharpchin	307		45			352	NA
silvergrey	38		c/			38	NA
splitnose	242		c/			242	NA
yelloweye	29		c/			29	NA
yellowmouth	99		c/			99	NA
yellowtail			116			116	NA
Other rockfish y/	2,068 y/		2,702 y/				NA

FLATFISH	Final Council ABC Recommendations						Final 2001 OYs	2000 OYs
	Vancouver	Columbia	Eureka	Monterey	Conception	Total for areas noted	Total Catch	
Dover sole z/	7,151				1,053	8,204 z/	7,677	9,426
English sole	2,000		1,100			3,100	NA	
Petrale sole	1,262 aa/		500	800	200	2,762	NA	
Arrowtooth flounder	5,800					5,800	NA	
Other flatfish	700	3,000	1,700	1,800	500	7,700	NA	
OTHER FISH bb/	2,500	7,000	1,200	2,000	2,000	14,700	NA	

- a/ ABC applies to the U.S. portion of the Vancouver area, except as noted. For lingcod, the U.S. ABC is set at 44% of the total for the area.
- b/ Lingcod - designated as overfished in 1999; the new coastwide assessment calculates separate ABCs for the northern (Vancouver-Columbia) and southern (Eureka-Monterey-Conception) stocks based on $F_{45\%}$. The OY (611 mt) is the sum of the yields (307 mt plus 304 mt) from the two new assessments associated with a constant exploitation rate where 60% of the simulated runs rebuilt in 9 years.
- c/ These species are neither common nor important to commercial and recreational fisheries in the areas footnoted. Accordingly, for convenience, Pacific cod in the areas footnoted is included in the non-numerical OY for "other fish." Rockfish species are included in either the "other rockfish" or "remaining rockfish" category for the areas footnoted only.
- d/ An update of the 1998 whiting assessment confirmed the stock has declined as expected, and the calculated ABC for the combined U.S. and Canadian area is 238,000 mt. The U.S. OY (80%) is 190,400 mt.
- e/ Sablefish - ABC (7,661 mt) is based on $F_{45\%}$, and the preliminary total catch OY (6,895 mt) is based on application of the 40-10 adjustment for stocks below 40% of unfished biomass. The stock is estimated to be at 37% of its unfished level, but there is substantial uncertainty in the biomass estimate; incoming recruitment appears poor. As in the past, this OY applies north of 36°N latitude.
- f/ The sablefish ABC and OY for the Conception area (south of 36°N latitude) are based on historical landings. OY is 50% of ABC, in line with the risk averse policy. There are no limited entry and open access allocations for the Conception area at this time.
- g/ Pacific Ocean perch - the ABC for this overfished stock is based on the 2000 assessment for Vancouver and Columbia (1,523 mt, at F_{MSY}), plus 18 mt for Eureka. The 2001 OY set in the rebuilding plan is 303 mt for the Vancouver-Columbia-Eureka area.
- h/ Shortbelly rockfish remains an unexploited stock and is difficult to assess quantitatively. NMFS recruitment surveys indicate poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population. The GMT recommends ABC and OY remain at 13,900 mt.
- i/ Widow rockfish - the 2000 assessment indicates the stock has declined to about 24% of its unfished reproductive potential and is overfished. The 3,727 mt ABC is based on the $F_{50\%}$ harvest rate. The final OY is the average of 2,864 mt (based on $F_{50\%}$ and the 40-10 policy) and 1,775 mt (based on $F_{65\%}$ and the 40-10 policy), rounded to 2,300 mt.
- j/ Two canary rockfish assessments in 1999 addressed the northern and southern portions of the stock and estimated current abundance to be between about 7% of unfished in the south to 20% of unfished in the north. The coastwide ABC (228 mt) is based on $F_{50\%}$. The final OY (93 mt) is based on the rebuilding analysis, the sum of 73 mt in the north and 20 mt in the south. The sum includes 5 mt for research; thus the catch limit is 88 mt for non-research activities.
- k/ Chilipepper rockfish - The ABC (2,700 mt) for the Monterey and Conception areas is based on the 1998 assessment and application of the $F_{50\%}$ harvest rate. The stock is estimated to be above the 40% precautionary threshold so the default OY would equal ABC. OY is set at 2,000 mt, in part to avoid increased bycatch of bocaccio. (The northern remaining rockfish ABC in 2000 includes 32 mt of chilipepper for the Eureka area.)
- l/ Bocaccio in the south is overfished; the preliminary ABC (122 mt) is based on $F_{50\%}$. The proposed OY is unchanged from 2000, which was set based on the rebuilding plan.
- m/ Splitnose rockfish (often called "rosefish") - ABC (615 mt) is a reduction from 2000 based on the revised F_{MSY} harvest rate policy. Consistent with the Council's precautionary policy, the final OY recommendation (461 mt) reflects a 25% reduction from ABC, because of the less-rigorous assessment method used for this stock.
- n/ Yellowtail rockfish - ABC (3,146 mt) applies to the Eureka, Columbia, and U.S. portion of the Vancouver areas. The stock is estimated to be at 63% of its pristine level, and under the default policy, OY is equal to ABC. The stock is expected to continue declining in the near future due to poor recruitment in recent years. Discard of yellowtail rockfish in the at-sea fisheries for Pacific whiting will be taken into account when setting the landed catch equivalent.

- J/ Shortspine thornyhead - The assessment addressed the area north of 36° N latitude, which is the northern boundary of the Conception area. Therefore, this ABC and OY apply only to that area. The ABC recommendation (757 mt) is based on a synthesis of two stock assessments prepared in 1998 and application of the $F_{50\%}$ harvest rate. The stock size was estimated to be 32% of the unfished abundance in 1999. The OY (689 mt) is based on $F_{50\%}$ and the 40-10 policy. The landed catch equivalent will reflect a reduction for discard. A separate ABC for the part of the Conception area north of Point Conception is based on historical landed catch (123 mt); the OY, which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (78 mt) could be computed by adding an assumed discard of 30%. There is no ABC or OY for the southern Conception area.
- p/ Longspine thornyhead - the ABC (2,461 mt) north of the Conception area is based on the average of the 3 year individual ABCs at $F_{50\%}$. The stock is estimated to be above the 40% precautionary threshold. Application of the new discard adjustment results in landed catch OY of 2,067 mt. A separate ABC for the Conception area north of Point Conception is based on historical average landed catch (390 mt). The OY, which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (235 mt) could be computed by adding an assumed discard of 17%. There is no ABC or OY for the southern Conception area.
- q/ Cowcod - the 1999 assessment of the Conception area indicates this stock is overfished, with abundance below 10% of the unfished level. The ABC and OY for the Conception area (5 mt and 2.4 mt, respectively) are based on the assessment and rebuilding analysis. The Monterey area ABC (19 mt) is based on average landings from 1983-1997, and the OY is 2.4 mt.
- r/ Darkblotched rockfish - The 2000 assessment indicates the stock is overfished, with current biomass about 22% of the initial biomass. The lower ABC (302 mt) is based on the assumption 10% of the red rockfish catch in the Russian fishery was darkblotched rockfish; the upper ABC (349 mt) assumes 0%. The OY (130 mt) is the constant annual catch that would rebuild the stock in 10 years, based on the assumption that 5% of the catch was darkblotched.
- s/ Minor rockfish (north) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the U.S., Vancouver, Columbia, and Eureka areas combined. The GMT's final ABC recommendations have been adjusted to comply with the revised harvest rate policy. The total catch OY is the sum of 75% of the "remaining rockfish" ABCs plus 50% of the "other rockfish" ABCs in these three areas. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- t/ Minor rockfish (south) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the Monterey and Conception areas combined. The GMT's final ABC recommendations have been adjusted to comply with the revised harvest rate policy. The total catch OY is the sum of 75% of the "remaining rockfish" ABCs plus 50% of the "other rockfish" ABCs in these three areas. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- u/ Remaining rockfish includes all rockfish species below in the table except the "Other Rockfish" category.
- v/ Bank rockfish - the ABC is 350 mt. This species will contribute 200 mt (75% of ABC, minus 25% as a precautionary adjustment) to the 2001 minor rockfish OY in the south.
- w/ Black rockfish - this 1,115 mt is the sum of the ABC calculated for the assessment area (615 mt) plus the average catch in the unassessed area (500 mt). This stock contributes 865 mt towards the minor rockfish OY in the north: 615 mt for the assessed area and 50% of the unassessed area ABC.
- x/ Blackgill rockfish - the 1998 stock assessment estimates the Conception area stock to be at about 51% of pristine levels. The 268 mt ABC is based on $F_{50\%}$; 75 mt was added for the Monterey area.
- y/ Other rockfish includes rockfish species of the genus *Sebastes* not identified above in this table. The ABC recommendation is the same as 2000; it is based on the 1996 *Sebastes* complex review of commercial landings and includes an estimate of recreational landings. These species have never been formally assessed.
- z/ The 1997 Dover sole assessment evaluated the resource north of 36° N latitude as a unit and provided ABCs for landed catch based on the both the $F_{35\%}$ and $F_{40\%}$ harvest rates. The ABC is based on $F_{40\%}$ ABC. The Conception area Dover sole ABC was at the level established in the original FMP, which was based on average landings. Its contribution to OY is reduced by 50%, consistent with the new harvest policy. The ABCs represent total catch, and were converted by estimating that 5% of the total catch is discarded. Therefore, the coastwide OY of 7,677 mt for total catch has a landed catch equivalent of 7,293 mt.
- aa/ Petrale sole - the 1998 assessment of petrale sole in the Vancouver and Columbia areas provided ABC values based on both $F_{35\%}$ and $F_{40\%}$. The final ABC is based on $F_{40\%}$.
- bb/ Includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in c/.

Estimates of 2001 Recreational Catch and Calculations of Commercial Limited Entry
and Open Access Allocations (in mt)

	2001 Total ABC (US)	Council Final Optimum Yield (OY)						Open-Access		Limited-entry		
		Total		Tribal	Rec.	Comp.	Comm.	%	Landed catch	Total catch	At-sea Bycatch	Landed
		Catch	Landed									
Lingcod	1,119	611			360		251	19.0%	48	203		203
Whiting	190,400	190,400	190,400				190,400					
tribal				27,500			27,500					
Sablefish(N of 36°)[2001c]	7,661	6,895	6,206			24	6,206	9.4%	537	5,622		4,834
tribal				669			669					
Conception	425		212				212					
Dover sole	7,677	7,677	7,293			67	7,610			7,610		7,293
English sole	3,100											
Petrale sole	2,700											
Arrowtooth flounder	5,800											
Other flatfish	7,700											
Thornyheads												
Shortspine (N of 36°)	757	689	552			4	685	0.27%	2	683		546
Conception	123		62				0	0.27%	0	0		0
Longspine (N of 36°)	2,461	2,461	2,051			8	2,453			2,453		2,043
Conception	390		195				0			0		0
Widow	3,727	2,300	1,739		40		2,260	3.0%	68	2,192	250	1,631
Canary	228	93	82		44	5	44	12.3%	5	39	3	30
POP	1,541	303	255				303			303		255
Yellowtail	3,146	3,146	2,126		60		3,086	8.3%	256	2,830	675	1,810
Chillipepper	2,700	2,000	1,823		15		1,985	44.3%	879	1,106		929
Splitnose (Rosefish)	615	461	387				461			461		387
Bocaccio	122	100	100		48		52	44.3%	19	29		29
Cowcod - S of Pt. Concep	2.4	2.4					0		0			0
Monterey & N Concep	19	2.4					0		0			0
Darkblotched (high OY)		130	106				130		3	126		106
Minor Rockfish												
<u>North of Mendocino</u>	4,823	3,137	2,784		645		2,492	9.6%	221	2,254		1,918
Near-shore		987	966		575		412		181	222		211
Shelf		990	843		70		920		34	880		740
Slope		1,160	974				1,160		7	1,152		968
<u>South of Mendocino</u>												

[NEW]												
(4-mo shelf closure, 2-mo NS during closure)	3,556	2,040	1,870		950		1,090	44.3%	414	597		506
Near-shore		662	656		550		112		74	34		32
Shelf		739	685		400		339		176	129		109
Slope		639	528				639		164	434		365

FINAL HARVEST LEVELS AND OTHER SPECIFICATIONS FOR 2001

Situation: Each year, the Council recommends harvest specifications for the upcoming year. This is a two-meeting process that begins with the Council making preliminary recommendations at the September meeting and final recommendations at the November meeting. For the purposes of this meeting, desired strategy is that the Council complete, within this agenda item, all the necessary harvest level decisions for 2001; provide a day (Wednesday) for advisory bodies to prepare management recommendations to achieve those harvest levels, and make final decisions on management measures under agenda item C.9 on Thursday.

The fishery management plan (FMP) requires the Council to establish reference points for each major species or species group: an acceptable biological catch (ABC), an optimum yield (OY), and overfishing threshold. In addition to the OYs, the anticipated tribal and/or recreational catch of some species must be identified so that allocations can be calculated for the commercial open access and limited entry fisheries. The Council needs to confirm or revise its preliminary recommendations at this time, and then may need to identify additional species and species groups for allocation between limited entry and open access fisheries in 2000. In the past, this has included most stocks whose OYs were expected to be reached.

Process for Developing Final ABC and OY Recommendations

Draft assessment documents, Stock Assessment (STAT) Team summaries and Stock Assessment Review (STAR) Panel reports were mailed to Council family and others in August 2000. The Groundfish Management Team (GMT) has developed its final 2001 ABC and OY recommendations (Exhibit C.3.c, GMT Reports 1 and 2). The GMT has recommended a few changes from the preliminary recommendations, which can be seen by comparing the last two columns of Exhibit C.3.c, GMT Report 1.

(For a more detailed evaluation of the changes in comparison to 2000 levels, compare GMT Report 1 to Attachment 1). The GMT's estimates of 2001 recreational catch and preliminary calculations of the various allocations are provided in Exhibit C.3.c, GMT Report 3). Although management measures to achieve the harvest targets will be discussed later in the meeting under Agenda C.9, the 2001 recreational catch of various species must be estimated now so the commercial targets can be calculated and management measures developed. The Council should provide guidance to the Groundfish Advisory Subpanel (GAP) and GMT so they can work out specific proposals to achieve the proposed targets. Finally, the Council may need to specify that no groundfish are available for foreign fishing or processing.

Changes from Current (year 2000) Harvest Specifications

Stock assessments were prepared in 2000 for darkblotched rockfish, lingcod (coastwide), widow rockfish, bank rockfish, Pacific Ocean perch (POP), and yellowtail rockfish. These new assessments calculate different ABC values than those in place for the year 2000. In addition, application of the new (lower) default harvest rates results in reduced ABC values for several groundfish stocks. The overall difference between the 2000 OYs and the GMT's final 2001 recommendations is a reduction valued about \$11 million.

The overall limited entry and open access allocation shares are based on landings during the limited entry window period and do not change from year to year. In the northern area, the open access allocation is based primarily on groundfish harvest in the pink shrimp fishery. In the southern area, the open access allocation share reflects groundfish harvest by set net gear during that period. Each of those fisheries harvested a mix of species that is substantially different from the mix taken by current participants (mostly hook-and-line fishers). Historical catch statistics are inadequate for calculating species by species allocation shares, and division of the rockfish complex into slope, shelf and nearshore components has made it difficult to determine allocation shares that match both the current and historic harvest patterns. In addition, the current open access fishery is concentrated in nearshore waters targeting many of the same species as the recreational fishery; recreational catch takes precedence in the calculations. The GMT has attempted to develop recommendations that provide each sector with access to its fair share (see GMT Report 3).

Compensation to Vessels Participating in Scientific Research

Amendment 11 provided for using amounts of groundfish as payment to vessels that participate in National Marine Fisheries Service (NMFS)-sponsored scientific research. There are two parts to the process. The amounts that were taken during the current or previous year are deducted from the ABCs prior to setting optimum yield OY so that all groundfish users share the cost of scientific research activities. In this case, the amounts of fish taken in 1999-2000 as compensation for conducting the NMFS surveys must be subtracted:

Sablefish north of 36° N latitude	24.2 mt
Longspine thornyhead	8.3 mt
Shortspine thornyhead	4.1 mt
Dover sole	67.1 mt

Second, the Council authorizes amounts to be available for compensation in the upcoming year. NMFS may propose compensation amounts at this time. The actual amounts provided to vessels will be deducted from the 2002 ABCs.

Council Action: *(Motions must be visible in writing prior to vote).*

- 1. Adopt final recommendations for ABCs and OYs for 2001.**
- 2. Adopt final recommendations for tribal allocations.**
- 3. Adopt estimates of recreational harvest of various species in 2001.**
- 4. Identify any changes of species to be allocated between limited entry and open access sectors.**
- 5. Adopt final recommendations for domestic annual processing, joint venture processing, and total allowable level of foreign fishing, if necessary.**

Reference Materials:

1. Preliminary Council ABC and OY Recommendations for 2001 (Exhibit C.3, Attachment 1).
2. Table of GMT Final ABC and OY Recommendations for 2001 (Exhibit C.3.c, GMT Report 1).
3. GMT Final Recommendations Report for ABC and OY in 2001 (Exhibit C.3.c, GMT Report 2).
4. GMT Estimates of 2001 Recreational Catch and Calculations of Commercial Limited Entry and Open Access Allocations (Exhibit C.3.c, GMT Report 3).

PFMC
10/18/00

Pacific Whiting Assessment Update for 2000

Overview

Since the last Pacific whiting assessment in 1998, limited new data are available. Fishery age composition data are available for the 1998 and 1999 U.S. and Canadian fisheries, and indices of whiting recruitment are available from the 1999 and 2000 SWFSC larval rockfish survey. Although these data contain relatively little information concerning absolute abundance, they can provide an indication of the strength of recruiting year classes. A coastwide acoustic survey, the primary index of whiting abundance, is planned for summer of 2001. Recent fishery composition data and recruitment indices were evaluated for consistency with 1998 model projections in a preliminary assessment model run. This model used the same configuration as the 1998 assessment, but included the new fisheries age composition and recruit indices.

Fishery age composition and recruitment indices showed no indication strong recruiting year classes, and suggested a continuing pattern of weak to moderate year classes consistent with the 1998 assessment. Preliminary assessment model runs showed only minor differences in biomass and recruitment estimates. Yield projections for 2001 under the F40% 40-10 option were slightly lower, but within 5% of the projected yield for the 1998 model. Whiting catch in 2000 will be approximately 75% of the ABC due to the scarcity of fishable aggregations of whiting off northern Washington and southeast Vancouver Island. Although an unharvested quota would tend to increase to stock size, catches in 1999 exceeded the ABC by 46,000 tons, and estimates of 1995 and 1996 year class strength are slightly lower in the preliminary model runs.

Given the time constraints to schedule a U.S. and Canadian STAR panel review of a full stock assessment and the fact that available data were available are unlikely to significantly affect assessment results, it is recommended that allowable harvest in 2001 be set to the projections based on the 1998 assessment. Projected 2001 total yield from the 1998 assessment is 238,000 t coastwide (Table below).

Year	Coastwide yield projection (from Dorn et al. 1999, Table 14, F40%, 40-10 option)	Coastwide ABC (tons)	Catch (tons)
1999	301,000	290,000	335,924
2000	275,000	290,000	218,837
2001	238,000	---	---

Assessment Model and Data

The Pacific whiting stock was last assessed in 1998 (Dorn et al. 1998). In that assessment, the age-structured model, which formerly used stock synthesis (Dorn and Methot 1991) to model the

population dynamics and estimate abundance, was converted to AD model builder (Fournier 1996). The 1998 assessment provided model validation using a side-by-side comparison of model results between stock synthesis and ADMB, and then extended the approach to take advantage of ADMB's post-convergence routines to estimate likelihood profiles and explore alternative treatment of process errors. This document provides an update of that assessment using the same model structure and parameter specification. Differences are limited to updated fishery catch and age compositions for 1998 and 1999, and indices of young-of-year abundance from the SWFSC Tiburon laboratory larval rockfish surveys for 1999 and 2000. Therefore, data sources inclusive to this update include:

- Total catch from the U.S. and Canadian fisheries (1972-99).
- Catch at age from the U.S. fisheries (1973-99) and Canadian fisheries (1977-99).
- Biomass and age composition from AFSC acoustic/midwater trawl surveys (1977, 1980, 1983, 1986, 1989, 1992, 1995, 1998).
- Biomass and age composition from AFSC bottom trawl surveys (1977, 1980, 1983, 1986, 1989, 1992, 1995, 1998).
- Biomass and age composition from the DFO acoustic surveys (1990-97).
- Indices of young-of-the-year abundance from the SWFSC Tiburon laboratory larval rockfish surveys (1986-2000).

Projections were performed to estimate 2001 yield and compared to the 1998 assessment using the updated fishery catches and size composition information as well as the Tiburon larval rockfish indices of recruits to age two. Preliminary catch estimates for the 2000 fishing season, used in the projections, were set to 219,000 mt.

Total Catch

Total catches for 1998 and 1999 in this update were compiled from U.S. shore-based landings and at sea domestic catch data provided by Kate King (11 July, 2000; AFSC). Canadian joint-venture and shore-based catch data were provided by Mark Saunders (4 August, 2000; DFO). As in the earlier assessments, shore-based landings, which do not include discard, were taken from the Fishery Information Network (PacFIN) while all other catch data were from the North Pacific Groundfish Observer Program (NPGOP). Total catches of Pacific whiting were 342,568 and 335,924 t in 1998 and 1999, respectively (Table 1). Acceptable biological catch (ABC) was set at 290,000 t, which means the percent of the ABC harvested was 118% and 116% for 1998 and 1999, respectively. Pacific whiting catch data for 2000 are preliminary. U.S. shore-based landings and at sea domestic catch data were provided by Becky Renko (12 October, 2000; AFSC), while foreign and joint-venture catch data provided by Barry Ackerman (13 October, 2000; DFO). Although preliminary at this time, it appears that the 2000 TAC of 290,000 mt will not be realized. As of 13 October, 2000 only 219,000 mt were harvested (Table 1). While the U.S. shore-based and at sea domestic fisheries either met or slightly exceeded the quota, it is unlikely that the Canadian and tribal quota will be harvested.

Fishery Age Composition

A stratified random sampling design was used to estimate the age composition of the landed catch. For both the at sea domestic and shore-based fisheries strata were designated on the basis of geographic area. No seasonal strata have been used since the at sea domestic catches are taken early in the year and biological samples in the shore-based fishery are distributed evenly throughout the year. In the 1998 at sea domestic fishery only two spatial strata were used; north and south of Cape Falcon (45°46' N. lat.). These two strata reflect different areas of harvest in the 1998 at sea domestic fishery as shown by a plot of the distribution of whiting catches within 10' squares (Figure 1a). For 1999, fishery age compositions were estimated on the basis of only one strata inclusive of the entire coastline since nearly all at sea domestic whiting activity was restricted to the region north of Cape Falcon (Figure 1b). For the 2000 fishing season, distribution of at sea catches were similar to that observed in 1998, although at sea harvesting also centered on the area of the Columbia River (Figure 1c).

For the shore-based fishery in 1998 and 1999, four strata were used: 1) northern California (Eureka and Crescent City), 2) southern Oregon (Newport and Coos Bay), 3) northern Oregon (Astoria and Warrenton), and 4) Washington coastal ports (Ilwaco and Westport). Biological samples collected in these ports were used to convert landed weight into numbers which were then apportioned into numbers at age according to proportions at age based on otolith samples. Figure 2 shows the estimated age composition for the 1998 and 1999 shore-based fishery by port in the U.S. zone. Ages 3 through 5 comprise the majority of the catch in each port in 1998. In particular, age-5 fish representing the 1993 year class recruiting to the fishery are prevalent in each port. Age-2 fish not seen in 1997 were evident in the shore-based catches in 1998. In 1999, age-3 fish dominated the fishery catches in all each ports with age-4 and age-5 making secondary contributions to the catches. The size and age composition in Newport during 1992-99 show the recruitment of 1993 and 1994 year classes to the fishery (Figure 3). The catch at age for Pacific whiting in both the U.S. and Canadian fisheries from 1973-1999 are given in Table 2.

Preliminary Assessment Results

Updated assessment results were very similar to that of Dorn et al. (1998) from the last Pacific whiting stock assessment. In particular, estimated 3+ biomass and recruitment trajectories from 1972-1998 were nearly identical (Figure 4). Whiting 3+ biomass for 1999 and 2000 from the 1998 assessment represent projected biomasses while 3+ biomasses for 1999 and 2000 were estimated from the model for this update. Estimated biomasses for 1999 and 2000 did not differ by more than 10%. Biomass in 2001, projected for both the 1998 assessment and this update, were virtually identical at 1.21 million mt (Figure 4). In addition, total yield projected 2001 differed by no more than 5%. Figure 5 illustrates the comparison of the projected 2001 age compositions between the 2000 assessment update and 1998 assessment results. Here, the 2000 assessment update shows relatively lower numbers of ages 4-6 and higher numbers of ages 2-3 Pacific whiting compared to the 1998 assessment. Despite the slight differences in numbers of fish at age between the 2000 update and the 1998 assessment, the updated 2000 model results in

essentially the same projected yield for 2001. Since projections use Tiburon larval rockfish indices to forecast future recruitment, these were updated for this assessment (Figure 6). Recent estimates not included in the 1998 assessment show that recruitment indices in 1999 were slightly above the average, while in 2000 below the average. Though uncertain, these data suggest that the fishery is not expected to see recruitment of strong year classes in the near future.

References

- Dorn, M.W., M.W. Saunders, C.D. Wilson, M.A. Guttormson, K. Cooke, R. Kieser, and M.E. Wilkins. 1999. Status of the coastal Pacific whiting/whiting stock in U.S. and Canada in 1998.
- Dorn, M.W., and R.D. Methot. 1991. Status of the coastal Pacific whiting resource in 1990. U.S. Dep. Commer., NOAA Tech. Memo. NMFS F/NWC-204, 97 p.
- Fournier, D. 1996. An introduction to AD model Builder for use in nonlinear modeling and statistics. Otter Research Ltd. PO Box 2040, Sidney, B.C. V8L 3S3 Canada.

Table 1. Annual catches of Pacific whiting (1,000 t) in U.S. and Canadian management zones by foreign, joint venture (JV), domestic at-sea, domestic shore-based, and tribal fisheries, 1966-2000. Catches in 2000 are preliminary.

Year	Foreign	JV	U.S. Domestic			Total	Canada			Total	U.S. and Canada
			At-sea	Shore	Tribal		Foreign	JV	Shore		total
1966	137.000	0.0	0.0	0.0	0.0	137.000	0.700	0.0	0.0	0.700	137.700
1967	168.699	0.0	0.0	8.963	0.0	177.662	36.713	0.0	0.0	36.713	214.375
1968	60.660	0.0	0.0	0.159	0.0	60.819	61.361	0.0	0.0	61.361	122.180
1969	86.187	0.0	0.0	0.093	0.0	86.280	93.851	0.0	0.0	93.851	180.131
1970	159.509	0.0	0.0	0.066	0.0	159.575	75.009	0.0	0.0	75.009	234.584
1971	126.485	0.0	0.0	1.428	0.0	127.913	26.699	0.0	0.0	26.699	154.612
1972	74.093	0.0	0.0	0.040	0.0	74.133	43.413	0.0	0.0	43.413	117.546
1973	147.441	0.0	0.0	0.072	0.0	147.513	15.125	0.0	0.001	15.126	162.639
1974	194.108	0.0	0.0	0.001	0.0	194.109	17.146	0.0	0.004	17.150	211.259
1975	205.654	0.0	0.0	0.002	0.0	205.656	15.704	0.0	0.0	15.704	221.360
1976	231.331	0.0	0.0	0.218	0.0	231.549	5.972	0.0	0.0	5.972	237.521
1977	127.013	0.0	0.0	0.489	0.0	127.502	5.191	0.0	0.0	5.191	132.693
1978	96.827	0.856	0.0	0.689	0.0	98.372	3.453	1.814	0.0	5.267	103.639
1979	114.909	8.834	0.0	0.937	0.0	124.680	7.900	4.233	0.302	12.435	137.115
1980	44.023	27.537	0.0	0.792	0.0	72.352	5.273	12.214	0.097	17.584	89.936
1981	70.365	43.556	0.0	0.839	0.0	114.760	3.919	17.159	3.283	24.361	139.121
1982	7.089	67.464	0.0	1.024	0.0	75.577	12.479	19.676	0.002	32.157	107.734
1983	0.0	72.100	0.0	1.050	0.0	73.150	13.117	27.657	0.0	40.774	113.924
1984	14.722	78.889	0.0	2.721	0.0	96.332	13.203	28.906	0.0	42.109	138.441
1985	49.853	31.692	0.0	3.894	0.0	85.439	10.533	13.237	1.192	24.962	110.401
1986	69.861	81.640	0.0	3.463	0.0	154.964	23.743	30.136	1.774	55.653	210.617
1987	49.656	105.997	0.0	4.795	0.0	160.448	21.453	48.076	4.170	73.699	234.147
1988	18.041	135.781	0.0	6.876	0.0	160.698	39.714	50.182	0.594	90.490	251.188
1989	0.0	203.578	0.0	7.418	0.0	210.996	31.589	66.256	1.687	99.532	310.528
1990	0.0	170.972	4.713	8.115	0.0	183.800	3.976	69.293	3.411	76.680	260.480
1991	0.0	0.0	196.905	20.600	0.0	217.505	6.043	76.254	22.225	104.522	322.027
1992	0.0	0.0	152.449	56.127	0.0	208.576	0.0	68.000	18.370	86.370	294.946
1993	0.0	0.0	99.103	42.119	0.0	141.222	0.0	47.172	11.611	58.783	200.005
1994	0.0	0.0	179.073	73.656	0.0	252.729	0.0	84.154	22.018	106.172	358.901
1995	0.0	0.0	102.624	74.965	0.0	177.589	0.0	26.580	43.838	70.418	248.007
1996	0.0	0.0	112.776	85.127	14.999	212.902	0.0	65.596	22.644	88.240	301.142
1997	0.0	0.0	121.173	87.410	24.840	233.423	0.0	42.565	48.065	90.630	324.053
1998	0.0	0.0	143.243	87.856	24.509	255.608	0.0	33.099	53.861	86.960	342.568
1999	0.00	0.00	140.024	83.419	25.844	249.287	0.0	17.915	68.722	86.637	335.924
2000	0.00	0.00	107.477	85.565	6.500	199.542	0.0	13.900	5.395	19.295	218.837
Average											
1966-98						156.847				51.161	208.008

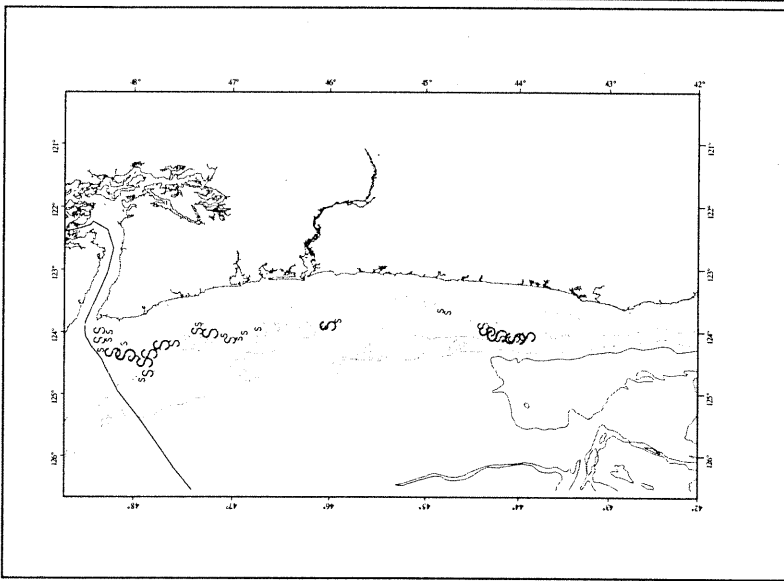
Table 2. Catch at age (millions of fish) for the Pacific whiting fisheries, 1973-99. Separate tables are given for U.S. and Canadian fisheries. The aggregate catch from all foreign, joint venture, domestic fisheries is included in these estimates.

Year	Age															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
U.S. fisheries																
1973	0.00	0.00	55.92	9.67	21.72	40.22	25.16	23.01	21.51	10.33	4.51	1.94	1.08	0.00	0.00	215.07
1974	29.31	1.30	0.98	150.14	20.52	35.50	44.29	25.73	11.40	3.58	1.63	0.98	0.33	0.00	0.00	325.69
1975	0.00	88.43	2.69	3.70	128.11	21.86	23.54	38.00	17.15	7.40	3.70	1.35	0.34	0.00	0.00	336.27
1976	0.00	0.33	36.85	29.29	29.62	185.27	27.65	13.82	4.93	0.99	0.33	0.00	0.00	0.00	0.00	329.09
1977	0.00	1.81	3.80	54.35	11.23	19.93	68.11	11.05	5.80	2.72	1.45	0.73	0.18	0.00	0.00	181.16
1978	0.01	0.02	4.56	8.58	51.87	9.48	20.32	38.57	5.74	2.48	1.28	0.52	0.20	0.05	0.01	143.69
1979	0.00	4.34	8.74	17.41	10.15	48.01	15.47	29.48	20.82	4.25	1.70	0.50	0.22	0.05	0.03	161.17
1980	0.00	0.13	24.67	2.16	6.90	7.16	20.11	9.57	11.99	9.92	1.74	1.35	1.01	0.59	0.14	97.44
1981	13.38	1.25	2.30	97.62	6.89	9.64	6.77	23.33	6.26	7.24	7.05	0.95	0.48	0.12	0.13	183.41
1982	0.00	27.51	1.93	1.57	57.88	5.02	5.78	5.02	11.96	2.43	2.53	4.64	0.34	0.13	0.03	126.77
1983	0.00	0.00	86.60	7.22	3.63	36.79	4.68	3.72	3.32	5.24	1.62	1.00	1.00	0.16	0.14	155.12
1984	0.00	0.00	2.59	164.97	7.18	5.18	17.54	2.17	1.24	0.82	1.34	0.21	0.20	0.31	0.03	203.78
1985	2.27	0.55	1.32	12.36	113.50	9.74	4.30	6.75	0.61	0.34	0.24	0.36	0.00	0.00	0.00	152.34
1986	0.00	62.92	12.88	1.85	9.34	171.79	21.55	10.76	12.45	1.53	1.05	0.38	0.79	0.15	0.05	307.49
1987	0.00	0.00	124.20	6.58	1.68	2.72	151.56	7.89	3.09	14.87	0.57	0.15	0.15	1.25	0.00	314.71
1988	0.00	1.22	1.31	172.76	8.02	1.40	2.60	96.93	5.16	0.72	8.32	0.15	0.24	0.00	0.65	299.48
1989	0.00	8.65	9.57	3.88	257.20	7.80	2.46	2.74	106.63	6.62	0.87	5.37	0.03	0.12	0.57	412.51
1990	0.00	5.69	85.34	10.97	1.92	152.02	2.56	1.14	0.71	95.97	0.47	0.00	6.07	0.00	0.41	363.27
1991	0.00	0.95	43.96	98.32	19.35	6.00	151.49	6.63	1.31	0.93	60.10	2.11	0.00	9.74	0.65	401.54
1992	0.97	18.53	9.94	51.95	109.58	10.27	5.09	131.94	4.84	2.38	0.79	42.06	0.63	0.20	1.88	391.05
1993	0.00	1.90	70.49	9.07	42.90	59.65	3.75	3.06	81.86	1.81	0.43	0.20	20.95	0.12	2.47	298.66
1994	0.00	0.23	16.48	121.89	4.82	76.93	104.64	3.29	2.04	115.38	0.46	2.06	0.22	29.13	3.65	476.31
1995	0.20	1.02	0.41	19.96	114.38	3.32	27.40	66.22	3.09	0.53	58.19	1.09	0.91	0.10	18.55	315.36
1996	0.00	102.26	71.90	6.75	34.60	97.87	1.81	17.17	46.84	0.90	0.17	50.38	0.00	0.49	14.81	445.94
1997	0.00	2.00	173.73	163.98	3.01	27.17	48.41	3.05	10.71	18.59	0.39	0.77	17.33	0.47	8.38	477.97
1998	0.00	26.97	117.63	103.21	133.25	16.56	20.27	41.66	4.83	2.35	17.29	1.52	0.48	11.85	3.32	501.20
1999	0.00	47.58	112.329	100.72	91.74	54.50	16.20	19.69	19.86	3.94	6.16	9.99	1.34	1.68	9.92	495.66

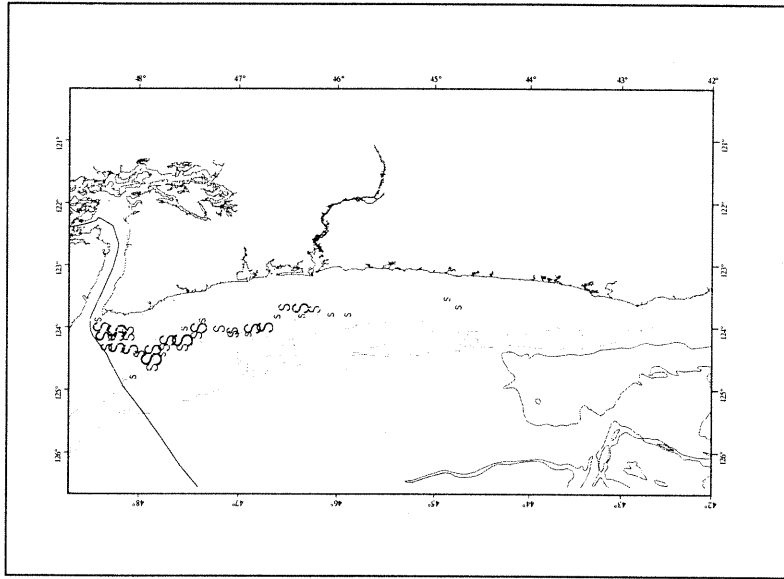
Table 2. Continued. Canadian catch at age.

Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
	Age															
	Canadian fisheries															
1977	0.00	0.01	0.01	0.25	0.09	0.30	1.83	0.53	0.50	0.42	0.40	0.35	0.16	0.00	0.00	4.85
1978	0.00	0.00	0.00	0.20	0.35	0.28	1.06	1.31	1.12	0.62	0.48	0.21	0.18	0.09	0.00	5.90
1979	0.00	0.00	0.00	0.21	0.62	1.30	1.14	2.10	3.02	1.10	0.79	0.37	0.25	0.17	0.12	11.19
1980	0.00	0.00	0.00	0.00	0.47	0.62	2.46	0.92	1.18	6.74	1.27	0.62	0.62	0.20	0.00	15.10
1981	0.00	0.00	0.00	1.01	0.27	1.41	1.38	4.28	0.85	2.36	6.18	1.49	0.60	0.85	0.00	20.68
1982	0.00	0.00	0.00	0.69	13.35	1.10	1.44	1.41	4.41	1.00	0.78	6.04	0.59	0.47	0.00	31.28
1983	0.00	0.06	14.02	1.03	1.80	32.15	1.29	1.87	1.67	5.59	0.77	0.26	3.41	0.26	0.13	64.31
1984	0.00	0.00	1.11	13.27	1.73	9.26	20.86	2.04	2.35	1.54	4.81	0.93	0.80	2.65	0.37	61.72
1985	0.00	0.06	0.06	2.45	8.03	1.65	3.25	9.62	0.49	0.55	0.55	1.65	0.37	0.00	1.59	30.32
1986	0.00	0.14	0.14	0.28	3.97	38.41	2.41	2.41	11.48	1.28	0.57	0.99	1.42	0.43	1.42	65.35
1987	0.00	0.00	0.90	0.60	0.15	2.56	70.71	2.86	2.86	10.38	0.60	0.45	1.20	0.90	1.20	95.37
1988	0.00	0.00	0.31	15.28	0.62	1.13	2.36	66.66	2.26	1.44	7.90	0.51	0.21	0.21	0.62	99.51
1989	0.00	0.00	0.20	0.59	35.55	0.20	0.39	0.59	69.34	1.76	1.37	8.59	0.39	0.20	1.17	120.34
1990	0.00	0.00	2.80	2.08	0.21	48.67	0.73	0.21	0.00	27.50	0.42	0.00	1.25	1.04	2.08	86.99
1991	0.00	0.00	0.11	6.11	2.46	0.43	70.60	0.54	0.00	0.21	47.47	0.21	0.11	2.25	0.11	130.61
1992	0.00	0.00	0.67	7.63	17.81	3.55	0.40	56.83	0.27	0.00	0.13	30.79	0.07	0.13	1.21	119.49
1993	0.00	0.07	0.77	2.52	12.91	17.54	1.89	0.21	40.62	0.21	0.14	0.14	12.49	0.21	0.21	89.93
1994	0.00	0.00	0.70	2.87	3.07	15.20	26.86	4.20	0.80	67.45	0.87	0.27	0.13	22.73	1.33	146.48
1995	4.88	0.04	0.53	6.31	5.03	3.21	10.72	15.96	3.25	0.67	33.81	0.68	0.04	0.15	9.41	94.70
1996	0.00	12.46	2.89	1.44	12.03	16.06	4.31	14.28	17.05	2.84	1.10	34.27	0.06	0.00	10.01	128.80
1997	0.00	0.81	22.17	19.19	2.52	17.21	16.22	2.25	11.08	14.42	3.24	0.54	18.65	1.35	4.06	133.73
1998	0.14	0.14	9.15	39.39	38.25	3.56	13.74	14.27	1.64	7.74	7.17	0.99	0.67	5.50	1.91	144.26
1999	1.45	26.28	9.65	18.35	40.74	25.71	1.94	8.39	8.47	2.65	3.66	4.26	0.56	0.19	4.05	156.36

1998



1999



2000

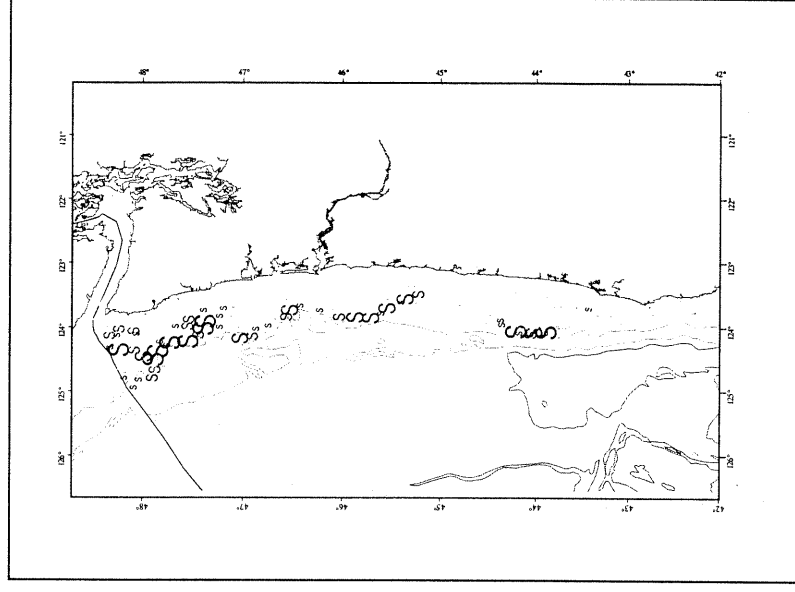


Figure 1. Distribution plots showing Pacific whiting at sea domestic catches within a 10'x10' grid. Catches within each grid are summed and symbol size illustrates the magnitude of catches.

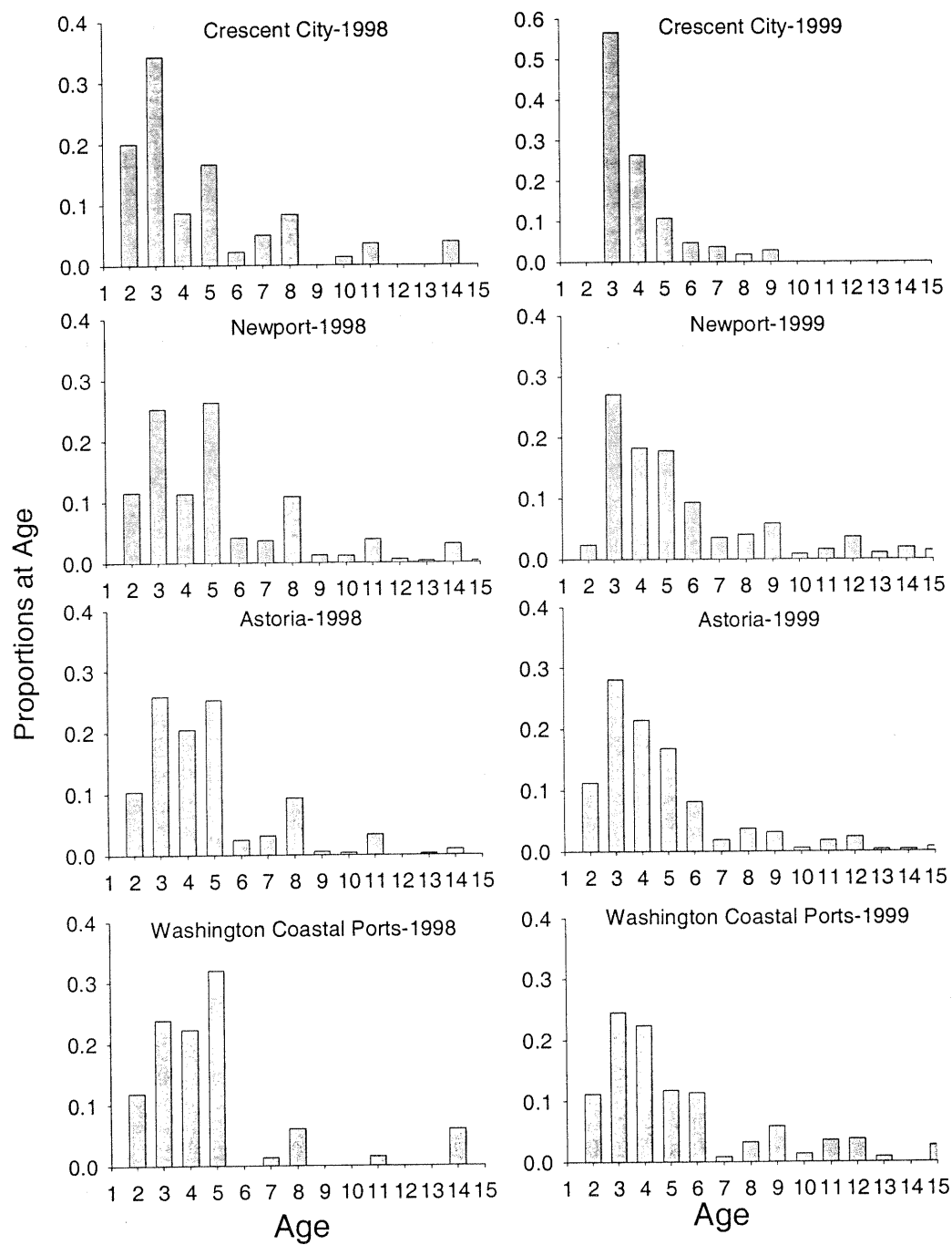


Figure 2. Pacific whiting proportion by age from shore-based landings in the U.S. zone, 1998-1999.

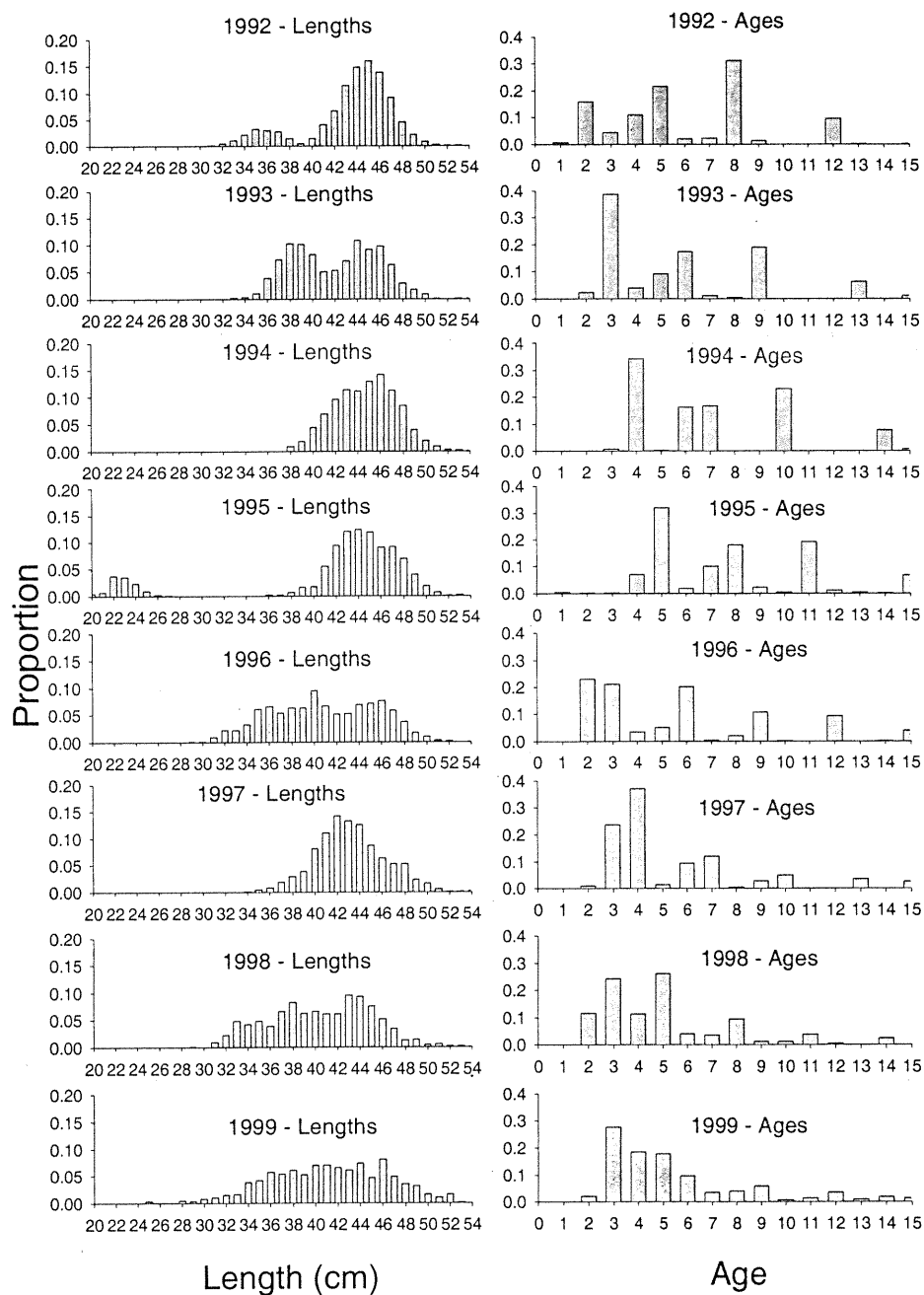


Figure 3. Pacific whiting length and age compositions from the shore-based whiting fishery sampled from Newport, 1992-1999.

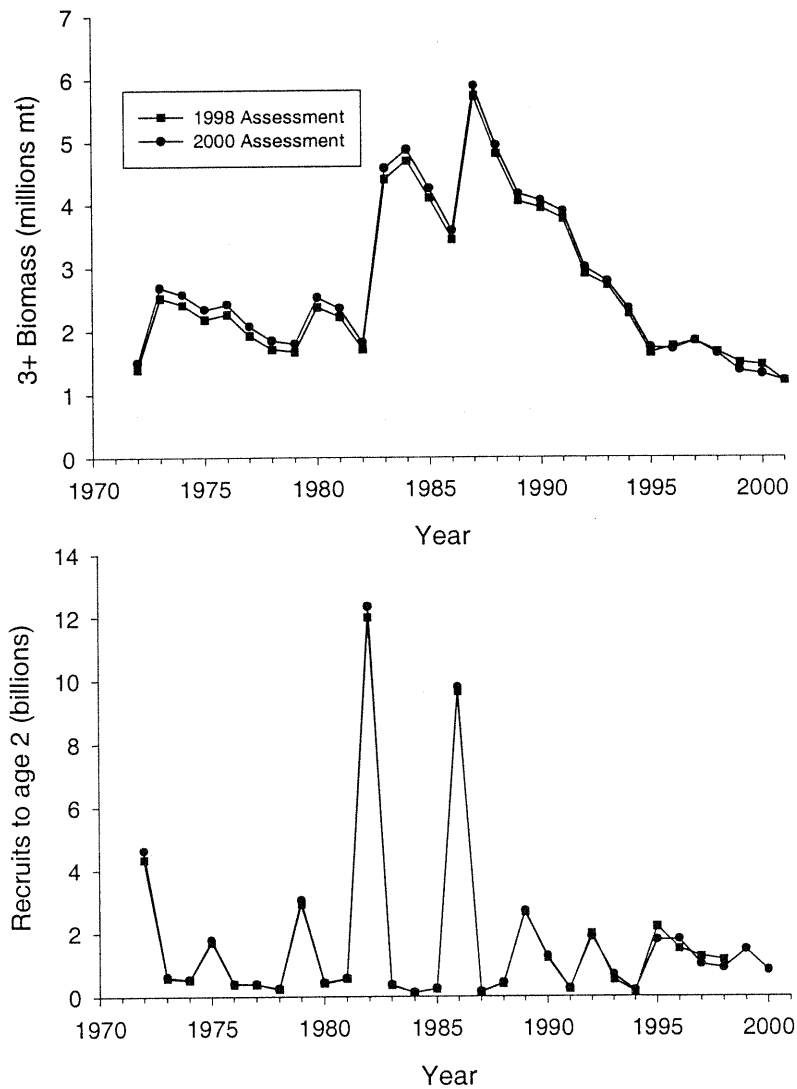


Figure 4. Pacific whiting 3+ biomass (millions mt) and recruits to age-2 (billions) comparing estimates from the 1998 assessment and 2000 assessment update. Biomasses from 1998-2001 are based on 1998 assessment projections while biomass in 2001 is based on projections from the 2000 assessment update.

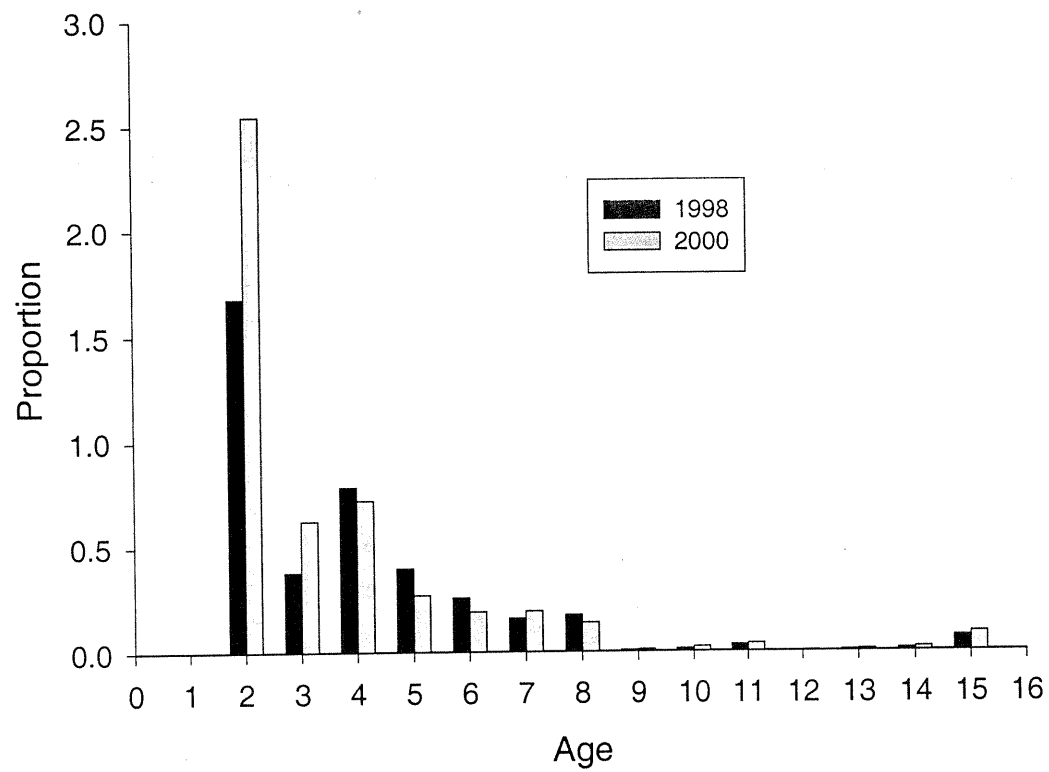


Figure 5. Comparison of projected age compositions for 2001 from 1998 assessment and from the 2000 assessment update.

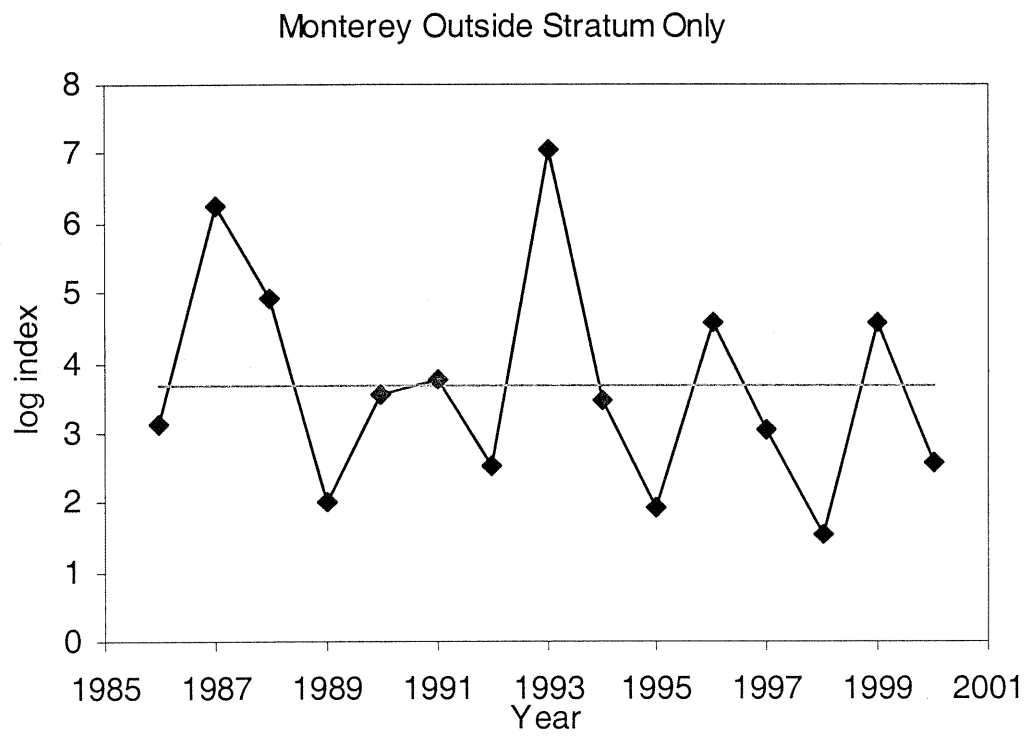


Figure 6. SWFSC Tiburon larval rockfish whiting abundance indices for Monterey outside strata only from 1986-2000.

Exhibit C.3.c
GMT Report 1
November 2000

Final GMT acceptable biological catch (ABC) and optimum yield (OY) recommendations for 2001 for the Washington, Oregon, and California region by management area (metric tons). Page 1 of 3.

Final GMT ABC Recommendations for 2001						GMT Final 2001 OYs (Total Catch)	Council Preliminary 2001 OYs (Total Catch)	
ROUNDFISH	Vancouver 1/	Columbia	Eureka	Monterey	Conception	Total for Areas Noted		
LINGCOD 1/	610	509				1,119 b/	611	611
Pacific cod	3,200	1/				3,200	NA c/	NA
Whiting 1/	232,000 d/					232,000 d/	232,000	232,000
Sablefish 1/	7,661 e/					7,661 e/	6,895 e/	6,895
Conception area 1/					425	425	212	472
ROCKFISH								
PACIFIC OCEAN PERCH	1,541 g/					1,541 g/	626 1/	626
Shortbelly	13,900 1/					13,900	13,900 h/	13,900
WIDOW	3,727 1/					3,727 i/	1,775-2,864 i/	1,775-2,864
CANARY 1/	228 j/					228 j/	60 j/	60
Chilipepper				2,700 1/		2,700 k/	2,000 k/	2,000
BOCACCIO 1/				122		122 l/	100 l/	100
Splitnose 1/				615		615	461 m/	461
Yellowtail 1/	3,146					3,146 n/	3,146 n/	3,146
Thornyheads								
Shortspine 1/	757 o/					757 o/	689 o/	689
Conception area					123	123	62 o/	175
Longspine 1/	2,461 p/					2,461 p/	2,461	2,461
Conception area					390	390	190 p/	429
COWCOD					2.4	2.4	2.4 1/	2
				19		19	2.4	
DARKBLOTCHED 1/	302 - 349					302-349	95-130	95-130
Minor Rockfish N 1/	4,823 k/					4,823 s/	3,137 s/	3,636
Minor Rockfish S 1/				3,556		3,556 t/	2,043	2,053
Remaining rockfish 1/	2,755			854 u/				
bank	c/			350		350 1/	NA	NA
black 1/	1,115					1,115	NA	NA
blackgill 1/	c/			343		343 x/	NA	NA
bocaccio	318					318	NA	NA
chilipepper	32					32		NA
redstripe	576			c/		576	NA	NA
sharpchin	307			45		352	NA	NA
silvergrey	38			c/		38	NA	NA

splitnose	242		c/		242		NA	NA
yelloweye	29		c/		29		NA	NA
yellowmouth	99		c/		99		NA	NA
yellowtail			116		116		NA	NA
Other rockfish 1/	2,068 y/		2,702 y/				NA	NA
FLATFISH Final GMT ABC Recommendations							GMT Final 2001 OYs	Council Preliminary OYs
Total for areas noted								
	Vancouver	Columbia	Eureka	Monterey	Conception		Total Catch	Total Catch
Dover sole 1/	7,151				1,053	8,204 z/	7,677	7,677
English sole	2,000		1,100			3,100	NA	NA
Petrale sole	1,262 1/		500	800	200	2,762	NA	NA
Arrowtooth flounder	5,800					5,800	NA	NA
Other flatfish	700	3,000	1,700	1,800	500	7,700	NA	NA
OTHER FISH 1/	2,500	7,000	1,200	2,000	2,000	14,700	NA	NA

- i/ ABC applies to the U.S. portion of the Vancouver area, except as noted. For lingcod, the U.S. ABC is set at 44% of the total for the area.
- i/ Lingcod - designated as overfished in 1999; the new coastwide assessment calculates separate ABCs for the northern (Vancouver-Columbia) and southern (Eureka-Monterey-Conception) stocks based on $F_{45\%}$. The OY (611 mt) is the sum of the yields (307 mt plus 304 mt) from the two new assessments associated with a constant exploitation rate where 60% of the simulated runs rebuilt in 9 years.
- i/ These species are neither common nor important to commercial and recreational fisheries in the areas footnoted. Accordingly, for convenience, Pacific cod in the areas footnoted is included in the non-numerical OY for "other fish." Rockfish species are included in either the "other rockfish" or "remaining rockfish" category for the areas footnoted only.
- i/ An update of the previous whiting assessment is expected in November. If the results are similar (within about 10%), the current ABC and OY values (232,000 mt, U.S. only) will be carried over to 2001. If the results are different, the Council will delay its decision on the final 2001 ABC and OY until the March 2001 meeting.
- i/ Sablefish - ABC (7,661 mt) is based on $F_{45\%}$, and the preliminary total catch OY (6,895 mt) is based on application of the 40-10 adjustment for stocks below 40% of unfished biomass. The stock is estimated to be at 37% of its unfished level, but there is substantial uncertainty in the biomass estimate; incoming recruitment appears poor. As in the past, this OY applies north of 36°N latitude.
- i/ The sablefish ABC and OY for the Conception area (south of 36°N latitude) are based on historical landings. OY is 50% of ABC, in line with the risk averse policy. There are no limited entry and open access allocations for the Conception area at this time.
- i/ Pacific Ocean perch - the ABC for this overfished stock is based on the 2000 assessment for Vancouver and Columbia (1,523 mt, at F_{MSY}), plus 18 mt for Eureka. The preliminary OY for the Vancouver-Columbia-Eureka area is 626 mt (which is based on $F_{50\%}$ and the 40-10).
- i/ Shortbelly rockfish remains an unexploited stock and is difficult to assess quantitatively. NMFS recruitment surveys indicate poor recruitment in most years since 1989, indicating low recent productivity and a naturally declining population. The GMT recommends ABC and OY remain at 13,900 mt.
- i/ Widow rockfish - the 2000 assessment indicates the stock has declined to about 24% of its unfished reproductive potential and is overfished; a draft rebuilding analysis indicates the stock is above 50% of its MSY level (which is an alternative overfished threshold) meaning the stock is not overfished. The 3,727 mt preliminary ABC is based on the $F_{50\%}$ harvest rate. One OY option (2,864 mt) is based on $F_{50\%}$ and the 40-10 policy; the second OY option (1,775 mt) is based on $F_{65\%}$ and the 40-10 policy, which is calculated to rebuild the stock in 10 years.
- i/ Two canary rockfish assessments in 1999 addressed the northern and southern portions of the stock and estimated current abundance to be between about 7% of unfished in the south to 20% of unfished in the north. The coastwide ABC (228 mt) is based on $F_{50\%}$. The final OY (60 mt) recommendation is based on the initial rebuilding analysis, the sum of 40 mt in the north and 20 mt in the south.
- i/ Chilipepper rockfish - The ABC (2,700 mt) for the Monterey and Conception areas is based on the 1998 assessment and application of the $F_{50\%}$ harvest rate. The stock is estimated to be above the 40% precautionary threshold so the default OY

would equal ABC. OY is set at 2,000 mt, in part to avoid increased bycatch of bocaccio. (The northern remaining rockfish ABC in 2000 includes 32 mt of chilipepper for the Eureka area.)

- i/ Bocaccio in the south is overfished; the preliminary ABC (122 mt) is based on $F_{50\%}$. The proposed OY is unchanged from 2000, which was set based on the rebuilding plan.
- i/ Splitnose rockfish (often called "rosefish") - ABC (615 mt) is a reduction from 2000 based on the revised F_{MSY} harvest rate policy. Consistent with the Council's precautionary policy, the final OY recommendation (461 mt) reflects a 25% reduction from ABC, because of the less-rigorous assessment method used for this stock.
- i/ Yellowtail rockfish - ABC (3,146 mt) applies to the Eureka, Columbia, and U.S. portion of the Vancouver areas. The stock is estimated to be at 63% of its pristine level, and under the default policy, OY is equal to ABC. The stock is expected to continue declining in the near future due to poor recruitment in recent years. Discard of yellowtail rockfish in the at-sea fisheries for Pacific whiting will be taken into account when setting the landed catch equivalent.
- i/ Shortspine thornyhead - The assessment addressed the area north of 36° N latitude, which is the northern boundary of the Conception area. Therefore, this ABC and OY apply only to that area. The ABC recommendation (757 mt) is based on a synthesis of two stock assessments prepared in 1998 and application of the $F_{50\%}$ harvest rate. The stock size was estimated to be 32% of the unfished abundance in 1999. The OY (689 mt) is based on $F_{50\%}$ and the 40-10 policy. The landed catch equivalent will reflect a reduction for discard. A separate ABC for the part of the Conception area north of Point Conception is based on historical landed catch (123 mt); the OY, which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (78 mt) could be computed by adding an assumed discard of 30%. There is no ABC or OY for the southern Conception area.
- i/ Longspine thornyhead - the ABC (2,461 mt) north of the Conception area is based on the average of the 3 year individual ABCs at $F_{50\%}$. The stock is estimated to be above the 40% precautionary threshold. Application of the new discard adjustment results in landed catch OY of 2,067 mt. A separate ABC for the Conception area north of Point Conception is based on historical average landed catch (390 mt). The OY, which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (235 mt) could be computed by adding an assumed discard of 17%. There is no ABC or OY for the southern Conception area.
- i/ Cowcod - the 1999 assessment of the Conception area indicates this stock is overfished, with abundance below 10% of the unfished level. The ABC and OY for the Conception area (5 mt and 2.4 mt, respectively) are based on the assessment and rebuilding analysis. The Monterey area ABC (19 mt) is based on average landings from 1983-1997. The GMT recommends a separate OY of 2.4 mt.
- i/ Darkblotched rockfish - The 2000 assessment indicates the stock is overfished, with current biomass about 22% of the initial biomass. The lower ABC (302 mt) is based on 10% catch in the Russian fishery; the upper ABC (349 mt) assumes 0%. The lower OY (95 mt) is the constant annual catch that would rebuild the stock in 10 years, based on the 10% assumption; the upper OY (130 mt) is the constant catch to rebuild in 10 years, assuming a smaller percentage.
- i/ Minor rockfish (north) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the U.S., Vancouver, Columbia, and Eureka areas combined. The GMT's final ABC recommendations have been adjusted to comply with the revised harvest rate policy. The total catch OY is the sum of 75% of the "remaining rockfish" ABCs plus 50% of the "other rockfish" ABCs in these three areas. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- i/ Minor rockfish (south) - this category includes the "Remaining Rockfish" and "Other Rockfish" categories in the Monterey and Conception areas combined. The GMT's final ABC recommendations have been adjusted to comply with the revised harvest rate policy. The total catch OY is the sum of 75% of the "remaining rockfish" ABCs plus 50% of the "other rockfish" ABCs in these three areas. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.
- i/ Remaining rockfish includes all rockfish species below in the table except the "Other Rockfish" category.
- i/ Bank rockfish - the ABC is 350 mt. This species will contribute 200 mt (75% of ABC, minus 25% as a precautionary adjustment) to the 2001 minor rockfish OY in the south.
- i/ Black rockfish - this 1,115 mt is the sum of the ABC calculated for the assessment area (615 mt) plus the average catch in the unassessed area (500 mt). This stock contributes 865 mt towards the minor rockfish OY in the north: 615 mt for the assessed area and 50% of the unassessed area ABC.
- i/ Blackgill rockfish - the 1998 stock assessment estimates the Conception area stock to be at about 51% of pristine levels. The 268 mt ABC is based on $F_{50\%}$; 75 mt was added for the Monterey area.
- i/ Other rockfish includes rockfish species of the genus *Sebastes* not identified above in this table. The ABC recommendation is the same as 2000; it is based on the 1996 *Sebastes* complex review of commercial landings and includes an estimate of recreational landings. These species have never been formally assessed.
- i/ The 1997 Dover sole assessment evaluated the resource north of 36° N latitude as a unit and provided ABCs for landed catch based on the both the $F_{35\%}$ and $F_{40\%}$ harvest rates. The ABC is based on $F_{40\%}$ ABC. The Conception area Dover sole ABC was at the level established in the original FMP, which was based on average landings. Its contribution to OY is reduced by 50%, consistent with the new harvest policy. The ABCs represent total catch, and were converted by estimating that 5% of the total catch is discarded. Therefore, the coastwide OY of 7,677 mt for total catch has a landed catch equivalent of 7,293 mt.

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- i/ Petrale sole - the 1998 assessment of petrale sole in the Vancouver and Columbia areas provided ABC values based on both $F_{35\%}$ and $F_{40\%}$. The GMT's final ABC is based on $F_{40\%}$.
 - i/ Includes sharks, skates, rays, ratfish, morids, grenadiers, and other groundfish species noted above in c/.

GROUND FISH MANAGEMENT TEAM FINAL RECOMMENDATIONS FOR
ACCEPTABLE BIOLOGICAL CATCH AND OPTIMUM YIELD LEVELS IN 2001

ROUND FISH

Pacific Whiting - An update of the previous Pacific whiting assessment is expected by November 2000. The Council has said, if the preliminary results are similar (within about 10%), the current acceptable biological catch (ABC) and optimum yield (OY) values (232,000 mt, U.S. only) will be carried over to 2001. If the results are different, the Council will delay its decision on the final 2001 ABC and OY until the March 2001 meeting.

The 1999 whiting assessment incorporated data from the 1998 whiting surveys. Prior to 1999, ABC specifications for whiting were based on a "Hybrid-F" harvest policy. This approach and the "40-10" default OY reduce yields when biomass falls below a prescribed threshold. However, the Hybrid-F incorporated a steeper initial reduction that was likely to result in greater annual variability of harvest amounts than the 40-10 approach. Because the two approaches afford comparable protection to the stock, and based on the Groundfish Management Team's (GMT's) recommendation, the Council dropped the Hybrid-F approach and switched to the 40-10 default OY beginning in 1999.

The 1999 Stock Assessment Review (STAR) Panel concluded that $F_{40\%}$ is a legitimate proxy for F_{MSY} for this stock. However, the GMT reviewed additional information that suggested a lower exploitation rate may be appropriate. The GMT could not reach consensus on a single approach and provided a range bounded by $F_{40\%}$ and $F_{45\%}$ for Council consideration.

The coastwide 1999 ABC corresponding to $F_{40\%}$ was 320,000 mt. The stock was at 37% of the unfished level at that time, and application of the 40-10 policy yielded coastwide target of 301,000 mt for 1999, and 275,000 mt for 2000. The corresponding U.S. OYs, calculated at 80% of the coastwide amounts, were 241,000 mt in 1999, and 220,000 mt in 2000. The spawning stock is projected to continue its recent decline, falling by 16% from 1999 to 2001 using an $F_{40\%}$ base rate.

The Council adopted a status quo ABC and OY of 232,000 mt for 1999 and 2000. The GMT does not recommend any change for 2001 at this time.

Lingcod - Lingcod was designated as overfished in 1999 based on an assessment of the northern portion of the stock. A preliminary rebuilding analysis for the northern portion of the stock indicated the stock could be rebuilt within ten years if harvest is reduced to 275 mt. A roughly equivalent reduction applied coastwide resulted in a coastwide OY of 378 mt. The Council prepared a lingcod rebuilding plan, which National Marine Fisheries Service (NMFS) approved in September 2000, laid out a ten-year rebuilding time and initial harvest of 378 mt. The Council requested a coastwide stock assessment to provide a more comprehensive look at the stock, including the southern portion.

A coastwide assessment (in two parts) was prepared in 2000 that confirmed the stock is overfished. Separate ABCs were calculated for the northern (Vancouver-Columbia) and southern (Eureka-Monterey-Conception) areas based on $F_{45\%}$. The GMT's final OY recommendation (611 mt) is the sum of the yields (307 mt plus 304 mt) from the new assessment associated with a constant exploitation rate where 60% of the simulated runs rebuilt in 9 years.

Sablefish - ABC (7,661 mt) is based on the $F_{45\%}$ harvest rate, and OY (6,895 mt) is based on application of the 40-10 harvest policy (the stock is currently estimated at 37% of the initial biomass). There is substantial uncertainty in the stock assessment, and incoming recruitment appears poor. As in the past, this OY applies north of 36° N latitude.

Sablefish management is complicated not only by uncertainty in the biomass assessment, but also by assumed and measured bycatch/discard rates, the methods of applying the discard rates, and several allocations. For a number of years, the ABC has converted to OY by deducting 10% of the ABC “off the top” to account for assumed discard mortality, primarily in the trawl fishery. The original assumption was that trawl vessels discarded an average of 25% of their sablefish catch in order to comply with landing limits. This 25% of the trawl catch was approximately equivalent to 10% of the total catch, and the GMT began applying the 10% deduction to simplify the OY calculations. The 25% trawl discard rate was based on discard rates observed in the mid to late 1980s.

Pacific Cod - The GMT recommends no change in the coastwide ABC for Pacific cod from the previous level of 3,200 mt which was set in 1989 near the highest catch on record. The coastwide catch reported by the Pacific Coast Fisheries Information Network (PacFIN) shows a steady decline each year since then to about 1,500 mt in recent years. No quantitative assessment is attempted for Pacific cod off Washington, Oregon, and California, because changes in stock abundance in this area are probably dominated by environmental factors which influence the contribution of fish from the north.

ROCKFISH

“Rockfish” means all 55+ species of *Sebastes* and *Sebastolobus* (thornyheads) off Washington, Oregon, and California. Until 1999, the rockfish ABCs and OYs were divided into two groups: species that could be harvested relatively selectively (Pacific Ocean perch, widow rockfish, shortbelly rockfish, and thornyheads), and the *Sebastes* complex, those species that generally could not be caught without other rockfish. The *Sebastes* complex initially included yellowtail, canary, bocaccio, chilipepper and minor species of the genus *Sebastes*, the latter are subdivided into “remaining rockfish” and “other rockfish” categories depending on the type of stock assessment. Rockfish stock assessments range from relatively rigorous individual assessments (POP, widow, shortbelly, thornyhead, yellowtail, bocaccio, canary) to more generalized, rudimentary individual assessments (for species in the “remaining rockfish” category) to virtually no assessment other than information provided by landings data (the “other rockfish” category).

In the *Sebastes* complex, species with more rigorous individual assessments were assigned individual ABCs and OYs, which often differed north and south of Cape Blanco, Oregon (42° N latitude). Individual ABCs also were calculated for the “remaining rockfish” species, but individual OYs were not specified. For the “other rockfish” category, only one ABC was calculated, based on recent landings of the species in the category. An over-arching OY for the *Sebastes* complex was derived by adding the individual OYs for yellowtail and canary rockfish in the north, and bocaccio and chilipepper in the south, to the summed ABCs (or a fraction of the summed ABCs) for “remaining rockfish” and “other rockfish” in the northern and southern areas. Setting ABCs and OYs north and south of Cape Blanco resulted in some species having an individual ABC and OY in one area, but being included with the minor rockfish species in the other.

The Council separated chilipepper and splitnose rockfish from the *Sebastes* complex in 1999 and assigned individual ABCs and OYs based on concerns that this pooling of ABCs to derive the *Sebastes* OY was leading to over-exploitation of some higher-valued, less abundant rockfish. Because of continued concerns over disproportionate harvest of some pooled species, pending rebuilding plans for four rockfish species, the desire to manage by fishing strategy, and confusion over the definition of *Sebastes*, the GMT developed a new organization for rockfish management for the 2000 fishery. This plan eliminated the over-arching *Sebastes* complex ABCs and OYs, continued specification of existing individual-species ABCs and OYs, and created a new “minor rockfish” group that combines “remaining rockfish” and “other rockfish” under a separate ABC and OY in each area. The minor rockfish OYs are further divided into harvest targets for near-shore, shelf, and slope species subgroups.

The Council also endorsed moving the line that was used to divide the northern and southern ABC areas (at Cape Blanco) further south to a location in the vicinity of the line used to divide northern and southern trip limits (currently 40°30'N. lat., near Cape Mendocino, California). This change was intended to improve the ability to manage to the OYs specified for each area. In conjunction with this change,

fractions of the previous southern-area ABCs and OYs for species occurring in the Eureka area were transferred to the new northern area. Those fractions were determined using survey and landings data.

Pacific Ocean Perch - the ABC for this overfished stock is based on the 2000 assessment for the Vancouver and Columbia areas (1,523 mt at F_{MSY}) plus 18 mt for the Eureka area. The preliminary OY range of 400-760 mt was based on precautionary evaluation of yields that have a high likelihood of achieving the rebuilding target in 10 years (low) and application of the 40-10 policy to the F_{MSY} yield for 2001 (high). The Council set the preliminary OY at 626 mt; the GMT concurs.

Shortbelly Rockfish - The potential yield of shortbelly rockfish was last examined in 1989. Shortbelly rockfish remains an unexploited stock, and is difficult to assess quantitatively. Alternative yield calculations have given a range of 13,900 mt to 47,000 mt. This species is an important source of forage for seabirds, marine mammals, salmon, groundfish, and other marine life. Recruitment surveys conducted by the Tiburon Laboratory indicate poor recruitment in most of the years since 1989, indicating low recent productivity and a naturally declining population. The GMT recommends ABC and OY be reduced to 13,900 mt, which is the low yield estimate, until more is known about this stock.

Widow Rockfish - the 2000 assessment indicates the stock has declined to about 24% of its unfished reproductive potential and is overfished. A preliminary rebuilding analysis prepared after the STAR Panel review indicates the stock is above 50% of its maximum sustainable yield (MSY) level (which is an alternative overfished threshold) meaning the stock is not overfished, although it may be approaching that condition. The 3,727 mt preliminary ABC is based on the $F_{50\%}$ harvest rate. The GMT recommended an OY range of 2,864 mt (based on $F_{50\%}$ and the 40-10 policy) to 1,775 mt (based on $F_{65\%}$ and the 40-10 policy). The lower OY value is calculated to rebuild the stock in 10 years. The preliminary rebuilding analysis used a different methodology, similar to the POP analysis. Because it had not been reviewed by the STAR Panel or Scientific and Statistical Committee, the GMT based its ABC recommendation (3,727 mt) on the stock assessment using the $F_{50\%}$ harvest rate. The GMT endorses the lower OY of 1,775 mt in order to move quickly to rebuild the stock.

Bocaccio - Bocaccio in the south is overfished; the ABC (122 mt) is based on $F_{50\%}$. The OY is unchanged from 2000, which was set based on the rebuilding plan.

The first bocaccio assessment was prepared in 1990 with subsequent assessments in 1992, 1996, and 1999. For 1997, the Council set the ABC at 265 mt, the 1997-1999 average estimate of yields at the $F_{35\%}$ level presented in the 1996 document. When setting the 1998 ABC for bocaccio, the Council endorsed the $F_{40\%}$ harvest policy for rockfish in the *Sebastes* complex. This resulted in reduction of the bocaccio ABC to 230 mt, which was also established as the harvest guideline, which was also the 1999 OY. In 1998, the GMT calculated the bocaccio stock to be about 7% of unfished abundance, and on March 3, 1999 NMFS notified the Council that this stock is below its overfished threshold (defined as 25% of the unfished biomass).

In conjunction with the preparation of a bocaccio rebuilding plan, a new assessment was prepared and submitted for STAR Panel review and evaluation during 1999. As in previous assessments, the geographic range was limited to the waters off California. Trawl surveys and landings patterns show bocaccio distribution is split into northern (Washington) and southern (California) areas of abundance, with few fish found in the intervening area. Results of genetic research show little mixing between these areas of high abundance, indicating distinct genetic stocks.

Canary Rockfish - Two canary rockfish assessments in 1999 addressed the northern and southern portions of the stock and estimated current abundance to be between about 7% of unfished in the south to 20% of unfished in the north. The coastwide ABC (228 mt) is based on $F_{50\%}$. The GMT's final coastwide OY (60 mt) recommendation is based on the initial rebuilding analysis, the sum of 40 mt in the north and 20 mt in the south.

Two new assessments for canary rockfish were completed during 1999, in northern and southern areas, separated at Cape Blanco. Although each area was assessed separately, there is no definitive evidence

for separate northern and southern stocks of canary rockfish. The division was made to simplify the assessment procedure for a variety of reasons (different data sets, etc.). Each assessment indicates the canary rockfish population is overfished at this time. Landings and survey data indicate an absence of older female canary rockfish, and two possible explanations for this are explored in the northern assessment. The first possibility (scenario 1) is that females die from natural mortality at a faster rate than males, and the difference becomes greater with age. The second possibility (scenario 2) is that female canary rockfish die at a consistent rate as they age (i.e., are subject to a constant mortality rate) but become more difficult to catch as they get older. At this time, the scientific community is uncertain which explanation is correct; the 1996 and 1999 STAR Panels concluded both assumptions were equally valid. However, Scenario 1 is consistent with the yellowtail rockfish assessment. The two scenarios lead to significantly different conclusions with respect to current abundance and the status of the stock compared to unfished conditions. Under scenario 1 (females die younger), current spawning biomass is estimated to be 949 mt for the northern area, which is 6.8% of the unfished spawning biomass. Under scenario 2 (female canary rockfish don't die young, but don't get caught), the northern population is in significantly better shape, with current spawning biomass estimated at 6,663 mt, which is 22.9% of the unfished spawning biomass. In either case, the canary rockfish stock is below 25% of the unfished biomass and therefore overfished.

The southern assessment was the first ever for that portion of the geographic range of the stock. The southern model performed better under the assumption of constant natural mortality than under the assumption of increasing mortality with age for females. Under base case conditions, the current spawning biomass in the southern area is estimated to be 529 mt, which is 7.7% of the unfished spawning biomass. If female canary rockfish actually die younger than males, the condition of the stock is substantially worse.

There is tremendous uncertainty in the rebuilding projections due to poorly estimated levels of recruits per spawner during 1996-1998. The 1996-1998 recruits per spawner level appear anomalously high relative to the 1987-1995 estimates due to a high number of young canary captured in the 1998 triennial trawl survey. If recent recruitment is similar to the earlier period, it will be difficult to rebuild to the current target biomass, even with no fishing mortality. If recent recruitment is high, and one of the three years is used in the projection, catch in 2001 would need to be only about 13-15 mt per year in order for the stock to begin to rebuild. If all three years are used, annual catches of 150-185 mt in the north would allow rebuilding. Such an optimistic scenario is risky because it is based upon three large, but poorly estimated, recruitments in 1996-1998. Intermediate scenarios using the 1996-1998 recruitments at a reduced level (as recommended by the 1999 STAR panel for canary rockfish) would reduce catches to 25-40 mt for the area covered by the northern assessment. The GMT suggested 20 mt would represent the OY contribution of the southern portion of the stock.

Chilipepper Rockfish - The 2000 ABC (3,681 mt) for the Monterey and Conception areas was based on the 1998 assessment and application of the $F_{40\%}$ harvest rate. The stock is estimated to be above the 40% precautionary threshold, so the default OY would equal ABC. Application of $F_{50\%}$ results in an ABC of 2,700 mt. The GMT recommends OY remain at 2,000 mt. (The northern remaining rockfish ABC in 2000 includes 32 mt of chilipepper for the Eureka area.)

Cowcod - Cowcod comprise a single stock, and the stock has been designated as overfished based on the 1999 assessment of the Conception area. The assessment indicates current biomass in the Conception area is 4 -11% of the initial biomass (the best estimate is 7%). The 2000 Conception area ABC was set at 5 mt, and OY less than 5 mt for the Monterey and Conception areas combined. The rebuilding analysis confirms that total catch in the Conception area must be no more than 0.6 to 6.4 mt. The base case (60% probability of achieving rebuilding in the allotted time) is 2.1 mt. The GMT concurs with the Council's 2.4 mt OY. In addition, the GMT notes that annual landings in recent years for both the Conception and Monterey areas were similar. The GMT recommends a separate OY (2.4 mt) for the Monterey area, based on a proportional reduction in that area.

Darkblotched Rockfish - The 2000 assessment indicates the stock is overfished, with the best estimate of current biomass about 22% of the initial biomass. A major uncertainty in the assessment is historic catch of darkblotched rockfish in the Russian fishery from 1965-1978. It is likely some percentage of the

red rockfish catch was really darkblotched rockfish. Only the model assuming no foreign catch or the model with variable likelihood weights and priors given 37 mt catch would not be considered overfished in 2003. In all cases, the spawning biomass increased over the three-year time period with the reduced catch and the estimated very large 1994 year class reaching maturity. The ABC range reflects a range of 10% darkblotched in the Russian catch and 0%. The lower OY (95 mt) is the constant annual catch that would rebuild the stock in 10 years, based on the 10% assumption. The upper OY (159 mt) is the constant catch to rebuild in 10 years, assuming 0%. If none of the foreign catch was made up of darkblotched rockfish, the catch level to rebuild the stock in ten years would be 159 mt. The Council chose an intermediate value (130 mt) as the upper end of the OY range. The GMT believes the assumption of zero foreign catch is incorrect, but cannot offer a definitive recommendation at this time.

Splitnose Rockfish (often called “rosefish”) - The 2001 ABC (615 mt) is a reduction from 2000 based on the revised F_{MSY} harvest rate policy. ABCs for stocks assessed using $F=M$ are reduced 25% as a “risk neutral” adjustment. (For 2000, this was the OY adjustment). Consistent with the Council’s precautionary policy, the GMT’s OY recommendation (461 mt) reflects a 25% reduction from ABC because of the less-rigorous assessment method used for this stock.

Chilipepper Rockfish - The ABC (2,700 mt) for the Monterey and Conception areas is based on the 1998 assessment and application of the $F_{50\%}$ harvest rate. The stock is estimated to be above the 40% precautionary threshold so the default OY would equal ABC. OY is set at 2,000 mt, in part to avoid increased bycatch of bocaccio. (The northern remaining rockfish ABC in 2000 includes 32 mt of chilipepper for the Eureka area.)

Yellowtail Rockfish - A new assessment of yellowtail rockfish in the Eureka, Columbia, and Vancouver areas was prepared in 2000, indicating the stock appears substantially more abundant than the previous assessment. The stock is now estimated to be at 63% of its pristine level. ABC (3,146 mt) applies to the U.S. portion of the assessed area. Although the estimate of stock size has increased, ABC is less than in 2000 due to application of the $F_{50\%}$ harvest rate. Because the stock appears to be larger than the MSY size, OY may equal ABC. However, the stock is expected to continue declining in the near future due to poor recruitment in recent years.

THORNYHEAD ROCKFISH

The individual assessments for shortspine thornyhead and longspine thornyhead in 1997 covered the area from central California at 36° 00' N latitude (the southern boundary of the Monterey management area) to the Canadian border at 48° 29' N latitude (the northern boundary of the U.S.-Vancouver management area). The STAR Panel expressed concern that current management requires more detailed information on thornyheads than can be obtained from the available data. Given the kinds and quality of data, there are major uncertainties in the assessments regarding (1) growth and natural mortality for shortspine thornyhead; (2) problems with separating longspine and shortspine thornyheads in the historic landings; (3) difficulties estimating year class strength; and (4) unknown discard rates.

Shortspine thornyhead - The ABC recommendation (757 mt) is based on a synthesis of two stock assessments prepared in 1998 and application of the $F_{50\%}$ harvest rate. The ABC and OY apply only to the area north of 36° N latitude, which is the northern boundary of the Conception area. The stock size was estimated to be 32% of the unfished abundance in 1999. The OY (689 mt) is based on $F_{50\%}$ and the 40-10 policy. The landed catch equivalent will reflect a 30% reduction for discard. A separate ABC for the part of the Conception area north of Point Conception is based on historical landed catch (123 mt); the OY, which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (78 mt) could be computed by adding an assumed discard of 30%. There is no ABC or OY for the southern Conception area.

Longspine thornyhead - The ABC (2,461 mt) north of the Conception area is based on the average of the three-year individual ABCs at $F_{50\%}$. The stock is estimated to be above the 40% precautionary threshold. Application of the new discard adjustment results in landed catch OY of 2,067 mt. A separate ABC for the Conception area north of Point Conception is based on historical average landed catch (390

mt). The OY (195), which is landed catch, is 50% of ABC, based on the risk averse policy. A total catch OY (235 mt) could be computed by adding an assumed discard of 17%. There is no ABC or OY for the southern Conception area.

MINOR ROCKFISH

The Minor Rockfish category includes the “other rockfish” and “remaining rockfish” categories. These categories include the species that have never been assessed (other rockfish) or have been assessed by less-rigorous methods (remaining rockfish).

Vancouver, Columbia, and Eureka Areas

The remaining rockfish category in the north includes bocaccio, darkblotched, redstripe, sharpchin, silvergrey, splitnose, yelloweye, and yellowmouth rockfish, each of which has an individual ABC based on historical catch or a simple assessment. It also includes the northern portion of the chilipepper rockfish stock, which was assessed in 1998, and black rockfish, which was assessed in 1999. The other rockfish category includes all other rockfish species that have not been assessed; the ABC for this group is based on historical catch records. The final GMT ABC recommendation for the northern portion of the minor rockfish category is 4,823 mt, which is the sum of the ABCs for the remaining rockfish (2,755 mt) and other rockfish (2,068 mt). The GMT’s final OY recommendation (3,137 mt) is the sum of 75% of the remaining rockfish ABC and 50% of the other rockfish ABC. The GMT’s final ABC and OY recommendations differ from the preliminary recommendations. The GMT recalculated ABCs based on the revised risk-neutral harvest rate.

The ABC levels for both the remaining rockfish and other rockfish categories are based on limited data. There is great uncertainty about the current biomass of these stocks and a serious lack of quantitative information on long-term sustainable yields. Recent ABC estimates were developed for the remaining rockfish component based on NMFS survey biomass estimates, assumed levels of catchability, and an assumption that a sustainable fishing mortality rate would be equal to the natural mortality rate for each species (i.e., $F=M$). ABC levels for the other rockfish component have been based on less information than the remaining rockfish component. For 1999 and 2000, the Council endorsed the GMT’s proposal to reduce the remaining rockfish component by 25% (i.e., to 75% of the current level) and the other rockfish component by 50%. These reductions of 25% and 50% were based on suggested target catch levels for data-poor situations from Restrepo et al. (1998. Technical Guidance on the Use of Precautionary Approaches to Implementing National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act. Draft NOAA Tech. Memo.). This technical guidance suggests a 25% reduction for stocks above the B_{MSY} level and a 50% reduction for stocks between the minimum stock size threshold (i.e., the overfished/ rebuilding threshold) and the B_{MSY} level. In 2000, a panel of stock assessment scientists recommended the $F=M$ approach is too aggressive for rockfish and that $F=.75M$ is more risk-neutral. An additional 25% reduction would be consistent with a risk-averse approach.

Species assigned to 'Minor Rockfish' Subgroups in the northern area (Vancouver, Columbia, and Eureka areas).

	NEAR-SHORE	SHELF	SLOPE
Minor Rockfish			
'Other rockfish'	Principal species	Principal species	Principal species
	BLUE RKF	CHILIPEPPER	AURORA RKF
	CHINA RKF	GREENSTRIPED RKF	REDBANDED RKF
	COPPER RKF	PYGMY RKF	ROUGHEYE RKF
	QUILLBACK RKF	ROSETHORN RKF	SHORTRAKER RKF
		STRIPETAIL RKF	
		VERMILION RKF	
	Secondary species	Secondary species	Secondary species
	BLACK-AND-YELLOW RKF	BRONZESPOTTED RKF	BANK RKF
	BROWN RKF	CHAMELEON RKF	BLACKGILL RKF
	CALICO RKF	COWCOD	
	GOPHER RKF	DWARF-RED RKF	
	GRASS RKF	FRECKLED RKF	
	KELP RKF	GREENBLOTCHED RKF	
	OLIVE RKF	GREENSPOTTED RKF	
	TREEFISH	HALFBANDED RKF	
		HONEYCOMB RKF	
		MEXICAN RKF	
		PINK RKF	
		PINKROSE RKF	
		ROSY RKF	
		SPECKLED RKF	
		SQUARESPOT RKF	
		STARRY RKF	
		SWORDSPINE RKF	
		TIGER RKF	
'Remaining rockfish'	BLACK RKF	BOCACCIO	SHARPCHIN RKF
		REDSTRIPE RKF	SPLITNOSE RKF
		SILVERGREY RKF	YELLOWMOUTH RKF
		YELLOWEYE RKF	
Associated species with individual OYs		YELLOWTAIL RKF	PACIFIC OCEAN PERCH
Associated species with individual coastwide OYs		CANARY RKF	DARKBLOTCHED RKF
		SHORTBELLY RKF	
		WIDOW RKF	

Black Rockfish - The 1999 assessment of the portion of the black rockfish resource north of Tillamook Head, Oregon. The previous (1994) assessment used an age-structured version of the stock synthesis model to fit age composition data from the recreational and commercial fisheries and catch per unit of effort (CPUE) data from the recreational fishery and a nearshore jigging survey. These data were updated and supplemented with tag release and recovery data for the 1999 assessment. A completely new model written in AD Model Builder was used in 1999 to assess current black rockfish abundance. A new stock synthesis model and an updated version of the 1994 stock synthesis model were also provided as a basis for comparison. The AD model explicitly accounts for sampling uncertainty and provided the most statistically rigorous model with the fewest set of assumptions.

The AD model biomass projections for black rockfish were sensitive to tag recovery reporting rates, and therefore reporting rates were used to define alternative scenarios in the assessment. Results showed a general decline in black rockfish biomass since 1986, the base year in the assessment. At $F_{45\%}$ and tag reporting rates of 25%, 50%, and 75%, the expected 1999 spawning biomass is 88%, 88%, and 85% of unfished spawning biomass respectively. This indicates that although the black rockfish stock may be declining in abundance, it appears healthy relative to the 40-10 harvest policy. Projected 2000 yields at $F_{45\%}$ and tag reporting rates of 25%, 50%, and 75% are 655, 737, and 844 mt respectively. The GMT considered the 75% reporting rate to be too high, and that projections based on the 25% and 50% recovery rates should be equally weighted in calculating an ABC for black rockfish. Based on the AD model results for the preferred recovery rates and $F_{50\%}$, the GMT recommends a black rockfish ABC of 615 mt (down from 700 mt, which was based on $F_{45\%}$) for the portion of the stock in the U.S. Vancouver and Columbia area north of Tillamook Head. Recent catch in the southern Columbia and Eureka areas has been about 500 mt in recent years. The sum of these (1,115 mt) is the ABC for the combined areas for 2001. In calculating the overall minor rockfish OY for the northern area, the GMT reduced the portion south of Tillamook by 50%, consistent with the precautionary policy for unassessed areas. Thus, the black rockfish total contribution to the OY for the northern minor rockfish category is 865 mt (615 + 250).

Monterey and Conception Areas

The Minor Rockfish (south) category includes the "Remaining Rockfish" (ABCs based on $F=.75M$) and "Other Rockfish" (ABCs based on historical catch) categories in the Monterey and Conception areas combined. The ABC is the sum of all those individual species ABCs in these areas. The total catch OY is the sum of 75% of the "remaining rockfish" ABCs plus 50% of the "other rockfish" ABCs in these three areas. The reduction in the contribution of remaining and other rockfish to OY is intended to address uncertainty in stock status due to limited information. The expected commercial landed catch target in 2001 will reflect recreational harvest and may also reflect a 16% discard adjustment for the limited entry fishery.

The remaining rockfish category in the southern area includes bank, blackgill, canary, darkblotched, Pacific Ocean perch, and sharpchin rockfish. The final GMT ABC recommendation for the combined Minor Rockfish category (3,556 mt) is the sum of the ABCs remaining rockfish (854 mt) and other rockfish (2,702 mt). The GMT's final (total catch) OY recommendation (2,043 mt) is the sum of 75% of the remaining rockfish ABC and 50% of the other rockfish ABC.

Species assigned to 'minor rockfish' subgroups in the southern area (Monterey and Conception).

	NEAR-SHORE	SHELF	SLOPE
Minor Rockfish			
"Other rockfish"	Principal species	Principal species	Principal species
	BLACK RKF	BRONZESPOTTED RKF	AURORA RKF
	BLACK-AND-YELLOW RKF	CHAMELEON RKF	REDBANDED RKF
	BLUE RKF	COPPER RKF	
	BROWN RKF	GREENBLOTCHED RKF	
	CALICO RKF	GREENSPOTTED RKF	
	CHINA RKF	SPECKLED RKF	
	GOPHER RKF	STARRY RKF	
	GRASS RKF	STRIPETAIL RKF	
		VERMILION RKF	
		YELLOW EYE RKF	
	Secondary species	Secondary species	Secondary species
	KELP RKF	DWARF-RED RKF	ROUGHEYE RKF
	OLIVE RKF	FLAG RKF	SHORTRAKER RKF
	QUILLBACK RKF	FRECKLED RKF	YELLOWMOUTH RKF
	TREEFISH	GREENSTRIPED RKF	
		HALFBANDED RKF	
		HONEYCOMB RKF	
		MEXICAN RKF	
		PINK RKF	
		PINKROSE RKF	
		PYGMY RKF	
		REDSTRIPE RKF	
		ROSETHORN RKF	
		ROSY RKF	
		SILVERGREY RKF	
		SQUARESPOT RKF	
		SWORDSPINE RKF	
		TIGER RKF	
"Remaining rockfish"		BANK RKF	
		YELLOWTAIL RKF	
			DARKBLOTCHED RKF
			PACIFIC OCEAN PERCH
			SHARPCHEIN RKF
Associated species with individual OYs			
		BOCACCIO	
		CHILIPEPPER	
		COWCOD	
Associated species with individual coastwide OYs			
Coastwide		CANARY RKF	
		SHORTBELLY RKF	
		WIDOW RKF	
			BLACKGILL RKF

Bank Rockfish - Based on the 2000 assessment, the GMT recommends ABC for the Monterey and Conception area be increased from 81 mt in 2000 to 350 mt for 2001. This species will contribute 200 mt (ABC minus 25% as a precautionary adjustment) to the 2001 minor rockfish OY in the south.

Blackgill Rockfish - The GMT recommends the 2001 ABC for the Monterey and Conception areas combined be set at 343 mt. The ABC for the Conception area is derived from F_{50%} three-year average catch estimates based on three assumed levels of natural mortality. Using assumed natural mortality estimates for the decision table (Table 15, Page 54) of 0.037, 0.047, and 0.57, the resulting mean ABC is 268 mt; 75 mt was added for the Monterey area. The OY contribution to the minor rockfish category is 306 mt, the sum of the Conception area ABC (268 mt) and 38 mt (75% of ABC) for the Monterey area.

Blackgill rockfish in the Conception area was assessed for the first time in 1998. A simple two-parameter stock assessment model was developed based on stock reduction analysis and an assumption of constant recruitment. Average fishing mortality during 1980 to 1997 based on catch curve analysis was an essential element in the assessment model. The STAR Panel had concerns that the total mortality estimated in the model may be low and should be interpreted with caution. The STAR Panel's preferred model configuration indicates catches above recent levels of 150 mt and 250 mt per year would likely lead to a spawning biomass decrease.

North of the Conception area, blackgill are primarily taken as bycatch in the trawl fishery. Blackgill landed in the Conception area are taken in a directed fixed gear fishery (set longline and setnet) that developed in the mid-1970s. Landings peaked in 1983 at 1,112 mt and declined to a low of 153 mt in 1997.

FLATFISH

Arrowtooth Flounder - A stock assessment conducted in 1993 resulted in maintaining the ABC in U.S. waters at 5,800 mt (equal to peak catch in 1990). The assessment author recommended conservative management, especially until new data and models can estimate absolute biomass and exploitation rates. However, the GMT recommended no change in ABC because there was no decline in fishery CPUE during 1987 to 1992 and no trend in triennial bottom trawl survey CPUE during 1977 to 1992, although survey CPUE fluctuated over a three-fold range. Future work on this assessment probably should include the Canadian zone. Fishery logbook data indicate that most of the U.S. catch occurs near the U.S.-Canada border. The survey indicates that the biomass is about two times higher in the surveyed portion of the Canadian zone than in U.S. waters. Catch in Canada increased greatly in 1990 and was nearly 50% of the U.S. catch in 1992.

Dover Sole - The 1997 Dover sole assessment north of the Conception area provided landed catch ABCs based on the $F_{40\%}$ harvest rate. The GMT recommends the 2001 total catch ABC be 7,151 mt, which is the average of yields calculated for 2000-2002 at $F_{40\%}$, inflated to reflect 5% discard. The FMP set the original ABC for the Conception area at 1,000 mt based on average landings; for 1998, this was inflated to reflect 5% discard for a total catch ABC of 1,053 mt. The coastwide total catch ABC is 8,204 mt. To calculate the total catch OY (7,677 mt), the GMT reduced the Conception area's OY contribution by 50% (to 526 mt), consistent with the new harvest policy. The landed catch target would be 95% of OY, or 7,293 mt.

The 1997 Dover sole stock assessment treated the entire population from the Monterey area through the U.S.-Vancouver area as a single stock, based on recent research on the genetic structure of the population. The assessment author generated projections of spawning biomass and expected landings for 1998 to 2000 under a variety of harvest policies and three recruitment scenarios. The hypothetical harvest policies ranged from an immediate reduction to the $F_{45\%}$ harvest rate to an increase up to the $F_{20\%}$ harvest rate. In all cases, for each of the low, medium, and high projected recruitments, the expected spawning biomass increased from the estimated year-end level in 1997 through the year 2000 due to growth of the exceptionally large 1991 year-class and to the lower catches observed in the fishery since 1991.

English Sole - The GMT recommends continuation of the coastwide ABC of 1,100 mt set in 1994 for the Eureka through Conception areas, and 2,000 mt for the Columbia and Vancouver areas. The coastwide landed catch during 1992 to 1996 averaged 1,330 mt. The age-structured version of the stock synthesis program was used to assess the status of the stock of female English sole occurring off Oregon and Washington (Columbia and U.S.-Vancouver management areas). The analysis used age-composition data from the Oregon and Washington trawl fisheries, and estimates of relative abundance and length composition from the 1977 to 1992 triennial bottom trawl surveys. The survey CPUE increased ten-fold over this period. The assessment indicated a large and steady increase in the biomass to about 133,000 mt of age-four and older females in 1992. The increase is attributed to high recruitment during the period examined. A specific ABC was not estimated, but the early age-at-maturity suggests the stock can sustain a high exploitation rate, and the large biomass suggests the stock is healthy in the Columbia

and Vancouver areas. The 2,000 mt ABC recommended in 1994 is about a doubling of the average catch (1,145 mt) during 1985-1994. The GMT supports continuation of this ABC.

The Monterey and Conception areas contributed 52% of the total catch during 1983 to 1991, but there has been no recent assessment for these areas. The survey CPUE in the Monterey and Eureka areas was without trend during 1983 to 1992. The ABC for these areas was set equal to the 1983 to 1991 average yield of 1,100 mt.

Petrale Sole - The GMT recommends the ABC for the Vancouver and Columbia areas combined be reduced to 1,262 mt, based on $F_{40\%}$, and the coastwide ABC be 2,762 mt. A stock assessment for petrale sole in the Vancouver and Columbia areas was prepared in 1999, and projected the stock would increase to 42% of the unfished level in 1999. For 2000, the ABC for these areas was increased from 1,200 mt to 1,440 mt, based on the $F_{35\%}$ calculations included in the assessment. The $F_{40\%}$ calculations (1,262 mt) were also included in the assessment, and the GMT recommends this as the ABC for 2001. The GMT recommends continuation of the ABCs in the southern areas: Eureka - 500 mt; Monterey - 800 mt; and Conception - 200 mt. If an OY were established for this stock, the contribution to OY from the southern areas would be 50% of the ABCs, resulting in a coastwide OY of 2,017 mt. Recent landings in these areas combined have been about 800 mt per year, similar to the 750 mt they would contribute to OY.

The previous (1993) stock assessment in the Columbia and U.S.-Vancouver Areas used the length-based version of the stock synthesis program. The 1999 assessment also used the length-based version of stock synthesis, but the data were separated into two distinct fisheries; a winter fishery which tends to catch larger and older fish from spawning aggregations, and a summer fishery that tends to operate closer to shore. The period covered by the 1999 assessment was 1977-1998. Initial age composition was not forced to conform to equilibrium conditions. Compared to the previous assessment, the 1999 assessment included more recent fishery length and age composition data, observations from the NMFS shelf survey for 1995 and 1998, and newly available break and burn age determinations. Retention and discard were modeled using logistic functions of length. The length at 50% retention was much larger in the 1999 assessment than in the previous one.

Other Flatfish - Arrowtooth flounder was removed from this group of species in 1991 and there was no change in the ABC for the remaining species: Vancouver - 700 mt; Columbia - 3,000 mt; Eureka - 1,700 mt; Monterey - 1,800 mt; and Conception - 500 mt. These ABC levels were originally set on the basis of historical catch levels prior to the development of the arrowtooth flounder fishery, and current catch levels remain well below the level of ABC.

OTHER GROUND FISH

The GMT recommends no change in the coastwide ABC of 14,700 mt.

GMT COMMENTS ON PROJECTED RECREATIONAL SAVINGS OF CANARY ROCKFISH
ASSOCIATED WITH BAG-LIMIT REDUCTIONS IN OREGON AND CALIFORNIA, AND ADDITIONAL
SEASON CLOSURES IN CALIFORNIA

In materials provided by CDFG, California recreational catch of canary rockfish for Option 2B is projected to be 24 mt, based on assumed reductions in catch associated with 1) an additional 2-month closure encompassing May-June, and 2) reduction in the canary bag limit from 3 fish to 1 fish, within the overall 10-fish rockfish bag limit. Projected landings for 2000 of 55 mt are reduced by 32% for the additional closure, with the remaining tonnage reduced by an additional 36% to reflect the bag limit change. While these magnitudes of savings are plausible, given available data from recent fisheries, they are likely towards the high end of expected canary mortality savings.

The 32% savings from adding May-June (wave 3) to the already closed March-April period is based on the seasonal distribution of catch from 1996-99. This level of savings is highly influenced by the wave 3 catch in 1997, where the amount attributable to this 2-month wave accounted for 54% of the tonnage from all waves excluding wave 2 (which was already closed this year). In subsequent years, however, this percentage has been considerably lower: 23% in 1998 and 6% in 1999. If the total tonnage for 2000 is close to projected amount of 55 mt, the percentage occurring in wave 3 will be less than 20%. From 1997-99, the percentage of total catch from the 5 2-month waves open this year that occurred during the last 4 months of the year has increased from 33% to 45%. This latter percentage would also imply a higher base estimate for this year's fishery of 60 mt.

The amount of reduction attributed to the change in bag limit is based on the percentage savings from constraining the bag distribution in recent fisheries to one fish. The analysis assumes that catch of canary will not continue beyond the available limit, even though no additional reductions in the ability to retain other shelf species are implemented. If fishing continues for these other species, and canary cannot be avoided, a portion of the currently assumed savings of 36% would instead represent discard mortality.

If the amount saved by the additional 2-month closure were really 20% (instead of 32%) and if only half of the reduced retention of canary translates into reduced mortality, the projection of 24 mt would increase to 36 mt (using the base estimate of 55 mt for 2000). If a base amount of 60 mt is used for 2000, these same alternative assumptions would result in 39 mt of recreational canary mortality.

Similarly, Oregon estimates a savings of 5 mt (24%) would be associated with a reduction to a 1-fish bag limit. As in California, if opportunities for other shelf targets remain unchanged, some part of these projected savings may, instead, take the form of discard mortality.

In the "tentative" assignment of expected canary mortalities developed by the allocation committee, recreational mortality from all three states summed to 44 mt. For the management options considered, this is a possible outcome. However, it is important to stress that, in light of the above discussion, recreational mortality could potentially amount to 56-59 mt.

The uncertainty surrounding the projections for 2001 recreational catch gives rise to additional management concerns, relating to the timing of proposed closures in central California. If the fishery is closed from March-June, there will be little indication, by the June Council meeting, of the likelihood that year-end catches would exceed expectations. Even measures of recreational landings for the July-August wave would likely not be available until October. By this time, most of any anticipated commercial canary mortality would have already occurred. Further, with data from four months of recreational fishing (out of eight) from central California still unknown by the November Council meeting, the effectiveness of measures adopted for 2001 will remain highly uncertain at a time when targets and management measures for the 2002 recreational and commercial fisheries must be finalized.

An additional concern relates to the new provisions that would allow fishing for nearshore species to continue during the closed periods for shelf species. If the intent is to enforce the closure solely through prohibiting retention of shelf species during the closures, then there is concern over potential discard mortality of canary and bocaccio occurring throughout the closed periods. Since the distributions of many nearshore species extend into depths where canary and bocaccio are more common, there would be little assurance that some fishing for nearshore species was not occurring in areas/depths where bycatch and associated mortality of discarded canary and bocaccio would be expected. The alternative approach to providing year-round nearshore opportunities would be to rely on a depth restriction--with a closed zone probably from 20-150 fathoms--with the assumption that any canary or bocaccio caught inside 20 fathoms could be released with much lower rates of mortality.

GMT Estimates of 2001 Recreational Catch and Calculations of Commercial Limited Entry
and Open Access Allocations (in mt)

	2001 Total ABC (US)	GMT Final Optimum Yield (OY)						Open-Access		Limited-entry		
		Total		Tribal	Rec.	Comp.	Non-trib. Comm.	%	Landed catch	Total catch	At-sea Bycatch	Landed
		Catch	Landed									
Lingcod	1,119	611			360		251	19.0%	48	203		203
Whiting	190,400	190,400	190,400	27,500			162,900					
Sablefish (N of 36°)[2001c]	7,661	6,895	6,206	669		24	6,206	9.4%	537	5,622		4,834
Conception	425		212				212					
Dover sole	7,677	7,677	7,293			67	7,610			7,610		7,293
English sole	3,100											
Petrale sole	2,700											
Arrowtooth flounder	5,800											
Other flatfish	7,700											
Thornyheads												
Shortspine (N of 36°)	757	689	552			4	685	0.27%	2	683		546
Conception	123		62				0	0.27%	0	0		0
Longspine (N of 36°)	2,461	2,461	2,051			8	2,453			2,453		2,043
Conception	390		195				0			0		0
Widow (high OY)	3,727	2,864	2,216		40		2,824	3.0%	85	2,739	250	2,091
(low OY)		1,775	1,296		40		1,735	3.0%	52	1,683	250	1,204
Canary	228	93	82		44	5	44	12.3%	5	39	3	30
POP	1,541	400	336				400			400		336
Yellowtail	3,146	3,146	2,126		60		3,086	8.3%	256	2,830	675	1,810
Chillipepper	2,700	2,000	1,823		15		1,985	44.3%	879	1,106		929
Splitnose (Rosefish)	615	461	387				461			461		387
Bocaccio	122	100	100		48		52	44.3%	19	29		29
Cowcod - Concep	2.4	2.4			1.7		0		0			0
Monterey	19	2.4			0.2		0		0			0
Darkblotched (high OY)		130	106				130		3	126		106
(low OY)		95	76				95		3	91		76
Minor Rockfish												
<u>North of Mendocino</u>	5,456	3,137	4,817		645		2,492	9.6%	221	2,254		1,918
Near-shore		987	1,007		575		412		181	222		211
Shelf		990	1,690		70		920		34	880		740
Slope		1,160	2,120				1,160		7	1,152		968
<u>South of Mendocino</u>												
(4-mo closed shelf)	3,731	2,040	1,882		1,025		1,015	44.5%	383	563		474
Near-shore		662	660		625		37		30	5		5
Shelf		739	685		400		339		176	129		109
Slope		639	537				639		176	429		360
<u>[NEW]</u>												
(4-mo closed shelf & 5-fish bag NS during closure)	3,731	2,040	1,879		960		1,080	44.5%	441	633		534
Near-shore		662	657		560		102		67	32		30
Shelf		739	685		400		339		176	129		109
Slope		639	537				639		168	439		369
(4-mo closed shelf & NS)	3,731	2,040	1,876		900		1,140	44.5%	441	633		534
Near-shore		662	654		500		162		133	22		21
Shelf		739	685		400		339		165	142		120
Slope		639	537				639		143	469		394



**COUNTY OF DEL NORTE
BOARD OF SUPERVISORS**

**981 "H" Street, Suite 200
Crescent City, California 95531**

Telephone (707) 464-7204
Fax (707) 464-1165

Exhibit C.3.d
Supplemental Public Comment
November 2000

RECEIVED

OCT 17 2000

PPMC

October 11, 2000

Pacific Fishery Management Council
2130 S.W. 5th Avenue, Suite 224
Portland, Oregon 97201

RE: OPPOSITION TO THE PROPOSED GROUND FISH REGULATIONS

Dear Council Chairman and Members:

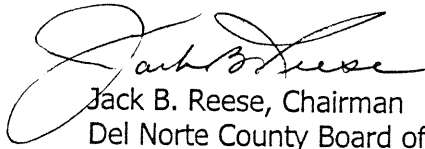
The Del Norte County Board of Supervisors voted at its Tuesday, October 10, 2000 meeting to send a letter of opposition to the proposed ground fishing regulations.

The regulations that were adopted last year compounded the already meager lifestyle of local fisherpersons in Del Norte County and along our coastline. The new regulations would take this problem a step further and hamstringing the ground fishing fleet, whom are not able at this time to make a living with current restrictions.

The fisherpersons in our area have approached this Board and requested that the quotas remain the same as last year at the very least. This Board supports that request and would ask that the cuts made to last year's quotas be fully documented before more drastic cuts are again enforced. The Pacific Fishery Management Council Draft Groundfish Fishery Strategic Plan "Transition To Sustainability" states, "The basis for future management of the groundfish fishery relies to a very large degree on the availability of good science." We agree. We also feel that the "good science" portion of that plan needs to be refined and implemented before the cuts and quotas are put into place.

Thank you for allowing us to comment on the plan.

Very truly yours,


Jack B. Reese, Chairman
Del Norte County Board of
Supervisors

BOS/klw

Cc: Kenyon Hensel
BOS

From CWoo411848@aol.com
Date Tuesday, October 24, 2000 7:33 am
To pfmc.comments@noaa.gov
Subject ROCKFISH CLOSURE

Dear sir:

From the proposals that are in the news of late, you should consider restricting the commercial take of rockfish more so than the sport fish restriction. How can you not put more blame on the commercial take of these resorces since they do most of the damage. In all fairness, put the blame on the percentage of those who do the harm.

I know the Council will not bend to the special interest group that lobbies with the most money.

Thank you

Conway Woo, D.D.S.

From Rod Cannon

Date Tuesday, October 24, 2000 6:24 am

To pfmc.comments@noaa.gov

Subject

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?

Roderic S. Cannon

137 Mainsail Court

Vallejo, CA 94591

From Steve Banks

Date Tuesday, October 24, 2000 5:59 am

To pfmc.comments@noaa.gov, baysportsmen@egroups.com

Subject California rockfish regulations

> Your science and statistics, and subsequent
> conclusions are similar to what your lame duck
> leader William Jefferson Clinton might consider
> weapons of mass destruction. Your proposal to shut
> down the rockfish and lingcod fishery in California
> is unfounded and unsupportable by any of your so
> called statistics, voodoo or otherwise. In
> addition, your scare tactic's to propose widespread
> carnage, then a reduction in legislation in order
> for everyone to "feel good" in an attempt to
> manufacture some sort of "moral victory", is
> becoming tiresome and quite frankly insulting. The
> PFMC should, as I'm sure the agency's credo
> suggests, protect and promote a well balanced
> management plan that promotes the long-term growth
> of fisheries and habitat, while at the same time
> managing the economic interests of the fisherman and
> communities that rely on the fish for their
> livelihood. Afterall, what good would a healthy
> fishery be if there were no one to benefit from it,
> whether that benefit is derived environmentally or
> economically? We would all agree that the
> groundfish populations along the Pacific coast are
> as diverse and complex as any, and require
> regulations that protect and promote that diversity
> with an eye on the future as well as today. Making
> regulatory changes and establishing widespread
> closures in areas where they do not coincide with a
> sound management plan for today and tomorrow ,as
> well as your use of poorly acquired statistics and
> inaccurate conclusions is flat out wrong.

>
> My suggestion to the PFMC is to go back to the
> drawing board and design a plan that promotes and
> protects the groundfish populations of Washington,
> Oregon and California on a region by region basis.
> Using a widespread approach as you have done in the
> past without any regard for regional habitat and
> populations will never be successful and, quite
> frankly, embarrassing to the fish. Get it right or
> get out!

>
>
>Steve Banks

Do You Yahoo!?

From "YEE30"
Date Tuesday, October 24, 2000 1:04 am
To
Cc
Subject Rockfish Fishing Closures

I object to further closures. You should be limiting gear to "hook and line" for commercials.

From Enjoyfishing@aol.com
Date Tuesday, October 24, 2000 0:18 am
To pfmc.comments@noaa.gov
Subject rockfish regulations

Dear Sirs:

I do not agree with your proposal to reduce the rockfish limit or to reduce the months sportfishing for rockfish. Sportfishermens catch only 15% of the rockfish so it appears as if we are being penalized unfairly. If there must be a reduction, then I believe the commercial fishermens should bear the brunt of the reductions since they are responsible for 85% of the loss of rockfish.

Thank you.

Sincerely yours,
Wallace S. Woo
237 Columbus Avenue
San Francisco, CA 94133

From ScottEubanks@webtv.net (Scott Eubanks)

Date Monday, October 23, 2000 11:53 pm

To pfmc.comments@noaa.gov

Subject prop. new "sportfishing" regs.

The longliners and drag net boats are the keys to allowing groundfish numbers to grow. You guys have got to curtail the commercial season. Let's face it, exploiting a naturally occurring subspecies for money is wrong. It is obsolete. Go ahead and thin the herd. The salty dogs can come paint for me. Furthermore, this industry should be of the government. (farmed or fished). Non target fish loss is far beyond the statistics posted. Anything coming up fifty feet or more is a goner. Whether or not it ever makes the harbor. The fish are not going to testify on their behalf any time soon. Free enterprise by humans and the well being of a subspecies has never been a good combination or result. Bag the smoke screen and come up with a hardline proposition that limits the cause, free enterprise commercial fishing. Sincerely, Tailwalker.

<http://community.webtv.net/Scottthepainters>

From Steven Peterson
Date Monday, October 23, 2000 11:52 pm
To pfmc.comments@noaa.gov
Cc Tom@Stienstra.com
Subject Fishing:

Dear Sir's;

Its not right to punish sports fishermen for the profits of commercial fishermen.

I urge you to not ban sport fishing or restrict it even more.

Thank You

S.K.Peterson

From Roger Jeong
Date Monday, October 23, 2000 11:06 pm
To pfmc.comments@noaa.gov
Subject New Rockfish and Lingcod Proposals


Roger Jeong wrote:

> The limits proposed for the rockfish and lingcod are absurd. Regardless
> of what the commercial fishery thinks, the only way to rebuild the fish
> stock(s) is to limit the commercial catch or eliminating it totally. The
> commercial fishery takes way more fish of all sizes then recreational
> fisherman, and many of the species that the commercial(s) take are
> wasted. Also when the fish do not meet the size limit, they are
> discarded dead back into the water which doesn't help the fish stock.
> This is what is wiping out most of the fish stocks.
> I propose that the commercial fishery catch be cut up to 3/4 for up
> to three years to let the fish stocks replenish and let the
> recreational angler fish for 10 months as they all combined probably
> would not catch in a 10 month period what the commercial fleet catches
> and wastes in a month.

My reference is Tom@Stienstra.com dated 22 October 2000.

My interest in this matter is that being a member of the General Public who fishes, these new proposed regulations would effect me to the point that I would not be able to take any Rockfish or Lingcod(s).

>

From "Ron Phillips" 
Date Monday, October 23, 2000 10:40 pm
To
Subject Rockfish

Please don't penalize the sport fisherman for 25 years of mismanagement and over fishing by the comerial fishing industrie. Who only up to a few years ago could take any size ling cod no matter how small it was and did. Last year you leveed new regs. against the sport fisherman and very few on the comerial fisherman. What sense does it make to penalize the sport fisherman any more then you already have when the comerial fishing industrie take 95 PERCENT OF THE FISH.

From ernie fisher

Date Monday, October 23, 2000 10:21 pm

To "Comments, Pfmcc"

Subject sports fishing

hello:

I have always been annoyed by the "floating slaughter houses" called "drag boats". Many of these drag boat owners are multi millionaires, that very seldom pilot their own vessels! The slaughter goes on and on!

Now, it is my understanding that the sports fishing industry is about to be restricted even more, and the drag boats go on. RIDICULOUS!!!!!!

I have a plaque on my living room wall that came from Senator Mike Thompson. It is a tribute to my late Brother, Keith Fisher. Senator Thomopson closed a session of the California State Legislature in Keith's honor after his passing in 1996. Keith worked very hard with Senator Thompson to pass legislation to get the long liners off our beaches.

It appears to me, that "party boats" will soon be a thing of the past. Sport fishing will also be a thing of the past. Boat sales in California will drop drastically, insurance companies will lose policies, marinas will lose tenants, bait and tackle shops will be forced out of business, sports and boating shows will cease to operate, and most of all, our children will lose another avenue to keep them off the streets. WHAT A JOKE!!!!

BEFORE A SINGLE SPORTS FISHERMAN IS RESTRICTED, THERE SHOULD NOT BE A SINGLE DRAG BOAT IN OPERATION FROM THE OREGON BORDER TO THE MEXICAN BORDER!!!

It would be nice to know the names of the persons involved in making these ridiculous proposals and laws.

What is the "data" they refer to? Who supplies it? It sounds like a whole lot of incompetence involved.

Sincerely,

Ernie Fisher
PO Box 275
Gualala, Ca
95445
707-884-1003

Do You Yahoo!?

Yahoo! Messenger - Talk while you surf! It's FREE.

<http://im.yahoo.com/>

From Jim Martin

Date Monday, October 23, 2000 9:40 pm

To

Subject Proposed Rockfishing Regulations

Letter to the PFMC Council

re: nearshore rockfishing regulations.

I speak for dozens of local recreational fishermen in the Fort Bragg area who oppose any further reduction of bag limits, area closures, seasonal closures.

The time is now to directly deal with the live rockfish commercial fishery, as in the United Anglers proposal to limit the gear to hook and line.

I am shocked that nothing in the PFMC's proposed regulations speaks directly to the commercial live live fishery, beyond a seasonal closure applying equally to sport and commercial access.

I oppose limiting entry into the commercial fishery, which by closing out competition would only reward the boats that caused the crisis in the first place.

The simple, enforceable gear restrictions will create natural "closed reserves" in the kelp beds that are currently being swept by traps.

Sincerely,

-Jim Martin

POB 2420, Ft. Bragg, CA 95437

(707) 964-8326

From Roger Jeong
Date Monday, October 23, 2000 9:35 pm
To pfmc.comments@noaa.gov
Subject Rockfish and Lingcod Fishing Limits

The limits proposed for the rockfish and lingcod are absurd. Regardless of what the commercial fishery thinks, the only way to rebuild the fish stock(s) is to limit the commercial catch or eliminating it totally. The commercial fishery takes way more fish of all sizes then recreational fisherman, and many of the species that the commercial(s) take are wasted. Also when the fish do not meet the size limit, they are discarded dead back into the water which doesn't help the fish stock. This is what is wiping out most of the fish stocks.

I propose that the commercial fishery catch be cut up to 3/4 for up to three years to let the fish stocks replenish and let the recreational angler fish for 10 months as they all combined probably would not catch in a 10 month period what the commercial fleet catches and wastes in a month.

Sincerely,

Roger Jeong

4056 Park Blvd.

Palo Alto, CA 94306

jeong@ix.netcom.com

From Ron Pimentel
Date Monday, October 23, 2000 9:23 pm
To pfmc.comments@noaa.gov
Subject ROCKFISH CLOSURE

stop the dragnetting

stop the commercial netters

stop the longliners

stop the screwing the sportfisherman

commercial boats do 90 percent of the damage, they should be shut down
90 percent of the time.

the first people who should be pulled off the water are the netters, who
have the ability to kill everything in their path

if this shutdown occurs "Boycott of all hunting and fishing in
California"

HAVE SOME COURAGE AND DO THE RIGHT THING

From "James Pendergast"

Date Monday, October 23, 2000 9:05 pm

To "Pacific FisheriesManagement Council"

Subject Forwarded story from eXaminer.com - Monday 10/23/00

This story from <http://eXaminer.com> was forwarded to you by James Pendergast (jependergast@vom.com):

I am not a sport fisherman, but I do believe in the logic expressed in Tom Stienstra's column: that those who do the most damage to fish populations should be the most restricted. We have passed the point where we can go on with "business as usual." Businesses that do great harm must be restrained.

Sports anglers may soon be cast adrift

Remember the Wizard of Oz? Remember how the Wizard hid behind a curtain and then created illusion, smoke and bellowing speeches to fool Dorothy and Co. into meek obedience?

Well, just like the Wizard, a few government spin doctors are doing the same thing right now to the people of California.

* Read the rest of the article at:

<<http://www.eXaminer.com/001022/1022stienstra.html>>

Catch full coverage of Bay Area news, sports, entertainment, technology and more at: <<http://eXaminer.com>>

From ABRYFEN@aol.com
Date Monday, October 23, 2000 9:03 pm
To pfmc.comments@noaa.gov
Subject Rockcod fishery

I wish to register my protest to your proposed groundfish management measures in the San Francisco Bay area. You, and the California Dept. of Fish and Game seem to let the drag boats and long liners do anything they want with no limitations. How about protecting our fishery for a change ? Why punish the sport fishermen? It is the draggers and long liners that are destroying the fishery. Austin B Fenger
Tiburon Ca 94920

From: "Wruck, Jim D"

Date: Monday, October 23, 2000 8:36 pm

To: "pfmc.comments@noaa.gov"

Cc: "Tom@Stienstra.com"

Subject: Proposed Regs

To whom it may concern:

I would like to register my strong concern about your proposed groundfish management measures that will cripple sportfishing operations in the San Francisco Bay Area.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. This is where the problem exists. Please turn your attention there.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). The two dozen or so sportfishing party boats in the Bay Area, which offer residents the chance to pursue their hobby, will be put out of business.

The rockcod and lingcod fishery is healthier now than it has been in many years. Please do not make our sportfishery a distant memory - turn your attention to the problem.

THX

Jim Wruck

Jim.D.Wruck@icn.siemens.com

From Will Risseuw
Date Monday, October 23, 2000 8:07 pm
To pfmc.comments@noaa.gov
Subject California Rockfish

Greetings,

I understand that there is a proposal that you are considering that would severely limit sport fishing of rockfish, while allowing commercial netting. I am extremely opposed to this action. For years the commercial interests have depleted fishing stocks in massive numbers, having been allowed to remove virtually all of the fish in an area. Sport fishers have always removed far fewer numbers of fish, leaving most to grow and reproduce. In almost every instance of fish depletion it has been caused by commercial fishing.

Now you want to severely limit sport fishing, which has low impact on fish, but allow commercial netting to continue. This makes no sense to me.

Please make the logical choice and severely limit the commercial take of rockfish. Control the most damaging methods of fishing. Then, if you must, restrict sport fishing until the species can recover.

Thank you for your consideration.

Will Risseuw
817 Seminole Way
Redwood City, CA 94062

From JamSpnnr@aol.com
Date Monday, October 23, 2000 7:36 pm
To pfmc.comments@noaa.gov
Subject ling cod closure

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?

Sincerely,
James Kennedy
2353 Joanne circle
Napa, Ca. 94958
EMAIL JamSpnnr@aol.com

P.S. I personally take about 8 ling cod a year.

From KeikiLani98@aol.com

Date Monday, October 23, 2000 7:47 pm

To pfmc.comments@noaa.gov

Cc Tom@Sienstra.com

Subject Re: Sport Fishing Regulations

PFMC
1230 SW. 5th Ave.
Suite224
Portland, Or.
97201

To Whom It May Concern:

Dear Sirs,

In regard to your proposal to limit sport fishing along the northern California coast, please understand that it is the commercial drag boats, not the sports fishermen, who destroy the sea beds and reek havoc on the coastal ecology.

A case in point, I, several times a year, climb down a cliff in Marin and fish off my favorite rock. I have been doing this since 1970. In the beginning, myself and friends caught good size sacks (10-14) of fish including Red Snapper, Ling Cod, Cabazone, Greenling (sea trout) and various rock cod. Al the years have gone by the sacks have gotten smaller and the variety of fish has decreased. (No red snapper, and few cabazone). Also, One fog-shrouded morning a drag boat was working extremely close to shore (less than 400yds). If this is the case on the one occasion I happened to be out there, how many other times was a boat or boats working drag nets in so close? In any case, in my own casual estimation, since the advent of drag boat fishing, the fish populations have decreased.

I find it appalling that my fishing license was \$6.00 in 1970 now costs over \$20.00, I am charging extra for abalone and now my infrequent, but dear, visits to the Marin coast is going to be government regulated. No, Thank You.

Respectfully,

John Olson

(Brisbane, CA.)

To Whom It May Concern:

Having been a fishing and camping enthusiast along the California coast for the past 20 years, I was shocked to learn of your agency's decision to ban sport fishing. I really can't believe that sport fishing has been a major factor in the depletion of the fish population.

I hope that the industry responsible for this crisis is held accountable and is required to make any possible restitution. I also wonder if this situation could have been foreseen given our experience in the Grand Banks and other former fishing grounds.

Couldn't commercial fishing have been regulated or banned before we reached this critical stage?

Thank You,

Drew Olson

(Brisbane, CA.)

From "Kent"

Date Sunday, October 22, 2000 11:30 pm

To

Subject wake up and get rid of the long liner

----- Original Message -----

From:

To:

Sent: Sunday, October 22, 2000 6:02 PM

Subject: Weekend Report

> The Summary:
> The Pacific Marine Fisheries Council has decided to close the taking of
> lingcod from Pt. Conception to the Oregon border as of November First. We
> were expecting to get kicked in the teeth at this outfit's meeting the
last
> day of this month and the first few days of November but the PMFC is
> seemingly poised to kill off all sport fishing for all species of rockcod
> unless your outcry is heard.
>
> Many of you may have read Tom Stienstra's column in today's Examiner. For
> those who have not, here it is. I urge you to email and/or fax these folks
as
> per the directions at the end of Tom's article below. Updated information
to
> Tom's piece have the taking of lingcod shut down on the first of November,
> and then a six-month closed season on rockfish and lingcod from the first
of
> the year to June 30. The details of a limited season for the rest of the
year
> will be decided at the meeting next week. Mike Aughney is writing his take
on
> this travesty that will be up on USAFishing. com in an hour or two this
> evening.
>
> "Sports anglers may soon be cast adrift
> by
> TOM STIENSTRA EXAMINER OUTDOORS COLUMNIST
> Oct. 22, 2000
>
> REMEMBER the Wizard of Oz? Remember how the Wizard hid behind a curtain
and
> then created illusion, smoke and bellowing speeches to fool Dorothy
> and Co. into meek obedience?
>
> Well, just like the Wizard, a few government spin doctors are doing the
same
> thing right now to the people of California
>
> When you clear away the smoke, this is what is going on: The biggest
fishing
> shutdown in history along the California coast is about to be rammed down
> your throat in order to cover up 25years of failure to restrict commercial
> netters and long-liners.
>

> The government is proposing to close sportfishing for rockfish for four to
 > six months a year along the central and northern California Coast, and to
 > reduce the limit to as low as three rockfish per person (and no higher
 than
 > nine) and one lingcod.
 >
 > For 25 years now, fishermen, wildlife lovers and hard-core enviros alike
 have
 > protested how commercial fishermen have tried to clean out the ocean. The
 > commercial boats often drag nets that are like vacuum cleaners, hang
 gillnets
 > that are miles long, and set miles-long lines with thousands of hooks. In
 the
 > process, they have killed marine birds, sea otters, marine mammals,
 juvenile
 > fish, and non-target fish species in their mission to kill every rockfish
 > they can get their mitts on.
 >
 > Each year, commercial fishermen take 85 to 90 percent of catch, leaving
 sport
 > anglers for the rest. Though fast-growing rockfish are flourishing, others
 > that are slow-growing, such as canary rockfish, cow cod, and bocaccio, are
 > being fished out by the netters and long-liners.
 >
 > This is what is logical: Since the commercial boats do 90 of the damage,
 they
 > should be shut down 90 percent of the time. And if sport anglers are
 > responsible for 10 percent of the catch, they could stand being reduced
 10
 > percent of the time. From last year's sport limit of 15 and year-round
 > season, that would mean a 13-fish limit and 11-month season.
 >
 > And doesn't it make sense that the first people who should be pulled off
 the
 > water are the netters, who have the ability to kill everything in their
 path?
 > That's not how the Wizard sees it. Under the proposal, while the sport
 > anglers get shut down, the drag netters would be allowed to continue to
 try
 > to clean out our coast. The Wizard argues that new commercial quotas will
 > reduce the harvest by 50 percent, and that severe sportfishing cutbacks
 are
 > necessary in order to "share the pain," the mantra of the Pacific
 Fisheries
 > Management Council.
 >
 > Share the pain? Your worst enemy has caused a train wreck, and yet you -
 the
 > healthy one - are scheduled to have your legs amputated. And remember the
 > line from the Wizard of Oz: "Pay no attention to that man behind the
 > curtain."
 >
 > You have one chance to defeat this. At the end of this month, Oct. 31 to
 Nov.
 > 3, the Pacific Fisheries Management Council will hold a hearing in
 Vancouver,
 > Wash., then review data and options, and make their decision - a landmark

> moment.
>
> To make the deadline for public comment, write by Tuesday to: PFMC, 2130
SW
> Fifth Avenue, Suite 224, Portland, Oregon 97201, fax them at (503)
326-6831,
> or access their Web site at www.pcouncil.org, where an e-mail link is
> available at pfmc.comments@noaa.gov. You can copy me at Tom@Stienstra.com."
>
>
> As for more mundane matters, the winds that have raked the East Bay
Hill's,
> the Bays and most of the rest of this end of California the last two days
had
> surprisingly little effect on Big Briny. A couple of boats from Emeryville
> made it up to Drake's Bay yesterday for limits of rockcod and a few lings
> while four boats from Berkeley fished inside Duxbury Buoy for near limits
of
> salmon. Much the same today. The wind on the Bay is a torment to all that
> fish there but those on the coast are getting by in breezes to 15 knots
and
> seas that have fallen to about eight feet by this afternoon. Tomorrow the
> coastal waters will be fishable for most everybody and Tuesday looks even
> better.
>
> Boats from Half Moon Bay and Santa Cruz have stayed off the water all
weekend
> and nothing is planned until a tuna tip on Wednesday aboard the Wild Wave
> from Santa Cruz. Yesterday was too scary for the Bodega Bay boats and
their
> clients but the New Sea Angler went out today for 25 limits of rockfish
from
> a fairly mellow sea and will be running lingcod specials every day for the
> rest of the month. The Golden Gate fleet sailed a relatively sheltered sea
> today in the lee of Bolinas and other Marin Coast obstacles. Way up North,
> the Rumblefish from Fort Bragg went up to Shelter Cove yesterday for and
got
> nine rockfish per rod and a dozen or so lingcod in shallow water.
>
> Trollers had limits today and moochers got better than a fish to the rod.
> This extraordinary salmon fishing is making up somewhat, for the
tribulations
> suffered in July and August. Striped bass were hitting like gangbusters on
> the Bay yesterday. The Happy Hooker from Berkeley had 25 bass and several
> halibut at red Rock and South Hampton Shoals. The wind turned the bay into
a
> bucket of brown during the night and folks fished the Raccoon Straits for
a
> few bass or gave it up to go outside for salmon today.
>
> Western Boat & Tackle reported a few salmon were caught this morning at
> California City but most anglers chose to get rocked off the Marin Coast
> rather than getting their asses kicked big time on the shoreline of
Tiburon.
> Shoreline fishers we doing pretty well with bullheads and grass shrimp at
the
> Loch Lomond Jetty and at China Camp today and did even better along the

Napa

- > River and around the corner in Suisun Bay. Yesterday this writer saw a couple
- > of dozen keeper bass taken on the incoming tide at U.C. Maritime including a
- > 36" semi-hawg.
- >
- > Mitten crabs have been plaguing both those in boats in Suisun Bay and
- > plunkers along the Vallejo waterfront. One way of getting away from the angst
- > and angry words prompted by interface with these beasties, is to use a bobber
- > from a boat. Keep your bullhead a foot or so from the bottom and let him move
- > around to avoid the crabs. From shore, hook up a small bobber half way up
- > your 3 foot leader leave your line slack, again -- to allow your bait to
- > avoid being gutted by crabs, mitten or otherwise.
- >
- > So, please take the time to send a message to the Pacific Marine Fishery
- > Commission and tomorrow we'll be back with a check on those who sell bait
- > around the North State and other fishy reportage.
- >
- >
- > Bet Bets for the Tomorrow:
- > Salmon outside the Golden Gate near Duxbury Buoy
- > Salmon on the Sacramento River just south of Sacramento and in the lower
- > American River
- > Striped bass in Northern San Pablo Bay, along the Shoreline of the Napa River
- > and Suisun Bay up past Rio Vista on the Sacramento River
- > Trout at Eagle Lake and Lake Davis
- >
- >
- > Today's Reports:
- > Bodega Bay
- > The New Sea Angler had 25 limits of rockfish today.
- >
- > The Golden Gate Fleet:
- > >From Emeryville: The New Salmon Queen had 15 salmon to 25 for 14 folks while
- > the pounds while the C-Gull II got 20 salmon to 23 pounds for 16 people.
- The
- > Captain Hook began fishing a muddy Bay before getting 14 salmon to 10 pounds
- > and 16 rockfish for 20 folks. The New Huck Finn had 25 limits of rockfish and
- > 10 lings to 15 pounds at Drake's Bay. The Eldorado, the New Easy Rider and
- > the Eldorado 3 from Berkeley combined for 40 limits of salmon to 36 pounds
- > today. The Sausalito boats stayed home.
- >
- > The Bays:
- > The Happy Hooker managed 8 bass today.
- >
- >
- > The Lake Camanche Fishing Report
- > October 22:
- > Overall rating: Good

From Fishtalegale@aol.com

Date Monday, October 23, 2000 9:58 am

To pfmc.comments@noaa.gov

Subject re: rockfish/lingcod

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Banks and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?

Sincerely,

Kim Gale

From Leon Ross
Date Monday, October 23, 2000 10:09 am
To pfmc.comments@noaa.gov
Cc Tom@Stienstra.com
Subject rockfish sport fishing

PFMC:

Gentlemen:

I consider it to be completely illogical for you to restrict the sports fisherman as proposed to less than 4 to 6 months/year and a limit of 3 fish/person while at the same time allowing those who are primarily responsible for the problem, the commercial fishermen, to continue to over fish the waters. Please reconsider your proposals as the sports fisherman is being hit a disproportionate amount.

L. D. Pete Ross
138 White Chapel Drive
Benicia, CA 94510
707-745-0155
peteross@earthlink.net

From jkronert@pacbell.net
Date Monday, October 23, 2000 10:52 am
To pfmc.comments@noaa.gov
Subject cod

since com. fishing is taking 90% of the catch,they should have 90% of
the restiction of the catch.thank you . jack kronert

From Leonard Jagelski

Date Monday, October 23, 2000 11:25 am

To "pfmc.comments@noaa.gov"

Subject groundfish strategic plan

Gentlemen,

It has come to my attention that a proposal is under consideration to reduce the Sports fishing quota for Groundfish at a level equal to the reduction proposed for Commercial fishermen and I would like to say this strategy is flawed and unacceptable in many ways. Not only is there great disparity in the volume of catch, and the ability to target species between the sports/commercial groups, but changing the quota will also make this type of fishing unfeasible from a sportfishing perspective and there is too much industry at stake around sportfishing to allow this change.

I have fished on Party boats out of ports in Monterey, Santa Cruz, Half Moon Bay, Emeryville, San Francisco, Sausalito, Bodega Bay and others, and I think this gives me a good background to comment on what a day on a party boat is like. There is a great deal of effort involved in getting up at 4 - 5am, being on the boat by 6:00am, staying out until 2:00 or 4:00pm and then coming home. And to do so for 3 or 5 fish, it just doesn't make sense. The whole nature of the trip has changed from getting enough fish to last for a few months to a few meals. Besides that you lose the opportunity to spend a day out on the water with your family. I have spent enough time going out that I am partners with a friend on a boat that we can take our families out on now. Fishing rockfish in deep water means that whatever you pull up will die because of the pressure change, so catch and release fishing is out of the question. That means you can't throw back select Bocaccio or Cow cod, it's too late when you get them to the surface.

The point I'm trying to make is further reductions in sportfishing will change the nature of a trip in a way that makes it totally unfeasible. The impact will be felt in areas around it including tackle shops, boat/engine manufacturers, Party Boat skippers, and it will take away another form of recreation for families. Compared to the damage from incidental catch from long liners, the sheer volume of commercial - which only measures legal take vs sport catch, and the reasons I mentioned earlier, it just doesn't make sense to penalize the sport fisherman for a problem that commercial fishermen do the most damage in. If you are talking about fish stocks, focus on the impact on fish stocks. That means look at the take from the commercial and apply the remedy based on the take.

Sincerely,

Len Jagelski

From "Philip Havlicek" ▶

Date Monday, October 23, 2000 12:33 pm

To

Subject proposed rock cod closure

Dear Sirs, Why does the sport angler constantly have to pay for regulations that allow a select few, (commercial interests), to abuse stocks of fish along the pacific coast? As with most species of fish, the commercial harvest of rock fish accounts for approx. 80% of the take and also targets slow growing fish while not allowing for the rejuvenation of the stocks. We see smaller and smaller fish. The sport anglers on the other hand, account for a relatively small percentage of the annual take, yet always bear the brunt of the regulations. These same anglers pump millions of dollars into the local economies where they live in boat sales, gas, tackle, tax and other expenditures. Why target the many when it is the few who exploit the resource.

I am a homeowner, boatowner and tax payer living in San Francisco.

Sincerely, Philip Havlicek

From andyg@pacbell.net
Date Monday, October 23, 2000 12:35 pm
To pfmc.comments@noaa.gov
Cc Ed Migale , wduutra@owensfinancial.com, Steve Banks , 'Steve Risk'
Subject California rockfish regulations

Your science and statistics, and subsequent conclusions are similar to what your lame duck leader William Jefferson Clinton might consider weapons of mass destruction. Your proposal to shut down the rockfish and lingcod fishery in California is unfounded and unsupportable by any of your so called statistics, voodoo or otherwise. In addition, your scare tactic's to propose widespread carnage, then a reduction in legislation in order for everyone to "feel good" in an attempt to manufacture some sort of "moral victory", is becoming tiresome and quite frankly insulting. The PFMC should, as I'm sure the agency's credo suggests, protect and promote a well balanced management plan that promotes the long-term growth of fisheries and habitat, while at the same time managing the economic interests of the fisherman and communities that rely on the fish for their livelihood. Afterall, what good would a healthy fishery be if there were no one to benefit from it, whether that benefit is derived environmentally or economically? We would all agree that the groundfish populations along the Pacific coast are as diverse and complex as any, and require regulations that protect and promote that diversity with an eye on the future as well as today. Making regulatory changes and establishing widespread closures in areas where they do not coincide with a sound management plan for today and tomorrow, as well as your use of poorly acquired statistics and inaccurate conclusions is flat out wrong.

My suggestion to the PFMC is to go back to the drawing board and design a plan that promotes and protects the groundfish populations of Washington, Oregon and California on a region by region basis. Using a widespread approach as you have done in the past without any regard for regional habitat and populations will never be successful and, quite frankly, embarrassing to the fish. Get it right or get out!

Andy Guiliano

From "Katich, John"
Date Monday, October 23, 2000 12:44 pm
To "pfmc.comments@noaa.gov"
Subject fishing restrictions

To whom it may concern, I've been fishing in local waters on party boats since I was twelve yrs old. I agree that the fishing isn't like "the good ole days" but I never have had a complaint about the increase in fishing license fees and reduced bag limits until now. Time after time the sport fisherman has paid the price for the commercial fishing fleet. Everyone needs to make a living including the owners of sport fishing boats who take far less than a commercial fleet. Why can't the commercial fishery make a sacrifice this time? We've seen halibut, crab, rockfish, salmon, lingcod limits reduced over the years and who knows whats next. I feel more \$\$ and effort should be spent on research and law enforcement before we deny the sportsmen and his or her children the opportunity to enjoy our beautiful coast line. Thank you John Katich

From "John Berry"
Date Monday, October 23, 2000 1:20 pm
To
Cc "RickyBerry" ,
Subject Rockfishing

I understand the Pacific Fisheries Mgmt Council is proposing to close sport fishing for rockfish for four to six months along the central and northern California coast, and to reduce the limit to as low as three rockfish per person (and no higher than nine) and one lingcod.

I further understand that commercial rock fishermen will not be affected.

Can you make these changes more fair so that both sport fishermen and commercial fishermen will be equally affected. Do you have figures to show rockfish taken by each group, and wouldn't this be a fair way to set limits.

Thank you,

John F. Berry

From "Jagelski, Michael"

Date Monday, October 23, 2000 2:22 pm

To "'pfmc.comments@noaa.gov'"

Cc "'Tom@Stienstra.com'"

Subject Restrictn Comercial Netters and Long Liners: Yes!

Hi Folks,

This is my vote that YES the restrictions for rock fish fishing should be on the commercial fishing industry and not the sport fishers! And YES, I certainly do mean it should be on the commercial fishers. It is obvious beyond words that the commercial fishers cause the vast bulk of the damage and so regulating them would do the most good the fastest.

Regulating the sport fishers in this case is like putting out a forest fire by spitting on it. It would be a total waste of time and effort.

Thank you for listening.

Regards,

Mike Jagelski
56 Lucky Dr.
Greenbrae, CA 94904
415-924-6280

From "Bob Alvarado, District Mgr."

Date Monday, October 23, 2000 2:25 pm

To

Subject rockfish closers in northern california

dear sirs,

once again a proposal is being put forth by this council that completely defies any logic, or just plain common sense, at all. to penalize sportfisherman with a closed season and lower limits yet continue the commercial netting in the same waters is foolish at best and only reinforces the idea that government doesn't have a clue. please reconsider this decision and come up with an alternative that makes some kind of sense, something that doesn't make this process look as inept and biased as it now seems. thank you.

bob alvarado
3797 pinole valley road
pinole, california 94564
510-758-8968 home
510-758-0755 fax

From "Jagelski, Michael"

Date Monday, October 23, 2000 2:26 pm

To "'pfmc.comments@noaa.gov'"

Cc "'tom@stienstra.com'"

Subject Restricting the Commercial Netters and Long Liners: Yes!

Hi Folks,

This is my vote that YES the restrictions for rock fish fishing should be on the commercial fishing industry and not the sport fishers! And YES, I certainly do mean it should be on the commercial fishers. It is obvious beyond words that the commercial fishers cause the vast bulk of the damage and so regulating them would do the most good the fastest.

Regulating the sport fishers in this case is like putting out a forest fire by spitting on it. It would be a total waste of time and effort.

Thank you for listening.

Regards,

Mike Jagelski
56 Lucky Dr.
Greenbrae, CA 94904
415-924-6280

From "Jonathan Dunn"
Date Monday, October 23, 2000 2:28 pm
To pfmc.comments@noaa.gov
Cc Tom@TomStienstra.com
Subject California coast rockfish limits

Dear Sir/Madam,

Although I do not fish for rock cod and similar species I want to register my disapproval at the draconian measures you are possibly about to undertake directed at the sport fisherman by drastically cutting back on the allowable limit of rock fish. I believe that since it is the commercial fishing industry that causes the majority of the damage to the fish stocks and they should bear the brunt of the cutback in proportion to the percentage of the total catch that they take.

Thank you for your consideration.

Jon Dunn

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>.

Share information about yourself, create your own public profile at <http://profiles.msn.com>.

From Titan Truck Racks
Date Monday, October 23, 2000 2:35 pm
To pfmc.comments@noaa.gov
Cc rtreanor@dfg.ca.gov, jduffy@dfg.ca.gov
Subject nearshore fishery/UA proposal

Dear PFMC and others,

I've been diving the California coast for 31 years, sometimes spearfishing and often with hunting with just a camera. I stopped spearfishing, pole fishing and buying fish altogether about 3 years ago, due to the amazing reduction in all species normally hunted. I just can't bring myself to kill something that needs desperately to live and breed to sustain an existence. Therefore I'm very much in favor of the commercial gear restriction proposal submitted by the United Anglers of Southern California.

This proposal was submitted by USAC's Legislative Committee Chairman Mike Malone.

Thank you,

Steve Howe, Mendocino, Ca.

From Jntres@aol.com
Date Monday, October 23, 2000 3:42 pm
To pfmc.comments@noaa.gov
Cc tom@stienstra.com
Subject cast adrift

As has been the case in the past, the sports angler takes it on the chin for the numerous sins of the long-liners and seiners scouring the ocean's bottoms. Enough already. If there is a shortage of certain species of fish - and I don't doubt that there is - blame it on - and initiate legislation to thwart - the culprits. Not the easy scapegoats!!!!!!

Dave Reichel


avid ocean/bay sports fisherman for forty years

From BeeVolson@aol.com
Date Monday, October 23, 2000 3:47 pm
To pfmc.comments@noaa.gov
Cc Tom@Stienstra.com
Subject RE: Sportfishing closes

How can you possibly think of closing sportfishing for rockfish. You all must have fallen off the branch of the tree in the recent wind storm. This is idiotic, especially when you allow drag nets and gillnets to continue being dropped into the waters.

Penalize commercial fishing habits, not those of us who continually fish just for ourselves and never take all that we are able to. We only take what we can use in a short time and I am sure that many other do the same. NO on your closings!!!

Bobbie and Ed Volson
P O Box 1033
North Highlands, Ca 95660
beevolson@AOL.com

From "Jim Hamrick" 
Date Monday, October 23, 2000 4:26 pm
To
Subject Rock fishing

I am against further restrictions imposed on sport anglers fishing for rock fish. Commercial fisherman are responsible for the decline and should be restricted accordingly to bring the population back to appropriate levels. Please leave the sport fisherman alone and focus your efforts on the Commercial fisherman as they are the ones responsible for the decline!



From "wed"

Date Monday, October 23, 2000 4:30 pm

To

Cc "Andy Guiliano" , "Steve Risk"

Subject Rockfish/Lingcod closures and limits

Pacific Fisheries Management Council:

I am writing in protest of your proposal to reduce the season and bag limit of rockfish and lingcod for sport anglers. I am deeply concerned that your proposed changes unfairly impact sportfishermen while allowing the continued overharvest of these species by the commercial sector.

Recent studies suggest that the sportfishing sector (all factions included) generates exponentially higher economic benefit per fish than that provided by the commercial sector, while only harvesting 10% of the take for the species in question. In addition, fishing methods used by sportfisherman are clean and species specific, creating virtually no extraneous environmental impact or bycatch. Use of trawling equipment, gill nets and longlines by the commercial industry create substantial negative impacts to non targeted species and the marine environment. Regardless of the pressures placed upon you by the commercial fishing lobby, it is irresponsible and negligent to allow them to continue the overharvest of this resource in such a manner. It is, in my opinion, ludicrous to even consider effecting the changes you are suggesting.

Please base your proposals on accurate scientific data, DIRECTED AT SPECIFIC POPULATIONS (rather than the broad brush you are using for "West Coast Fisheries") with the ultimate goal of preserving and protecting the species and marine habitat. Punishing sportfishermen for the crimes perpetuated by the commercial industry over the past several decades is unacceptable.

Sincerely,

William E. Dutra
1800 Glenhaven Avenue
Walnut Creek, CA 94595

From "Al Piszczatowski" ▶
Date Monday, October 23, 2000 4:40 pm
To
Subject Longlining

After what has happened to the pelagic fisheries in the Atlantic Ocean how can any responsible advisory council even think about allowing longlining in their jurisdiction.

The Pacific Fishery Management Council should call the councils on the east coast and request a report about the state of the pelagic fishes and how badly these councils have managed these waters.

Longlining should be outlawed, and eventually will be outlawed

Al Piszczatowski
11 Sheppard Street
Glen Head, NY 11545-1815
Email: PlugginFool@NetZero.net

From Jyahiro@aol.com
Date Monday, October 23, 2000 5:08 pm
To pfmc.comments@noaa.gov
Cc tom@stienstra.com
Subject Closure of rockfish season

The proposed closing to sportfishing of the rockfish season for four to six months and the lowering of the catch limit will not be a positive step in the management of that fishery. Penalizing the sportfisherman and the sportfishing industry will not increase the rockfish population. Sportfishing only accounts for a small percentage of the total catch.

Commercial fishing by drag nets and long liners are the real culprits that need to be controlled.

Please make reasonable and considerate decisions with regard to the sportfisherman.

Thank you.

Jerry Yahiro

From Fishtalegale@aol.com

Date Monday, October 23, 2000 6:33 pm

To pfmc.comments@noaa.gov

Subject rockfish proposals

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?

Kim Gale
920 B Yrk St.
Vallejo, CA 94590

From DaBelch@aol.com

Date Monday, October 23, 2000 7:11 pm

To pfmc.comments@noaa.gov

Subject Pacific Fishery Management Council

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

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These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

GLEN BELCHER
617 Foothill Drive
Pacifica, CA 94044

From "Bill Asbell"

Date Monday, October 23, 2000 7:24 pm

To

Subject Sport Fishing

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

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Not too hard to figure out, eh?

Bill Asbell
135 Tarry Rd.
San Anselmo, Ca.

From "Jane M. Mathis" ▶

Date Monday, October 23, 2000 7:24 pm

To pfmc.comments@noaa.gov

Subject Public Vs. Commercial Fishermen

I am very much against your plan for rockfish and lingcod. I think it is very unfair to the general fishing public and biased toward the commercial fishermen. Please don't go through with it.

From "Dick Slavens"

Date Monday, October 23, 2000 7:51 pm

To

Subject Ground Fish Management

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

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Richard G. Slavens

1939 Wilkins Ct.
Napa, CA
94559

From Curt Degler

Date Monday, October 23, 2000 10:20 pm

To pfmc.comments@noaa.gov

Subject Comments on Fishing regulation changes

Dear Council,

I am a sportsman, tax payer and conservationist and am outraged at your proposal. I say "Shut down the commercial fishing industry until they learn to control their activities and place them in harmony with nature"

Curt Degler
POB 784
Santa Rosa CA 95402

- > REMEMBER the Wizard of Oz? Remember how the Wizard
- > hid behind a curtain and then
- >
- > created illusion, smoke and bellowing speeches to fool
- > Dorothy and Co. into meek obedience?
- >
- > Well, just like the Wizard, a few government spin doctors
- > are doing the same thing right now to the people of
- > California.
- >
- > When you clear away the smoke, this is what is going on:
- > The biggest fishing shutdown in history along the
- > California coast is about to be rammed down your throat in
- > order to cover up 25 years of failure to restrict commercial
- > netters and long-liners.
- >
- > The government is proposing to close sportfishing for
- > rockfish for four to six months a year along the central and
- > northern California coast, and to reduce the limit to as low
- > as three rockfish per person (and no higher than nine) and
- > one lingcod.
- >
- > For 25 years now, fishermen, wildlife lovers and hard-core
- > enviros alike have protested how commercial fishermen
- > have tried to clean out the ocean. The commercial boats
- > often drag nets that are like vacuum cleaners, hang gillnets
- > that are miles long, and set miles-long lines with
- > thousands of hooks. In the process, they have killed
- > marine birds, sea otters, marine mammals, juvenile fish, and
- > non-target fish species in their mission to kill every
- > rockfish they can get their mitts on.
- >
- > Each year, commercial fishermen take 85 to 90 percent of
- > the catch, leaving sport anglers for the rest. Though
- > fast-growing rockfish are flourishing, others that are
- > slow-growing, such as canary rockfish, cow cod, and
- > bocaccio, are being fished out by the netters and
- > long-liners.
- >
- > This is what is logical: Since the commercial boats do 90
- > percent of the damage, they should be shut down 90
- > percent of the time. And if sport anglers are responsible

> for 10 percent of the
>
> catch, they could stand being reduced 10 percent of the
> time. From last year's sport limit of 15 and year-round
> season, that would mean a 13-fish limit and 11-month
> season.
>
> And doesn't it make sense that the first people who should
> be pulled off the water are the netters, who have the ability
> to kill everything in their path? That's not how the Wizard
> sees it.
>
> Under the proposal, while the sport anglers get shut down,
> the drag netters would be allowed to continue to try to
> clean out our coast. The Wizard argues that new
> commercial quotas will reduce the harvest by 50 percent,
> and that severe sportfishing cutbacks are necessary in
> order to "share the pain," the mantra of the Pacific
> Fisheries Management Council.
>
> Share the pain? Your worst enemy has caused a train
> wreck, and yet you - the healthy one - are scheduled to
> have your legs amputated. And remember the line from the
> Wizard of Oz: "Pay no attention to that man behind the
> curtain."
>
> You have one chance to defeat this. At the end of this
> month, Oct. 31 to Nov. 3, the Pacific Fisheries
> Management Council will hold a hearing in Vancouver,
> Wash., then review data and options, and make their
> decision - a landmark moment.
>
> To make the deadline for public comment, write by
> Tuesday to: PFMC, 2130 SW Fifth Avenue, Suite 224,
> Portland, Oregon 97201, fax them at (503) 326-6831, or
> access their Web site at www.pcouncil.org, where an
> e-mail link is available at pfmc.comments@noaa.gov. You
> can copy me at Tom@Stienstra.com.

--

The Plight of California's Reef Fish

<http://www.best.com/~cdegler/CALFISH/index.htm>

From Travis Seaton

Date Tuesday, October 24, 2000 8:08 am

To "'pfmc.comments@noaa.gov"

Subject Fishery Management Council

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

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or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

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It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many

years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Travis Seaton
25 Wildwood Lane
Novato, CA 94947

Subject: Fwd: Rockfish/Lingcod Sport Fishing Regulations

Date: Mon, 23 Oct 2000 09:34:06 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rockfish/Lingcod Sport Fishing Regulations

Date: Mon, 23 Oct 2000 01:38:52 EDT

From: Wilnormac@aol.com

To: pfmc.comments@noaa.gov

CC: tom@stienstra.com

TO: Pacific Marine Council

I am sending you this E-mail to voice my strong opposition to recent proposed changes to the rockfish regulations for the Pacific Coast.

While I applaud your efforts to stop overharvesting by the commercial industry, I feel strongly that these changes, as proposed, unfairly lump the sport fisherman together with the commercial industry.

The decline of the rockfishery has been known for some time, and has been brought about by a lack of oversight of the commercial industry. And now there's just too many licensed boat and too many harmful methods, drag nets, long lines.

The sportfishermen's toll on the population has been and remains insignificant as compared to the commercial industry.

So I think the restrictions applied on these two groups, the commercial industry and the sport fishing community, should reflect their proportion of total fish taken.

However your proposals will not allow me to catch a couple of fish, while I watch the commercial boats drag a death net along the coast.

Please don't make the weekend fisherman pay the price of Big Fish Inc. !

Thank you for your time, and I look forward to your response.

William McAbee
663 Harrow Avenue
San Mateo, CA 94402
E-mail wilnormac@aol.com

Subject: Fwd: Groundfish Sportfishing Reductions

Date: Mon, 23 Oct 2000 09:33:46 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Groundfish Sportfishing Reductions

Date: Sun, 22 Oct 2000 22:33:17 -0700

From: Eldon Cutlip <cutlpe@pacbell.net>

To: pfmc.comments@noaa.gov

CC: Tom@Stienstra.com

To the Pacific Fishery Management Council,

I don't know much about who you are, but here's a bit about who I am. My number 1 hobby, when I'm not working or trying to raise my 3 year old daughter, is fishing. I have an old Boston Whaler and I fish whenever I have some time and enough money. Sometimes I even take a few fish. I hope to someday take my daughter with me to enjoy the kinds of experiences I've been lucky enough to be a part of. So if you are really trying to improve our fisheries I appreciate your efforts. But it sounds like you are putting the brunt of your restrictions on the sport-fisherman. I'm no scientist, but even I can see who's killing most of the fish. And it certainly isn't people fishing with rod and reel. If the take needs to be restricted, reduce the draggers. Most everything in their net (regardless of size or specie) dies either in the net, on the boat, or after it's tossed back.

I need to hit the bed now so I am able to get up for work and pay taxes and buy fishing licenses. Oh yeah, and pay people like you to look after our resources.

PLEASE don't close sportfishing for rockfish while the draggers continue to rape the ocean!

Eldon Cutlip
2421 Deer Ravine Trail
Cool, CA 95614
530-889-0863

Subject: Fwd: Sport bottom fishing.

Date: Mon, 23 Oct 2000 09:33:11 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Sport bottom fishing.

Date: Sun, 22 Oct 2000 22:59:39 -0600

From: William Breen <breen@inreach.com>

Organization: Breen's Computer Consulting

To: pfmc.comments@noaa.gov

To the PFMC ,

This letter is to protest your proposal to use the Sport fishing fleet to do some "Feel Good" rules that will NOT do anything to help the fish populations. Commercial fishing accounts for OVER 85% of the take, so it makes sense to put the restrictions on the commercial, NOT the Sport fishing. Your failed policies have killed the tourist business here in the North Coast of California (Eureka, Trinidad, Crescent City) We have gone from over 25000 sport boats that used to come up here for the summer, and 12 to 15 charter boats, to less than 5000 sport boats, and 2 charter boats. If you reduce the sport take to the proposed 4 to 9 fish for the Sport fisherman, and don't do anything for the commercial fishing you will clearly be continuing your failed course of management, and discredit yourselves completely.

Don't punish the Sport fisherman for YOUR and the Commercial fishermans mismanagement.

W. H. Breen III
2940 Spears Rd.
Eureka, CA. 95503
707-445-2114
breen@inreach.com

Subject: Fwd: closure of sportfishing

Date: Mon, 23 Oct 2000 09:32:51 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: closure of sportfishing

Date: Sun, 22 Oct 2000 21:16:44 -0700

From: michael smith <michaelasmith@earthlink.net>

To: <pfmc.comments@noaa.gov>

CC: <tom@stienstra.com>

Dear Sirs and Madames,

I wish to strongly protest the severe limitations that are being considered by your council regarding sportfishing. I think it fair that, if sportfishing accounts for 10% of the catch and commercial the rest, then the cutbacks should be apportioned exactly as such.

Does this seem too simplistic? The simple is the only course that can lead to fairness and sanity. If you don't believe this, consider asking the fish.

Respectfully, Michael Smith MD

Subject: Fwd: Lingcod closure

Date: Mon, 23 Oct 2000 09:38:13 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Lingcod closure

Date: Mon, 23 Oct 2000 09:26:27 -0700

From: Jim Paddor <jpaddor@home.com>

Organization: @Home Network

To: pfmc.comments@noaa.gov., TomStienstra.com@home.com

I urge you to consider the commercial take of rockfish and lingcod. Their effect on the total numbers of fish taken far outweigh the ten to fifteen percent caught by the sportfishermen. If the sportfishing for these species is to be closed, then do the same for the commercials. Thank you, James Paddor, DDS.

Subject: Fwd: Proposed rock fish closing.

Date: Mon, 23 Oct 2000 09:37:55 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Proposed rock fish closing.

Date: Mon, 23 Oct 2000 09:21:09 -0700

From: JAMoreau <JAMoreau@lbl.gov>

Organization: lbl

To: pfmc.comments@noaa.gov

CC: Tom@Stienstra.com

I am against the proposed closing of sport fishing for 4 to 6 months a year and reducing the limits on rock fish along the central and northern coast of California.

I am in favor of limiting the commercial fisherman from using drag nets, gillnets and long lines. I feel that the commercial boats do 90 % of the damage so they should be reduced by 90%.

Subject: Fwd: Comments on Limiting Sportfishing for Rockfish by the Pacific Fisheries Management Council

Date: Mon, 23 Oct 2000 09:37:36 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Comments on Limiting Sportfishing for Rockfish by the Pacific Fisheries Management Council

Date: Mon, 23 Oct 2000 09:20:37 -0700

From: <lukeaa@attglobal.net>

To: <pfmc.comments@noaa.gov>

CC: <tom@stienstra.com>, <NMineta@doc.gov>

Dear PFMC:

I am extremely concerned to hear that the Pacific Fisheries Management Council (PFMC) is considering limiting sportfishing for rockfish on the Pacific coast. Having been a sport fisher for the past 50 years, I have never seen any serious damage done to a fish population by sportfishing. However, time and again, I have seen entire populations of fish wiped out by commercial fisherman using destructive commercial techniques.

I am deeply disturbed that the PFMC would target the sportfishing industry, which is made up of hundreds of thousands of individual fishermen, in order to benefit several hundred corporations that own the commercial boats. Your proposed action is not about helping the fish as much as it is about trying to hide the damage that the PFMC has allowed to be done by the commercial fisherman.

As a resident of San Jose, California, I will contact our former mayor, Norm Mineta, who is now the U.S. Secretary of Commerce. I want to be sure that he is personally aware of what the PFMC is doing and exactly what brought this situation about. The commercial fisherman take over 85% of the rockfish catch from the Pacific. They are the ones who are doing the damage and they are the ones on whom the PFMC should place the most stringent restrictions.

Sincerely,

Luke Alexander
7214 Golf Course Lane
San Jose, CA 95139
lukeaa@attglobal.net
408-578-8505

Subject: Fwd: Rock Fish Regs.

Date: Mon, 23 Oct 2000 09:37:18 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rock Fish Regs.

Date: Mon, 23 Oct 2000 11:36:18 EDT

From: KStone6779@aol.com

To: pfmc.comments@noaa.gov

CC: Tom@Stinestra.com

PFMC,

I have read, in Tom Stienstra column of the San Francisco Examiner that you are planning to limit even further the sport fishing take of rock cod and lingcod. I believe what I read in the paper that the commercial fisherman takes 90% of the fish and sport fisherman take 10%. Even if these numbers are off, the commercial take is much more than the sport takes. Yet you put the burden on the sport fisherman.

It is governmental acts like this that really upset me. If you are really interested in saving the rock cod limit the draggers, limit the netters and stop the inshore live rock cod commercial fishing. Limit the sport and limit the commercials by the percentage they take. Put the burden where it belongs.

Sincerely,
Ken Stone

Subject: Fwd: Rock Cod Closures

Date: Mon, 23 Oct 2000 09:36:15 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rock Cod Closures

Date: Mon, 23 Oct 2000 08:10:11 -0700

From: "Jim Galey" <jgaley@299e.net>

To: <pfmc.comments@noaa.gov>

CC: <PESIEFER@aol.com>, <Tom@Stienstra.com>, "capjak" <capjak1@jps.net>, <DN4BLACK@aol.com>, <F1shn2@aol.com>, "Paul Eckerman" <PEcker@ecis.com>, "Reid, Paul J" <paul.j.reid@intel.com>, "Robert Deslauriers" <fuzbob@yahoo.com>, "Scott and AMWAY" <tworeids729@aol.com>, <WEBFT@Excite.com>

Dear Sirs:

I recently read of the proposed closures and reduced limits for rock cod and ling cod off the California Coast. This problem has been caused by the drag netters, and long liners. Commercial fishermen take at least 85 % more fish than sport fishermen do. How about directing your efforts towards the Commercial industry where the problem resides and leave the sport fishermen alone. It will take courage to put severe restrictions on the commercial fishing industry but it MUST be done to correct the over fishing and depletion of this coastal treasury. Sport fishers with rod and reel are not the cause. They should not have to suffer further from bad commercial practices.

Respectfully,

Jim Galey
jgaley@299e.net

Subject: Fwd: Proposed Rockfish Closures

Date: Mon, 23 Oct 2000 09:35:56 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Proposed Rockfish Closures

Date: Mon, 23 Oct 2000 07:19:14 -0700

From: "Ed Migale" <emigale@maxinet.com>

To: <pfmc.comments@noaa.gov>

October 23, 2000

Pacific Fisheries Management Council

2130 SW Fifth Ave, Suite 224

Portland, OR 97201

Dear PFMC,

Re the proposed sport rockfishing restrictions: I strongly object to any more restrictions placed on sportfishermen. We are not negatively impacting these fisheries the way gillnetters and longliners do.

How you can even entertain impacting hook and line sportfishers and crippling the party boat fleet, landings, and tackle shops while the gillnetters and longliners would continue to strip mine rockfish populations?

You call yourself a "management council" so let me suggest that you "manage", that is, "restrict", those responsible for rockfish declines and leave the sportfishermen alone.

Sincerely,

Ed Migale

5 Premier Court

Chico, CA 95928

Subject: Fwd: Rockfish closure

Date: Mon, 23 Oct 2000 09:35:14 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rockfish closure

Date: Mon, 23 Oct 2000 09:25:00 EDT

From: Flshn2@aol.com

To: pfmc.comments@noaa.gov

CC: Tom@stienstra.com

I would like to express my resentment at the proposed Rockfish closure for California.

I think it is highly unfair that Long liners and Gill netters are allowed to wipe out our fisheries and that the Sport fishers are being made to pay dearly for it. I believe we all have a stake in preserving our fishery resources for the future, but allowing the wholesale take of Rockfish by commercial interests is not in the best interest of the resource. I understand that Commercial fishing takes 90% of the Rockfish and that Sportfishing takes 10%. To cut the take of Sportfishing drastically while not reducing the take of Commercial interests drastically is unfair to the sport fishing industry, sport fisherpersons, and the Fish and Game commission which will undoubtedly lose revenue due to lost license sales. Please reconsider how you are going to allocate our Rockfish. Ronald D. Johnson

Subject: Fwd: Rockfish debalacle

Date: Mon, 23 Oct 2000 09:34:53 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rockfish debalacle

Date: Mon, 23 Oct 2000 09:30:14 GMT

From: "michael Larocco" <salmon4ever@hotmail.com>

To: pfmc.comments@noaa.gov

Dear sirs,

I'm not usually a very strong letter writer, but I feel I do need to make a few points clear on this, The Commercial take of Rockfish needs to be drastically curtailed along the pacific coast.. Remember the Red Abalone down in SoCal? Why don't we just open the North coast to abalone fishing? eh?! Fisheries are being impacted around the globe! Orange Roughie, chilean sea bass, ect... I'M a sport fisherman, and I'm mad has hell and frankly, none of of us are going to take this shit anymore! WE spend alot of \$\$\$\$\$ to pursue the few fish WE ARE ALLOWED TO cATCH.. and this with minimum bycatch... This shit needs to stop...If people can't catch thier own they they just do not to eat fish... or you as a regulatory agency...needs to protect the resource... I feel you are just a bunch of incompetent BOOOBS>>> Who must shop at safeway for your daily hamburger.... MOOOO MOOO MOOOO..... I CATCH WHAT I EAT ! DO YOU? Michael a La Roccoo.....Gonzo Fisherman

P.S. I know a few people, and will encourage a no salt water fee for next fishing season! as it is a total ripp off for sport fishers! make the commercials pay! that is until all the fish to be caught are gone! your a bunch of people totally disallusioned.. from the real world.....

Michael a LaRocco (Forgat my fishing #)

Get Your Private, Free E-mail from MSN Hotmail at <http://www.hotmail.com>.

Share information about yourself, create your own public profile at <http://profiles.msn.com>.

Subject: Fwd: Equity in rockfishing

Date: Mon, 23 Oct 2000 08:26:59 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Equity in rockfishing

Date: Sun, 22 Oct 2000 12:18:30 EDT

From: Scottyaf@aol.com

To: pfmc.comments@noaa.gov

CC: Tom@stienstra.com, JMKOK88@aol.com

Dear folks, I am a local sportfisherman in the Bay Area of SF. Let's show some fairness and equity in the lowering of limits and seasonal fishing restrictions between the commercial long liners and the sportfisherman. I am certain that the few sportfishing boats that do make it out to the outer banks of this area cannot do much damage to a species. Certainly not the decimation that miles of commercial nets and longlines would do. Thank you for listening.

Sincerely, Scotty Forman of Pacifica, Ca

Subject: Fwd: California Rock Cod Sportfishing

Date: Mon, 23 Oct 2000 08:25:55 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

CC: john.coon@noaa.gov

Subject: California Rock Cod Sportfishing

Date: Sun, 22 Oct 2000 11:49:23 EDT

From: Scottyaf@aol.com

To: pfmc.comments@noaa.gov

CC: Tom@Stienstra.com, jmkok88@aol.com

Dear folks, I am a local sportfisherman in the SF Bay Area. I feel the restrictions put on the sportfisherman are unreasonable and more should be placed on the commercial netters and longliners. I don't feel that I need to go into long detail but I can guarantee that there are many others out there feeling the way I do. If we are going to restrict the catch, let's do it fairly and equally..

Sincerely, Scotty Forman

Pacifica, Ca

Subject: Fwd: Sport Rockfish limits

Date: Mon, 23 Oct 2000 08:25:25 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

CC: john.coon@noaa.gov

Subject: Sport Rockfish limits

Date: Sun, 22 Oct 2000 13:03:02 +0000

From: Hugh Stickney <hstick@earthlink.net>

Organization: Stickney Design

To: pfmc.comments@noaa.gov

Hi,

What in the world are you thinking of??? Why punish the sport fishermen who take only ten percent of the fish? How about limiting the commercials (especially the methods of take) instead if you want to see stocks rebound?

Please don't mess this one up.

Thanks,

Hugh S. Stickney
Oakland

Subject: Fwd: Rock Fishing

Date: Mon, 23 Oct 2000 08:33:25 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov


Subject: Rock Fishing

Date: Sun, 22 Oct 2000 18:50:33 -0700

From: "Lyle & Julie Childers" <lyle.childers2@gte.net>

To: <pfmc.comments@noaa.gov>

Why is it you do not stop or slow down the gill netting, and long lining first? The sports fishers are not the problem. Thank You Lyle

 winmail.dat	Name: winmail.dat Type: application/ms-tnef Encoding: base64
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Subject: Fwd: Proposed Rockfish Closure

Date: Mon, 23 Oct 2000 08:32:39 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Proposed Rockfish Closure

Date: Sun, 22 Oct 2000 17:13:28 -0700

From: "Pedro A. Contreras" <petjan@pacbell.net>

To: pfmc.comments@noaa.gov, Tom@Stienstra.com

Gentlemen:

I have read there is a proposal to close sportfishing for rockfish for a period of four to six months due to a decline in the rockfish population. This is unfair to sportfishermen since commercial fisherman catch much larger volumes of rockfish using nets and set lines which cover huge areas, and thus are more responsible for the decline of rockfish..

It makes more sense to enact some type of limit for the commercial fisherman since sportfisherman are already limited to 10 rockfish per person.

Sincerely,

Janet Contreras
503 Old Farm Road
Danville, CA 94526

Subject: Fwd: Groundfish Management Measures 2001

Date: Mon, 23 Oct 2000 08:30:59 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Groundfish Management Measures 2001

Date: Sun, 22 Oct 2000 17:06:38 -0700

From: Byron Won <byron@california.com>

To: pfmc.comments@noaa.gov

Dear Sirs:

It has come to my attention of plans to curtail fishing, both sport and commercial, in order to promote and save threatened fisheries of groundfish. Including, but not limited to, cow cod, canary rockfish, black-blotched rockfish, bocaccio, cabezone, ling cod, etc.

It is my fervent opinion that the fisheries indeed require drastic measures to ensure their recovery and survival. However, that any diminishment of the take be performed on a percentage basis equally distributed between the sportsman take and the commercial take. In other words, let the fish trawler, drag-netters and gill-netters suffer the same percentage drop in their take as is asked of the sportsfisherman. That is the most equitable means of spreading the sacrifice to all concerned parties.

Do not allow money and commercial interests to exempt anyone from equally participating in the sacrifices necessary to save a vital resource!

Sincerely,

Byron Won
527 Grizzly Peak Blvd.
Berkeley, CA 94708-1212
byronwon@mail.com

Subject: Fwd: rockfish

Date: Mon, 23 Oct 2000 08:30:42 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: rockfish

Date: Sun, 22 Oct 2000 16:59:49 -800

From: hmit@vom.com

To: pfmc.comments@noaa.gov

Dear Sirs,

I have been a California sportfisherman for fifty years and have witnessed the marked decline in our sportfishing in most recent years. I believe it is poor management to allow commercial netters, long-liners and gillnets to continue without restrictions. It is most unfair to close sportfishing for 4-6 months a year to reduce the limit.

Sincerely,

Ralph T. Mitarai, M.D.

<http://www.vom.com>

Fwd: BOTTOMFISH

Subject: Fwd: BOTTOMFISH

Date: Mon, 23 Oct 2000 08:30:21 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: BOTTOMFISH

Date: Sun, 22 Oct 2000 19:33:32 EDT

From: Biglead@aol.com

To: PFMC.comments@noaa.gov

CC: Tom@stienstra.com

Not fair to the recreational fisherman, your plan on almost if not completely to cut out the fishing for bottomfish. Myself and hundreds of other fisherman who are retired and enjoy a day out on the ocean will not be able to afford the cost to go get "3" fish! The long liners are out all the time cleanig out the rock fishing areas. They take undersize fish and anything else they can kill. It is only fair to cut back on ALL commercial bottom fishing at least 90% and to the recreational group 10% to be fair!!

THANK YOU DON MANNIS

1582 daily ct San Leandro. Ca 94577

Subject: Fwd: Comments on Fishing Ban

Date: Mon, 23 Oct 2000 08:29:59 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Comments on Fishing Ban

Date: Sun, 22 Oct 2000 15:09:10 -0700

From: "Chantal Krey" <cpkrey@Home.com>

To: <pfmc.comments@noaa.gov>

CC: "Tom Stienstra" <Tom@Stienstra.com>, "Chantal Krey" <chantall@mindspring.com>

Dear PFMC:

I would like to comment about closing the fishing for the public along the coast.

Please be reminded that fish of all types are being threatened to extinction on this Pacific coast as well as around the world due almost exclusively to commercial fishing and their "grab all you can" approach.

I urge you to reconsider and take a stand for the future by showing the world that we want the trend reversed. By putting restrictions on the commercial fleets, you can really put your mark on creating a sustainable future for both sportfishing and harvesting.

Sincerely,

Rick Krey

415-652-6631

globalrick@yahoo.com

Subject: Fwd: Pacific coast rock fishing limits

Date: Mon, 23 Oct 2000 08:29:39 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Pacific coast rock fishing limits

Date: Sun, 22 Oct 2000 12:46:59 -0700

From: Sam English <samenglish@jps.net>

To: pfmc.comments@noaa.gov

I have been sport fishing the waters off half moon bay, ca for twenty years. I can not believe you are considering closing my fishing season for 4 to 6 months. Sport fisherman catch 10% or the bottom fish, while long liners and netters(commerial) take 90% of this catch. You say "share the pain", well I willing to share my 10%(13- fish limit & 11 month season). Commercial can share the other 90%. Why do sport fisherman always get the shaft for years of bad management on you part. Maybe we don't contribute to the political hacks that appoint you to this commission, what else can justify this ill logical behavior.
Sam English

Subject: Fwd: Rockfish Conservation

Date: Mon, 23 Oct 2000 08:29:21 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Rockfish Conservation

Date: Sun, 22 Oct 2000 12:22:26 -0700

From: John Clark <juancho@sohummm.net>

To: Pacific Fisheries Management Council <pfmc.comments@noaa.gov>

Please consider severely limiting commercial fishing harvest limits for groundfish. Since commercial fishermen take 85% to 90% of the harvest annually please limit them in an equitable way to permit sport fishermen to continue at a reasonable rate. Note Tom Stienstra's comments as published in the San Francisco Examiner on October 22, 2000. Thank You
John Clark PO Box 2340 Redway CA 95560 Area Code 707 923-9009

Subject: Fwd: Proposed Sport Fishing Shutdown

Date: Mon, 23 Oct 2000 08:29:01 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Proposed Sport Fishing Shutdown

Date: Sun, 22 Oct 2000 11:45:19 -0700

From: "Howard Huenergardt" <howardh@sonic.net>

To: <pfmc.comments@noaa.gov>

CC: <Tom@Stienstra.com>

A brief comment on the proposed shutdown. Commercial fishermen take about 90% of the fish and leave the remaining 10% to sport fishermen. I think that commercial fishermen should be shutdown in the same ratio. That is 90% and sport fishermen 10%. If commercial fishing was managed better, we wouldn't be having this problem now. Please don't shutdown sport fishing!

Howard Huenergardt
3603 Wallace Road
Santa Rosa, CA 95404
707-539-2799
howardh@sonic.net

Fwd:

Subject: Fwd:

Date: Mon, 23 Oct 2000 08:28:32 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject:

Date: Sun, 22 Oct 2000 11:38:16 -0700 (PDT)

From: jeff hoffman <jdhlax@yahoo.com>

To: pfmc.comments@noaa.gov

CC: Tom@Stienstra.com

Dear PFMC:

I have just read about your plan to only restrict commercial fisherman to a 50% reduction in rockfish along the California coast, while shutting down sport fishing entirely. Sport fisherman cause a very small amount of the problem. Since commercial fishing is responsible for 90% of the catch -- and therefore, the problem -- commercial fishing needs to be restricted by at least 90%. Commercial fisherman have been stripmining the oceans for decades and need to be stopped! Drag netting, gillnets, and long lines should be outlawed, as they kill non-target fish and mammals, who then die for no reason. Please save our oceans by shutting down commercial fisherman, or at least restricting them to sustainable catches that do not kill non-target species. Shut down commercial fisherman before restricting sport fishing.

Sincerely,

=====

Jeff Hoffman

132 B Coleridge

San Francisco, CA 94110

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<http://im.yahoo.com/>

Subject: Fwd: rockfish sportfishing limits

Date: Mon, 23 Oct 2000 08:28:13 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: rockfish sportfishing limits

Date: Sun, 22 Oct 2000 17:46:43 GMT

From: "ken herschfield" <kherschfield@hotmail.com>

To: pfmc.comments@noaa.gov

CC: Tom@Stienstra.com

so while commercial "harvesters" vacuum the sea floor and take 80%+ of all the rockfish on the coast, catching and killing secondary species on long lines and in gill nets, PFMC proposes to limit the sport anglers who take home less than 20% of the catch? let's see -- with the virtual collapse of cod and other bottom fish around New England's Georges Bank, the New England Fisheries Management Council decided to virtually close the grounds to commercial fishing factories. could this perhaps be because they were cleaning out everything in sight? surely there can be some parallel drawn to the situation off of california's coast. i urge PFMC to take a long hard look at the inherent folly of limiting sport anglers while continuing to allow commercial fishermen virtually unlimited access to our valuable coastal resources. sincerely, ken herschfield

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Subject: Fwd: Upcoming Hearings: Restrict Commercial Fisherman

Date: Mon, 23 Oct 2000 08:27:50 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Upcoming Hearings: Restrict Commercial Fisherman

Date: Sun, 22 Oct 2000 10:31:46 -0700

From: Cris Wendt <ckwendt@home.com>

To: pfmc.comments@noaa.gov

CC: tom@stienstra.com

Pacific Fisheries Management Council,

I would like to provide you with some feedback on your upcoming decision to close some of the Pacific Coast to rockfish for sport fisherman and reduce limits.

I applaud your decision to improve the Pacific Coast fisheries, but believe that any success is contingent upon **CLOSING THE FISHING SEASON FOR AT LEAST 75% OF THE TIME FOR COMMERCIAL LONG-LINE AND GILLNET FISHING OPERATIONS.**

Reduced quotas for commercial fisherman are insufficient. In order to sufficiently share the pain, both commercial and sport fisherman must have shutdowns, somewhat in equal proportion to their catch.

Let's also save the other victims of indiscriminate long line and gillnet commercial fisherman: birds, seals, otters, and other non-targeted fish.

Let's fix the problem now, before even more drastic actions are required later.

Regards,

Cris Wendt
Cupertino, CA

Cris Wendt
Ph: (408) 252-5143
ckwendt@home.com

Subject: Fwd: California Rockfish Closure: proposed

Date: Mon, 23 Oct 2000 08:27:20 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: California Rockfish Closure: proposed

Date: Sun, 22 Oct 2000 12:50:12 -0400

From: owenevan@yosemite.net

To: pfmc.comments@noaa.gov

Dear PFMC:

I strongly object to any proposed closures and/or restrictions regarding SPORTFISHING rockfishing in California. However, I do strongly support strict closures on COMMERCIAL rockfish fishing.

Commercial fishing accounts for at least 85% of the depletion of rockfish resources with sportfishing accounting for the remaining 15%. Since sportfishing was restricted/closed last year, it is time that commercial fishing do "its fair share".

I have observed the rather pro-commercial "bent" of the Council over the years and hope that this year's decisions will be more balanced between sport and commercial interests.

Thank you for considering my comments.

Sincerely,

James F. Evans
5545 Gunther Rd
Mariposa CA 95338

cc: Vice President Al Gore and Members of Congress.

Subject: Fwd: Allocation of fish stocks between recreational and commercial fishers

Date: Mon, 23 Oct 2000 09:30:43 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Allocation of fish stocks between recreational and commercial fishers

Date: Sun, 22 Oct 2000 19:35:04 -0700

From: "Aaron Lewis" <AGRES@home.com>

To: <pfmc.comments@noaa.gov>

CC: <tom@Stienstra.com>

Dear Sirs:

The traditional concept of managing fisheries for maximum short term production of low cost protein has brought us to the point where even a layman can tell that the oceans have been over fished and are in trouble. We need a new paradigm for fisheries management - that of managing the oceans for maximum sustainable economic good. We need to be smarter about the economic measures of value that we use, and we need to think long term.

Commercial fisheries create most of the impact on fisheries stocks, and by traditional measures create most of the economic value from fishing. However, if we look at tourism and recreational fishing, we see that sport fishing creates much more economic value per pound of fish harvested than does commercial fishing. Recent studies put the economic value of sport fishing at on the order of \$50 per pound of fish harvested. (Considering expenditures on gear, travel, food & lodging, and etc.) Looking at wholesale fish prices, it is clear that commercial fishing values fish at on the order of \$1 to \$5 per pound. If fish as a resource are worth on the order of \$50/lb, why allocate that resource to commercial fishermen that are only able to realize an economic value that is a small fraction of the real economic value of the good? The majority of the fish should be allocated to the people that are willing to generate the most economic value from those fish; and, at this time the people that generate the most economic value from fish are the recreational fishermen. Recreational fish quotas should remain intact, and all reductions in fish quotas should come from commercial fisheries.

Commercial fishers got greedy, commercial fishing caused most of the over fishing and commercial fishermen should have their quotas entirely removed before any reductions (if, and only if, still necessary) in sport fishing quotas are made. Fish should go to the high bidder(s) which are the recreational fishermen - that is good economics.

Reducing commercial catch would reduce the amount of fish on the market, but since this fish is the product of non-sustainable practice, this food supply is going to be lost eventually. We should start now and replace it. There is a way.

We produce large quantities of hog waste in the US. This material has become a major pollutant and may be responsible damage to major fisheries. However, it is 30% protein. With the addition of oxygen and some minor nutrients, hog waste can be use to grow plankton, and krill which can be used to grow high fish quality. Three pounds of dry hog waste contain enough protein and energy to produce 1 pound (wet weight) of fish. The technology is not easy, but when it works, the process can produce high quality fish for human consumption very cheaply. Good system design requires that the nitrogenous waste from the fish be captured and use to fertilize the plankton. In this design, the effluent from the system is clean, and meets US EPA drinking water standards. The other byproduct from the process is fuel gas that can be used to run a generator.

Aaron Lewis
101 Cedar Ct.
Pleasant Hill, CA 94523

(415) 713-0091

Subject: Fwd: Groundfish season & limit reductions

Date: Mon, 23 Oct 2000 09:32:01 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Groundfish season & limit reductions

Date: Sun, 22 Oct 2000 23:55:04 EDT

From: Rebernhardt@aol.com

To: pfmc.comments@noaa.gov

CC: Tom@stienstra.com

Gentlemen,

As a longtime California sportfisherman I am sick and tired of watching our local groundfish populations be decimated by commercial fishing methods. Commercials catch 90% of the fish, place 90% of the restrictions on them. I would then gladly accept a 10% reduction on sportfishermen.

Ron Bernhardt
447 Malibu court
Livermore, Ca. 94550

Subject: Fwd: Proposed New Limits for rockfishing

Date: Mon, 23 Oct 2000 09:31:35 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Proposed New Limits for rockfishing

Date: Sun, 22 Oct 2000 23:53:29 EDT

From: WattGuitar@aol.com

To: pfmc.comments@noaa.gov, Tom@stienstra.com

I understand that at an upcoming meeting (10/31-11/3), the Council will be considering changing the limits for sportfishing of rockfish and the length of the season.

I want to state I oppose the proposed closing of the season(for sportfishing) for 4 to 6 months and new proposed limits of as little as 3 fish.

I think the bulk of new limits should be placed on the commercial fishing sector, as they have down the most damage to the fishery.

sincerely, Alan Watt

Subject: Fwd: Sportfishing shutdown

Date: Mon, 23 Oct 2000 09:31:04 -0700

From: "PFMC Comments" <pfmc.comments@noaa.gov>

To: jim.glock@noaa.gov

Subject: Sportfishing shutdown

Date: Sun, 22 Oct 2000 19:58:02 -0700

From: Susan Meyer <semeyer@pacbell.net>

To: pfmc.comments@noaa.gov, Tom@Stienstra.com

Sirs:

Regarding your proposal to close sport fishing for rockfish along the central and northern California coast -

You are proposing to continue to allow the drag netters to clean out our seas of every living thing that gets caught in it's nets, even though only a small percentage of the catch is the fish they are keeping to sell to the public. The rest of the ocean creatures are killed and thrown out as trash. This decimates ocean creatures and wipes out many species in the process.

Instead, you want to limit the catch for sport fishermen who only take a few specific fish, and leave all other ocean creatures alone to go on living in their environment.

ARE YOU CRAZY????????? Those damn nets that vacuum all species out of the ocean should be banned for life. How can anyone in good conscience allow the strip-mining of the seas to continue.

Sincerely,
Mrs. Susan Meyer
26550 Alder Ct
Fremont, CA 94536

**Tribal Motion for
Treaty Indian Harvest Guidelines
November 1, 2000**

Mr. Chairman:

To facilitate final Council Action on the 2001 groundfish harvest limits for the Treaty tribes, I would like to make two separate Motions for tribal fisheries.

Motion 1:

For Tribal groundfish fisheries other than Pacific whiting and halibut, I move that the Council adopt as final the proposed harvest limits that were adopted as preliminary limits at the September meeting. These are as follows:

Black Rockfish - The 2001 tribal harvest guidelines will be set at 20,000 pounds for the management area between the US/Canada border and Cape Alava, and 10,000 pounds for the management area located between Destruction Island and Leadbetter Point. As with the non-treaty regulations, no tribal harvest restrictions are proposed for the management area between Cape Alava and Destruction Island.

Sablefish - The 2001 tribal set aside for sablefish will be set at 10 percent of the Monterey through Vancouver area OY.

Thornyhead rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries. This trip limit will be for short and longspine thornyheads combined.

Lingcod - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Canary rockfish - Tribal fisheries will be restricted to a 300 pound per trip limit for all fisheries.

Other rockfish species - The 2001 tribal longline and trawl harvest restrictions regarding the landing of other rockfish species will operate under trip and cumulative limits. For other rockfish, tribal fisheries will operate under the same trip limits as the limited entry fishery, provided that any time restrictions imposed on the non-treaty limited entry fisheries will not be imposed on Treaty fisheries.

Because of the relatively small expected catches of the Treaty fisheries, the trip limits established at the beginning of the year will not be adjusted downward, nor will time restrictions be imposed, unless the harvest guidelines are achieved or unless in-season catch statistics demonstrate that the tribes have taken $\frac{1}{2}$ of the harvest in the tribal area.

Motion 2:

For tribal Pacific whiting fisheries, I move that the Council endorse the Makah Tribes' proposed allocation framework originally presented to the council in 1998 and utilized to set tribal harvest limits in 1999 and 2000. Under the originally proposed OY of 232,000 mt. the framework would provide for a tribal set aside of ~~32,500~~ mt. However, that tribal set aside could change if a different OY is finally adopted.

27,500

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
FINAL HARVEST LEVELS FOR 2001

The Groundfish Advisory Subpanel (GAP) reviewed proposed harvest levels and specifications for the 2001 groundfish fishery.

The GAP used Groundfish Management Team (GMT) Report 1 under this agenda item as the basis for its recommendations on harvest levels. The GAP notes this report will be supplemented with changes when it is presented to the Council. A majority of the GAP provides the following recommendations regarding 2001 Optimum Yields (OYs):

For whiting, the GAP notes the projected OY for the U.S. portion of the fishery is now projected to be 190,400 mt, based on the 1998 stock assessment. While the GAP believes the projection is low, the GAP recommends accepting this figure with the knowledge a more complete assessment will be made following the 2001 acoustic survey.

For sablefish in the Conception area, the GAP strongly disagrees with the 55% reduction in harvest proposed for 2001. There are no new data available to justify such an arbitrary reduction. The GAP recommends harvest levels be set closer to the ABC.

For Pacific Ocean perch, the GAP recommends the Council adopt the conservative OY of 626 mt identified in the GMT report. The most recent stock assessment demonstrates this level of harvest can be maintained while still providing rebuilding.

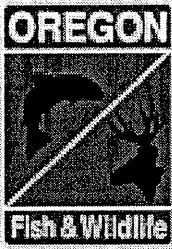
For widow rockfish, the GAP recommends a harvest level in the middle of the range noted in the GMT report, due to uncertainty in stock status.

For canary rockfish, as noted in the GAP comments on agenda item C.1, the GAP recommends a harvest level in the range of 120 to 150 mt, based on more reasonable assumptions of recruitment and recognizing the strength of the southern stock and uncertainties in the data and the most recent stock assessments.

For darkblotched rockfish, the GAP recommends an OY of 130 mt, based on an estimate of the amount of darkblotched assumed present in historic foreign catch figures. As it has previously, the GAP strongly recommends the Council resolve the issue of double counting of red rockfish in the historic foreign catch figures.

A minority of the GAP disagreed with these recommendations and suggested the Council should adopt the updated GMT proposals, especially in regard to canary rockfish.

The GAP also continues to recommend no tribal harvest of whiting be provided until such time as issues involving quantification and extent of tribal usual and accustomed areas are resolved by the courts.



Memorandum

Oregon Department of Fish and Wildlife Marine Resources Program

2040 SE Marine Science Drive
Newport, OR 97365
(541) 867-4741 Fax (541) 867-0311

Preliminary 2000 Shoreside Pacific Whiting Program Summary

The shoreside Pacific whiting fishery program implemented yellowtail rockfish bycatch measures and controls for the 2000 season that had been proposed by industry and approved by council. This new management approach involved three different bycatch rate check periods. Once 30, 55, and 85% of the shoreside Pacific whiting allocation was attained, vessel-specific bycatch rates were determined. Any vessel exceeding a bycatch rate of 12 kilograms of yellowtail rockfish per metric ton of whiting was required to suspend its normal delivery schedule for a certain number of days based on its specific bycatch rate.

For the first check period, which ended July 18, 2000, two vessels were placed in timeout (their bycatch rates were 13.29 and 13.08 kg of yellowtail rockfish per metric ton of whiting). During the second period (30-55%), ending August 11, 2000, both of these vessels, as well as the rest of the fleet, incurred a much lower yellowtail rockfish bycatch rate and no vessel exceeded the bycatch rate cap. The third and final check point occurred on September 3rd, 2000, once 85% of the shoreside Pacific whiting allocation had been attained. For this period only one vessel exceeded the bycatch rate cap for yellowtail rockfish (15.69 kg/mt). However, this vessel had already left the fishery.

The bycatch program, proposed by industry for the 2000 fishery, appears to have been quite effective as the yellowtail bycatch was reduced from 481 metric tons to 189 metric tons. In conjunction with this, widow rockfish bycatch was also reduced from 192 metric tons to 76 metric tons. This decrease (61%) is quite remarkable and is the lowest yellowtail rockfish bycatch rate since the start of the shoreside Pacific whiting fishery program.

In contrast, salmon bycatch was higher than it has been in the past such that the chinook salmon bycatch threshold, as stated in the biological opinion, was exceeded. requiring the National Marine Fisheries Service (NMFS) to reinitiate consultation. The result of this was that when the Makah released some of their allocation to NMFS, NMFS was unable to reallocate this quota to the other sectors of the whiting fishery.

Scientific and Statistical Committee Comments on
Final Harvest Levels for 2001

Widow Rockfish

The Scientific and Statistical Committee (SSC) reviewed Appendix B of the widow rockfish stock assessment, which considers alternative minimum stock size/overfishing thresholds for widow rockfish. The report contrasts the default definition of stock status with the results of a new analysis of spawner-recruit (S/R) data, which had not been reviewed by the Stock Assessment Review (STAR) Panel.

The stock assessment results indicate the point estimate of spawning output in 1999 is 23.6% of the unfished level, which is below the fishery management plan amendment 11 default minimum stock size threshold (25%). The approximate 95% confidence interval ranges from 16% to 38.6% of the unfished level. The new S/R analysis estimates B_{msy} and presents the case that stock status could range from nearly overfished (Ricker model) to healthy (Beverton Holt model).

The SSC finds the results of the new S/R analysis are not adequate to reliably characterize widow rockfish stock status. The S/R data used in the analysis are not sufficiently informative to describe a meaningful stock-recruit relationship, and some of the results of the S/R analysis are not internally consistent with the results of the stock assessment. In particular, it is difficult to reconcile the Beverton Holt model results with the long term decline in spawning biomass and recruitment shown by the stock assessment.

The SSC encourages further S/R work for widow rockfish and other species. It is important to consider a variety of potential S/R relationships, and modeling should provide likelihood profiles of the steepness parameter. It would be useful if the analyses could be presented together with stock assessments to assure internal consistency of the results and to get the maximum benefit from a full STAR Panel review of the work.

While recognizing the uncertainty about the point estimate of stock status, the SSC supports the optimum yield (OY) of 1775 mt recommended by the Groundfish Management Team for widow rockfish in 2001, which was derived from an $F_{65\%}$ harvest rate as modified by the 40-10 policy. Projections indicate this policy will result in rebuilding the widow rockfish stock within a ten-year period.

Pacific Ocean Perch

The SSC is concerned the preliminary OY for Pacific Ocean perch (POP) (626 mt) reflects overly optimistic projections of stock rebuilding due to a reliance on potentially untenable stock recruitment assumptions. The new stock assessment indicates an improvement in POP stock status, suggesting that it may be possible to rebuild the stock faster than previously thought, or, alternatively, to obtain higher yields during the period of rebuilding. Until a thorough rebuilding analysis is conducted with the new assessment results, the SSC recommends using the yield projected for 2001, as put forth in the existing rebuilding plan (303 mt) as a lower bound. The SSC further recommends the new stock rebuilding analysis should provide catch projections based on a constant fishing rate and not a constant catch over the rebuilding time period.

Whiting

Biomass estimates produced by the new assessment are very close to the values reported by the 1999 assessment. Some errors were identified in the catch tables of the new assessment; however, the SSC was informed that the correct catch values were used in the stock assessment model, so this error does not affect the assessment results. The SSC recommends the Council should use the 2001 OY (238,000 mt) as put forth in the previous assessment. Assuming an 80% US share, this corresponds to 190,000 mt.

Darkblotched Rockfish

The OY range is based on uncertainty in the amount of darkblotched rockfish taken in the foreign rockfish

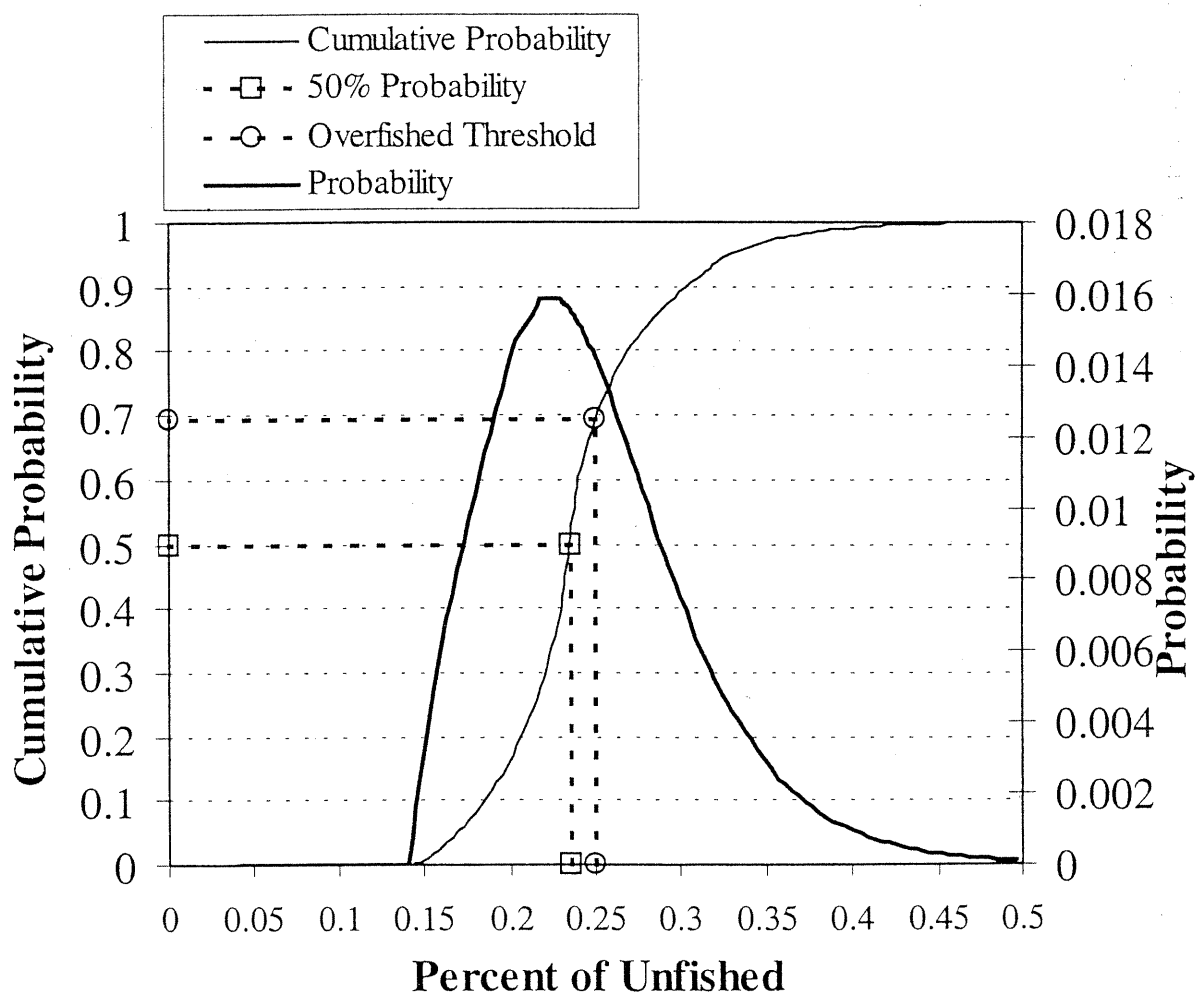
fishery. The SSC understands that data are available which may provide an opportunity to better estimate the species composition of the Russian catch in the early years of the fishery. These data should be evaluated, and, if found reliable, should be incorporated into the next darkblotched stock assessment and other applicable slope rockfish stock assessments.

RecFIN

The SSC reviewed a report prepared by the RecFIN statistics subcommittee, which evaluated alternative estimators of ocean boat fishing effort and catch in Oregon. The report compared the sampling programs of the NMFS Marine Recreational Fisheries Statistics Survey (MRFSS) and the Oregon Ocean Boat Survey (OBS). The SSC is impressed with the quality of the report and the level of effort put into examining the properties of two recreational fishery survey datasets. The SSC endorses the subcommittee's recommendations for improvements in both surveys, and concurs with their recommendations to 1) use adjusted OBS estimates during periods when the two surveys overlap, and 2) use stratified MRFSS without the freshwater stratum during other periods. The SSC also recommends that Oregon Department of Fish and Wildlife derive variance estimates to accompany past and future OBS estimates of recreational catch.

PPMC
10/31/00

Figure 28. Profile likelihood for the ratio of 1999 spawning output (SO) to an estimate of the unfished level (SO_0). The unfished level was computed as the average recruitment from 1968-1976 times the spawning output-per-recruit with $F = 0$.



Source: **Status of the Widow Rockfish Resource in Y2K**
 Erik H. Williams, National Marine Fisheries Service
 Alec D. MacCall, National Marine Fisheries Service
 Stephen V. Ralston, National Marine Fisheries Service
 Donald E. Pearson, National Marine Fisheries Service

Exhibit C.3.g

Supplemental Public Comment 2 ▶

November 2000

From emvlsport@aol.com (CRAIG STONE)
 Date Wednesday, October 25, 2000 3:03 pm
 To
 Cc
 Subject California Ling Cod Closure

I, as a California recreational angler, adamantly oppose any change in recreational lingcod and rockfish regulations for this coming year, as well as the unprecedented lingcod closure this November and December adopted recently by the California Fish and Game position at your urging.

For decades, the federal and state governments and the PFMC have allowed gill nets, trawl nets and long lines to rape the marine environment. The refusal to stop the "clear cutters" of the sea - gill and trawl nets - has resulted in the current rockfish and lingcod crisis on the West Coast.

Recreational anglers are being asked to "share the pain" when they did not cause the decimation of the groundfish fishery in the first place. All available biological data points to trawl and gill nets and long lines as the key factor in the destruction of California's and other West Coast lingcod and rockfish fisheries.

We request the Council to take three major actions! First, maintain the same recreational rockfish and lingcod regulations that were adopted by the PFMC last season, with a limit of two lingcod and 10 rockfish and a two month closure.

Second, request the California Fish and Game Commission to rescind its lingcod closure this November and December.

Third, pass emergency regulations to ban all gill, trammel and trawl nets from the California coast.

Sincerely,
 CRAIG STONE

ARTICLE:
 Fish & Game Commission Votes For Emergency Lingcod Closure!

By: Dan Bacher 10-24-00
 Fishsniffer.com

To the shock of many people in the sportfishing community, the California Fish and Game Commission took emergency action on October 20 to close all ocean-based fishing for lingcod statewide during the final two months of the year. Even more drastic, anglers also face up to a six month closure of rockfish season from January through June this coming year If the Commission and Pacific Fishery Management Council have their way.

The Commission members present, Including Sam Schuchat, Michael Flores and Richard Thieriot, voted unanimously for the lingcod closure, which starts November 1. After the decision was made, the National Marine Fisheries Service (WMFS) announced that they will compliment the state action by restricting fishing for lingcod in federal waters, from three to 200 miles offshore.

This unprecedented emergency regulation, adopted in spite of massive opposition by angling groups, is the direct result of decades of poor management of our marine resources by the Department of Fish and Game, Fish and Game Commission, National Marine Fisheries Service and Pacific Fishery Management Council. Rather than properly manage our resources, these "august bodies" have chosen in the past to bow to political expedience and allow the rape of marine resources by commercial trammel and gill nets to continue. Now anglers have to pay for the destruction caused by over fishing by commercial nets and long lines for decades.

"It was a tough decision to make, as is the entire rule making package," admitted Bob Treanor, executive Secretary of the California Fish and Game Commission. "Things look pretty bleak for rockfish fisheries this coming year. Because of the decline of canary rockfish, we are looking for a drastic reduction in overall bag limits and the lengthening of the rockfish closure from the end of January through April or January through June."

Lingcod and bocaccio have been declared as "overfished" by the National Marine Fisheries Service, and rebuilding plans have been developed by the Pacific Fisheries Management Council. The spur for the recent action was a letter to the Commission by Robert Hight, DFG Director, recommending an emergency closure of lingcod coastwide, as well as a closure of the southern California rockfish fishery to protect bocaccio rockfish, because the Optimum Yield (OY) set by the PPMC for both species would be exceeded.

"Recreational fishery data through August 2000 indicate the QY's for these two species will be exceeded before the end of the year based on recent years' fishery landing patterns," said Hight. "The optimum yield for lingcod off the West Coast (Washington through California) is 378 metric tons. For lingcod, the projected catch in 2000 for the recreational fishery off California is 271 metric tons. For combined commercial and recreational fisheries, the projected lingcod catch is 522 metric tons."

The Commission decided against closing fishing for rockfish in southern California during the same period as the lingcod closure because "the projected overage in the catch of bocaccio rockfish was not so compelling as it was for lingcod," according to Tresnor.

Fishery conservationists were furious about the lingcod closure, especially when trawlers and gill nets are still allowed to fish, even though all available biological evidence points to them as the main culprit for the destruction of the groundfish fisheries. These nets are the "clear cutters" of the oceans, stripping the bottom of all marine life and resulting in the discard of thousands of tons of "bycatch" non-targeted species.

"I've never been so disillusioned or angry in my entire life!" said Craig Stone, manager of the Emeryville Sportfishing Center. "How can our State and Federal fisheries allow the group most responsible for destroying lingcod and rockfish fisheries, the big commercial trawlers and gill netters, to fish while it closes the recreational fishery, the group that has the least impact, all in the name of saving fish!"

Bob Strickland, president of United Anglers, concurred. "The recreational fishery shouldn't be held accountable for the destruction of the lingcod and rockfish fisheries by commercial trawl nets, gill nets and longlines," he stated. "We need to take them off the water now!"

This emergency lingcod closure is now a fact and the impending rockfish regulations could kick anglers off the water for six months of the year. Anglers must protest this insanity. There are two things we can do to protect the groundfish fishery and the right of the public to access coastal fishery resources.

First, we can still defeat the proposed fishing restrictions for next year by flooding the Pacific Fishery Management Council with letters. After holding hearings in Vancouver, Washington from October 31 to November 3, they will review the data and options and make their final decisions. Send your letter to the Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR. 97201, fax (503) 326-6831. You can also access their Website at www.pcouncil.org, where an e-mail link is available at pmmc.comments@noaa.gov. Or do it here the easy way!

Second, we must begin a massive campaign throughout the state, enlisting the support of all fishery conservation and environmental groups, to permanently ban all gill nets and trammel nets to stop the plunder of lingcod and rockfish populations.

to stop the plunder of lingcod and rockfish populations.

We must constantly and relentlessly hold the State and Federal governments accountable for presiding over the destruction of groundfish populations. It's not fair for these agencies to ask anglers to "share the pain" when recreational anglers are not responsible for the decline of our lingcod and rockfish fisheries.

The Council office received identical copies of this message from more than 200 individuals as of the time this packet was photocopied on 10/26/00.

From DaRoldSign@aol.com
 Date Wednesday, October 25, 2000 5:30 pm
 To sandra.krause@noaa.gov
 Subject Please pass this on to the Council

Dear PPMC,

<<I just read in the Sacramento Bee this morning about the big Pacific Fisheries Mgmt. Council meeting in Vancouver, WA Oct 31-Nov.3. I was particularly disturbed to find out the powers-that-be may be putting even more restrictions on the sport fishermen regarding the taking of rockfish and lingcod. I know I speak for a lot of recreational saltwater fishermen when I say ENOUGH IS ENOUGH! You don't have to be a marine biologist or even a mathematician to figure out the decline in rockfish populations over the past 25 years has almost nothing to do with us little pole fishermen. It's been proven time and time again that the gillnetters and longliners are the culprits- so PLEASE leave us sport fishermen the hell alone. It was a big enough blow to us last year with the 30% reduction in catch limits not to mention the charter boat operators, coastal service businesses, etc. Just give us a break and do the right thing. Put a few more restrictions on the commercial guys if you have to- they're the bad guys here.

I've been going on charter boats for quite a few years now and I've noticed the vast majority of patrons are old retired guys who absolutely live for their little fishing trips out to Cordell Banks or wherever. To tell these old gents that they can only fish 6 months out of the year and keep even less fish a day than last year would be a travesty! These guys have no way to afford their own boats and would be S.O.L. if the restrictions get any worse on the sportfishermen. It would probably kill the entire business of Charter Boat Fishing altogether.

Please pass this message along to the folks who are making these decisions (many of whom probably have never been rockfishing, I'd bet) to let them know what a huge mistake it would be to penalize us sportfishermen any further. We promise to throw back the little ones.

Thanks,

Dave DaRold & lots of his fishin' buddies
 247 Baja Ave, Davis, CA 95616 >>

----- Original Message -----

From "Robert Treanor" <Rtreanor@dfg.ca.gov>
Date Wed, 25 Oct 2000 11:56:31 -0700
To <DaRoldSign@aol.com>
Subject Re: The Big Meeting in Vancouver

Dear Mr. DaRold:

Thank you for your comments. The "big" meeting you refer to is the Pacific Fishery Management Council meeting (Oct.31 - Nov. 3), nor a Fish and Game Commission meeting. You can access the Council's web page at pcouncil.org for more information and provide your comments.

Robert R. Treanor

>>> <DaRoldSign@aol.com> 10/25/00 11:15AM >>>

I just read in the Sac. Bee this morning about the big fisheries meeting in Vancouver, WA later this month and next. I was particularly disturbed to find out the powers-that-be may be putting even more restrictions on the sport fishermen regarding the taking of rockfish and lingcod. I know I speak for a lot of recreational saltwater fishermen when I say ENOUGH IS ENOUGH! You don't have to be a marine biologist or even a mathematician to figure out the decline in rockfish populations over the past 25 years has almost nothing to do with us little pole fishermen. It's been proven time and time again that the gillnetters and longliners are the culprits- so PLEASE leave us sport fishermen the hell alone. It was a big enough blow to us last year with the 30% reduction in catch limits not to mention the charter boat operators, coastal service businesses, etc. Just give us a break and do the right thing. Put a few more restrictions on the commercial guys if you have to- they're the bad guys here.


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Please pass this message along to the folks who are making these decisions (many of whom probably have never been rockfishing, I'd bet) to let them know what a huge mistake it would be to penalize us sportfishermen any further. We promise to throw back the little ones.

Thanks,

Dave DaRold

247 Baja Ave, Davis, CA 95616

From "Nick Spangler" 
Date Tuesday, October 24, 2000 9:07 am
To
Cc
Subject proposed sportfishing closure

I would like to comment on the possible closure of sportfishing for rockfish on the California coast. I see the catches from commercial boats that come into Channel Island harbor and they far out weigh the take from charter boats and private sportfishermen. I have seen commercial dragnetters clean the bottom in an area I like to fish for rockfish so thoroughly that it is very difficult to catch one or two little rockfish let alone the limit. I think that the commercial fishermen catching the larger amounts of rockfish should be the ones limited to less fishing time than sportsfishermen. I feel that taking away months of fishing for the group that catches the least fish would be economically disastrous to many that depend on this income to get through the winter months. Bait providers, fuel dealers, boat maintenance people, tackle shops and various other people in the business of providing for sportsfishermen would be affected. Thank you for considering my comment.

N. Spangler
cptnick@earthlink.net

From Tyler.Trammell@wellpoint.com
Date Tuesday, October 24, 2000 9:28 am
To pfmc.comments@noaa.gov
Cc tom@stienstra.com
Subject fishing

I guess the commercial guys are going to love this since they will have more fish to jump in their nets. The fishing is so depleted as it is, i wish we would put strong limitations on commercial fishing. If it raises the price of fish in the market so be it! When I fish I practice catch and release, I take it seriously. Only in the mountains or in the ocean I will cook a few trout or take home a nice tuna to eat for the next few days but never to stock my freezer for the winter. We have a responsibility to keep things in balance and not to destroy are environment. I worked on a sport fishing boat for a couple years, I am not apposed to limits on the sport fishing boats either. It was a nasty business where I saw sea lions being shot, people going way over their limits, and a total abuse of our ocean. I wish this letter enabled me to cast a vote but at least I can say that I spoke up.

Thank you

Tyler Trammell

From "Marcia D'Perrigo"
 Date Tuesday, October 24, 2000 10:40 am
 To
 Cc
 Subject PFMC Groundfish

Dear Mr. Treanor, Mr. Schuchat, Mr. Boydstrun and the Distinguished Members of the Commission and Council,

Thank you all for the opportunity to join the meeting held in Sacramento regarding the ground and nearshore fisheries and their management future. This letter is written with both sincerity and respect to all of the panel members as well as to the speakers and attendees.

We were all dazzled and impressed with astronomical figures for both ground and nearshore fisheries depletions and metric ton catches. We also heard that these figures are only hypothetical - that no one really knows what the actual numbers are. Additionally, these figures by the admission of some speakers, are based on data that is unreliable and some are made up.

If it is in fact, the goal of both the Commission and Council to *rebuild* the fishery, I submit the following be done: (This is based on Fort Bragg as it is my area of residence and the area for which I have knowledge.)

1. Effective immediately, impose a moratorium on all commercial fishing vessels, including charter vessels. Allow no new licenses for at least 3 years for additional vessels. In other, keep the number of vessels at the current count. No new commercial permits issued. (What we have is what we get for 3 more years) For example, it would mean that whatever charter boats are currently operating out of Fort Bragg are all that can operate there for the next 3 years. To date, there is the Lady Irma II, Trek II, Telstar, Rumblefish, Seahawk, Patty-C and the Theresa Jean. Fort Bragg would be limited to only those vessels or their replacements. If vessels have to remain in the port of registry for operation, it could further help by preventing "harbor hopping"- thereby throwing off the accuracy of any assessments done.
2. Effective immediately, set a ceiling of 20 passengers maximum for all charter vessels. To help relieve the burden of more anglers for sport fishing, it would be beneficial if no vessel were permitted to carry more than 20. This will halt the expansion of some vessels/businesses to increase their passenger capacity from say an existing 20 to 35 or 50. This would mean even when 2 trips a day are possible, there would be only 40 anglers fishing from any one vessel rather than 70 or 100. This would provide legitimate limitations that could seriously assist in the fishery management. This means the Lady Irma II, Trek II, Telstar, Rumblefish and Seahawk would all be limited to a maximum of 20 passengers. The Patty-C and Theresa Jean are both six-packs so well under the 20 passenger limit. They would have to hold at their current maximum. This action would allow greater accuracy in projecting exactly what our sustainable fishery is.
3. Effective immediately, place observers in all ports and gather information specific to the geographic areas. In other words, get accurate data to base future decisions on. Make sure all ports are represented accurately. Currently, there have been zero observers in Fort Bragg for some years. Hire a local observer who can get the information.
4. Restore the bag limit to 15 fish. (By placing the moratorium on all commercial vessels, this should be doable.)
5. Reduce the number of hooks to 1 (This would be accepted by most people)
6. Retain the status quo on ling-cod (With a 26" minimum size, more are being released already)
7. Change the closure to November-February for ling-cod (spawning time) and January-February on all Rockfish.

It is critical that the information gathered for decision making be accurate. The best way to do this is to hold to what is and observe carefully and diligently what is being caught where and by whom and how often. If no new

commercial vessels are permitted in the state, then there is no concern for additional burden. This can be further controlled by setting a limit to the number of sports anglers on the water by limiting the sports vessels/businesses to 20. This would mean that what is currently operating is all that is allowed for at least 3 years when the study can be completed and the actual figures assessed.

The importance of the fishery is greater than what we as fishermen see today. It is of the greatest importance that our way of life be preserved so that we might continue with our livelihood- we can't have that livelihood without a good fishery. The sports fishing sector has had closures and bag limit reductions already imposed without any reliable assessments. We need good assessments, and we need observers to do them. Fort Bragg has a different habitat than Bodega Bay or San Francisco or Eureka and Crescent City. It is unique, and it is not fair or right to judge it on the same basis. We have fewer charter boats by comparison. Our fishing industry is fragile and many of the locals will suffer if we lose it. It is a large part of what draws the tourists- and what keeps this area alive. Without the fishing industry, I believe Fort Bragg will lose.

The areas should be assessed individually: California-Oregon border to Cape Mendocino, Cape Mendocino to Pt. Arena, Pt. Arena to Bodega Bay, San Francisco to Half Moon Bay, Monterey to Big Sur, Big Sur to Santa Barbara, Santa Barbara to San Diego. Each of them has different conditions, habitat and fishery.

16 October 2000

Noyo Harbor Charter Fishing Association
P O Box 2596
Fort Bragg, CA 95437
707-964-0669

California Dept. of Fish and Game
National Marine Fisheries Service
Pacific Fishery Management Council

Dear Distinguished Members,

On October 10, 2000, a meeting of the above named groups was held in Sacramento, California. This meeting was also attended by a number of Commercial Vessel Operators. This letter is in response to the panel that requested input from all on how to address the issue of ground and Nearshore fishery management.

Those of us in the Fort Bragg area of California have met and herein submit our recommendations for fishery management based on both the information provided us at the meeting and experience with our particular fishery.

While we agree that fishery management is crucial to our business endeavors and the endeavors to preserve the marine environment, we do not agree with the methods that are currently under consideration. It is imperative that each area be considered on its own merits and not all areas judged as one. Our recommendations are as follows:

1. Release for immediate use the new logbooks that are species specific.
2. Disregard the MRFS surveys and gather accurate data on which to base decisions.
3. Engage observers on vessels in the Fort Bragg area in order to obtain accurate information.
4. Maintain status quo for 3 years and allow current regulations and limitations to work while accurate data is being gathered, then re-assess regulations.

If the only options are what were presented at the Sacramento, California meeting, then we offer the following:

- Ling-cod

1. Status-quo – 26 inches, 2 fish limit
2. 28 inches, 2 fish limit
3. 2 hooks, 2 fish limit

- Rock fish (3 Canary limit is okay)

1. Status-quo, not less than 10 fish limit, 2 month closure
2. Fewer hooks, 15 fish limit, 2 month closure January-February
3. Fewer hooks, 15 fish limit, 4 month closure December-March (in keeping with the ling-cod spawning season)

- Nearshore defined as 20 fathoms limit, not 40 fathoms

An important factor in all of this is to at minimum, maintain the status quo until reliable data is gathered. It was admitted in the meeting that data was actually being extrapolated without any sound information for basis. All charter vessels in our area have agreed to allow observers in order to gather accurate data. Our area should be designated as being from Point Arena north to Cape Mendocino, though no one from the Noyo Harbor fishes further south than the Navarro River.

In closing, we would appreciate being on record as highly supportive of fishery management with the qualification that when regulations are mandated, they are based on accurate data responsibly gathered, not by hypothetical figures. We thank you for the time to review our comments and suggestions and look forward to a cooperative effort to appropriately manage our area fishery.

Respectfully Submitted,

Capt. Randy Thornton, Telstar Charters, 707-964-8770

Capt. Rick Thornton, Anchor Charters (Trek II), 707-964-4550

Capt. Jeffrey K. Kroemer, Patty-C Charter Fishing, 707-964-0669

Capt. Brandon Van Dine, Anchor Charters (Lady Irma II) 707-964-2816

Capt. Tim Gillespie, All Aboard Adventures, 707-964-1881

Jeremiah Waller, Deckhand, Trek II, 707- 964-1290

From Beccio Marc MG
Date Tuesday, October 24, 2000 11:59 am
To "'pfmc.comments@noaa.gov"
Subject Rockfish sport fishing closure

PFMC,

the commercial fishing industry should be the primary target of quota reduction and season closure, since they take nearly 90% of the annual harvest. Many of the professional sport fishing boats will be driven out of business with a 4-6 closed month season and proposed limit reductions. I urge you to pursue fair but reasonable quota and seasonal restrictions for the commercial industry. The sport fishing industry should not suffer any further seasonal, bag limit, or size restrictions due to the gross mismanagement of the groundfish resource by the commercial fleet. It may indeed be necessary to drastically reduce their seasonal catch in the short term, but please keep focused on the long term objective - a plentiful, renewable resource for all.

Sincerely,

Marc Beccio
Zeneca Ag Products - WRC Lab R&D
Richmond, Ca 94804-0023
510-231-5042
fax: 510-231-1255

From "Thibodeaux, HalX J"
Date Tuesday, October 24, 2000 1:13 pm
To "'pfmc.comments@noaa.gov"
Cc "'Tom@Strienstra.com"
Subject Groundfish restrictions

Sirs:

I think it is absurd to severely restrict sport fisherman's rockfishing while letting the commercial guys get away with killing everything in their path. The commercial fishermen do 85 to 90 percent of the damage while sport fishermen do 10 to 15. Restrict the commercial guys and sport fishermen accordingly. Let's be fair!

Thank you for your time.

Hal Thibodeaux

From DonTKGreer@aol.com
Date Tuesday, October 24, 2000 1:53 pm
To pfmc.comments@noaa.gov
Cc tom@stienstra.com, Fishtalegale@aol.com
Subject Proposed new Groundfish Rules

Dear Sir/Madam:

I wish to register my outrage at your groundfish management proposal that will severely cripple sportfishing operations in the San Francisco/Northern California area. Once again, the California Department of Fish and Game seeks to punish sport fishermen for the misbehavior of some in the commercial fishing fleet. Sport fishermen have been at the forefront in fisheries and habitat restoration, and yet these are the people that the CDFG has singled out to bear the brunt of the results of the CDFG's poor management of the commercial fleet.

One example that comes to mind is the recent surge in Halibut populations within San Francisco Bay, once sport fishermen pushed for rules to limit the environmentally damaging commercial dragging operations. As a result, Halibut populations have rebounded, and are at the highest in years.

The CDFG's unwillingness to enforce environmentally and biologically sound commercial practices are at the root cause of the problem. Both commercial and sportfishermen need a healthy fishery, but to force sportfishermen, who take 15% of the catch, to pay for the destructive tactics of dragnets and wasted bycatch is inherently unfair.

Punitive closing of the sportfishing season is an outrage from a department that is unresponsive to the electorate, and that cuts deals with those that are responsible for the problem in the first place. I am a fisherman, and I vote. I will be letting my representative and Governor Gray Davis know what I think of his CDFG.

Don Greer

From Mac Moore
Date Tuesday, October 24, 2000 2:02 pm
To "pfmc.comments"
Cc Tom
Subject Proposed Northern California Groundfish Restrictions

Dear Sirs,

I am a sportsfisherman residing in Albany, California - making several trips a year for rockfish at the Farallon Islands and the Sonoma County coast. Thanks for the opportunity to voice my opinion regarding groundfish harvest levels proposed for 2001.

Your task of allocating the fishstock in an equitable manner is very difficult. Given that the population of several species of groundfish is seriously depleted, it makes sense to reduce the limit taken by sportsfishermen, particularly if there's an on-going evaluation of the need and benefit of this action.

It seems that most of the commercial fishermen will also be restricted; however, I'm not convinced that the calendar or species restrictions are adequate for large-scale, off-shore operations.

Your proposals range from minor to drastic. Note that I'm not certain which action will sustain & restore the fishing grounds.

I am certain that the restrictions must appear fair to the recreational angler.

By the way, I appreciate the information presented in your newsletter, Pacific Council News. Thanks again! Will Moore, 511 San Carlos Street, Albany, California 94706

From Erick Carlson

Date Tuesday, October 24, 2000 2:12 pm

To pfmc.comments@noaa.gov

Subject Groundfish Strategy

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I have not had sufficient warning and/or time to read the final groundfish documents posted at your website, and therefore cannot directly address any of the issues upon which your upcoming decision will be based. I'm wondering if the timing wasn't designed specifically so that such would be the case for many of us sportfishermen who are taken by surprise at the possibility of lengthy season closure and drastic limit reductions. Not to mention our friends, those who run the sportfishing boats, who we may well watch go bankrupt and be forced to uproot their families and lives. Nasty stuff.

I protest. Perhaps there needs to be more public scrutiny of your methods and your membership - with an eye particularly on why commercial interests are so well protected.

Erick Carlson
207 South Second Street
Rio Vista, CA 94571

From "Murayama Les E Contr, 21 SOPS/LMTO"

Date Tuesday, October 24, 2000 2:31 pm

To "'pfmc.comments@noaa.gov'"

Cc "'Tom@Stienstra.com"' , "'me'"

Subject Rockfish Management and Fishery Closure

I am an avid sportsfisherman, and I strongly support efforts that ensure that our fisheries are maintained at the highest possible sustainable yields. I hear that the commission is planning on closing rockfishing for as much as 6 months out of the year. I believe that this action will fail, and will have some potentially devastating long term effects. As you know, rockfish have long natural life spans, and have slow growth rate. A typical rockfish (i.e. black or blue) takes about 7 years or more to grow large enough to spawn. Closing the fishery for 6 months will only protect them for half the year, yet provides no protection for the fishery other than by reduction of the fishing effort. It only postpones the collapse of the fishery if the overall take is beyond the sustainable yield. For example, what difference does it make if we take 5,000 tons this year, then cut the season and take 2,500 tons this year and the next, when the actual sustainable yield might be 8,000 tons in for the age class of the harvestable fish that spans, say, 8 years (these numbers are just for argument's sake). You'll still wipe out that age class, and then you start to take the next age class before maturity, and wipe that group out. No spawners, no more fish. Before economic extinction, all you get are progressively smaller fish.

From what I have been told, and read, populations of rockfish do not migrate very far. If this is so, I propose that the West Coast be divided into several zones. Rotating through these zones, closures of up to 10 years are imposed to allow the local populations to fully recover. Once a zone recovers, the fishery can open, with restrictions that ensure a sustainable yield, including closures (seasonal) in higher harvesting areas (ie. Cordell Banks, The Farallon Islands, the "Deep Reef" area, to name a few of my local areas). Establishing the zones will be a big issue, since I realize that closing a large area could pose disastrous consequences for local sport and commercial fishing businesses. The commercial fleet should be placed on a quota, and allowed to fish zones that are open. If I had my way, the commercial fleet would stop using nets, and go with short longlines, be under a quota, and inshore (waters less than 150') commercial take would be eliminated. Sportsfishing would continue under a limit of 10 (in California), with anglers encouraged to use large baits, fish shallow waters (but not required), and release fish under 14" if they are not mortally wounded (i.e. eyes bulging, stomach sticking out of their mouths, swallowed hooks). Personally, I stopped targeting rockfish over 2 years ago, and decided that if I decide to go, we will fish shallow, and limit ourselves to 2 fish each with a 14" minimum size. There would be closures for a couple of months in the high use zones. I know that these ideas sound a little drastic, but given the nature of the groundfish species in question, I feel that this would offer a better alternative to a total moratorium. Once all zones have recovered, zone closures may only need an occasional closure, depending on the condition of the spawning stocks. Commercial take in each zone would be under a conservative quota. I believe the sports take will be insignificant under a 10 fish limit. Creation of artificial reefs to increase habitat, would also promote a healthier fishery. Like any other heavily exploited renewable resource, this one will require a lot of initial monitoring to determine the overall impact of each

management decision.

I see no reason why the PFMC, commercial, and sport fishermen can't work out an acceptable solution to this crisis.
Thank You for taking the time to read this.

Sincerely,

Leslie E. Murayama
978 Kiely Blvd., Apt. i
Santa Clara, CA 95051
lesnopus@pacbell.net

From sthumlert
Date Tuesday, October 24, 2000 2:37 pm
To "'pfmc.comments@noaa.gov"
Cc "'Tom@Stienstra.com"
Subject PACIFIC SPORT ANGLER RESTRICTIONS

I feel that the proposed restrictions on sport anglers along the Pacific Coast Stinks! The Commercial anglers should bear their fair share of the burden. They are the ones raping the fisheries.

Steve Thumlert
Stockton, CA

From Wacrichton@aol.com
Date Tuesday, October 24, 2000 3:05 pm
To pfmc.comments@noaa.gov
Cc Tom@stienstra.com
Subject 2001 Fisheries Proposal

Sirs:

It has come to my attention through the press that you are proposing a drastic curtailment in ocean fishing in California. There certainly is a need to protect what is left of our fishery, but lets be fair with a proportional degree of pain inflicted on those who have caused this problem in the first place--the commercial boats, especially longliners and netters. Sportsfishing has a far lesser affect than does the commercial boats. The commercial season needs to be severely cut back, not the sports season.
Sincerely,
G. W. Crichton

From Marydick78@aol.com
Date Tuesday, October 24, 2000 7:34 pm
To pfmc.comments@noaa.gov
Cc tom@stienstra.com
Subject Sport Fishing

I strongly object to any suggestion that sport fisherman be penalized for the sorry state of off shore fisheries. We all know that this resource has been depleted by the commercial fisherman not by the sport fishermen.

You want to solve your problem, then ban dragnets and gillnets. Make the commercial boats go back to line fishing.

Richard Willhardt
Ventura,CA

From Donald Nash
Date Tuesday, October 24, 2000 8:38 pm
To pfmc.comments@noaa.gov
Subject Sport Fishing

Dear Gentlemen,

It is sad that sport fishman get punished for 10% of the rock fish take and the commercial guys use hundreds of hooks, gill nets and any thing they want to take 90% of the rock fish. Sport fishermen do not make a living at fishing but investment to just get out there is forty to fifty thousand. In the best interest of all rock fish, what and who gives you the right to make decisions that affect so many without council. How many pay offs did you receive from commercial fishman. Have you check the catch of commercial fishman -vs- sport fishman this year(2000). If you had you would notice that sport fishman's take of rock fish is way down due to many weather mistakes by NOA and extremely bad sea conditions not allowing you to go rock fishing. I have had two rock fishing trips this season and both were no limits and not a single link cod. I sincerely hope someone reads this and think about what you are doing, by asking your self is the really fare?

A would be fishman

Donald Nash@excite.com

Say Bye to Slow Internet!

<http://www.home.com/xinbox/signup.html>

From Michael Hale
Date Tuesday, October 24, 2000 9:03 pm
To
Subject 10/31 to 11/3 hearing

Hello,

I'm writing to register my strong hope that you reconsider such a heavy restriction on sportfishing for rockfish and lingcod.

It seems abundantly clear that the commercial net fisherman have been responsible for the depredation of the groundfish population over the years and that they should certainly bear the brunt of the imposed restraints.

Sincerely,

--

Michael Hale
Michael Hale & Associates
Macintosh Consulting
mhale@silcon.com
mhale@mac.com

From "David E. Quady"
Date Tuesday, October 24, 2000 9:54 pm
To pfmc.comments@noaa.gov, Tom@Stienstra.com
Subject Comments on proposed sportfishing reductions

Dear PFMC:

I am neither a commercial fisherman nor a saltwater fisherman, preferring my pelagic creatures feathered rather than finned.

Prompted by another fine article by Tom Stienstra, I write to comment on your proposed offshore fishery closures, which apparently would affect both sport fishermen and commercial fishermen.


Compromise is fine . . . except when one side is wrong. This is such a case, with commercial fishermen -- not sport fishermen -- being in the wrong. The world is full of examples of commercial fishermen driving fish stocks to near extinction, and offshore California is well on its way to joining examples such as the Grand Banks. The right thing to do is clear: substantially (and, although I love seafood, I mean SUBSTANTIALY) reduce the take by commercial fishermen. No other action will be effective except to substantially reduce the take by those who represent the vast majority of the take. The only question is how to do that, and I suggest you devote attention to that question, not on how to avoid taking the necessary action.

Any effective action you take will harm the livelihood of some commercial fishermen, and that is regrettable . . . but necessary. We have a clear case here of 'the town common' effect, with commercial fishermen trying to maximize their consumption of resources owned by the people and entrusted to you to protect. You must protect the town common. Whether you reduce the length of the commercial fishing season substantially, or reduce each commercial fisherman's allowed take substantially, or issue a severely limited number of fishing permits on a lottery basis, or take some other similar action is up to you decide, with fishermen's input. But take some such action you must, in order to allow our offshore fish stocks to recover their numbers, and to protect the birds and other creatures that depend upon them for survival.

Do the right thing.

Thank you.

Dave Quady
39 The Crescent
Berkeley, California
davequady@worldnet.att.net

From "Tom Ryugo" 
Date Tuesday, October 24, 2000 10:02 pm
To
Cc
Subject rockfish and lingcod limits

Dear Sir,

I fail to understand what the Pacific Fisheries Management Council is doing by further reducing the rockfish and lingcod limits for sport anglers while allowing drag netters to keep overfishing. The drag netters and other commercial fishermen take 90 percent of the rockfish. If anybody is threatening rockfish populations, it's the commercial netters.

This is exactly the kind of nonsensical bureaucratic decisions that make sport anglers think that the PFMC is in bed with commercial fishing lobbies and PETA simultaneously.

Tom Ryugo
1725 Shattuck Ave. #107
Berkeley, CA 94709
(510) 845-5978

From "Tom Ryugo"

Date Tuesday, October 24, 2000 10:17 pm

To

Cc ,

Subject Proposed Pacific Fisheries Management Council Rockfish Regulations (Oct. 31st)

Dear Governor Davis,

The proposed new sport fishing regulations from the Pacific Fisheries Management Council to be decided on October 31 are the most illogical and baffling pile of malarkey ever thought up by bureaucrats who obviously know nothing about fish populations.

The plan is to close the rockfish season for four to six months and reduce the limit to three. Last year, the limit was fifteen which was reduced to ten in 2000. The 2000 season was closed in March and April.

The aggravating part of this is that commercial fishing isn't going to be reduced on iota. It's the commercial fishing that takes 90 percent of the rockfish and lingcod and cause incredible environmental damage by killing marine birds, seals, sea otters, and non-target fish. Why isn't commercial rockfishing being reduced 90 percent since they are responsible for 90 percent of the take?

No wonder people get mad at the government. PFMC acts like it's in bed with the commercial fishing lobby and the animal rights lobby simultaneously. They let the despoilers wreck the resource that sport anglers have worked hard to conserve and then punish the very sport anglers who have done their best to protect fish populations. If that's not a pile of bovine feces, I don't know what is.

Tom Ryugo
1725 Shattuck Ave. #107
Berkeley, CA 94709

From "Tom Ryugo" ▶
 Date Tuesday, October 24, 2000 10:41 pm
 To
 Cc
 Subject Proposed Pacific Fisheries Management Council Rockfish Regulations (Oct. 31st)

Dear Mr. President,

The proposed new sport fishing regulations from the Pacific Fisheries Management Council to be decided on October 31 in Vancouver, WA are the most illogical, moronic, and baffling pile of malarkey ever thought up by bureaucrats who obviously know nothing about fish populations.

The plan is to close the rockfish season for four to six months and reduce the limit to three. Last year, the limit was fifteen which was reduced to ten in 2000. The 2000 season was closed in March and April. At this rate, there won't be any rockfish season. That will put charter fishing boats out of business through no fault of theirs.

The aggravating part of this is that commercial fishing isn't going to be reduced on iota. It's the commercial fishing that takes 90 percent of the rockfish and lingcod and cause incredible environmental damage by killing marine birds, seals, sea otters, and non-target fish. Why isn't commercial rockfishing being reduced 90 percent since they are responsible for 90 percent of the take? Instead, the sport anglers will take the brunt as usual even though they take 10 percent of the fish and don't kill endangered seabirds and mammals. That makes a lot of sense.

No wonder people get mad at the government. PFMC acts like it's in bed with the commercial fishing lobby and the animal rights lobby simultaneously. They let the despoilers wreck the resource that sport anglers have worked hard to conserve and then punish the very sport anglers who have done their best to protect fish populations. If that's not a pile of bovine feces, I don't know what is.

Tom Ryugo
 1725 Shattuck Ave. #107
 Berkeley, CA 94709
 (510) 845-5978

From "John Suelen"
Date Tuesday, October 24, 2000 11:33 pm
To "Comments, Pfmcc"
Subject Rockcod Fisheries

To:

Pacific Marine Fisheries Council

2130 SW Fifth Ave, Suite 224

Portland, Or 97201

Email address: pfmc.comments@noaa.gov

<?XML:NAMESPACE PREFIX = O />

October 22, 2000

Dear Pacific Marine Fisheries Council,

It has come to our attention that some drastic measures are being considered to reverse many years of abuse of our local Rock Cod fisheries. We applaud you on taking the initiative to do so.

If, however, the means by which you proposed to do this, are as we have been informed, we will find ourselves as opponents instead of allies.

While literally many thousands of tax paying citizens that are purchasing their annual fishing licenses and gear, are asked to sacrifice their access to a relative insignificant number of fish you would allow long liners, and netters to curtail only a small amount of the pillage and damage they cause?

It is the consensus of this group that this would be totally unacceptable. A more equitable solution needs to be developed.

A number of suggestions have been made, and are worthy of serious consideration.

- 1.) Terminate indefinitely all netting operations within 15 miles of shore.
- 2.) Terminate indefinitely all netting operations within 15 miles of the Channel Islands, Farallone Islands, Santa Barbara Island,
- 3.) Limit the activities of Long liners to 6 months per year for at least 5 years.
- 4.) Place one 1 square mile area for every 50 square miles contained within the areas described in numbers one and two above, as additional protected areas to serve as nurseries.

- 5.) Promote and encourage the utilization of the rock cod fisheries by sports fisherman to increase revenues.
- 6.) Leave the limits for rock cod by sports fishermen as they were adopted this year, 2000.

Damage to the fish habitat as well as the 'wipe out' nature of the netters are seen as the true villain in this now acute problem. Sports fishermen, leaving more fish behind for them to harvest, will not improve the condition of the fisheries. It would only insure that a few more fish will be available when the nets come through to wipe out the area.

Loss of revenues from fishermen unwilling to pay the license fee to venture out for so few fish will have an adverse effect on State fish and games budgets. Loss of ridership on Charter boats will cause a loss of jobs. All this will have far reaching effects on the coastal communities, tackle shops, fueling operations, boat mechanics, new and used boat sales, fishing gear manufacturers, bait shops, bait fishers, and, were sure, much more.

It is quit clear that the impact on the sport fishing community has been underestimated and that commercial interests have been the fore front of the tendency to minimize impact.

If local alternative sources for retail market fish are not available the increase in costs of fish in the market place will be adjusted by default. If the sport fishing "Industry" is virtually eliminated, that faction will just die. The economic losses will be complete and catastrophic.

Thank you,

Members, BaySportsmen / PCS

pcsportsmen.com

c/o John Suelen

aka "MakoWish"

<http://www.makowish.com> (My Fishing Page)

john@suelen.com

From jim and sheri

Date Wednesday, October 25, 2000 7:20 am

To PFMC.comments@noaa.gov

Subject Ground fish management

Fishery Managament Council I would like to register my outrage at your groundfish management proposal. It will absolutely cripple sportfishing operations in San Francisco, Bodega Bay and all along the north coast of California. I believe you are targeting the wrong group of fishermen. I fish mostly Bodega Bay area and what I see is when all the fishermen are coming in to port at the end of the day, commercial boat after commercial boat are leaving the bay to fish all night. These boats waste more fish than the sport fishermen catch. Also the small commercial fishermen are fishing the local reefs to death, they are there day after day eight to twelve hours at a time taking everything. Why do you severely restrict the sport fisherman when the problem is the commercial fishermen? Thank You for your concideration: James W. Lalley, 3356 Kathy Way, Loomis, Ca
Email: triplall@pacbell.net

From LEROYSHIM@aol.com
Date Wednesday, October 25, 2000 10:28 am
To pfmc.comments@noaa.gov
Cc TOM@tomstienstra.com
Subject Closure of Sportfishing for Rockfish

Dear PFMC,

I protest the Sportfishermen being the scapegoat for 25 years of failure to manage and restrict commercial netters and long liners. Commercial fishermen take 90% of the catch and they are the main responsible party for overfishing, this having been allowed by fisheries mismanagement. We sportfishermen as an organized group are monitoring your decisions as a Council and seek fair fisheries management. Sportfishing must be fairly considered and considered a small part of the problem, not be a convenient political victim to the Council not standing up to the commercial fishing interests. We sportfishermen and recreational Party Boats are visible to the public, while raping of the seas go on commercially without common public knowledge. It's time to develop fair, sound, responsible Council actions.

Sincerely,

Leroy M. Shimizu
401 Gregory Lane, ste. 226
Pleasant Hill, CA 94523
(925) 689-4409

From Barcastr@aol.com
Date Wednesday, October 25, 2000 12:24 pm
To PFMC.comments@noaa.gov, Tom@tomstienstra.com
Subject Mismanagement

To whom it may concern (Pacific fisheries Mismanagement Cartel),

Shame on you! To even contemplate reducing the bag limits of recreational fisherman is a complete farce! Our take is a mere fraction of what the drag boats take, yet once again, we are being asked to shoulder an unfair burden. And, don't even get me started on the commercial waste known as by-catch!

SHAME ON YOU!!!!

Tim Pierce

2815 Chanslor Ave.

Richmond Ca. 94804

PS I fish, and I vote!

From Chad Broderick
 Date Wednesday, October 25, 2000 12:48 pm
 To pfmc.comments@noaa.gov
 Subject Closure of Rock Cod fishing

Please consider carefully who is responsible for the majority of the harvest of rock cod type fish when deciding closures. Typically commercial fisherman account for 90% of the catch and should shoulder 90% of the closure. I realize that we sport fishermen do not have as good of a lobby or a voice but please consider our point of view too. We would not mind a closure that represents fairly our share of the catch percentage. What would this beautiful coastline be like if we could not even go out and enjoy our natural resources and have to rely on supermarkets for all our fresh fish.

Thank you for your time,
 Chad Broderick
 2016 Pioneer Way #180
 Santa Rosa, CA 95403
 (707) 525-0818

.....
 iWon.com <http://www.iwon.com> why wouldn't you?

From "Johnson, Eric"
Date Wednesday, October 25, 2000 2:52 pm
To "'pfmc.comments@noaa.gov'"
Subject additional measures to manage rockfish and lingcod in nearshore california waters

Gentlemen:

I urge you to consider United Angler's Interim Measures to Manage the Commercial Nearshore Fishery. As a resident of a coastal community, I firmly believe the crisis we are experiencing with regard to rockfish and lingcod depletion is due for the most part to unsustainable commercial fishing operations. By enacting the measures proposed by United Anglers, commercial fishing impacts will be reduced to allow time for the fishery to replenish itself.

Thank you!

Eric Johnson
151 Easy Street
Alamo, CA 94507
925.866.5888

From jeffandnicolehorning
Date Wednesday, October 25, 2000 6:07 pm
To pfmc.comments@noaa.gov
Subject long lines off ca


California Dept. of Fish and Game biologist Greg Walls did an exhaustive report with information from 53 studies/sources. Check it out and the only response to long lines is no way. Do not allow long lines off ca. coast. It's a bad idea.

sincerely

Jeff

Horning

From "Jim Gay"
 Date Wednesday, October 25, 2000 7:23 pm
 To
 Subject groundfish

> Pacific Marine Fisheries Council
 > 2130 SW Fifth Ave, Suite 224
 > Portland, Or 97201
 >
 >
 >
 > Dear Pacific Marine Fisheries Council,
 >
 > It has come to our attention that some drastic measures are being
 considered
 > to reverse many years of abuse of our local Rock Cod fisheries. We
 applaud
 > you on taking the initiative to do so.
 >
 > If, however, the means by which you proposed to do this, are as we have
 been
 > informed, we will find ourselves as opponents instead of allies.
 >
 > While literally many thousands of tax paying citizens that are purchasing
 > their annual fishing licenses and gear, are asked to sacrifice their
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 > to a relative insignificant number of fish you would allow long liners,
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 > netters to curtail only a small amount of the pillage and damage they
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 > It is the consensus of this group that this would be totally unacceptable.
 A
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 > 1.) Terminate indefinitely all netting operations within 15 miles of
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 > Channel Islands, Farallon Islands, Santa Barbara Island, â|â|â|. 
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 5
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 > the areas described in numbers one and two above, as additional protected
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- > are seen as the true villain in this now acute problem. Sports fishermen,
- > leaving more fish behind for them to harvest, will not improve the condition
- > of the fisheries. It would only insure that a few more fish will be
- > available when the nets come through to wipe out the area.
- >
- > Loss of revenues from fishermen unwilling to pay the license fee to venture
- > out for so few fish will have an adverse effect on State fish and games
- > budgets. Loss of ridership on Charter boats will cause a loss of jobs.
- All
- > this will have far reaching effects on the coastal communities, tackle shops,
- > fueling operations, boat mechanics, new and used boat sales, fishing gear
- > manufacturers, bait shops, bait fishers, and, were sure, much more.
- >
- > It is quit clear that the impact on the sport fishing community has been
- > underestimated and that commercial interests have been the fore front of the
- > tendency to minimize impact.
- >
- > If local alternative sources for retail market fish are not available the
- > increase in costs of fish in the market place will be adjusted by default.
- > If the sport fishing "Industry" is virtually eliminated, that faction will
- > just die. The economic losses will be complete and catastrophic.
- >

Thank You,

James Gay
jimgay@ecis.com

From Rebernhardt@aol.com
Date Tuesday, October 24, 2000 4:45 pm
To pfmc.comments@noaa.gov
Subject Groundfish management proposal

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?

Ron Bernhardt
447 Malibu Court
Livermore, CA 94550-5239

From LTCRDent@aol.com

Date Tuesday, October 24, 2000 11:43 am

To pfmc.comments@noaa.gov

Subject Ground Fish Management Proposal

own letter to: pfmc.comments@noaa.gov or fax it to (503) 326-6831.

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

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LtCol Robert M. Dent, USAFR
Retired
5200 Dredger Way
Orangevale, CA 95662

LtCol Walter Laun
9512 Flintridge Way

From Batch02@aol.com

Date Tuesday, October 24, 2000 9:48 am

To pfmc.comments@noaa.gov

Subject Fwd: Monday's HotSheet

In a message dated 10/23/00 6:29:36 PM Pacific Daylight Time, Fishtalegale writes:

<< Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

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For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

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Not too hard to figure out, eh?

>>

From Lloyd Hiramoto
Date Tuesday, October 24, 2000 10:03 am
To pfmc.comments@noaa.gov
Subject Groundfish Management

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

To whom it may concern:

I would like to voice my outrage at your proposed groundfish management

measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are excessive to the sector that has least affected stock depletion of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

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who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by the San Francisco Bay Area sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sport fishers have policed themselves for many years, so it is not reasonable nor logical that they bear the brunt of retribution for the excesses of large moneyed interests. Please re-evaluate your proposed groundfish management measures as they are excessive to the sector of the fishing community that has least impacted this fishery.

Lloyd Hiramoto
1085 Yorktown Drive
Sunnyvale, CA 94087
l.hiramoto@worldnet.att.net

TACKLEBUSTER, INC.

Capt. Jeurgen Turner
OCEAN CHARTER SERVICES
P.O. Box 574
Depoe Bay, OR 97341

C-3

(541)765-2949

October 30, 2000

Pacific Fishery Management Council
2130 SW Fifth Ave, Suite 224
Portland OR 97201

I request this letter to be read into the minutes of the November meeting.

Council Members:

I'm writing to you in regards to the proposed sport groundfish regulation changes.

My name is Jeurgen Turner, owner/operator of Tacklebuster Inc. My background is in ocean charter fishing goes back to 1975. I have operated a year around charter service out of Depoe Bay, Oregon for the passed twenty two years.

I do and always have supported conservation measures. The sport fishery is the Cleanest of all fisheries. We have made great sacrifices already in recent years. Since 1993 we have had our Salmon seasons cut to a ZERO fishery for six years and the past few years our Bottom fish cut back to the lowest levels ever. This made a negative impact on not just on the sport fishing, but all of the tourist related business as well as state fishing licenses. Remembering that we sell trips and not fish! The chance to catch something does not mean you will always get your limit. With this in mind, we need to look at this realistically and not politically. If you are going to use historical numbers, setting new limits on fish, without even giving them a chance for a few years, does not make good scientific sense.

The sport caught canary rockfish make up only, at best, 3% or less of the total landed, and for the most part are caught in different areas than where commercial trawlers fish. They are also more seasonal for the sport fisherman. There are many trips run that do not even have canary's on board. We should not be penalized 30, 40, 50 or more% on something we did not do! there has been great measures by sports fisherman do their best to avoid known areas of canary's during this past year.

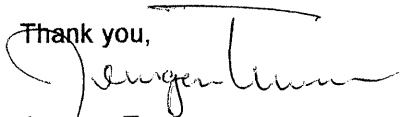
While positive measures were done, and supported with black rockfish and other inshore rockfish, (blues, coppers, quills, cabezon and sea trout (kelp greenling). There is now an equilibrium in the limits of fish and caughting, while still being able to market our fishing trips. Any option that restricts a year around bottom fishing is NOT an option!

The Ling Cod limit worked very well last year. I would like to see a one Ling Cod and 10 Rockfish with the a canary limit in place. Lowering the hooks aloud from 3 to 2 could help 25 to 30%. This is a workable and maintainable balance that should keep Oregon's sportfishing strong for a very long time.

This is very important to our business and all of the other coastal business's. Also future of the fishery.

Thank you for your time on this matter.

Thank you,


Jeurgen Turner

STATUS OF NATIONAL MARINE FISHERIES SERVICE RESEARCH PROGRAMS AND
OTHER NON-REGULATORY ACTIVITIES

Situation: The National Marine Fisheries Service will report on its groundfish research and other non-regulatory activities since the September Council meeting. One item will be the biological opinion regarding bycatch of chinook salmon in the fishery for Pacific whiting.

Council Action: Information only.

Reference Materials: None.

PPMC
10/16/00



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Sustainable Fisheries Division
7600 Sand Point Way N.E., Building. 1, Bin C15700
Seattle, WA 98115-0070

DATE: October 24, 2000
TO: DISTRIBUTION
FROM: F/NWR2 - Becky Renko
SUBJECT: PRELIMINARY Report #7 -- 2000 Pacific Whiting Fishery

This report consolidates preliminary state, federal, and tribal data for the 2000 Pacific whiting fishery off Washington, Oregon, and California.

| | Allocation | | Catch
(mt) | Thru
[date] | Status | Percent of
allocation
taken |
|---|---|----------------|------------------|----------------|--|-----------------------------------|
| | Percentages | Metric Tons | | | | |
| California
(south of 42 N lat.) | (5% shore alloc'n;
included in WOC
shore-based
allocation) | 4,190 | 4,985
(4,109) | 9/15
(6/8) | Started 0001 hours April 1;
5% alloc'n taken 6/8/00.
Per trip limit in effect from
1200 6/8/00 to 0001 hours
6/15/00 | 98.1% |
| Oregon | -- | NA | 68,613 | 9/15 | Started 0001 hours 6/15.
Per trip limit resumed 1800
9/15 | |
| Washington | -- | NA | 11,967 | 9/15 | Started 0001 hours 6/15.
Per trip limit resumed 1800
9/15 | |
| WOC shoreside | 42% commercial OY | 83,790 | 85,565 | | | 102.1% |
| Mothership
(north of 42 N. lat.) | 24% commercial OY | 47,880 | 46,840 | 6/9 | Started 0001 hours 5/15/00,
closed 1600 6/9/00 | 97.8% |
| Catcher/processor
(north of 42 N. lat.) | 34% commercial OY | 67,830 | 63,871 | 10/19 | Started 0001 hours 5/15/00 | 94.2% |
| Total non-tribal | Commercial OY is
86% of the OY | 199,500 | 196,276 | -- | -- | 98.4% |
| Tribal (Makah) | 14% OY | 32,500 | 6,251 | 9/19 | Started 6/10 | 19.2% |
| Total | OY=optimum yeild | 232,000 | 202,527 | -- | -- | 87.3% |

* Catch includes discards from at-sea processors; weigh-backs from shore-based catcher vessels; and small amounts landed under the 20,000-pound trip limit between the seasons. The data for at-sea processing (catcher/processors and motherships) are preliminary and are based on reports from NMFS-trained observers. Data for shoreside processors also are preliminary and are provided by each State to NMFS for the purpose of monitoring the fishery. If you have questions on shoreside landings, please contact the appropriate state fishery management agency. Preliminary data for the Makah fishery will be from a NMFS-trained observer (s). All weights are round weight (the weight of the whole fish before processing) or round-weight equivalents. One metric ton is 2,204.62 pounds.



Summary of North Pacific Fishery Management Council Actions Related to the American Fisheries Act

provided by the North Pacific Fishery Management Council (October 2000)

Since the passage of the American Fisheries Act (AFA) in October 1998, National Marine Fisheries Service (NMFS) and the North Pacific Fishery Management Council (NPFMC) have undertaken an extensive public process to develop the management program proposed under Amendments 61/61/18/8. Amendments 61/61/13/8 were developed and revised during the course of eleven NPFMC meetings over the past two years and have been the subject of numerous additional public meetings held by the NPFMC and NMFS to address specific aspects of the AFA. While the permanent management program proposed under Amendments 61/61/13/8 was under analysis and development by the NPFMC and NMFS, the statutory deadlines in the AFA were met on an interim basis through several emergency interim rules. The following timeline provides a summary of the two-year public process through which NMFS and the NPFMC developed Amendments 61/61/13/8.

November 1998. After the passage of the AFA in October 1998, the NPFMC held a special meeting in November, 1998, in Anchorage to address among other things, the new requirements of the AFA and the effect of the AFA on the fisheries under the jurisdiction of the NPFMC. The NPFMC made various recommendations to NMFS regarding the regulation of cooperatives in the catcher/processor sector and the management of sideboards for AFA catcher/processors for the upcoming 1999 fishery and began the process of identifying issues and alternatives for upcoming AFA-related actions.

December 1998. At its December, 1998, meeting in Anchorage, the NPFMC approved two emergency rules to implement required provisions of the AFA for the 1999 fishing year. The first emergency interim rule required two observers on all AFA-listed catcher processors and established procedures for making inseason sideboard closures (64 FR 3435, January 22, 1999; extended at 64 FR 33425, June 23, 1999). The second emergency interim rule made several technical changes to the CDQ program regulations to accommodate the new requirements of the AFA (64 FR 3887, January 26, 1999; extended at 64 FR 34743, June 29, 1999). After extensive public testimony and input from the NPFMC's Advisory Panel (AP) and Scientific and Statistical Committee (SSC) the NPFMC identified a suite of alternatives for the management program that subsequently became known as Amendments 61/61/13/8.

February 1999. At its February, 1999, meeting in Anchorage, the NPFMC finalized sideboard and AFA management measure alternatives with the intent that a draft analysis would be reviewed at the April 1999 meeting with a final decision scheduled for June 1999 to allow the NPFMC to meet the July 1999 deadline imposed by the AFA for recommendation of sideboard measures. The NPFMC also began preparation of a separate discussion paper to examine the structure of the inshore cooperative program. This separate analysis was in response to a proposal by a group of independent catcher vessel owners who advocated a change in the program to allow the formation of an independent vessel cooperative that would not be tied to a particular processor. A draft analysis was scheduled for review in June, 1999, with further discussion in October, 1999.

April 1999. At its April, 1999, meeting in Anchorage, the NPFMC reviewed its draft analysis for Amendments 61/61/13/8, and received extensive public testimony regarding alternatives and issues that should be considered under Amendments 61/61/13/8. The NPFMC directed staff to make various revisions and additions to the analysis with the intent that the amendment package would be before the NPFMC for final action in June 1999. The NPFMC also reviewed its discussion paper on the structure of the inshore cooperative program and the proposed independent catcher vessel cooperative and requested that a broader analysis be prepared for initial review at the October 1999 meeting. In addition, the NPFMC formed an inshore cooperative implementation committee to advise NMFS on many of the technical issues related to the formation and management of inshore cooperatives.

May 1999. The NPFMC's inshore co-op implementation committee held a public meeting with NMFS on May 10-13 in Seattle to examine alternative management approaches for inshore catcher vessel cooperatives. The approach to implementing and managing inshore cooperatives developed at this

meeting forms the basis of the inshore cooperative management program contained in this proposed rule.

June 1999. At its June, 1999, meeting in Kodiak the NPFMC reviewed Amendments 61/61/13/8 and after extensive public testimony, approved a suite of AFA-related recommendations including restrictions on the formation and operation of cooperatives, harvesting sideboards for catcher/processors and catcher vessels, and catch weighing and monitoring requirements. However, the NPFMC was unable to reach a decision on two AFA-related issues; groundfish processing sideboards and excessive processing share caps. To address these issues, the NPFMC established an industry committee to further examine alternatives and work with state and Federal managers to resolve implementation issues with the intent that the NPFMC would review the committee's recommendations in October 1999.

August 1999. The NPFMC's processing sideboard industry committee held a public meeting in Seattle to examine alternatives for processing sideboards and excessive processing share caps. The committee was unable to reach complete consensus on a recommended approach for processing sideboard caps. However, the committee did develop some general recommendations for the NPFMC and provided the NPFMC with some requests for additional analysis and information.

October 1999. At its October, 1999, meeting in Seattle, the NPFMC reviewed its analysis on the structure of the inshore cooperative program including the proposal to allow formation of independent catcher vessel cooperatives and received extensive public discussion on this issue. However, the NPFMC voted to postpone action until February 2000 and requested further analysis on this issue. The NPFMC also re-examined its June 1999 catcher vessel sideboard exemption recommendations and requested that NMFS delay implementation of these measures until the NPFMC had the opportunity to analyze and discuss possible revisions to its recommended catcher vessel sideboard exemptions. The NPFMC announced that it would be revising its sideboard exemption recommendations at its December 1999 meeting. Finally, the NPFMC reviewed what had now become a separate analysis of groundfish processing sideboards and excessive processing share caps. After extensive discussion and public comment on this issue, the NPFMC chose to expand and revise its analysis with intent to review the issue again in February 2000 with final action scheduled for June 2000.

December 1999. At its December, 1999, meeting in Anchorage, the NPFMC approved two emergency interim rules to implement required provisions of the AFA for the 2000 fishing year. These measures were necessary to meet certain statutory deadlines in the AFA while the comprehensive suite of permanent management measures under Amendments 61/61/13/8 continued to undergo development, revision, and analysis by the NPFMC and NMFS. The first emergency interim rule set out permit requirements for AFA vessels, processors, and cooperatives (65 FR 380, January 5, 2000; extended at 65 FR 39107, June 23, 2000). The second emergency interim emergency rule established sector allocations, co-op regulations, sideboards, and catch monitoring requirements for the AFA fleets (65 FR 4520, January 28, 2000; extended at 65 FR 39107, June 23, 2000).

February 2000. At its February, 2000, meeting in Anchorage, the NPFMC reviewed its revised analysis of groundfish processing sideboards and excessive share processing caps and requested analysis of several additional issues with the intent that the analysis would be reviewed again in June 2000. The NPFMC postponed action on proposed changes to the structure of the inshore cooperative program and independent catcher vessel proposal until June 2000. Finally, at this meeting, the NPFMC and NMFS decided it would be appropriate to expand the environmental assessment (EA) prepared for Amendments 61/61/13/8 into an EIS given the magnitude of the proposed management program to implement the AFA.

April 2000. At its April, 2000, meeting in Anchorage, the NPFMC received extensive testimony from industry on several elements of Amendments 61/61/13/8. Catcher vessel owners requested that the NPFMC consider revising several of its recommendations related to catcher vessel sideboards, retirement of vessels, and the formula for calculating inshore co-op allocations. The NPFMC requested preparation of a supplemental analysis of these issues for consideration in June 2000. The NPFMC also received testimony from crab fishermen who opposed the crab processing caps implemented in 2000

through emergency interim rule. The NPFMC announced its intent to examine alternatives for crab processing caps at its June 2000 meeting with final action on any changes scheduled for September 2000. In addition, the April NPFMC meeting was used as a scoping meeting to solicit input from the public on issues and alternatives that should be addressed in the EIS under preparation for Amendments 61/61/13/8.

June 2000. At its June, 2000, meeting in Portland, the NPFMC reviewed its analysis of proposed structural changes to the inshore cooperative program and recommended two changes related to retirement of vessels and allocation formulas that would supersede the measures set out in the AFA. These changes were incorporated as revisions to Amendments 61/61/13/8. The NPFMC also examined the issue of groundfish processing sideboards and excessive processing share caps and voted to release its analysis for public review with intent to take final action on these measures at its October 2000 meeting. The NPFMC's original intent was to include groundfish processing sideboards and excessive processing share caps in Amendments 61/61/13/8. However, due to the extensive additional analysis required for these two issues, the NPFMC has decided not to address these issues under Amendments 61/61/13/8 but rather submit them as separate amendments at a later date.

September 2000. At its September, 2000, meeting in Anchorage the NPFMC voted to add 1998 to revise the basis years used to calculate crab processing sideboard amounts by adding 1998 and giving it double-weight. In other words, 1995-1998 would be used to determine crab processing history with the 1998 year counting twice. This change represented the NPFMC's final revision to Amendments 61/61/13/8 before official submission of the Amendments to the Secretary of Commerce for review and approval.

October 2000. At its October, 2000, meeting in Sitka the NPFMC voted to move forward with the emergency rule to allow the AFA fisheries to start in 2001. This included the new provisions that were approved by the NPFMC during 2000. The NPFMC also voted to postpone action on the processor sideboard amendment, and begin looking at other alternatives to meet the AFA mandate to protect non-AFA processors. The NPFMC postponed action on the processing sideboards because they felt the proposed alternatives could impose unintended consequences on the fleet and there may be better alternatives, which have not yet been studied. The NPFMC also voted to implement an excessive pollock processing share cap of 30 percent of the non-CDQ pollock fishery in the BSAI. The cap will be applied to entities using the NMFS 10 percent limited rule that is used to determine excessive harvesting shares.

UPDATE ON AMERICAN FISHERIES ACT MEASURES

Situation: The American Fisheries Act of 1998 (AFA) provides the Council the opportunity to recommend management measures to protect fisheries under its jurisdiction and participants in those fisheries from harm caused by the AFA. Provisions in the AFA provide vessels and processors greater flexibility in when and how they participate in the Bering Sea pollock fishery. Because they are better able to arrange their schedules, these vessels and processors could potentially maximize participation in other fisheries, including West Coast groundfish fisheries. The concern is that AFA vessels and processors will use benefits gained by the AFA to move into West Coast groundfish fisheries, increase effort, and cause harm to current participants.

At the June meeting, the Council gave further consideration to management measures aimed at protecting West Coast groundfish fishery participants from harm caused by the AFA. For the time being, the Council has set aside further development of measures to restrict participation in the shore-based processing sector. The Council's rationale was that tangible harm to the processing sector as a result of the AFA has not yet been demonstrated. Moreover, the delay will allow for the North Pacific Fishery Management Council (NPFMC) to complete portions of their AFA analysis pertaining to shore-based processors, which could guide the development of West Coast management measures.

For the November meeting, the Council directed staff to provide an update on recent actions taken by the NPFMC in regard to the AFA. A summary of NPFMC actions to date is included in the briefing materials (Exhibit C.5, Attachment 1).

Council Action: None.

Reference Materials:

1. *Summary of North Pacific Fishery Management Council Actions Related to the American Fisheries Act* (Exhibit C.5, Attachment 1).

PFMC
10/13/00

**ARCTIC STORM, INC.**400 North 34th Street, Suite 306
Seattle, Washington 98103 U.S.A.

RECEIVED

Donald McIssac
Executive Director
Pacific Fisheries Management Council
2130 S.W. 5th Ave., Suite 224
Portland, Oregon 97201

PFMC

Oct. 15, 2000

RE: American Fisheries Act (AFA)

Dear Mr. McIssac,

I am writing in support of the industry agreement from the September Council meeting where the control date of September 16, 1999 was established to protect fisheries under the jurisdiction of the Pacific Fishery Management Council from adverse impacts from the American Fisheries Act (AFA), or by any fishery cooperatives in the directed pollock fishery. Arctic Storm, Inc. manages the FV Sea Storm and FV Neahkahnie, catcher vessels currently operating in both the shoreside and mothership whiting fisheries.

The American Fisheries Act included provisions to protect non-AFA participants from advantages gained by AFA boats because of the closed class granted to participants in the BSAI pollock fishery or the formation of cooperatives in that fishery. The Pacific Council was asked to develop protective measures, if necessary, for non-AFA participants in the Pacific whiting fishery. To date there is no evidence that AFA boats have disadvantaged non-AFA boats in the whiting fishery.

The Sept. 16, 1999 control date protects non-AFA boats from future incursions by AFA vessels that have not historically participated in the whiting fisheries. Actions that would eliminate access to either shoreside or mothership whiting markets by vessel owners who have made investments in the whiting fishery prior to passage of the AFA could pose a "takings" problem. The September '99 date protects current participants without negatively impacting vested participants.

At the September 1999 Council meeting a control date of Sept. 16, 1999 was presented to the Council in a unified proposal made by the Midwater Trawlers Cooperative (MTC) and United Catcher Boats (UCB). Nearly all catcher vessels in the whiting fishery are represented by these two organizations. The Council approved this control date and NMFS published it in the Federal Register.

At the March 2000 Council meeting, a second option of using participation years 1995-1997 was presented. The proposer of these dates argued that because it was the qualifying period used by the North Pacific Fishery Management Council (NPFMC) to define sideboards, it should be used by the Pacific Council as well. However, the NPFMC used a wide range of years differing by species and sector. No dates were set in stone by either the AFA or the NPFMC. Industry members of the North Pacific got together and negotiated these dates, just as industry members on the Pacific coast have gotten together and determined that September 16, 1999 works for the industry members here. The newly proposed qualifying years do not correspond to any management actions designed for the Pacific whiting fishery nor are they linked to any licensing or moratorium program.

A legal opinion from NOAA General Counsel and subsequent actions by the North Pacific Fishery Management Council support the concept that additional measures need not necessarily be imposed and need not limit access or conform to qualifying years used by the AFA to identify participants in the closed class for the BSAI pollock fishery.

At the October meeting of the NPFMC, action was taken to postpone indefinitely non-pollock processor sideboards. The analysis concluded that other regulatory and non-regulatory constraints sufficiently protected non-AFA processors, limits would disadvantage other non-AFA participants and limits would be too costly and burdensome for NMFS to monitor or enforce. The Council will instead look at modification of future full retention and bycatch reduction measures as they relate to all fishery participants.

Finally, in the Pacific Council's recently published Groundfish Strategy Plan, the shoreside whiting fishery is identified as the only fishery not in need of capacity reduction to harvest the 2000 OY. The vessels currently participating in that fishery represent the level identified to achieve that goal. In other words, there is no reason to change the Sept. 16, 1999 control date in an effort to reduce capitalization of the current fishery.

We encourage the Pacific Council to reject any changes to the industry agreement which would reduce current participation in the whiting fishery. If further modifications are made to the analysis to determine whether protective actions should be taken, they should focus on adverse impacts to non-AFA participants as has been done at the NPFMC and should distinguish between potential impacts in the whiting and the groundfish fisheries.

Thank you for considering our comments on this important issue.

Sincerely yours,


Doug L. Christensen
President



Golden Alaska Seafoods, LLC

Limited Liability Company

2200 Sixth Avenue • Suite 707 • Seattle, WA 98121 U.S.A.

(206) 441-1990 • Fax 441-8112

RECEIVED
October 9, 2000

OCT 12 2000

PFMC

Mr. Donald McIsaac
Executive Director
Pacific Fisheries Management Council
2130 S.W. 5th Ave., Suite 224
Portland, Oregon 97201

Dear Mr. McIsaac,

I am writing to you on behalf of three independent catcher boats which deliver pollock and whiting to our mothership. In addition to delivery to us, these boats also have a history of delivering shoreside whiting.

The boats I am referring to are the Aleutian Challenger, American Beauty and Ocean Leader. These boats are AFA qualified, but under the AFA saw their historic pollock catch reduced as part of the mothership sector.

Prior to the AFA, these boats had established shoreside whiting markets, and invested the necessary money in order to provide their markets with high quality raw material.

The American Beauty and Ocean Leader have been delivering shoreside whiting since 1995/1996, and the Aleutian Challenger since 1998.

These boats depend on a variety of fisheries during the year in order to remain economically viable. Over the years, whiting has become an important part of this mix, as are Alaska fisheries for many of the Oregon boats.

I urge the Pacific Council to approve the Sept. 1999 option date so that our independent boats are not disenfranchised.

Thank you for your consideration.

Sincerely,

Lou Fleming
President,
Golden Alaska Seafoods, LLC

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
UPDATE ON AMERICAN FISHERIES ACT MEASURES

The Groundfish Advisory Subpanel (GAP) discussed Council actions to date on implementation of American Fisheries Act (AFA) measures. The GAP noted it has devoted significant time and energy to this issue, which is important to the West Coast groundfish fishery. The GAP believes the Council should move final action on AFA measures to a higher priority.

PFMC
1101/00

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
UPDATE ON AMERICAN FISHERIES ACT MEASURES

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PPMC
1101/00

October 20, 2000

Mr. Jim Lone, Chairman
Pacific Fisheries Management Council

RECEIVED

OCT 24 2000

DEPT

Dear Mr. Lone:

Subject: A.F.A. Sideboards

I am the owner of two shoreside whiting boats; one is A.F.A. qualified and one is not.

I am concerned that picking a window period as late as September 1999 will increase the size of the shoreside whiting fleet.

The boats that entered the fishery after 1998 are boats that were A.F.A. qualified and have sold their pollock rights. If they hadn't sold these rights they would be fishing pollock in the Bering Sea.

My interpretation of the A.F.A. statute is that vessels which enjoy the benefits of the A.F.A. should not use those benefits to impact other fisheries. In my opinion that is what would happen if the council extends the window period into 1999.

I can give you three examples where these boats impacted the rest of the whiting fleet by participating in this fishery since August of 1999.

1. I lost an at-sea market because the owner of one of the A.F.A. qualified vessels that sold their pollock negotiated a deal that would include a larger opportunity in the offshore whiting fishery so two boats were cut out of that fleet.
2. In 1999 these boats shortened our season. They got markets to fill in for boats that wanted to go qualify for A.F.A. and then go fish out of Kodiak for the rest of the season. The owners of the boats that filled in on these markets wrote letters to the council stating how they saved many jobs in Newport, but what I found was that it cut every other plant and whiting boats seasons' short.

3. In the 2000 season one of these boats were given a market in Newport. It appears to be that this market was made available because the owners of the A.F.A. qualified vessel could give the manager of the shoreside plant an offshore market for his personally owned vessel. When this happened it displaced two coastal boats that had been fishing whiting for the plant in the past. These vessels weren't able to find other whiting markets.

It seems to me at a time when the council is looking at reducing fleet size it would be unconscionable to allow more effort into the fleet.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Cooper".

Mark Cooper, President
Persistence Fisheries, Inc.

EXEMPTED FISHING PERMIT APPLICATIONS

Situation: National Marine Fisheries Service (NMFS) research efforts often include the use of commercial vessels as survey platforms and to collect information. These activities sometimes require the vessel to be exempted from commercial fishing regulations that would interfere with the data collection project. NMFS may present exempted fishing permit (EFP) proposals for Council review at this meeting. In addition, the Council and NMFS received an EFP proposal from an open access, commercial hook-and-line fisher to test the effectiveness of vertical line gear to selectively harvest various rockfish species without catching canary rockfish, which is overfished and must be avoided (Exhibit C.3.g, Public Comment). The Council should offer comments to NMFS on any EFP applications under consideration.

Council Action:

1. Recommendations to NMFS on EFPs.

Reference Materials:

1. Exhibit C.3.g, Public Comment.

PFMC
10/13/00

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
EXEMPTED FISHING PERMIT APPLICATIONS

The Groundfish Advisory Subpanel (GAP) received presentations from the National Marine Fisheries Service (NMFS) and Oregon Department of Fish and Wildlife (ODFW) on exempted fishing permit applications involving research permits (including the NMFS "Vessel of Opportunity" program) and permits to land unsorted whiting. The GAP supports the permit applications as they were presented.

PFMC
11/01/00



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Marine Resources Program
2040 SE Marine Science Drive
Newport, OR 97365
(541) 867-4741
FAX (541) 867-0311

October 25, 2000



Mr. William Stelle, Jr.
Director, Northwest Region
National Marine Fisheries Service
7600 Sand Point Way NE
Bin C15700
Seattle, WA 98115

Dear Will:

Enclosed is a joint ODFW, WDFW and CDFG application for an exempted fishing permit (EFP) for your review and approval. The EFP is requested to allow legal retention, delivery and temporary possession of incidentally caught Pacific salmon and Pacific halibut in the 2001 shoreside Pacific whiting fishery, and potentially to allow for overages of other groundfish species caught while target fishing for whiting. It is our opinion that enumeration of the incidental catch in this fishery continues to be needed. During 2000 the minimum observation rate of 10% (of all trips) was achieved with such observations being conducted shoreside only. We also included collection of biological data for bycatch of key groundfish species during the 2000 program. We achieved a 23% sampling rate for groundfish bycatch and met our biological sampling goals. Participating processors allowed us to achieve a 100% observation rate for salmon and halibut bycatch by setting aside all salmon and halibut encountered during offloads, regardless of whether the trip was observed or not. An EFP for the "shoreside" processing sector of the Pacific whiting fishery continues to be the only means available to estimate the bycatch of prohibited species and groundfish.

As occurred last year, permitted vessels would be required not to sort their catch at-sea so that the entire catch can be sampled. Shoreside observers enumerate prohibited species and groundfish bycatch for 10 - 15 percent of all shoreside deliveries, and will also collect biological information on whiting. An allowance for overages of groundfish catch continues to be needed for calculating the groundfish bycatch rate and to facilitate collection of valuable biological data (age, sex, weight and length) for bycatch groundfish species (e.g. sablefish, yellowtail rockfish and widow rockfish). These biological samples will be used to support stock assessment work. We are aware that in recent years, the bycatch rate for some species has been quite high. The shoreside whiting industry has been working diligently to develop a serious proposal for reducing bycatch. Prohibited species and proceeds from groundfish overages will be forfeited to the State.

7. Species and Amounts to be Harvested

The target species to be harvested is Pacific whiting (*Merluccius productus*). The preliminary U.S. Pacific whiting harvest guideline in 2001 is 232,000 mt. The corresponding shore-based allocation would be 83,800 mt. PFMC does not intend to make an ABC change for whiting until 2001. Based on bycatch information from our EFP program during 1992 - 2000, the following catches of salmon, sablefish, widow rockfish, yellowtail rockfish, and other species would be expected if the bycatch rates were the same as in 2000 (bycatch reduction proposals are under development and should reduce this amount substantially):

| <u>Species/Species Group</u> | <u>Bycatch Rate (no/mt.)</u> | <u>Expected Bycatch (number)</u> |
|------------------------------|------------------------------|----------------------------------|
| Salmon | 0.039 | 3344 |

| <u>Species/Species Group</u> | <u>Bycatch Rate (kg/mt.)</u> | <u>Expected Bycatch (kilograms)</u> |
|------------------------------|------------------------------|-------------------------------------|
| Sablefish | 0.018 | 1,551 |
| Widow Rockfish | 0.890 | 75,961 |
| Yellowtail Rockfish | 2.216 | 189,121 |
| Misc. Rockfish | 0.669 | 57,130 |
| Mackerel | 2.956 | 252,321 |
| Other Misc. Fish | 1.397 | 119,262 |

8. Conduct of Fishing Experiment

Fishing will occur in the EEZ in the INPFC Eureka, Columbia and Vancouver areas. Ports of interest are Ilwaco and Westport, WA; Astoria, Newport and Charleston, OR; and Crescent City and Eureka, CA. Trawls, which conform to current legal requirements for midwater trawls, will be used to capture the target species. The season will open June 15, 2001 (April 1 off northern California), and will probably run through August 2001. The EFP should be valid for through the end of December 2001, to allow for any delay in shore-based allocation attainment.

The program will continue to rely on industry funding to pay for: observers, part of the salary for a coordinator and data analysis assistant, supplies, and travel to processing plants and meetings.

have signed agreements with their state and would have to agree to set aside prohibited species for biological sampling and disposition, and allow sampling of whiting landings and groundfish bycatch.

There are two basic options for disposal of incidentally caught prohibited species brought ashore: (1) donate to a local food share or other appropriate charitable organization, or (2) reduction in the fish meal plant. Option 1 is preferred, but salmon caught by trawls are often in poor condition, and they are also very perishable.

In addition to enumerating each prohibited species, other data to be collected include length, sex, weight and in the case of salmon, scales for age. Salmon snouts will be collected for coded wire tags from appropriately marked fish.

Another goal is to document the bycatch rate of other groundfish species encountered while target fishing for Pacific whiting. Biological data (age, weight, length and sex) will be collected for Pacific whiting, sablefish, yellowtail rockfish, widow rockfish, Pacific mackerel, and jack mackerel.

4. Justification

The EFP is requested so that an accurate count of incidentally caught salmon can be generated, and estimates of groundfish bycatch rates can be obtained from shoreside deliveries of Pacific whiting. An EFP will also offer legal protection for trawlers and processors that have possession of incidentally caught prohibited species, and may offer legal protection from overages of groundfish, which resulted from targeted fishing trips for whiting, made under the EFP.

5. Statement of Project Significance

Enumeration of incidentally caught species is the primary purpose for this EFP. Monitoring the bycatch of salmon in the whiting fishery also is a requirement of an ESA Section 7 consultation. Estimation of groundfish bycatch rates and collection of biological information to support stock assessment work is a secondary purpose. Results from this project, and those conducted during 1992 through 2000 will help clarify if regulation changes should occur (e.g. modification of prohibited species) to allow this fishery to operate without the need for an EFP each year.

6. Vessels to be covered by the EFP

List to be provided at a later date.

EXPERIMENTAL FISHING PERMIT APPLICATION

1. Date of Application

October 25th, 2000

2. Applicant Name(s)

Washington Department of Fish and Wildlife
48A Devonshire Road
Montesano, WA 98563-9618
Attention: Brian Culver (360)249-1205

Oregon Department of Fish and Wildlife
2040 SE Marine Science Drive
Newport, OR 97365-5294
Attention: Mark Saelens (541)867-4741
Lara Hutton (541)867-4741

California Department of Fish and Game
411 Burgess Drive
Menlo Park, CA 94025-3488
Attention: Dave Thomas (415)688-6361

3. Purposes and Goals of the Proposed Experiment

The goal of the exempted fishery is to implement an observation program, at the request of the Pacific Fishery Management Council, to enumerate the bycatch in whiting harvests delivered to shoreside processing plants for 10 -15 percent of all EFP deliveries. Whiting must be handled quickly to ensure quality, and as a result many vessels dump tows directly, or nearly directly, into the hold and are unable to sort their catch. The purpose of the EFP is to allow delayed sorting from mid-water trawl catches of Pacific whiting until the catch is unloaded at a shoreside processing plant. In addition, in order to sample unsorted total catch shoreside, the EFP may need to include provisions to allow for potential overages in groundfish trip limits as well as the retention of prohibited species (e.g. salmon and halibut) until offloading. The amounts of groundfish which exceed the trip limits set for 2001 will be forfeited to the state in which the delivery is made and port price paid. Current groundfish regulations at 50 CFR 663.7(b) stipulates that prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought aboard. The EFP is necessary to authorize retention of prohibited species until delivery shoreside by vessels participating in the observation program. The EFP would be valid only for landings by permitted vessels at processing plants that have been designated by the States of Washington, Oregon or California as participants in the observation program. Designated processing plants will

Whiting EFP Request
October 25, 2000
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We have not yet determined how many vessels will participate in the fishery next year, but expect 30-35 vessels. We will generate a participating vessels list as soon as possible and forward it to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Coenen". The signature is fluid and cursive, with the first name "Neal" being more prominent than the last name "Coenen".

Neal Coenen
Marine Resources Program Manager

attachment

STOCK ASSESSMENT AND REVIEW PROCESS DURING 2000

STOCK ASSESSMENT AND REVIEW PROCESS DURING 2000

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Goals and Objectives

The goals and objectives for the 2000 groundfish assessment and review process[†] are:

- a) Ensure that groundfish stock assessments provide the kinds and quality of information required by all members of the Council family.
- b) Satisfy the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other legal requirements.
- c) Provide a well defined Council oriented process that helps make groundfish stock assessments the "best available" scientific information and facilitates use of the information by the Council. In this context, "well defined" means with a detailed calendar, explicit responsibilities for all participants, and specified outcomes and reports.
- d) Emphasize external, independent review of groundfish stock assessment work.
- e) Increase understanding and acceptance of groundfish stock assessment and review work by all members of the Council family.
- f) Identify research needed to improve assessments, reviews and fishery management in the future.
- g) Use assessment and review resources effectively and efficiently.

Shared Responsibilities

The purpose of this discussion document is to help planners and the Council family understand responsibilities for the groundfish stock assessment review process during 2000. Parties involved are the National Marine Fisheries Service (NMFS); state agencies; the Council and its advisors, including the Scientific and Statistical Committee (SSC), Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), Council staff; and interested persons.

Leadership, in the context of the stock assessment review process for groundfish, means consulting with all interested parties to plan, prepare terms of reference, and develop a calendar of events and a list of deliverables. Coordination means organizing and carrying out review meetings, distributing documents in a timely fashion, and making sure that assessments and reviews are completed according to plan. Leadership and coordination both involve costs, both monetary and time, which have not been calculated, but are likely substantial.

All parties have a stake in assuring adequate technical review. NMFS must determine that the best scientific advice has been used when it approves fishery management recommendations made by the Council. The Council uses advice from the SSC to determine whether the information on which it will base its recommendation is technically sound. Fishery managers and scientists providing technical documents to the Council for use in management need to assure that the work is technically correct. Program reviews, in-depth external reviews, and peer-reviewed scientific publications are used by federal and state agencies to provide quality assurance for the basic scientific methods used to produce stock assessments. However, the time-frame for this sort of review is not suited to the routine examination of assessments that are, generally, the primary basis for a harvest recommendation. The review of current stock assessments requires a routine, dedicated effort that simultaneously meets the needs of NMFS, the Council, and others.

[†] In this document, the term "stock assessment" includes activities, analyses, and management recommendations, beginning with data collection and continuing through to the development of management recommendations by the Groundfish Management Team and information presented to the Council as a basis for management decisions.

History

In 1995 and earlier years, stock assessments were examined at a very early stage during ad-hoc stock assessment review meetings (one per year). SSC and GMT members often participated in these ad-hoc meetings and provided additional review of completed stock assessments during regular Council meetings. There were no terms of reference or meeting reports from the ad-hoc meetings. NMFS provided leadership and coordination by setting up meetings. Each agency or Council paid their own travel costs. Council staff distributed meeting announcements and some background documents. The Council paid for publication of assessments as appendices to the annual Stock Assessment and Fishery Evaluation (SAFE) document.

A key event occurred in July 1995 when NMFS convened an independent, external review of West Coast groundfish assessments.¹ The report concluded that: 1) uncertainties associated with assessment advice were understated; 2) technical review of groundfish assessments should be more structured and involve more outside peers; and 3) the distinction between scientific advice and management decisions was blurred. Work to develop a process to review groundfish stock assessments was aimed at resolving these problems.

For 1996, the groundfish stock assessment review process was expanded to include: 1) terms of reference for the review meeting; 2) an outline for the contents of stock assessments; 3) external anonymous reviews of previous assessments; and 4) a review meeting report.² Plans were developed during March and April Council meetings and NMFS convened a week long review meeting in Newport, Oregon where preliminary groundfish stock assessments were discussed. The expanded process itself was reviewed by the Council family at an evaluation meeting at the end of the year. Leadership and planning responsibilities were shared by the SSC Groundfish Subcommittee, NMFS, GMT, GAP, and persons who participated in planning discussions during the March and April Council meetings. There was no formal coordination except for the review meeting terms of reference, organization of the review meeting by NMFS, and as provided by Council staff for publication of documents. Costs were shared as in previous years.

The review process for 1997 was further expanded based on a planning meeting in December 1996.³ It was agreed that agencies (including NMFS and state agencies) conducting stock assessments were responsible for making sure assessments were technically sound and adequately reviewed. A Council-oriented review process was developed that included agencies, the GMT, GAP, and other interested members of the Council family. The process was jointly funded by the Council and NMFS, with NMFS hosting the Stock Assessment Review (STAR) Panel meetings and paying the travel expenses of the external reviewers, and the Council paying for travel expenses of the GAP representative and non-federal GMT and SSC members.

The process for 1997 included: 1) goals and objectives; 2) three STAR Panels, including external membership; 3) terms of reference for STAR Panels; 4) terms of reference for Stock Assessment (STAT) Teams; 5) a refined outline for stock assessments; 6) external anonymous reviews; 7) a clearer distinction between science and management; and 8) a calendar of events with clear deliverables, dates and well defined responsibilities. For the first time, STAR Panels and STAT Teams were asked to provide "decision table" analyses of the effects of uncertain management actions and to provide information required by the GMT in choosing harvest strategies. In addition, STAR Panels were asked to prepare "Stock Summaries" that described the essential elements of stock assessment results in a concise, simple format.

¹Anon. 1995. West coast groundfish assessments review, August 4, 1995. Pacific Fishery Management Council. Portland, OR.

²Brodziak, J., R. Conser, L. Jacobson, T. Jagielo, and G. Sylvia. 1996. Groundfish stock assessment review meeting - June 3-7, 1996 in Newport, Oregon. *In*: Status of the Pacific coast groundfish fishery through 1996 and recommended acceptable biological catches for 1997. Pacific Fisheries Management Council. Portland, OR.

³Meeting Report, Proposals and Plans for Groundfish Stock Assessment and Reviews During 1997 (May 8, 1997). Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

At the end of 1997, participants met to discuss events and make recommendations for 1998.⁴ Participants concluded that objectives were, to varying degrees, achieved during 1997. A notable shortfall was in "increasing acceptance and understanding by all members of the Council family." The most significant issues seemed to be the nature of the STAR Panels' responsibilities, communicating uncertainty to decision makers, workload, and inexperience in conducting the review process.

In retrospect, there was no formal coordination and leadership except for the terms of reference and the calendar. As in previous years, Council staff coordinated distribution of meeting announcements and distribution of documents. Costs increased substantially due to travel for external experts, increased number of review meetings (three instead of one), and distribution of larger and additional reports. NMFS paid travel and other costs for external members of STAR Panels. Other costs were distributed as in 1996. It was not possible for the Council to copy and distribute all of the stock assessments because of limited funds.

In 1998, the stock assessment process was similar to the 1997, including the 8 elements listed above. In November, a joint session of the SSC, GMT, and GAP was held to review events in 1998 and make recommendations for 1999. Several topics were discussed, including policy issues related to the 1998 terms of reference and operational issues related to how the terms of reference were implemented in 1998. This meeting produced a list of recommended changes for 1999, including:

- increasing the SSC's involvement in the process;
- clarify/modify the participant roles;
- limit the number of assessments, especially the difficulty caused by the late addition of assessments (e.g., sablefish and shortspine thornyhead in 1998);
- increase the involvement of external participants;
- timeliness in completing and submitting assessments; and
- duration of STAR Panel meetings, and the time required to adequately reviewing assessments.

Accordingly, the terms of reference were amended to include a cut-off date of November by which anyone proposing to present an assessment for review in the following year must notify the stock assessment coordinator. This change will ensure there is adequate time for formation and planning of STAR Panel meetings. The terms of reference were also changed to clarify the SSC's role in the process as "editor" and "arbiter;" the SSC will hear reports from all STAR Panels at its September meeting and will be involved in any unresolved issues between the STAT Teams, STAR Panels, or the GMT. Other issues were raised that had no quick solutions, such as how to incorporate socioeconomic information into the process, and how to present the decision tables to GMT and Council members.

Other than the changes noted above, the 1999 STAR process was similar to 1997 and 1998. As in previous years, a joint meeting of the SSC, GAP, and GMT was convened to review and evaluate the stock assessment process and to recommend modifications for 2000. There were relatively few concerns about the process in 1999, and they centered mainly around the difficulty of recruiting sufficient (external and internal) reviewers. Participants did not recommend departing from the current terms of reference regarding STAR panel composition, although they seemed to regard it more as a goal than a strict requirement. A notable continuing concern was the timeliness of STAT team reports prior to the STAR panel meetings.

Requirements for stock rebuilding analyses and monitoring of rebuilding progress and their relationship to the STAR process were also discussed. The group agreed that the terms of reference should be modified to require additional values (e.g., B_{msy}) be tabulated and included in STAT Team report related to an overfished species. There was general agreement that the STAR process should be used to review assessments of overfished species, which are still likely to be on a 3-year cycle. However, the STAR process is not the appropriate process for the "monitoring" reports (required every 2 years), when they are out of phase with the assessment cycle.

⁴Jacobson, L.D. (ed.). 1997. Comments, issues and suggestions arising from the groundfish stock assessment and review process during 1997. Report to the Pacific Fishery Management Council (Revised Supplemental Attachment B.9.b, November 1997).

Additionally, it was agreed that certain additional values should be consistently tabulated in the STAT team report in order to build a long-term computerized database of key parameters. The group noted that this would not impose additional work for the STAT team, but would simply require these values to be reported consistently.

Federal Advisory Committee Act

Sponsorship of the review process will remain with the Council in 2000 because the Federal Advisory Committee Act (FACA) constrains the ability of NMFS to establish advisory committees. FACA specifies a procedure for convening advisory committees, particularly when the committee will provide consensus recommendations to the federal government. Under FACA, advisory committees must be chartered by the Department of Commerce through a rather cumbersome process, and slow. The intent of FACA was to limit the number of advisory committees; ensure that advisory committees fairly represent affected parties; and insure that advisory committee meetings, discussions, and reports are carried out and prepared in full public view.

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council is exempt from FACA. The Magnuson-Stevens Act does, however, specify requirements for public notice, and open meetings similar to those under FACA.

Statement of Shared Responsibilities

All parties share responsibilities in the STAR process for 2000. The Council will continue to sponsor the process and involve its standing advisory committees, but it has little additional resources to contribute to coordination or costs. Therefore, costs for the STAR process will be shared by NMFS and the Council.

The Council has responsibility to make decisions and make policy choices about groundfish management based on the Fishery Management Plan for Pacific Coast Groundfish, the Magnuson-Stevens Act and other applicable law.

The Pacific Fishery Management Council will sponsor a review of groundfish stock assessments prepared in 2000 according to the interim protocols identified below. Sponsorship will involve consulting with all interested parties to plan, prepare terms of reference, and develop a calendar of events and a list of deliverables. NMFS and the Council will share fiscal and logistical responsibilities.

NMFS will work with the Council, other agencies, groups or interested persons that carry out assessment work to organize STAT Teams and STAR Panels, and make sure that work is carried out in a timely fashion according to the calendar and terms of reference. NMFS will provide a senior scientist to coordinate these tasks with assistance from Council staff. NMFS will convene a pre-assessment meeting for STAT Teams, GAP representatives, and interested parties to discuss upcoming stock assessments, external reviews, and data.

The Stock Assessment coordinator, in consultation with the SSC, will select STAR Panel chairs, and will coordinate the selection of external reviewers following criteria for reviewer qualifications, nomination, and selection. The public is welcome to nominate qualified reviewers.

Individuals (employed by NMFS, state agencies, or other entities) that conduct assessments or technical work in connection with groundfish stock assessments are responsible for ensuring their work is technically sound and complete. The Council's review process is the principal means for review of complete stock assessments, although additional in-depth technical review of methods and data is desirable.

Council staff will publish and distribute meeting notices, stock assessment documents, stock summaries, meeting minutes, and other appropriate documents. Council staff will help NMFS and agencies coordinate meetings and events.

The SSC will participate in the STAR process and provide the Council with technical advice related to the stock assessments and the review process.

The GMT will appoint representatives to track each stock assessment. These representatives will attend STAR Panel meetings, and participate in review discussions. The GMT will provide the Council with advice on management of groundfish stocks based on stock assessments and other available information.

The GAP will appoint representatives to track each stock assessment. These representatives will attend STAR Panel meetings and participate in review discussions

Stock Assessment Priorities

Stock assessments for West Coast groundfish are conducted periodically to determine appropriate harvest levels. Assessments rely upon a combination of NMFS survey data and state fishery monitoring data. To the extent possible, other fishery dependent data are also used.

Under the stock assessment process initiated in 1997, the time involved in soliciting data and preparing and reviewing stock assessments has increased substantially. Using STAT Teams and STAR Panels has also required participation by a larger number of people. Annually, the Council establishes priorities for conducting stock assessments. These priorities should be discussed at the Council's June meeting to allow sufficient time for collection of assessment data. The principles used to set priorities are:

- 1) At the November Council meeting, the species to be assessed will be finalized, which should provide adequate time for Panel arrangements. Any assessment identified after that time may not be included in the STAR process.
- 2) Generally, no more than 2 assessments will be reviewed by a STAR Panel.
- 3) Until greater fiscal and personnel support is obtained, assessments (except for Pacific whiting), generally, normally will be conducted only once every three years.
- 4) Assessments will be scheduled to take advantage of new data, especially survey data.
- 5) Assessments may be conducted more frequently than once every three years if –
 - A) new data, including fishery dependent and anecdotal data indicating unforeseen increases or decreases in stock size, are brought to the attention of the Council;
 - B) the Council believes that the results of a stock assessment are sufficiently in dispute to warrant a re-assessment the following year; or
 - C) a fishery for a species, stock, or stock complex has rapidly developed and that species, stock, or stock complex has not been assessed recently.
- 6) An update or report that falls short of a full assessment may be prepared for a species, stock, or stock complex to provide information helpful to the Council in making management decisions.
- 7) Any stock assessment submitted by the public should be submitted through normal Council channels and reviewed at STAR Panel meetings.

Based on the preceding principles, and taking into account testimony presented at the June, September, and November 1999 Council meetings, the following list of stock assessments are planned for 2000:

Stock to be Assessed in 2000

Lingcod (coastwide)
Bank rockfish
Darkblotched rockfish

Yellowtail rockfish
Pacific ocean perch
Widow rockfish

Terms of Reference for Groundfish STAR Panels and Review Meetings

Composition: STAR Panels normally include a chair, at least one "external" member (i.e.; outside the Council family and not involved in management or assessment of West Coast groundfish), and one SSC member. The total number of STAR members should be at least "n+2" where n is the number of stock assessments and "2" counts the chair and external reviewer. In addition to Panel members, STAR meetings will include GMT and GAP advisory representatives with responsibilities laid out in their terms of reference. STAR Panels normally meet for one week. The number of assessments reviewed per Panel should not exceed two.

The principal responsibility of the STAR Panel is to carry out these terms of reference according to the calendar for groundfish assessments.

The goal of the STAR Panel meeting is to review assessments for stocks according to these terms of reference. This work (described in detail below) includes:

- reviewing draft stock assessment documents and any other pertinent information (e.g.; STAR Panel reviews of previous assessments and previous assessments, if available);
- working with STAT Teams to ensure assessments are reviewed as needed;
- documenting meeting discussions; and
- reviewing summaries of stock status (prepared by STAT Teams) for in the SAFE document.

Most groundfish stocks are assessed infrequently (every three years) and each assessment and review should result in useful advice to the Council. It is the STAR Panel's responsibility to identify assessments that cannot be reviewed or completed for any reason.

The STAR Panel's terms of reference concern technical aspects of stock assessment work. The STAR Panel should strive for a risk neutral approach in its reports and deliberations. The full range of uncertainty should be reflected in complete stock assessments and the reports prepared by STAR Panels. The STAR Panel should identify scenarios that are unlikely or have a flawed technical basis.

The STAR Panel, STAT Team, and all interested parties are legitimate meeting participants that must be accommodated in discussions. It is the STAR Panel chair's responsibility to manage discussions and public comment so that work can be completed.

Panel members are responsible for determining if a stock assessment document is sufficiently complete according to the "Outline for Groundfish Stock Assessments."

STAT Teams and STAR Panels may disagree on technical issues. If the STAR Panel and STAT Team disagree, the STAR Panel must document the areas of disagreement in its report. The STAR Panel may request additional analysis based on alternative approaches. It is expected that the STAT Team will make a good faith effort to complete these analyses.

The STAR Panel's decision that an assessment is complete should be made by consensus. If a Panel cannot reach agreement, then the nature of the disagreement must be described in the Panel's report.

Recommendations and requests to the STAT Team for additional or revised analyses must be clear, explicit and in writing. A written summary of discussion on significant technical points and a lists of all STAR Panel recommendations and requests to the STAT Team are required in the STAR Panel's report. This should be completed (at least in draft form) prior to the end of the meeting. It is the chair and Panel's responsibility to carry out any follow-up review work that is required.

Additional analyses required in the stock assessment should be completed during the STAR Panel meeting. If follow-up work by the STAT Team is required after the review meeting, then it is the Panel's responsibility to track STAT Team progress. In particular, the chair is responsible for meeting with all Panel members (by phone, e-mail, or any convenient means) to determine if the revised stock assessment and documents are complete and ready to be used by managers in the Council family. If stock assessments and reviews are not complete at the end of the STAR Panel meeting, then the work must be completed prior to the GMT meeting where the assessments and preliminary ABC levels are discussed.

The SSC representative on the STAR Panel is expected to attend GMT and Council meetings where stock assessments and harvest projections are discussed to explain the reviews and provide other technical information and advice.

The chair is responsible for providing Council staff with a camera ready and suitable electronic version of the Panel's report for inclusion in the annual SAFE report.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

Suggested Template for STAR Panel Report

- 1) Minutes of the STAR Panel meeting containing:
 - Name and affiliation of STAR Panel members; and
 - List of analyses requested by the STAR Panel.
- 2) Comments on the technical merits and/or deficiencies in the assessment and recommendations for remedies.
- 3) Explanation of areas of disagreement regarding STAR Panel recommendations 1) among STAR Panel members (majority and minority reports), and 2) between the STAR Panel and STAT Team
- 4) Unresolved problems and major uncertainties, e.g.; any special issues that complicate scientific assessment, questions about the best model scenario.
- 5) Prioritized recommendations for future research and data collection

Terms of Reference for Groundfish STAT Teams

The STAT Team will carry out its work according to these terms of reference and the calendar for groundfish stock assessments.

Each STAT Team will appoint a representative who will attend the pre-assessment planning meeting, if one is held. STAT Teams are encouraged to also organize independent meetings with industry and interested parties to discuss issues, questions, and data.

Each STAT Team will appoint a representative to coordinate work with the STAR Panel and attend the STAR Panel meeting.

Each STAT Team will appoint a representative who will attend the GMT meeting (usually in August) and Council meeting (usually in September) where preliminary acceptable biological catch (ABC) and optimum yield (OY) levels are discussed. In addition, a representative of the STAT Team should attend the GMT (usually September or October) and Council meeting (usually November) where final ABC and OY levels are discussed, if requested or necessary. At these meetings, the STAT Team member shall be available to answer questions about the STAT Team report.

The STAT Team is responsible for preparing three versions of the stock assessment document: 1) a "draft" for discussion at the stock assessment review meeting; 2) a revised "complete draft" for distribution to the GMT, SSC, GAP, and Council for discussions about preliminary ABC and OY levels; 3) a "final" version published in the SAFE report. Other than authorized changes, only editorial and other minor changes should be made between the "complete draft" and "final" versions. The STAT Team will distribute "draft" assessment documents to the STAR Panel, Council, and GMT and GAP representatives at least two weeks prior to the STAR Panel meeting.

The STAT Team is responsible for bringing computerized data and working assessment models to the review meeting in a form that can be analyzed on site. STAT Teams should take the initiative in building and selecting candidate models. If possible, the STAT Team should have several complete models and be prepared to justify model recommendations.

The STAT Team is responsible for producing the complete draft by the end of the STAR Panel meeting. In the event that the complete draft is not completed, the Team is responsible for completing the work as soon as possible and to the satisfaction of the STAR Panel at least one week before the GMT meeting.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

For new stocks which are projected by the STAT Team to fall below overfishing thresholds, the STAT Teams need to estimate the baseline rebuilding parameters, specifically:

- determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery;
- recruitment during the earliest part of the record for the stock;
- $B_{msy} = 0.4 B_0$;
- mean generation time; and
- a forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates.

According to 1999 SAFE report (PFMC 1999, p. 24)⁵, the values for unfished biomass size are preferably measured as unfished spawning potential.

In addition to providing the baseline calculations, authors are encouraged to present alternative approaches (where appropriate), along with clear justification for why the alternatives may be an improvement over the baseline approach.

GMT Responsibilities

The GMT is responsible for identifying and evaluating potential management actions based on the best available scientific information. In particular, the GMT makes ABC recommendations to the Council based on estimated stock status, uncertainty about stock status, and socioeconomic and ecological factors. The GMT will use stock assessments, STAR Panel reports, and other information in making their ABC recommendations. The GMT's preliminary ABC recommendation will be developed at a meeting that includes representatives from the SSC, STAT Teams, STAR Panels, and GAP. A representative(s) of the GMT will serve as a liaison to each STAR Panel, but will not serve as a member of the Panel. The GMT will not seek revision or additional review of the stock assessments after they have been reviewed by the STAR

⁵Pacific Fishery Management Council. 1999. Status of the Pacific Coast Groundfish Fishery Through 1998 and Recommended Biological Catches for 2000: Stock Assessment and Fishery Evaluation. (Document prepared for the Council and its advisory entities.) Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite, 224, Portland, Oregon 97201.

Panel. The GMT chair will communicate any unresolved issues to the SSC for consideration at its September meeting. Successful separation of scientific (i.e.; STAT Team and STAR Panels) from management (i.e.; GMT) work depends on stock assessment documents and STAR reviews being completed by the time the GMT meets to discuss preliminary ABC and OY levels. However, the GMT can request additional model projections, based on reviewed model scenarios, in order to develop a full evaluation of potential management actions.

GAP Responsibilities

The chair of the GAP will appoint a representative to track each stock assessment. GAP representatives will be appointed at the GAP meeting in March.

The GAP representative will attend the STAR Panel meeting where the assessment of his / her species is reviewed. The GAP representative will participate in review discussions as an advisor to the STAR Panel, in the same capacity as the GMT advisor.

The GAP representative will attend the August GMT meeting along with STAR, STAT, and SSC representatives and will attend subsequent GMT, Council, and other necessary meetings where the assessment of his / her species is discussed.

The GAP representative will provide appropriate data and advice to the STAR Panel and GMT and will report to the GAP on STAR Panel and GMT meeting proceedings.

SSC and Council Staff Responsibilities

Scientific and Statistical Committee

The SSC will participate in the stock assessment review process and provide the GMT and Council with technical advice related to the stock assessments and the review process. The SSC will assign one member from its Groundfish Subcommittee to each STAR Panel. This member is expected to attend the assigned STAR Panel meeting, the August and October GMT meeting, and the September and November Council meetings when groundfish stock assessment agenda items are discussed. As in previous years, the SSC representative on the STAR Panel will present the STAR Panel report at GMT and Council meetings. The SSC representative will also present the STAR Panel report to the SSC at its September meeting and communicate SSC comments or questions to the GMT and STAR Panel chair. The SSC, during their normally scheduled meetings, will also serve as arbitrator to resolve disagreements between the STAT Team, STAR Panel, or GMT. The SSC will review any additional analytical work on any of the stock assessments required or carried out by the GMT after the stock assessments have been reviewed by the STAR Panels. In addition, the SSC will review and advise the GMT and Council on projected ABCs and OYs.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

Council Staff

Council Staff will prepare meeting notices and distribute stock assessment documents, stock summaries, meeting minutes, and other appropriate documents. Council Staff will help NMFS and the state agencies in coordinating stock assessment meetings and events. Staff will also publish or maintain file copies of reports from each STAR Panel (containing items specified in the STAR Panel's term of reference), the outline for groundfish stock assessment documents, comments from external reviewers, SSC, GMT, and GAP, letters from the public, and any other relevant information. At a minimum, the stock assessments (STAT Team reports, STAR Panel reports, and stock summaries) should be published and distributed in the

Council's annual SAFE document. Once the Council's final ABCs, OYs, and management measures have been implemented, the Staff will publish an addendum to the SAFE documenting these final values.

2000 Stock Assessment Review Calendar⁶

| | |
|--------------|--|
| Feb 7-11 | GMT meeting. |
| Feb 28-Mar 2 | STAR Process/Pre-assessment Workshop (PSMFC – Portland, OR). |
| Mar 6-10 | Council meeting (Sacramento, CA) |
| Mar 14-15 | Nearshore Rockfish Workshop (Monterey, CA). |
| Mar 20-24 | Harvest Rate Policy Workshop (NMFS – Seattle, WA) |
| Apr 2 | GMT Meeting: GMT appoints representatives to STAR Panels. |
| Apr 3-7 | Council meeting (Portland, OR). |
| May 2 | Council staff and STAR Panel members (including GMT and GAP advisers) receive draft assessments for bank rockfish and darkblotched rockfish). ⁷ |
| May 4-5 | Staff distributes draft bank rockfish and darkblotched rockfish assessments to interested persons who have requested them. ⁸ |
| May 15-19 | STAR Panel meeting for bank rockfish and darkblotched rockfish (Newport, OR). |
| May 23 | Council staff and STAR Panel members (including GMT and GAP advisers) receive draft assessments for lingcod (coastwide) and widow rockfish. |
| May 25-26 | Staff distributes draft lingcod (coastwide) and widow rockfish assessments to interested persons who have requested them. |
| May 30 | Council staff and STAR Panel members (including GMT and GAP advisers) receive draft assessments for yellowtail rockfish and Pacific ocean perch. |
| Jun 1-2 | Staff distributes draft yellowtail rockfish and Pacific ocean perch assessments to interested persons who have requested them. |
| Jun 5-9 | STAR Panel meeting for lingcod (coastwide) and widow rockfish (Santa Rosa, CA). |
| Jun 12-16 | STAR Panel meeting for yellowtail rockfish and Pacific ocean perch (Seattle, WA). |
| Jun 19-23 | GMT meeting |

⁶ Dates and locations of meetings are subject to change. All meetings will be confirmed through announcement in the *Federal Register* and a meeting announcement.

⁷ Because time between receipt of documents and STAR Panel meetings is limited, Council staff can only fulfill distribution responsibilities if documents are received by the deadlines specified in this calendar. If documents are late, the Council staff will simply provide mailing labels to the authors to enable them to directly distribute the documents.

⁸ At the beginning of the year, Council staff will circulate an advance notice of availability to the Council family and public to determine which drafts of which stock assessment documents they wish to receive. *Note: This year, Council members, GMT, SSC, and GAP members will NOT automatically receive draft stock assessments.* This notice of availability must be returned in order to receive stock assessment documents throughout the process.

- Jun 25 GMT meeting (pre-Council in Portland, OR)
- Jun 26-30 Council meeting (Portland, OR).
- Jul 26 Complete assessments, stock summaries, STAR Panel reports, and other documents used during the STAR Panel meeting arrive at Council office.
- Jul 31-Aug 1 Council staff distributes complete assessments and STAR Panel reports to interested persons who have requested them.
- Aug 14-18 GMT meeting to review stock assessment results, meeting attended by STAR Panel chairs or designees, SSC members of STAR Panels, STAT Team representatives, and GAP advisors to STAR Panels.
- Aug 31 Council staff distributes briefing book for September meeting.
- Sep 11-15 Council/SSC/GMT/GAP meeting (Sacramento, CA). Council adopts preliminary ABCs and OYs. STAR Panel and STAT Team representatives attend.
- Oct 2 Final stock assessments, stock summaries, and STAR Panel reports arrive at Council office (camera-ready hard copy) for SAFE report.
- Oct 2-6 GMT meeting attended by STAR Panel chairs or designees, SSC members of STAR Panels, STAT Team representatives, and GAP advisers to STAR Panels.
- Oct 19 Council staff distributes briefing book for October/November Council meeting (with SAFE document).
- Oct 23-24 Council staff distributes SAFE report and appendices to Council family and public who have requested them.
- Oct 29 -Nov 3 Council/SSC/GMT/GAP meeting (Portland). Final ABCs and OYs for 2000 adopted. Joint review meeting to evaluate 2000 assessment and review process and make recommendations for 2001.

Outline for Groundfish Stock Assessment Documents

This is an outline of items that should be included in stock assessment and fishery evaluation (SAFE) reports for groundfish managed by the Pacific Fishery Management Council. The outline is a working document meant to provide assessment authors with flexible guidelines about how to organize and communicate their work. All items listed in the outline may not be appropriate or available for each assessment. In the interest of clarity and uniformity of presentation, stock assessment authors and reviewers are encouraged (but not required) to use the same organization and section names as in the outline.

This outline for 2000 includes suggestions from many parties and is based on a similar outline used for groundfish stock assessment cycles in previous years.

OUTLINE FOR GROUNDFISH STOCK ASSESSMENT DOCUMENTS

- 1) Title page and list of preparers – the names and affiliations of the stock assessment team (STAT) either alphabetically or as first and secondary authors
- 2) Executive Summary (see attached template)
- 3) Introduction
 - Scientific name, distribution, stock structure, management units
 - Important features of life history that affect management (e.g.; migration, sexual dimorphism, bathymetric demography)
 - Important features of current fishery and relevant history of fishery
 - Management history (e.g. changes in mesh sizes, trip limits, optimum yields)
 - Management performance – a table or tables comparing acceptable biological catches, optimum yields, landings, and catch (i.e., landings plus discard) for each area and year
- 4) Assessment
 - Data
 - i) Landings by year and fishery, discards (generally specified as a percentage of total catch in weight and in units of mt), catch-at-age, weight-at-age, survey and CPUE data, data used to estimate biological parameters (e.g.; growth rates, maturity schedules, and natural mortality) with coefficients of variances (CVs) or variances if available.
 - ii) Include complete tables and figures if practical.
 - iii) Sample size information for length and age composition data by area, year, gear, market category, etc.
 - History of modeling approaches used for this stock – changes between current and previous assessment models

- Model description
 - i) Assessment program with last revision date (i.e.; date executable program file was compiled).
 - ii) List and description of all likelihood components in the model.
 - iii) Constraints on parameters, selectivity assumptions, natural mortality, assumed level of age reader agreement or assumed ageing error (if applicable), and other assumed parameters.
 - iv) Description of stock-recruitment constraint or components.
 - v) Critical assumptions and consequences of assumption failures.
 - vi) Convergence criteria.
 - vii) Treatment of discards (specified as a percentage of total catch in weight and in units of mt).
 - viii) Complete description of any new modeling approaches.
- Model selection and evaluation
 - i) Evidence of search for balance between realistic (but possibly over-parameterized) and simpler (but not realistic) models –
 - Use hierarchical approach where possible (e.g.; asymptotic vs. domed selectivities, constant vs. time varying selectivities).
 - ii) Residual analysis (e.g.; residual plots, time series plots of observed and predicted values, or other approach).
 - iii) Convergence status and convergence criteria for “base-run(s)” –
 - Randomization run results or other evidence of search for global best estimates.
 - iv) Do parameter estimates make sense, are they credible?
 - v) Table listing all parameters in the stock assessment model used for base runs, their purpose (e.g.; recruitment parameter, selectivity parameter) and whether or not the parameter was actually estimated in the stock assessment model.
- Base-run(s) results
 - i) Time-series of total and spawning biomass, recruitment and fishing mortality or exploitation rate estimates (table and figures).
 - ii) Selectivity estimates (if not included elsewhere).
 - iii) Stock-recruitment relationship.
- Uncertainty and sensitivity analyses
 - i) Sensitivity analyses (tables or figures) that show ending biomass levels or likelihood component values obtained while systematically varying emphasis factors for each type of data in the model.
- Likelihood profiles for parameters or biomass levels may also be used.

- ii) The best approach for describing uncertainty and range of probable biomass estimates in groundfish assessments may depend on the situation. Approaches used previously are:
 - CVs for biomass estimated by bootstrap, implicit autodifferentiation, or the delta method;
 - Subjective appraisal of magnitude and sources of uncertainty;
 - Comparison of alternate models;
 - Comparison of alternate assumptions about recent recruitment.
- iii) If a range of model runs (e.g.; based on CV's or alternate assumptions about model structure or recruitment) is used to depict uncertainty, then it is important that some qualitative or quantitative information about relative probability be included. If no statements about relative probability can be made, then it is important to state that all scenarios (or all scenarios between the bounds depicted by the runs) are equally likely.
- iv) if possible, ranges depicting uncertainty should include at least three runs: (a) one judged most probable; (b) at least one that depicts the range of uncertainty in the direction of lower current biomass levels; and (c) one that depicts the range of uncertainty in the direction of higher current biomass levels. The entire range of uncertainty should be carried through stock projections and decision table analyses.
- v) retrospective analysis (retrospective bias in base model or models for each area).
- vi) historic analysis (plot of actual estimates from current and previous assessments for each area).
- vii) Simulation results (if available).

5) Rebuilding parameters –

- Determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery;
- Recruitment during the earliest part of the record for the stock;
- $B_{msy} = 0.4 B_0$;
- Mean generation time; and
- A forward projection using recruitment based on Monte Carlo sampling from a recent time-series of recruitment estimates.

6) Target fishing mortality rates (if changes are proposed).

7) Harvest projections and decision tables –

- Harvest projections and decision tables should cover full range of uncertainty about current biomass and full range of candidate fishing mortality targets used for the stock or requested by the GMT; and
- Information presented should include three year biomass and yield projections.

8) Management recommendations.

9) Research needs (prioritized).

- 10) Acknowledgments-include STAR Panel members and affiliations as well as names and affiliations of persons who contributed data, advice or information but were not part of the assessment team.
- 11) Literature cited.
- 12) Tables and figures.
- 13) Complete parameter files for base runs.

Template for Executive Summary of Stock Status Prepared by STAT Teams

Stock: species/area

Catches: trends and current levels-include table for last ten years and graph with long term data

Data and assessment: date of last assessment, type of assessment model, data available, new information, and information lacking

Unresolved problems and major uncertainties: any special issues that complicate scientific assessment, questions about the best model scenario, etc.

Reference points: management targets and definition of overfishing

Stock biomass: trends and current levels relative to virgin or historic levels, description of uncertainty-include table for last 10 years and graph with long term estimates

Recruitment: trends and current levels relative to virgin or historic levels-include table for last 10 years and graph with long term estimates

Exploitation status: exploitation rates (i.e., total catch divided by exploitable biomass) – include table for last 10 years and graph with long term estimates.

Management performance: ABC and OY estimates, overfishing levels, actual catch and discard

Forecasts: normally three-year forecasts of catch and biomass

Decision table: (if available)

Recommendations: research and data collection needs

Sources of additional information: cite STAR Panel report, assessment documents, and other sources

2001/2002 GROUNDFISH MANAGEMENT PROCESS AND SCHEDULE

Situation: This agenda item has two elements relative to the 2001/2002 groundfish management process and schedule. The first element is generated from a concern the current groundfish management process and schedule is deficient and impractical relative to current fishery management problems, mandatory regulatory obligations, and alternative solutions. The second element is directed specifically at the terms of reference for the 2001 stock assessment process and was prepared without assuming there will be other significant changes to the 2001/2002 management process.

2001/2002 Management Process

At the September Council meeting, there was considerable dialogue about the impracticalities and inadequacies in the process to date with regard to the Council adopting detailed regulatory proposals for public review at that meeting. There is a perspective the current process is designed to simply adopt annual harvest guidelines and adjust routine management measures such as trip limits, and the current process has several deficiencies in dealings with the complexities of such management measures as rebuilding plans, mixed-stock, cross-fishery conservation/allocation dilemmas, etc. It seems apparent the existing September-November two-meeting arrangement leaves too little time to accomplish all the new analytical and regulatory necessities that accompany the current situation in the groundfish fishery. The recently adopted Groundfish Strategic Plan recognized this problem, concluding in Section II.C.a about the Council process... "The fundamental trust and credibility relationship between industry, the public, and management is strained and the process is not serving its intended purpose".

Therefore, the Council may wish to initiate an evaluation of the overall groundfish management process and schedule. If so, a small committee should be appointed to further analyze improvements and alternatives, and report results to the Council at the March meeting. Such a decision may be most efficiently administered under the auspices of the Strategic Plan Oversight Committee, which will appoint other sub-committees subsequent to the November meeting.

2001 Stock Assessment Process

This year's groundfish stock assessment and review process was conducted under the terms of reference in Attachment C.7. Groundfish Advisory Subpanel (GAP) members and Groundfish Management Team (GMT) members served in an advisory role to Stock Assessment Review (STAR) Panels and were not considered official members. Assessments were coordinated by Ms. Cyreis Schmitt, National Marine Fisheries Service (NMFS); and the Scientific and Statistical Committee (SSC) was tasked to resolve any disagreements among the Stock Assessment (STAT) Team, the STAR Panel, and the GMT.

In June, the Council adopted the following list of species for which stock assessments will be prepared and reviewed in 2000: coastwide lingcod, yellowtail rockfish, widow rockfish, bank rockfish, darkblotched rockfish, and splitnose rockfish. In September, Pacific Ocean perch was added. Ms. Schmitt will update the Council on the assessment calendar for 2000.

Several points bear mentioning as the Council considers the stock assessment review process for 2001:

- (1) In addition to conducting and reviewing stock assessments for the species listed above, developing, implementing, and analyzing rebuilding plans will also require commitments of already limited time and resources.
- (2) The NMFS laboratory in Tiburon, California is in the process of moving to new facilities in Santa Cruz, California, and several Northwest Fishery Science Center, NMFS scientists involved in groundfish stock assessments have left the groundfish program – these changes may potentially cause delays in the stock assessment process.
- (3) Currently, public participation is minimal and the cost (time and expense) for external reviewers limits their availability. It may be beneficial to consider ways to increase the role of the public and outside reviewers in the assessment process.

A change that has been previously suggested would add "data review meetings" that require less time and resources than a STAR Panel. These data reviews would be intended only for new species that have not previously been assessed. This would allow new species to go through a data review in the first year, and a full STAR Panel review the second year. Other species that have been assessed would continue to be reviewed by a STAR Panel meeting. This change has been suggested to allow the process to accommodate more species, without a significantly increased time and resource burden.

In the past few years, the Council has convened a working group in December/January to finalize revisions to the terms of reference and plan for the upcoming assessment cycle. This may not be necessary this year, if suggested changes are minimal and consensus-based.

The SSC, GMT, GAP, and interested persons will meet Tuesday, October 31, at 10:30 a.m. to review the stock assessment process and assess how effectively the process has achieved its goals. An oral report on the meeting will be presented.

Council Action:

1. **Consider directing the Strategic Plan Oversight Committee to appoint a sub-committee to evaluate the long-term groundfish management process and schedule.**
2. **Revise *Stock Assessment Process Terms of Reference*, as necessary.**

Reference Materials:

1. Terms of Reference (Exhibit C.7, Attachment 1).

PFMC
10/17/00

PROPOSED ASSESSMENTS & STAR PANELS IN 2001

| | STAR PANEL A | STAR PANEL B | STAR PANEL C |
|--|--|--|--|
| Species | "Remaining Rockfish" including yelloweye, silvergray, black rockfish (south) | Cabazon
Dover Sole | Sablefish
Shortspine Thornyhead |
| Location | Santa Cruz | Newport | Newport |
| Dates | May 21-25 | July 9-13 | July 9-13 |
| STAT Teams (leaders) | SWFSC, NWFSC, WDFW | <u>Cabazon</u>
SWFSC, CDFG

<u>Dover Sole</u>
OSU, NWFSC | <u>Sablefish</u>
NWFSC

<u>Shortspine Thornyhead</u>
NWFSC

<u>Shortspine or Sablefish</u>
Pacific Groundfish
Conservation Trust
(PGCT) |
| STAR Panel
Chair

External
SSC
GMT
GAP | ODFW
CDFG | WDFW
SWFSC | CDFG
WDFW |

DRAFT

2001 STOCK ASSESSMENT REVIEW CALENDAR

| | |
|------------------|---|
| Feb. ? | GMT Meeting |
| Mar. 5-9 | PFMC Meeting (Portland) |
| Mar 21-22 | Pre-Assessment Workshop (Portland) |
| Apr 2-6 | PFMC Meeting (Sacramento) |
| May 8 | Stock assessment documents for remaining rockfish due at PFMC office for distribution |
| May 21-25 | STAR Panel meeting for rockfish (Santa Cruz) |
| Jun? | GMT meeting |
| Jun 11-15 | PFMC Meeting (San Francisco) |
| Jun 25 | Stock assessment documents for Dover sole, cabezon, sablefish, & shortspine thornyhead due at PFMC office for distribution |
| July 9-13 | STAR Panel meeting for Dover sole & cabezon (Newport)
STAR Panel meeting for Sablefish & Shortspine Thornyhead (Newport) |
| Jul 27 | Final stock assessment documents due at PFMC office |
| Aug 3 | PFMC distributes final stock assessment documents |
| Aug. ? | GMT meeting. SSC groundfish subcommittee meets to review assessment and panel reports. |
| Sep 10-14 | PFMC meeting (Portland) |
| Oct. ? | GMT meeting |
| Oct 29-Nov 2 | PFMC meeting (San Francisco) |

DRAFT

GROUND FISH STOCK ASSESSMENT AND REVIEW PROCESS DURING 2001

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Goals and Objectives

The goals and objectives for the **2001** groundfish assessment and review process[†] are:

- a) Ensure that groundfish stock assessments provide the kinds and quality of information required by all members of the Council family.
- b) Satisfy the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act and other legal requirements.
- c) Provide a well defined Council oriented process that helps make groundfish stock assessments the "best available" scientific information and facilitates use of the information by the Council. In this context, "well defined" means with a detailed calendar, explicit responsibilities for all participants, and specified outcomes and reports.
- d) Emphasize external, independent review of groundfish stock assessment work.
- e) Increase understanding and acceptance of groundfish stock assessment and review work by all members of the Council family.
- f) Identify research needed to improve assessments, reviews and fishery management in the future.
- g) Use assessment and review resources effectively and efficiently.

Shared Responsibilities

The purpose of this discussion document is to help planners and the Council family understand responsibilities for the groundfish stock assessment review process during **2001**. Parties involved are the National Marine Fisheries Service (NMFS); state agencies; the Council and its advisors, including the Scientific and Statistical Committee (SSC), Groundfish Management Team (GMT), Groundfish Advisory Subpanel (GAP), Council staff; and interested persons.

Leadership, in the context of the stock assessment review process for groundfish, means consulting with all interested parties to plan, prepare terms of reference, and develop a calendar of events and a list of deliverables. Coordination means organizing and carrying out review meetings, distributing documents in a timely fashion, and making sure that assessments and reviews are completed according to plan. Leadership and coordination both involve costs, both monetary and time, which have not been calculated, but are likely substantial.

All parties have a stake in assuring adequate technical review. NMFS must determine that the best scientific advice has been used when it approves fishery management recommendations made by the Council. The Council uses advice from the SSC to determine whether the information on which it will base its recommendation is technically sound. Fishery managers and scientists providing technical documents to the Council for use in management need to assure that the work is technically correct. Program reviews, in-depth external reviews, and peer-reviewed scientific publications are used by federal and state agencies to provide quality assurance for the basic scientific methods used to produce

[†] In this document, the term "stock assessment" includes activities, analyses, and management recommendations, beginning with data collection and continuing through to the development of management recommendations by the Groundfish Management Team and information presented to the Council as a basis for management decisions.

stock assessments. However, the time-frame for this sort of review is not suited to the routine examination of assessments that are, generally, the primary basis for a harvest recommendation. The review of current stock assessments requires a routine, dedicated effort that simultaneously meets the needs of NMFS, the Council, and others.

History

In 1995 and earlier years, stock assessments were examined at a very early stage during ad-hoc stock assessment review meetings (one per year). SSC and GMT members often participated in these ad-hoc meetings and provided additional review of completed stock assessments during regular Council meetings. There were no terms of reference or meeting reports from the ad-hoc meetings. NMFS provided leadership and coordination by setting up meetings. Each agency or Council paid their own travel costs. Council staff distributed meeting announcements and some background documents. The Council paid for publication of assessments as appendices to the annual Stock Assessment and Fishery Evaluation (SAFE) document.

A key event occurred in July 1995 when NMFS convened an independent, external review of West Coast groundfish assessments.¹ The report concluded that: 1) uncertainties associated with assessment advice were understated; 2) technical review of groundfish assessments should be more structured and involve more outside peers; and 3) the distinction between scientific advice and management decisions was blurred. Work to develop a process to review groundfish stock assessments was aimed at resolving these problems.

For 1996, the groundfish stock assessment review process was expanded to include: 1) terms of reference for the review meeting; 2) an outline for the contents of stock assessments; 3) external anonymous reviews of previous assessments; and 4) a review meeting report.² Plans were developed during March and April Council meetings and NMFS convened a week long review meeting in Newport, Oregon where preliminary groundfish stock assessments were discussed. The expanded process itself was reviewed by the Council family at an evaluation meeting at the end of the year. Leadership and planning responsibilities were shared by the SSC Groundfish Subcommittee, NMFS, GMT, GAP, and persons who participated in planning discussions during the March and April Council meetings. There was no formal coordination except for the review meeting terms of reference, organization of the review meeting by NMFS, and as provided by Council staff for publication of documents. Costs were shared as in previous years.

The review process for 1997 was further expanded based on a planning meeting in December 1996.³ It was agreed that agencies (including NMFS and state agencies) conducting stock assessments were responsible for making sure assessments were technically sound and adequately reviewed. A Council-oriented review process was developed that included agencies, the GMT, GAP, and other interested members of the Council family. The process was jointly funded by the Council and NMFS, with NMFS

¹Anon. 1995. West coast groundfish assessments review, August 4, 1995. Pacific Fishery Management Council. Portland, OR.

² Brodziak, J., R. Conser, L. Jacobson, T. Jagielo, and G. Sylvia. 1996. Groundfish stock assessment review meeting - June 3-7, 1996 in Newport, Oregon. *In*: Status of the Pacific coast groundfish fishery through 1996 and recommended acceptable biological catches for 1997. Pacific Fisheries Management Council. Portland, OR.

³Meeting Report, Proposals and Plans for Groundfish Stock Assessment and Reviews During 1997 (May 8, 1997). Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

hosting the Stock Assessment Review (STAR) Panel meetings and paying the travel expenses of the external reviewers, and the Council paying for travel expenses of the GAP representative and non-federal GMT and SSC members.

The process for 1997 included: 1) goals and objectives; 2) three STAR Panels, including external membership; 3) terms of reference for STAR Panels; 4) terms of reference for Stock Assessment (STAT) Teams; 5) a refined outline for stock assessments; 6) external anonymous reviews; 7) a clearer distinction between science and management; and 8) a calendar of events with clear deliverables, dates and well defined responsibilities. For the first time, STAR Panels and STAT Teams were asked to provide "decision table" analyses of the effects of uncertain management actions and to provide information required by the GMT in choosing harvest strategies. In addition, STAR Panels were asked to prepare "Stock Summaries" that described the essential elements of stock assessment results in a concise, simple format.

At the end of 1997, participants met to discuss events and make recommendations for 1998.⁴ Participants concluded that objectives were, to varying degrees, achieved during 1997. A notable shortfall was in "increasing acceptance and understanding by all members of the Council family." The most significant issues seemed to be the nature of the STAR Panels' responsibilities, communicating uncertainty to decision makers, workload, and inexperience in conducting the review process.

In retrospect, there was no formal coordination and leadership except for the terms of reference and the calendar. As in previous years, Council staff coordinated distribution of meeting announcements and distribution of documents. Costs increased substantially due to travel for external experts, increased number of review meetings (three instead of one), and distribution of larger and additional reports. NMFS paid travel and other costs for external members of STAR Panels. Other costs were distributed as in 1996. It was not possible for the Council to copy and distribute all of the stock assessments because of limited funds.

In 1998, the stock assessment process was similar to the 1997, including the 8 elements listed above. process. In November, a joint session of the SSC, GMT, and GAP was held to review events in 1998 and make recommendations for 1999. Several topics were discussed, including policy issues related to the 1998 terms of reference and operational issues related to how the terms of reference were implemented in 1998. This meeting produced a list of recommended changes for 1999, including:

- increasing the SSC's involvement in the process;
- clarify/modify the participant roles;
- limit the number of assessments, especially the difficulty caused by the late addition of assessments (e.g., sablefish and shortspine thornyhead in 1998);
- increase the involvement of external participants;
- timeliness in completing and submitting assessments; and
- duration of STAR Panel meetings, and the time required to adequately reviewing assessments.

Accordingly, the terms of reference were amended to include a cut-off date of November by which anyone proposing to present an assessment for review in the following year must notify the stock assessment coordinator. This change will ensure there is adequate time for formation and planning of STAR Panel meetings. The terms of reference were also changed to clarify the SSC's role in the process as "editor" and "arbiter;" the SSC will hear reports from all STAR Panels at its September meeting and will be involved in any unresolved issues between the STAT Teams, STAR Panels, or the

⁴Jacobson, L.D. (ed.). 1997. Comments, issues and suggestions arising from the groundfish stock assessment and review process during 1997. Report to the Pacific Fishery Management Council (Revised Supplemental Attachment B.9.b, November 1997).

GMT. Other issues were raised that had no quick solutions, such as how to incorporate socioeconomic information into the process, and how to present the decision tables to GMT and Council members.

Other than the changes noted above, the 1999 STAR process was similar to 1997 and 1998. As in previous years, a joint meeting of the SSC, GAP, and GMT was convened to review and evaluate the stock assessment process and to recommend modifications for 2000. There were relatively few concerns about the process in 1999, and they centered mainly around the difficulty of recruiting sufficient (external and internal) reviewers. Participants did not recommend departing from the current terms of reference regarding STAR panel composition, although they seemed to regard it more as a goal than a strict requirement. A notable continuing concern was the timeliness of STAT team reports prior to the STAR panel meetings.

Requirements for stock rebuilding analyses and monitoring of rebuilding progress and their relationship to the STAR process were also discussed. The group agreed that the terms of reference should be modified to require additional values (e.g., B_{msy}) be tabulated and included in STAT Team report related to an overfished species. There was general agreement that the STAR process should be used to review assessments of overfished species, which are still likely to be on a 3-year cycle. However, the STAR process is not the appropriate process for the "monitoring" reports (required every 2 years), when they are out of phase with the assessment cycle.

Additionally, it was agreed that certain additional values should be consistently tabulated in the STAT team report in order to build a long-term computerized database of key parameters. The group noted that this would not impose additional work for the STAT team, but would simply require these values to be reported consistently.

The 2000 STAR process was reviewed during a joint meeting of the GAP, GMT, and SSC at the November 2000 meeting. There were relatively few recommendations for improvement to the terms of reference for 2001, although concerns about the long-term future for the STAR process were raised. It was agreed that the future of the STAR process would be evaluated during 2001, but the STAR process in 2001 would proceed similarly to past years. For the 2001 STAR process, participants at the review meeting recommended that greater efforts be made to produce and distribute documents in a timely manner and to assure their completeness and consistency with the terms of reference. In addition, the SSC agreed that the its groundfish subcommittee would meet in concert with the GMT during the August 2001 meeting to identify issues, if any, with the assessments or STAR panel reviews that may require additional consideration by the SSC.

At the March 2001 PFMC meeting, the SSC also expects to provide recommendations for integrating rebuilding analyses and reviews into the STAR process for 2001. Pending the outcome of those recommendations, additional requirements and guidance may be incorporated in the terms of reference for 2001 and implemented during the 2001 STAR process.

Federal Advisory Committee Act

Sponsorship of the review process will remain with the Council in **2001** because the Federal Advisory Committee Act (FACA) constrains the ability of NMFS to establish advisory committees. FACA specifies a procedure for convening advisory committees, particularly when the committee will provide consensus recommendations to the federal government. Under FACA, advisory committees must be chartered by the Department of Commerce through a rather cumbersome process, and slow. The intent of FACA was to limit the number of advisory committees; ensure that advisory committees fairly represent affected parties; and insure that advisory committee meetings, discussions, and reports are carried out and prepared in full public view.

Under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council is exempt from FACA. The Magnuson-Stevens Act does, however, specify requirements for public notice, and open meetings similar to those under FACA.

Statement of Shared Responsibilities

All parties share responsibilities in the STAR process for **2001**. The Council will continue to sponsor the process and involve its standing advisory committees, but it has little additional resources to contribute to coordination or costs. Therefore, costs for the STAR process will be shared by NMFS and the Council.

The Council has responsibility to make decisions and make policy choices about groundfish management based on the Fishery Management Plan for Pacific Coast Groundfish, the Magnuson-Stevens Act and other applicable law.

The Pacific Fishery Management Council will sponsor a review of groundfish stock assessments prepared in **2001** according to the interim protocols identified below. Sponsorship will involve consulting with all interested parties to plan, prepare terms of reference, and develop a calendar of events and a list of deliverables. NMFS and the Council will share fiscal and logistical responsibilities.

NMFS will work with the Council, other agencies, groups or interested persons that carry out assessment work to organize STAT Teams and STAR Panels, and make sure that work is carried out in a timely fashion according to the calendar and terms of reference. NMFS will provide a senior scientist to coordinate these tasks with assistance from Council staff. NMFS will convene a pre-assessment meeting for STAT Teams, GAP representatives, and interested parties to discuss upcoming stock assessments, external reviews, and data.

The Stock Assessment coordinator, in consultation with the SSC, will select STAR Panel chairs, and will coordinate the selection of external reviewers following criteria for reviewer qualifications, nomination, and selection. The public is welcome to nominate qualified reviewers. **Following any modifications to the stock assessments resulting from STAR panel reviews and prior to distribution to the stock assessment documents and STAR panel reports for the August GMT meeting, the coordinator will review the stock assessments and panel reports for consistency with the terms of reference, especially completeness. Inconsistencies will be identified and the authors requested to make appropriate revisions in time to meet the deadline for distributing documents for the August GMT meeting.**

Individuals (employed by NMFS, state agencies, or other entities) that conduct assessments or technical work in connection with groundfish stock assessments are responsible for ensuring their work is technically sound and complete. The Council's review process is the principal means for review of complete stock assessments, although additional in-depth technical review of methods and data is desirable. **Stock assessments conducted by NMFS, state agencies, or other entities must be completed and reviewed in full accordance with the terms of reference, including completion and submission of all documents at times specified in the calendar.**

Council staff will publish and distribute meeting notices, stock assessment documents, stock summaries, meeting minutes, and other appropriate documents. Council staff will help NMFS and agencies coordinate meetings and events.

The SSC will participate in the STAR process and provide the Council with technical advice related to the stock assessments and the review process.

The GMT will appoint representatives to track each stock assessment. These representatives will attend STAR Panel meetings, and participate in review discussions. The GMT will provide the Council with

advice on management of groundfish stocks based on stock assessments and other available information.

The GAP will appoint representatives to track each stock assessment. These representatives will attend STAR Panel meetings and participate in review discussions.

Stock Assessment Priorities

Stock assessments for West Coast groundfish are conducted periodically to determine appropriate harvest levels. Assessments rely upon a combination of NMFS survey data and state fishery monitoring data. To the extent possible, other fishery dependent data are also used.

Under the stock assessment process initiated in 1997, the time involved in soliciting data and preparing and reviewing stock assessments has increased substantially. Using STAT Teams and STAR Panels has also required participation by a larger number of people. Annually, the Council establishes priorities for conducting stock assessments. These priorities should be discussed at the Council's June meeting to allow sufficient time for collection of assessment data. The principles used to set priorities are:

- 1) At the November Council meeting, the species to be assessed will be finalized, which should provide adequate time for Panel arrangements. Any assessment identified after that time may not be included in the STAR process.
- 2) Generally, no more than 2 assessments will be reviewed by a STAR Panel.
- 3) Until greater fiscal and personnel support is obtained, assessments (except for Pacific whiting), generally, normally will be conducted only once every three years.
- 4) Assessments will be scheduled to take advantage of new data, especially survey data.
- 5) Assessments may be conducted more frequently than once every three years if –
 - A) new data, including fishery dependent and anecdotal data indicating unforeseen increases or decreases in stock size, are brought to the attention of the Council;
 - B) the Council believes that the results of a stock assessment are sufficiently in dispute to warrant a re-assessment the following year; or
 - C) a fishery for a species, stock, or stock complex has rapidly developed and that species, stock, or stock complex has not been assessed recently.
- 6) An update or report that falls short of a full assessment may be prepared for a species, stock, or stock complex to provide information helpful to the Council in making management decisions.
- 7) Any stock assessment submitted by the public should be submitted through normal Council channels and reviewed at STAR Panel meetings.

Based on the preceeding principles, and taking into account testimony presented at the June, September, and November 1999 Council meetings, the following list of stock assessments are planned for 2000:

Stocks to be Assessed in 2001

Sablefish

Shortspine Thornyhead

Dover Sole

Cabazon

Remaining Rockfishes, including yelloweye, silvergrey and black rockfish (in the south).

Terms of Reference for Groundfish STAR Panels and Review Meetings

Composition: STAR Panels normally include a chair, at least one “external” member (i.e.; outside the Council family and not involved in management or assessment of West Coast groundfish), and one SSC member. The total number of STAR members should be at least “n+2” where n is the number of stock assessments and “2” counts the chair and external reviewer. In addition to Panel members, STAR meetings will include GMT and GAP advisory representatives with responsibilities laid out in their terms of reference. STAR Panels normally meet for one week. The number of assessments reviewed per Panel should not exceed two.

The principal responsibility of the STAR Panel is to carry out these terms of reference according to the calendar for groundfish assessments.

The goal of the STAR Panel meeting is to review assessments for stocks according to these terms of reference. This work (described in detail below) includes:

- reviewing draft stock assessment documents and any other pertinent information (e.g.; STAR Panel reviews of previous assessments and previous assessments, if available);
- working with STAT Teams to ensure assessments are reviewed as needed;
- documenting meeting discussions; and
- reviewing summaries of stock status (prepared by STAT Teams) for in the SAFE document.

Most groundfish stocks are assessed infrequently (every three years) and each assessment and review should result in useful advice to the Council. It is the STAR Panel's responsibility to identify assessments that cannot be reviewed or completed for any reason.

The STAR Panel's terms of reference concern technical aspects of stock assessment work. The STAR Panel should strive for a risk neutral approach in its reports and deliberations. The full range of uncertainty should be reflected in complete stock assessments and the reports prepared by STAR Panels. The STAR Panel should identify scenarios that are unlikely or have a flawed technical basis.

The STAR Panel, STAT Team, and all interested parties are legitimate meeting participants that must be accommodated in discussions. It is the STAR Panel chair's responsibility to manage discussions and public comment so that work can be completed.

Panel members are responsible for determining if a stock assessment document is sufficiently complete according to the “Outline for Groundfish Stock Assessments.”

STAT Teams and STAR Panels may disagree on technical issues. If the STAR Panel and STAT Team disagree, the STAR Panel must document the areas of disagreement in its report. The STAR Panel may request additional analysis based on alternative approaches. It is expected that the STAT Team will make a good faith effort to complete these analyses.

The STAR Panel's decision that an assessment is complete should be made by consensus. If a Panel cannot reach agreement, then the nature of the disagreement must be described in the Panel's report.

Recommendations and requests to the STAT Team for additional or revised analyses must be clear, explicit and in writing. A written summary of discussion on significant technical points and a lists of all STAR Panel recommendations and requests to the STAT Team are required in the STAR Panel's report. This should be completed (at least in draft form) prior to the end of the meeting. It is the chair and Panel's responsibility to carry out any follow-up review work that is required.

Additional analyses required in the stock assessment should be completed during the STAR Panel meeting. If follow-up work by the STAT Team is required after the review meeting, then it is the Panel's responsibility to track STAT Team progress. In particular, the chair is responsible for meeting with all Panel members (by phone, e-mail, or any convenient means) to determine if the revised stock assessment and documents are complete and ready to be used by managers in the Council family. If stock assessments and reviews are not complete at the end of the STAR Panel meeting, then the work must be completed prior to the GMT meeting where the assessments and preliminary ABC levels are discussed.

The SSC representative on the STAR Panel is expected to attend GMT and Council meetings where stock assessments and harvest projections are discussed to explain the reviews and provide other technical information and advice.

The chair is responsible for providing Council staff with a camera ready and suitable electronic version of the Panel's report for inclusion in the annual SAFE report.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

Suggested Template for STAR Panel Report

- 1) Minutes of the STAR Panel meeting containing:
 - Name and affiliation of STAR Panel members; and
 - List of analyses requested by the STAR Panel.
- 2) Comments on the technical merits and/or deficiencies in the assessment and recommendations for remedies.
- 3) Explanation of areas of disagreement regarding STAR Panel recommendations 1) among STAR Panel members (majority and minority reports), and 2) between the STAR Panel and STAT Team
- 4) Unresolved problems and major uncertainties, e.g.; any special issues that complicate scientific assessment, questions about the best model scenario.
- 5) Prioritized recommendations for future research and data collection

Terms of Reference for Groundfish STAT Teams

The STAT Team will carry out its work according to these terms of reference and the calendar for groundfish stock assessments.

Each STAT Team will appoint a representative who will attend the pre-assessment planning meeting, if one is held. STAT Teams are encouraged to also organize independent meetings with industry and interested parties to discuss issues, questions, and data.

Each STAT Team will appoint a representative to coordinate work with the STAR Panel and attend the STAR Panel meeting.

Each STAT Team will appoint a representative who will attend the GMT meeting (usually in August) and Council meeting (usually in September) where preliminary acceptable biological catch (ABC) and optimum yield (OY) levels are discussed. In addition, a representative of the STAT Team should attend the GMT (usually September or October) and Council meeting (usually November) where final ABC and OY levels are discussed, if requested or necessary. At these meetings, the STAT Team member shall be available to answer questions about the STAT Team report.

The STAT Team is responsible for preparing three versions of the stock assessment document: 1) a "draft" for discussion at the stock assessment review meeting; 2) a revised "complete draft" for distribution to the GMT, SSC, GAP, and Council for discussions about preliminary ABC and OY levels; 3) a "final" version published in the SAFE report. Other than authorized changes, only editorial and other minor changes should be made between the "complete draft" and "final" versions. The STAT Team will distribute "draft" assessment documents to the STAR Panel, Council, and GMT and GAP representatives at least two weeks prior to the STAR Panel meeting.

The STAT Team is responsible for bringing computerized data and working assessment models to the review meeting in a form that can be analyzed on site. STAT Teams should take the initiative in building and selecting candidate models. If possible, the STAT Team should have several complete models and be prepared to justify model recommendations.

The STAT Team is responsible for producing the complete draft by the end of the STAR Panel meeting. In the event that the complete draft is not completed, the Team is responsible for completing the work as soon as possible and to the satisfaction of the STAR Panel at least one week before the GMT meeting.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

For new stocks which are projected by the STAT Team to fall below overfishing thresholds, the STAT Teams need to estimate the baseline rebuilding parameters, specifically:

- determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery;
- recruitment during the earliest part of the record for the stock;
- $B_{msy} = 0.4 B_0$;
- mean generation time; and
- a forward projection using recruitment based on Monte Carlo sampling from a recent time series of recruitment estimates.

According to 1999 SAFE report (PFMC 1999, p. 24)⁵, the values for unfished biomass size are preferably measured as unfished spawning potential.

In addition to providing the baseline calculations, authors are encouraged to present alternative approaches (where appropriate), along with clear justification for why the alternatives may be an improvement over the baseline approach.

⁵Pacific Fishery Management Council. 1999. Status of the Pacific Coast Groundfish Fishery Through 1998 and Recommended Biological Catches for 2000: Stock Assessment and Fishery Evaluation. (Document prepared for the Council and its advisory entities.) Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite, 224, Portland, Oregon 97201.

GMT Responsibilities

The GMT is responsible for identifying and evaluating potential management actions based on the best available scientific information. In particular, the GMT makes ABC recommendations to the Council based on estimated stock status, uncertainty about stock status, and socioeconomic and ecological factors. The GMT will use stock assessments, STAR Panel reports, and other information in making their ABC recommendations. The GMT's preliminary ABC recommendation will be developed at a meeting that includes representatives from the SSC, STAT Teams, STAR Panels, and GAP. A representative(s) of the GMT will serve as a liaison to each STAR Panel, but will not serve as a member of the Panel. The GMT will not seek revision or additional review of the stock assessments after they have been reviewed by the STAR Panel. The GMT chair will communicate any unresolved issues to the SSC for consideration at its September meeting. Successful separation of scientific (i.e.; STAT Team and STAR Panels) from management (i.e.; GMT) work depends on stock assessment documents and STAR reviews being completed by the time the GMT meets to discuss preliminary ABC and OY levels. However, the GMT can request additional model projections, based on reviewed model scenarios, in order to develop a full evaluation of potential management actions.

GAP Responsibilities

The chair of the GAP will appoint a representative to track each stock assessment. GAP representatives will be appointed at the GAP meeting in March.

The GAP representative will attend the STAR Panel meeting where the assessment of his / her species is reviewed. The GAP representative will participate in review discussions as an advisor to the STAR Panel, in the same capacity as the GMT advisor.

The GAP representative will attend the August GMT meeting along with STAR, STAT, and SSC representatives and will attend subsequent GMT, Council, and other necessary meetings where the assessment of his / her species is discussed.

The GAP representative will provide appropriate data and advice to the STAR Panel and GMT and will report to the GAP on STAR Panel and GMT meeting proceedings.

SSC and Council Staff Responsibilities

Scientific and Statistical Committee

The SSC will participate in the stock assessment review process and provide the GMT and Council with technical advice related to the stock assessments and the review process. The SSC will assign one member from its Groundfish Subcommittee to each STAR Panel. This member is expected to attend the assigned STAR Panel meeting, the August and October GMT meeting, and the September and November Council meetings when groundfish stock assessment agenda items are discussed. As in previous years, the SSC representative on the STAR Panel will present the STAR Panel report at GMT and Council meetings. The SSC representative will also present the STAR Panel report to the SSC at its September meeting and communicate SSC comments or questions to the GMT and STAR Panel chair. The SSC, during their normally scheduled meetings, will also serve as arbitrator to resolve disagreements between the STAT Team, STAR Panel, or GMT. The SSC will review any additional analytical work on any of the stock assessments required or carried out by the GMT after the stock assessments have been reviewed by the STAR Panels. In addition, the SSC will review and advise the GMT and Council on projected ABCs and OYs.

The STAT Team and the STAR Panel may disagree on technical issues regarding an assessment, but a complete stock assessment must include a point-by-point response by the STAT Team to each of the

STAR Panel recommendations. Estimates and projections representing all sides of the disagreement need to be presented, reviewed, and commented on by the SSC.

Council Staff

Council Staff will prepare meeting notices and distribute stock assessment documents, stock summaries, meeting minutes, and other appropriate documents. Council Staff will help NMFS and the state agencies in coordinating stock assessment meetings and events. Staff will also publish or maintain file copies of reports from each STAR Panel (containing items specified in the STAR Panel's term of reference), the outline for groundfish stock assessment documents, comments from external reviewers, SSC, GMT, and GAP, letters from the public, and any other relevant information. At a minimum, the stock assessments (STAT Team reports, STAR Panel reports, and stock summaries) should be published and distributed in the Council's annual SAFE document. Once the Council's final ABCs, OYs, and management measures have been implemented, the Staff will publish an addendum to the SAFE documenting these final values.

DRAFT

2001 Stock Assessment Review Calendar

| | |
|------------------|---|
| Feb. ? | GMT Meeting |
| Mar. 5-9 | PFMC Meeting (Portland) |
| Mar 21-22 | Pre-Assessment Workshop (Portland) |
| Apr 2-6 | PFMC Meeting (Sacramento) |
| May 8 | Stock assessment documents for remaining rockfish due at PFMC office for distribution |
| May 21-25 | STAR Panel meeting for rockfish (Santa Cruz) |
| Jun? | GMT meeting |
| Jun 11-15 | PFMC Meeting (San Francisco) |
| Jun 25 | Stock assessment documents for Dover sole, cabezon, sablefish, & shortspine thornyhead due at PFMC office for distribution |
| July 9-13 | STAR Panel meeting for Dover sole & cabezon (Newport)
STAR Panel meeting for Sablefish & Shortspine Thornyhead (Newport) |
| Jul 27 | Final stock assessment documents due at PFMC office |
| Aug 3 | PFMC distributes final stock assessment documents |
| Aug. ? | GMT meeting. SSC groundfish subcommittee will also meet to review assessment and panel reports. |
| Sep 10-14 | PFMC meeting (Portland) |
| Oct. ? | GMT meeting |
| Oct 29-Nov 2 | PFMC meeting (San Francisco) |

Outline for Groundfish Stock Assessment Documents

This is an outline of items that should be included in stock assessment and fishery evaluation (SAFE) reports for groundfish managed by the Pacific Fishery Management Council. The outline is a working document meant to provide assessment authors with flexible guidelines about how to organize and communicate their work. All items listed in the outline may not be appropriate or available for each assessment. In the interest of clarity and uniformity of presentation, stock assessment authors and reviewers are encouraged (but not required) to use the same organization and section names as in the outline.

This outline for 2000 includes suggestions from many parties and is based on a similar outline used for groundfish stock assessment cycles in previous years.

OUTLINE FOR GROUNDFISH STOCK ASSESSMENT DOCUMENTS

- 1) Title page and list of preparers – the names and affiliations of the stock assessment team (STAT) either alphabetically or as first and secondary authors
- 2) Executive Summary (see attached template)
- 3) Introduction
 - Scientific name, distribution, stock structure, management units
 - Important features of life history that affect management (e.g.; migration, sexual dimorphism, bathymetric demography)
 - Important features of current fishery and relevant history of fishery
 - Management history (e.g. changes in mesh sizes, trip limits, optimum yields)
 - Management performance – a table or tables comparing acceptable biological catches, optimum yields, landings, and catch (i.e., landings plus discard) for each area and year
- 4) Assessment
 - Data
 - i) Landings by year and fishery, discards (generally specified as a percentage of total catch in weight and in units of mt), catch-at-age, weight-at-age, survey and CPUE data, data used to estimate biological parameters (e.g.; growth rates, maturity schedules, and natural mortality) with coefficients of variances (CVs) or variances if available.
 - ii) Include complete tables and figures if practical.
 - iii) Sample size information for length and age composition data by area, year, gear, market category, etc.
 - History of modeling approaches used for this stock – changes between current and previous assessment models

- Model description
 - i) Assessment program with last revision date (i.e.; date executable program file was compiled).
 - ii) List and description of all likelihood components in the model.
 - iii) Constraints on parameters, selectivity assumptions, natural mortality, assumed level of age reader agreement or assumed ageing error (if applicable), and other assumed parameters.
 - iv) Description of stock-recruitment constraint or components.
 - v) Critical assumptions and consequences of assumption failures.
 - vi) Convergence criteria.
 - vii) Treatment of discards (specified as a percentage of total catch in weight and in units of mt).
 - viii) Complete description of any new modeling approaches.
- Model selection and evaluation
 - i) Evidence of search for balance between realistic (but possibly over-parameterized) and simpler (but not realistic) models –
 - Use hierarchical approach where possible (e.g.; asymptotic vs. domed selectivities, constant vs. time varying selectivities).
 - ii) Residual analysis (e.g.; residual plots, time series plots of observed and predicted values, or other approach).
 - iii) Convergence status and convergence criteria for “base-run(s)” –
 - Randomization run results or other evidence of search for global best estimates.
 - iv) Do parameter estimates make sense, are they credible?
 - v) Table listing all parameters in the stock assessment model used for base runs, their purpose (e.g.; recruitment parameter, selectivity parameter) and whether or not the parameter was actually estimated in the stock assessment model.
- Base-run(s) results
 - i) Time-series of total and spawning biomass, recruitment and fishing mortality or exploitation rate estimates (table and figures).
 - ii) Selectivity estimates (if not included elsewhere).
 - iii) Stock-recruitment relationship.
- Uncertainty and sensitivity analyses

- i) Sensitivity analyses (tables or figures) that show ending biomass levels or likelihood component values obtained while systematically varying emphasis factors for each type of data in the model.
 - Likelihood profiles for parameters or biomass levels may also be used.
- ii) The best approach for describing uncertainty and range of probable biomass estimates in groundfish assessments may depend on the situation. Approaches used previously are:
 - CVs for biomass estimated by bootstrap, implicit autodifferentiation, or the delta method;
 - Subjective appraisal of magnitude and sources of uncertainty;
 - Comparison of alternate models;
 - Comparison of alternate assumptions about recent recruitment.
- iii) If a range of model runs (e.g.; based on CV's or alternate assumptions about model structure or recruitment) is used to depict uncertainty, then it is important that some qualitative or quantitative information about relative probability be included. If no statements about relative probability can be made, then it is important to state that all scenarios (or all scenarios between the bounds depicted by the runs) are equally likely.
- iv) if possible, ranges depicting uncertainty should include at least three runs: (a) one judged most probable; (b) at least one that depicts the range of uncertainty in the direction of lower current biomass levels; and (c) one that depicts the range of uncertainty in the direction of higher current biomass levels. The entire range of uncertainty should be carried through stock projections and decision table analyses.
- v) retrospective analysis (retrospective bias in base model or models for each area).
- vi) historic analysis (plot of actual estimates from current and previous assessments for each area).
- vii) Simulation results (if available).

5) Rebuilding parameters –

- Determine B_0 as the product of SPR in unfished state multiplied by the average recruitment during early years of fishery;
- Recruitment during the earliest part of the record for the stock;
- $B_{msy} = 0.4 B_0$;
- Mean generation time; and
- A forward projection using recruitment based on Monte Carlo sampling from a recent time-series of recruitment estimates.

6) Target fishing mortality rates (if changes are proposed).

7) Harvest projections and decision tables –

- Harvest projections and decision tables should cover full range of uncertainty about current biomass and full range of candidate fishing mortality targets used for the stock or requested by the GMT; and
- Information presented should include three year biomass and yield projections.

8) Management recommendations.

9) Research needs (prioritized).

10) Acknowledgments-include STAR Panel members and affiliations as well as names and affiliations of persons who contributed data, advice or information but were not part of the assessment team.

11) Literature cited.

12) Tables and figures.

13) Complete parameter files for base runs.

Template for Executive Summary of Stock Status Prepared by STAT Teams

Stock: species/area

Catches: trends and current levels-include table for last ten years and graph with long term data

Data and assessment: date of last assessment, type of assessment model, data available, new information, and information lacking

Unresolved problems and major uncertainties: any special issues that complicate scientific assessment, questions about the best model scenario, etc.

Reference points: management targets and definition of overfishing

Stock biomass: trends and current levels relative to virgin or historic levels, description of uncertainty-include table for last 10 years and graph with long term estimates

Recruitment: trends and current levels relative to virgin or historic levels-include table for last 10 years and graph with long term estimates

Exploitation status: exploitation rates (i.e., total catch divided by exploitable biomass) – include table for last 10 years and graph with long term estimates.

Management performance: ABC and OY estimates, overfishing levels, actual catch and discard

Forecasts: normally three-year forecasts of catch and biomass

Decision table: (if available)

Recommendations: research and data collection needs

Sources of additional information: cite STAR Panel report, assessment documents, and other sources

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
2001/2002 GROUND FISH MANAGEMENT PROCESS AND SCHEDULE

The Groundfish Advisory Subpanel (GAP) discussed a Council staff proposal to establish a subcommittee of the Ad Hoc Groundfish Strategic Plan Oversight Committee which would examine the groundfish management process and provide recommendations for potential future changes. The GAP also participated in a joint meeting with the Scientific and Statistical Committee (SSC) and the Groundfish Management Team (GMT) to review the Stock Assessment Review (STAR) process.

The GAP has actively participated on STAR panels and will continue to do so. The GAP has stated on several occasions previously that it supports continuation of the STAR process and reiterates that support at this time.

The GAP, with some reservations, agrees it may be appropriate to examine the groundfish management process, but expresses the following concerns:

1. Any special subcommittee formed should include membership from the GAP.
2. The subcommittee should not report until at least April; the GAP does not meet in March and wants an opportunity to comment on the subcommittee's report.
3. No changes in the groundfish management process should be made without thorough review and discussion.
4. As frustrated as we are with the current management process, the Council should not devote extensive time and resources to "reinventing" itself at the expense of other crucial conservation and management issues.

PFMC
11/01/00

THE SCIENTIFIC AND STATISTICAL COMMENTS ON
2001/2002 GROUNDFISH MANAGEMENT PROCESS AND SCHEDULE

The Scientific and Statistical Committee (SSC) discussed the groundfish management process and schedule for the upcoming year. In recent years, the Council's groundfish process has become increasingly more complex with each management cycle. Growing demands on the system coupled with inherently difficult management decisions have taxed all elements of the Council family. Completion of advisory committee documents and analyses needed to support Council decision making is often delayed until late in the calendar year, leaving little time for reflection and discussion. The problems facing the groundfish management process involve many different issues. The SSC is best suited to address stock assessment review (STAR) issues and looks forward to working with the rest of the Council family on developing long-term solutions for the overall problem.

The STAR process was developed after long and involved negotiations among the Council's groundfish entities, the SSC, and National Marine Fisheries Service (NMFS) to resolve the problem of providing independent and comprehensive review of stock assessments. Over the past few years, the STAR process coupled with SSC review has taken on additional responsibilities with the need to review more complex stock assessment models, additional analyses related to rebuilding plans, and harvest policy rate guidelines. The SSC partnership with the STAR coordinator, Ms. Cyreis Schmitt (NMFS) has generally worked well, but the process is being strained under the weight of increasing demand but few additional resources. Long- term solutions may require rethinking the frequency with which assessments are conducted and the need to formally review all stock assessments, as well as other streamlining measures that bring the demand more in line with available resources.

For the short term, the SSC suggests the following:

- (1) As indicated in the June 2000 SSC statement, the SSC Groundfish Subcommittee will develop guidelines on the technical aspects of rebuilding plans, based on the experience with such plans to date. These guidelines will facilitate the process of developing and approving rebuilding plans for overfished stocks.
- (2) All members of the SSC Groundfish Subcommittee will attend the August 2001 Groundfish Management Team (GMT) meeting to discuss the 2001 assessments and STAR Panel reports with the GMT and to identify any important loose ends not adequately covered by the STAR Panel reviews.
- (3) All stock assessment analyses, including those commissioned by private groups, must be included in the STAR process, including adherence to all terms of reference and the STAR process schedule. In addition, it is critical that assessment documents be completed following the STAR meeting and incorporated into the Council's annual stock assessment and fishery evaluation (SAFE) document.

PFGC
11/01/00

SABLEFISH PERMIT STACKING

Situation: The Council is scheduled to make a final decision on fishery management plan and regulatory amendments that would implement fixed gear sablefish permit stacking for the 2001 fishery. An outline of provisions under consideration and key decision points for the permit stacking alternative is provided as Attachment 1. Detailed description of the permit stacking alternative is provided in Section 1.4 of the analysis (Attachment 2). Plan amendment language is specified in Appendix B of Attachment 2. The key portion of the analysis is Section 3.1, where the main implications of the options for each of 12 provisions of the stacking alternative are presented. The Magnuson-Stevens Act moratorium on new individual quota programs expired October 1, and as of this date, has not yet been renewed. Whether or not the moratorium is renewed (Section 1.5) will affect the season length of the stacking alternative (Provision 5). The alternative to permit stacking is continuation of the current regulatory structure.

This Council meeting will serve as the public hearing on the necessary plan amendments. In order to have a chance of implementing the stacking alternative for 2001, final action will need to be taken at the November 2000 meeting.

Council Action:

1. **Decide whether or not to adopt the permit stacking alternative and, if appropriate, identify a recommended option under each provision of the permit stacking alternative.**

Reference Materials:

1. Summary of Provisions for Permit Stacking Alternative and Other Actions to Consider (Exhibit C.8.a, Attachment 1).
2. Draft Analysis of Permit Stacking for the Limited Entry Fixed Gear Sablefish Fishery (Exhibit C.8.a, Attachment 2).
3. Exhibit C.8.c, Public Comment.

PFMC
06/17/00

**SUMMARY OF PROVISIONS FOR PERMIT STACKING ALTERNATIVE
AND OTHER ACTIONS TO CONSIDER**

Provision 1: Basic Stacking (No Options)

Provision 2: The Base Permit and Gear Usage

- Options: **2a.** Use only the gear on the base permit.
 2b. Use any fixed gear on a stacked permit that fits the boat.
 2c. Use any fixed gear on any of the stacked permits.

Waive trawl permit downsizing provision for stacked fixed gear permits (applies only if stacked permits can be unstacked—see Provision 4).

Provision 3: Limits on Stacking and Ownership

Stacking: No more than 3 permits on a single vessel. *Analysis of 2 and 4 permit limits is provided along with options for 4 or 5 permits to be stacked if none of the permits is a Tier-1 permit.*

Ownership: Restrict the number of fixed gear sablefish permits owned by an individual to:

- Options: **Ownership Limit:**
 (a) 2 permits,
 (b) 3 permits,
 (c) 4 permits, or
 (d) an amount with tier limits that add-up to 5% of the total sablefish allocated to the fixed gear primary season.

Options include a grandfather clause so owners don't have to sell if they already own permits in excess of these limits. ***A date should be set for determining current concentration of ownership. Possibilities include the November Council meeting, the date the regulations are approved, the date the regulations become effective.***

- Options: **Calculating Ownership:**
 (a) If you own part of the permit the whole thing counts toward the ownership limit.
 (b) Only your portion of the owned permit counts toward the limit (1/4 interest counts as 1/4 permit)

Provision 4: Combination of Stacked Permits

- Options: **4a.** Permits may be unstacked.
 4b. Permits may not be unstacked and tier endorsements are not tradeable.
 4c. Permits may not be unstacked and tier endorsements are tradeable among the endorsed fleet.

Provision 5: Fishery Duration

- Options: **5a.** Extended season: After 2001, April 1 through October 31. For 2001, as early as possible through October 31.
 Consider adding provisions:
 seller must provide copies of fishtickets for year,
 buyer must keep seller's fishtickets on board and all subsequent fishtickets.

- 5b. Modified derby (current situation):
Consider adding provisions:
delegate season duration and limits to NMFS for 2001.

Provision 6: At-sea Processing

- Options: 6a. Prohibit at-sea processing except for vessels that can demonstrate the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000. ***(Note: Data is not available to assess amounts of frozen landings).***
- 6b. Allow at-sea processing:
Consider an alternative that would qualify vessels on the basis of freezer capacity as of a certain date.

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions

- Options: 7a. Only individual human beings can acquire permits.
The permit owner is required to be on board while fishing.
- Grandfather clauses provide exceptions to (1) allow businesses already owning permits to continue their ownership and acquire additional permits, (2) allow current owners to be absent during fishing operations, so long as they own the vessel. Both the grandfather clauses expire with a change in ownership of the permit or business owning the permit.
- 7a.1. **Determine what share of the vessel the permit owner must own to qualify for the grandfather clause exception: Options (a) 20%, (b) 100%, or (c) some other value (specify).**
Consider adding:
a control date for determining permit ownership;
a provision requiring the submission of ownership information, including contracts for the transfer and sale of permits
- 7b. Business entities can own, and permit owner does not have to be on board.

Provision 8: Nonsablefish Cumulative Limits

- Options: 8a. Nonsablefish cumulative limits cannot be stacked.
- 8b. Some credit is given for additional nonsablefish cumulative limits.

Provision 9: Vessels Without Sablefish Endorsements

The limited entry daily-trip-limit fishery for vessels without sablefish endorsements.

- Options: 9a. Current situation: closed during the primary fishery.
- 9b. Open during the primary fishery.

Provision 10: U.S. Citizenship Requirement

- Options: 10a. Only U.S. citizens would be allowed to acquire fixed gear sablefish permits.
- 10b. Current situation: anyone eligible to own a U.S. fishing vessel may acquire fixed gear sablefish limited entry permits.

Provision 11: Advance Notice of Landing Required

- Options: 11a. Six hours advance notice of landing required for stacked permits.
- 11b. No advance notice required.
- 11c. Six hours advance notice required for all fixed gear sablefish permits.

***Consider adding:
flexibility to ask other information such as hail weight and landing location.***

Provision 12: Stacking Deadline

- Options:
- 12a.** Declare intent to stack by June 30 for 2001 and by **January 15** in all subsequent years; or
 - 12b.** all permit stacking would have to occur by June 30 for 2001 and by **May 15** in all subsequent years.
 - 12c.** Current situation: no notice of intent to stack would be required.

DRAFT

ANALYSIS OF PERMIT STACKING FOR THE
LIMITED ENTRY FIXED GEAR SABLEFISH
FISHERY

INCLUDING

ENVIRONMENTAL ASSESSMENT,
REGULATORY IMPACT REVIEW, AND
INITIAL REGULATORY FLEXIBILITY ANALYSIS

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201
(503) 326-6352
<http://www.pcouncil.org>

OCTOBER 2000

1.0 Introduction

The Fishery and Its Management: The proposed action would affect the limited entry fixed gear sablefish fishery, a segment of the Pacific coast groundfish fishery north of 36°N latitude to the U.S.-Canada border (the Monterey through U.S.-Vancouver management areas). The Pacific coast groundfish fisheries in the Exclusive Economic Zone (EEZ) (3 to 200 miles offshore) off Washington, Oregon, and California are managed under the Pacific coast groundfish fishery management plan (FMP). The FMP was prepared by the Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Management and Conservation Act and actions to amend the FMP or implement other regulations governing the groundfish fisheries must meet the requirements of Federal laws and regulations.

Action: The Council is considering whether or not to allow fishers to register multiple limited entry fixed gear sablefish permits for use with a single vessel (permit stacking). Each limited entry fixed gear permit endorsed for sablefish has a tier endorsement. There are three tier levels. The permit tier level determines the amount of fish which may be taken during the primary opening of the limited entry fixed gear sablefish fishery. If permit stacking is recommended, fishers would be allowed to take, on a single vessel, the fixed gear sablefish cumulative limits associated with each permit registered with the vessel. The specific provisions of the proposal are provided in Section 1.4.2.

This Document and Applicable Federal Laws and Regulations: Council/NMFS management of the groundfish fishery is authorized under the Magnuson-Stevens Act. This document proposes a 14th amendment to the Pacific Coast groundfish FMP in order to implement permit stacking for the limited entry fixed gear sablefish fishery. Proposed changes to the FMP language are provided in Appendix B. Some provisions of the permit stacking proposal could be implemented by amending the regulations without amending the FMP (see Section 1.6). This document also (1) meets the requirements for an environmental assessment (as required under the National Environmental Policy Act), (2) meets the requirements for a fishery impact statement (as required under the Magnuson-Stevens Act), (3) provides a regulatory impact review to meet the requirements of the President's Executive Order (EO) 12866, and (4) provides the necessary information on small business impacts for the purpose of meeting the requirements of the Regulatory Flexibility Act. Other public laws addressed in this document include the Endangered Species Act and the Marine Mammal Protection Act.

Council Process: Fixed gear permit stacking has been discussed frequently at past Council meetings and is a policy recommended for consideration in the Groundfish Strategic Plan sent out for public review in June 2000 and adopted by the Council at its September 2000 meeting. At its June 2000 meeting, the Council made consideration of permit stacking a high priority and at its September 2000 meeting approved the draft options and analysis for public review. Final action may be taken at the Council's October/November 2000 meeting. A public hearing on the issue and analysis will be held during the Council meeting. (Also see Section 1.6 on decision procedures.)

1.1 Background

In the mid 1980s, an allocation of sablefish was established between trawl and nontrawl gears. Industry representatives of vessels participating in the nontrawl sablefish fisheries expressed their desire that the fishery be managed on a seasonal basis (as opposed to the year round policy pursued for most sectors of the groundfish fishery). In the 1990s, as the result of increasing effort and decreasing available harvest the length of the fixed gear sablefish season declined rapidly.

| Year | Season Length | Management |
|------|---------------|------------------------------|
| 2000 | 9 days | Tiered Limits/Modified Derby |
| 1999 | 9 days | Tiered Limits/Modified Derby |
| 1998 | 6 days | Tiered Limits/Modified Derby |
| 1997 | 9 days | Equal Limits/Modified Derby |
| 1996 | 5 days | Derby |

| Year | Season Length | Management |
|-----------|---------------|------------|
| 1995 | 7 days | Derby |
| 1992-1994 | 2-3 weeks | Derby |

Note: In 1998 there was a substantial but temporary decline in the allowed catch.

The vast majority of the trawl and nontrawl (longline and fishpot) harvest was placed under a license limitation program in 1994. Even before this program went into effect, the Council was considering recommending individual quotas for the limited entry fixed gear sablefish fishery. In the fall of 1994, the Council voted to table its consideration of individual quotas pending guidance that was expected in the Magnuson-Stevens Act reauthorization. When the act was reauthorized, a moratorium was put in place on the implementation of new individual quota programs.

Since that time, the Council has sought to resolve safety and economic problems in the fishery without resorting to drastic and severe reallocations. The major results of this effort were first, the creation of a sablefish endorsement for members of the limited entry fixed gear fleet with a history in the sablefish fishery, and second, the division of the endorsed fleet into tiers based on harvest history. Three tiers were established. In the year prior to implementation of the tier program, equal limits were applied as an interim measure while the tier system was being developed and approved. Establishment of the tiered system appears to have stabilized the season lengths at about 9 days. For many vessels the cumulative limits provided in the tiered system eliminate incentive for continued investment in capacity. Cumulative limits for the vessels in each tier are set based on the following ratio 1:1.75:3.85. Thus, if there is a 10,000 pound cumulative limit set for the bottom tier (Tier-3) the cumulative limit for the top tier (Tier 1) is set at 38,500 pounds.

In order to avoid being classified as an individual quota the duration of the fishery had to be set such that not every vessel would be able to take the available cumulative limits. This policy has involved a careful balancing act between cumulative limits and season durations. To avoid the individual quota classification, cumulative limits were set such that if every vessel took its full cumulative limit, the fishery would run 25% over its harvest allocation. Then to avoid the allocation overrun, the season length was reduced to ensure that the fishery take at or below its target. Any harvest allocation left after the main opening of the primary season (during which vessels fish on cumulative limits based on the tiers) is taken in a mop-up fishery under which every vessel has the same cumulative limit.

1.2 Purpose and Need for Action

Overcapacity in the West Coast groundfish fleet is well documented (Council, 2000b). Overcapacity can result in inefficiencies and regulatory constraints that distort rational action. A prime example is the current modified fixed gear sablefish fishery (three-tiered system) which can put pressure on fishers to go out in unsafe conditions. Additionally, the efforts to control harvest through the three-tier system has caused a substantial reallocation of catch from larger producers to smaller producers (Council, 1997). This reallocation from the distribution that existed during the open fishery resulted in a misalignment and dislocation of resources such that capital invested in larger producers goes unused while smaller producers increase their investment in order to take their catch in the short seasons allotted under current management.

Permit stacking for the limited entry fixed gear sablefish fishery is being considered as a measure to reduce capacity and right the fishery by allowing producers to accumulate harvest privileges more in line with their capital investment. This accumulation would occur through the voluntary transfers of permits from those enticed by the prices offered. An additional possible benefit of this consolidation of permits for the purpose of harvesting fixed gear sablefish may be that harvest rights for nonsablefish groundfish species would be consolidated but not fully accumulated when permits are stacked. Therefore, there may be a net reduction in the capacity to target nonsablefish groundfish species.

1.3 Management Objectives to be Addressed

1.3.1 Groundfish Strategic Plan Policies and Recommendations

The following policies and recommendations are from the Council's groundfish strategic plan (Council, 2000a)

Strategic Plan Goal for Management Policies: *To adopt understandable, enforceable, and stable regulations that to the greatest extent possible, meet the FMP's goals and objectives and the requirements of the Magnuson Stevens Act.*

Management Policy Recommendations

....

1. Develop an implementation plan to reduce capacity initially by at least 50% in each sector. However, the capacity reduction goal will not be fully realized until capacity has been reduced to a level that is in balance with the economic value of the resource and those remaining in the fishery are able to operate profitably and flexibly. The implementation plan should take into account the need to implement other Plan recommendations (i.e allocations, nearshore rockfish delegation) prior to or at the same time as capacity reduction. Reducing capacity will relieve the need to adopt management policies that are both inefficient and ineffective at achieving the FMP's goals and objectives. By better matching fleet capacity to resource availability, the regulatory structure will become more stable, resulting in regulations that are more enforceable.

....

3. Make the necessary allocation decisions so that fishery participants in each sector can plan on a specific share of future OY's. Allocations may be outright percentages or a framework with criteria that specify how the allocation changes as resource availability changes.

....

Strategic Plan Goal for Capacity Reduction: *To have a level of harvest capacity in the fishery that is appropriate for a sustainable harvest and low discard rates, and which results in a fishery that is diverse, stable and profitable. This reduced capacity should lead to more effective management for many other fishery problems. For the short term, adjust harvest capacity to a level consistent with the allowable harvest levels for the 2000 fishing year, under the assumption that stock rebuilding will require reduced harvests for at least the next two decades. Maintaining a year-round fishery may not be a short-term priority.*

Capacity Reduction Recommendations

The highest priority for reducing capacity is Recommendation #1 from the Management Policy section. ... In designing capacity reduction, the Council should consider fleet structure, profile, and diversity, with a goal of maintaining a mix of small and large vessels.

The capacity reduction plan should take into account the need to implement other strategic plan recommendations (i.e allocations, nearshore rockfish delegation) prior to or at the same time as capacity reduction. ...

These capacity reduction recommendations include both the short and long-term and transitional elements discussed below, such as license-limitation (for the targeted open access fishery), permit stacking, and IFQs either individually or in combination with a vessel buyback program.

Short to Intermediate Term

....

4. For the limited entry fixed gear fishery, immediately develop and implement a voluntary permit stacking program with the intent of transitioning to an IFQ program to provide for a multiple month season. The Permit Stacking allowance should be implemented prior to the 2001 regular sablefish season. Stacked permits should **NOT** allow increased access to the daily sablefish trip limit. Simultaneously, develop an IFQ system for fixed-gear sablefish for implementation in 2002. If Congress continues to prohibit IFQ programs, consider making the permit-stacking program mandatory.
7. Pursue a buyback program to remove latent capacity.

Intermediate to Long Term

....

9. Consider establishing a rockfish endorsement for the limited entry fixed gear fleet and open access (B permit) fleet. Qualifying criteria would be based on historical landings and recent participation.

....

1.3.2 Key Objectives for Permit Stacking

Permit stacking is expected to help the Council address National Standards 4 (fair and equitable allocation), 5 (consider efficiency), 6 (take into account variations and contingencies), 8 (take communities into account), 9 (minimize bycatch and bycatch mortality), and 10 (promote safety). It is also expected to affect achievement of groundfish FMP Goals 2 (maximize the value of the resource as a whole) and 3 (achieve maximum biological yield) through impacts related to Objectives 4 (achieve greatest net benefit), 9 (reduce wastage), 11 (equitable sharing of conservation burden, minimize bycatch or bycatch mortality), 12 (minimize gear conflicts), and 13 (accomplish changes with minimum disruption). The full text of these standards, goals and objectives that are provided in Appendix C.

Key objectives related to permit stacking are as follows:

- Rationalize the fleet and promote efficiency.

Capacity reduction is one of the key elements of the strategic plan. The strategic plan generally approaches capacity reduction through a reduction in the number of fishing vessels. Reduction in the number of fishing vessels does not of itself imply the rationalization of the fleet or increased efficiency. It is possible that the most efficient fixed gear sablefish harvest could involve a greater number of vessels taking sablefish as bycatch in other fisheries. However, given the high degree of overcapitalization in the fishery it is believed that a reduction in capacity will generally move the fishery toward greater efficiency, addressing National Standard 5 and FMP Objective 4.

- Maintain or direct benefits toward fishing communities.
This objective relates to National Standard 8 on fishing communities.
- Prevent excessive concentration of harvest privileges.
This objective relates to National Standard 4 on allocation.
- Mitigate the reallocational effects of recent policies (3-tier system and equal limits).
This objective relates to National Standard 4 on allocation and FMP Objectives 11 and 13.

- **Promote equity.**
This objective relates to National Standard 4 on allocation and FMP Objective 11.
- **Resolve or prevent new allocation issues from arising.**
This objective relates to National Standard 4 on allocation and FMP Objectives 11 and 13.
- **Promote safety.**
This objective relates to National Standard 10 on safety.
- **Improve product quality and value.**
This objective relates to National Standard 5 and FMP Objective 4.
- **Take action without creating substantial new disruptive effects.**
This objective relates to FMP Objectives 13.
- **Create a program that will readily transition to a multimonth IQ program.**
This objective relates to capacity reduction recommendations in the strategic plan. Where individual quotas are transferable and divisible they address National Standard 6 by providing the fleet with substantial flexibility to respond to changing conditions in the fishery.

Permit stacking would not be intended to directly address National Standards 1 (prevent over fishing and achieve OY), 2 (use best available information), 3 (manage stocks as a unit and in close coordination with interrelated stocks) and 7 (minimizing costs and avoiding duplication). Permit stacking would be intended to act in concert with other management measures taken to address National Standards 1, 2 and 3 and intended to modify the economic and social impacts of those measures in order to attain a more favorable result with respect to the other national standards. With respect to National Standard 7 (minimize costs and avoid duplication) no duplication is anticipated. Cost minimization must be evaluated in the context of the objectives: "Are the objectives achieved at a minimum cost?"

1.4 Alternatives

The following is a description of the two major alternatives, permit stacking and status quo. The rationale for the provisions of the permit stacking alternative and the general implications are discussed in Section 3.1. Sections 3.2 and 3.3 discuss the biological, economic and social implications in more depth.

1.4.1 Alternative 1: Status Quo

No change other than those that will occur from changes in capitalization, stock size etc., under the current management regime.

1.4.2 Alternative 2: Permit Stacking

The following is the list of provisions being considered by the Council as part of the limited entry fixed gear permit stacking alternative. Where an FMP amendment is required, the related amendment language is provided in Appendix B. For many of the provisions, options have been listed. The Council has expressed a strong preference for lengthening the season (Option 5a). However, this option can be implemented only with and end to the Magnuson Stevens Act moratorium on individual quota programs. The current moratorium is scheduled to terminate on October 1, 2000 but may be extended.

Provision 1: Basic Stacking

Participants in the limited entry fixed gear (longline and fishpot) primary sablefish fishery would be allowed to register multiple fixed gear sablefish endorsed permits for a single vessel (allowed to stack permits). A vessel would be allowed to take up to the full fixed gear sablefish cumulative limit associated with each permit registered to the vessel. The primary fixed gear sablefish fishery includes the current directed sablefish fishery and the mop-up fishery.

Provision 2: The Base Permit and Gear Usage

When permits are stacked, one of the permits would be designated by the vessel owner as the base permit. The base permit would be required to have a fixed gear sablefish endorsement and meet the length requirement for that vessel. Permits of different fixed gear types (longline and fishpot) could be stacked together.

- Options:
- 2a. When fishing in the primary fixed gear sablefish fishery, the vessel must fish fixed gear sablefish with the gear endorsed on the designated base permit.
 - 2b. When fishing in the primary fixed gear sablefish fishery, the vessel may fish fixed gear sablefish with the gear endorsed on its base permit or any fixed gear endorsed on any of its stacked permits for which the length endorsement associated with the stacked permit is equal to or greater than that of the base permit. For example, a 45 foot longline permit could be stacked with a 55 foot fishpot permit designated as the base permit and the longline permit tier endorsement would add to the cumulative limit for the 55 foot vessel, but the vessel could only use fishpot gear. On the other hand, if both the base permit and the stacked permit had length endorsements 55 feet or greater then the vessel could use either longline or fishpot gear.
 - 2c. When fishing in the primary fixed gear sablefish fishery, the vessel may fish with any fixed gear endorsed on at least one of its stacked permits.

Additionally, if one of the stacked fixed gear sablefish endorsed permits includes an endorsement for trawl gear and the length endorsement is equal to or greater than that of the base permit, the vessel may continue to use trawl gear, but not in the fixed gear fishery. In such a case if the permit is stacked on a vessel that is more than 5 feet smaller than that specified by the size endorsement for the trawl gear permit, the requirement that the trawl endorsed permit be downsized will be waived (Section 14.2.9 paragraph 3 of the FMP), unless permits are permanently stacked as specified in Options 4b and 4c.

Provision 3: Limits on Stacking and Ownership

Stacking: No more than 3 permits may be stacked on a single vessel. *The analysis will include discussion of other permutations such as 2 and 4 permit stacking limits.*

Ownership: The Council will consider restricting the number of fixed gear sablefish permits owned by an individual to

- Options:
- (a) 2 permits,
 - (b) 3 permits,
 - (c) 4 permits, or
 - (d) an amount with tier limits that add-up to 5% of the total sablefish allocated to the fixed gear primary season.

Exceptions would be made for individuals currently holding permits in excess of the limit. These individuals would not be allowed to accumulate more permits. An individual's ownership would be calculated by either

Calculation Option (a): Summing the total permits (or percent harvest represented by a permit) for which an individual held some ownership interest, regardless of how small (as calculated under the Alaska IFQ program to determine the number of blocked shares held by an individual), or

Calculation Option (b) Summing the individual's percent interest in each permit to determine the number of permits held (or percentage harvest held) (as calculated under the Alaska IFQ program to determine the number of unblocked shares held by an individual).

The Council will need to decide the approach to be taken in calculating ownership, if it recommends an ownership limit.

For the purpose of grandfathering in concentrations in excess of proposed limits, the Council should address a date for determining ownership concentration. This date may be the date the regulations are implemented or some other date recommended by the Council.

Provision 4: Combination of Stacked Permits

- Options:
- 4a. **Permits May Be Unstacked.** Permits that are stacked would retain their original length, gear, fixed gear sablefish and tier endorsements and could be transferred to other vessels in the future (i.e. stacked permits would not take on the gear and length endorsement of the vessel's designated base permit when unstacked).
 - 4b. **Permits May Not Be Unstacked and Tier Endorsements are Not Tradeable.** When permits are stacked on a single vessel they would be reissued as a single permit that could not be unstacked (redivided) and endorsements remaining on the permit would confer the fishing opportunities specified in Provisions 1 and 2. The length endorsement would be the length endorsement on the permit designated as the base permit.
 - 4c. **Permits May Not Be Unstacked and Tier Endorsements are Tradeable Among the Endorsed Fleet.** Same as Option 4b except that Tier endorsements could be transferred separate from the permit to another permit with a fixed gear sablefish endorsement. However, at least one tier endorsement must remain with the base permit. Permits would be limited to a maximum number of endorsements as specified in Provision 3.

Provision 5: Fishery Duration

- Options:
- 5a. The fishery would extend over a number of months (the initial recommended season is April 1 thru Oct. 31). For 2001, the fishery could start no earlier than August 1, 2000, in order to provide time for regulations to be put in place. *There would be no preseason and postseason closures and vessels would be required to make their final deliveries prior to closure of the season. There would be no mop-up fishery. No stacking deadline would be needed (Provision 12). The Council may wish to consider adding provisions related to the extended season such that when transfers occur midseason, the seller would be responsible for providing copies of all sablefish fish tickets landed for the year, to date; and that the buyer would have to maintain such copies aboard the vessel.*
 - 5b. **Current Situation:** The fishery would continue to be managed as a modified derby followed by a mop-up. *The current preseason and postseason closures would continue to apply and vessels would be required to cease fishing upon closure of the fishery. Permits would have to be stacked before some deadline prior to the start of the seasons in order to provide analysts and the Council sufficient time to assess and recommend appropriate cumulative limits and season durations (Provision 12). The steps would include (1) setting the allocation in November, (2) making a preliminary estimate of season lengths and limits and setting season opening date in March, (3) a deadline for stacking of May 15, and (4) final season duration and limits set in June. (Seasons would continue to be set short enough that many vessels would be unable to fully take the allowed catch. In recent years the season duration has been slightly more than one week. Maintenance of this abbreviated fishery has been necessary to prevent the program from being classified as an individual quota program. Such programs are currently prohibited under the Magnuson-Stevens Act.)*

Provision 6: At-Sea Processing

Note that "processing," as defined under the West Coast groundfish FMP includes such activities as freezing but excludes heading and gutting.

- Options: 6a. At-sea processing would be prohibited in the fixed gear sablefish fishery except for vessels that can demonstrate the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000. **(Note: Data in the PacFIN database will not support a landing criteria based on frozen product.)**
- 6b. Current Situation: At-sea processing would be allowed in the fixed gear sablefish fishery. (Note: At-sea processing has not played a significant role in the fishery in recent years because of the short seasons in place since 1996.)

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions

- Options: 7a. Fixed gear sablefish permits could only be transferred to individuals (corporations and partnerships and other such business entities would not be allowed to acquire additional permits unless they already owned permits as of a specific date to be announced). The requirement that the permit be owned by an individual would not restrict other aspects of the business operation from being organized as a partnership, corporation or other type of legal entity (Also see Provision 10).

Grandfathered Corporations and Partnerships. The exemption for a particular corporation or partnership allowing it to own a permit would cease with a change in the identity of that corporation or partnership.

The permit owner would be required to be onboard the vessel during fishing operations, with the exception of those falling under the following grandfather provision.

Grandfathered Absentee Owners: Corporations, partnerships, and individuals who hold sablefish permits when stacking becomes permissible will not be required to be onboard the vessel on which the permit will be used, so long as they also have

- (a) 20% ownership interest in the vessel (the amount of ownership required might be at least 20% (as in the North Pacific IFQ program), or
- (b) 100% ownership interest in the vessel.
- (c) Some other value (specify)

The percent ownership required will be decided by the Council at the time it makes its final recommendations. Grandfathered absentee owners may acquire additional permits to stack with the permits they own, subject to accumulation caps, and still maintain their status under this provision. ***Additionally, this exemption from the permit-owner on board requirement will cease if there is any change in the identity of a corporation or partnership owning the stacked permits as follows:***

Emergency Exemption: NMFS may grant exemptions from the permit-owner-on-board provision for medical and personal emergencies beyond the control of the permit owner.

Changes in the Identity of Corporations or Partnerships: A change in the identity of the corporation or partnership will be deemed to occur with a change in the corporate or partner membership, except a change caused by the death of a member providing the death did not result in any new members. Additionally, membership is not deemed to change if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor is membership deemed to have changed if the ownership of shares among existing members changes, nor is membership deemed to have changed if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

- 7b. Current Situation: The permit owner would not be required to be on board the vessel during fishing operations and any business entity eligible to own a US fishing vessel may own a limited entry permit.
- 7c. ~~Same as 7a, except that the onboard requirement would apply only when permits are stacked.~~ (NOTE: The Council voted to drop this option. The option number (7c) and discussion of the option will be retained in the analytical document in order to speed the release of the document for public review.)

Provision 8: Nonsablefish Cumulative Limits

- Options: 8a. The stacking of permits with sablefish endorsements would not allow vessels to harvest more than one cumulative limit for non-sablefish species.

Provision 9: Vessels Without Sablefish Endorsements

- Options:
- 9a. Current Situation: The limited entry daily-trip-limit fishery for vessels without sablefish endorsements would be closed during the primary fixed gear sablefish fishery.
 - 9b. The limited entry daily-trip-limit fishery for vessels without sablefish endorsements would be allowed to run at the same time as the primary fixed gear sablefish fishery.

Provision 10: U.S. Citizenship Requirement

- Options:
- 10a. Only US Citizens would be allowed to acquire fixed gear sablefish permits.
 - 10b. Current situation: Anyone eligible to own a US fishing vessel may acquire fixed gear sablefish limited entry permits.

Provision 11: Advance Notice of Landing Required

- Options:
- 11a. When making landings under stacked permits, fishers would be required to provide 6 hours prior notice.
 - 11b. Current situation. No advance notice is required.
 - 11c. All limited entry fixed gear sablefish fishers would be required to provide 6 hours notice when making landings during the primary season.

The Council may wish to consider adding provisions or the flexibility to ask for other information such as hail weight and location of landing.

Provision 12: Stacking Deadline

- Options:
- 12a. Fishers would be required to declare their intent to stack by June 30 in the year 2001 and by January 15 in all subsequent years; or
 - 12b. All permit stacking would have to occur by June 30 in the year 2001 and by **May 15** in all subsequent years.
 - 12c. Current situation: No notice of intent to stack would be required.

Options 12a and 12b are necessary only if a short season is to be maintained (Option 5b). For 2001, the final set of alternative season durations and cumulative limits will not be available until after the June Council meeting. A process will need to be established to allow NMFS to make the final determination of season duration and cumulative limits. This would be similar to the process established for setting the cumulative limits for the mop-up that follows the initial opening of the primary fishery.

1.5 Individual Quota Moratorium

The management system that would be created under Option 5a (a long season) would likely be categorized as an individual quota program.^{1/} The Magnuson-Stevens Act prohibits the implementation of new individual quota programs until October 1, 2000. Option 5b maintains short, derby-like seasons and avoids the individual quota classification. There are a number of scenarios that may affect the option selected in Provision 5 of the alternative:

Scenario 1: The IQ moratorium expires or an exemption is provided for the West Coast fixed gear sablefish fishery and no new requirements constrain creation of individual quotas. Option 5a or 5b could be selected.

^{1/} Allowing sablefish cumulative limits to be separable from the permit may also make permit stacking more like an IQ program (Option 4c); however, the maintenance of "overhead" under Option 5b would largely alleviate this concern.

Scenario 1: The IQ moratorium expires or an exemption is provided for the West Coast fixed gear sablefish fishery and no new requirements constrain creation of individual quotas. Option 5a or 5b could be selected.

Scenario 2: The IQ moratorium expires or an exemption is provided for West Coast sablefish, however, Congress requires that an IQ program meet certain criteria (e.g., must be self funding, must be approved by a referendum of the affected fishers). Under this scenario, Option 5a (a long season) might be recommended but a number of additional provisions may have to be added and processes followed before NMFS could take final actions implementing the Council's recommendation with respect to Provision 5.

Scenario 3: The IQ moratorium is continued either under a Magnuson-Stevens Act reauthorization or other congressional action. Prior to the Sustainable Fisheries Act (the act that last reauthorized the Magnuson-Stevens Act) a rider was placed on a budget bill that prohibited the expenditure of Federal funds on development and implementation of IQ programs. A rider similar to that in place prior to Magnuson-Stevens Act reauthorization could require the halt of all work related to development and analysis of Option 5a. A continuation of the moratorium with an exemption for the West Coast would allow the Council to develop Option 5a but prohibit its implementation.

1.6 Decision Procedures

Under the groundfish FMP, the proposal to allow the stacking of permits would likely be considered an allocative measure and would therefore have to meet the requirements of section 6.2.3 of the FMP (the socio-economic framework) and would require that the full rulemaking procedures be followed (section 6.2[D] of the FMP) and/or the procedures for amending an FMP. These procedures require that analytical documents be developed, approved by the Council and released for public review prior to a final decision.

The following table specifies which actions to implement the stacking alternatives would require plan amendments and which would require regulatory amendments. Where a plan amendment is required, specific language is provided in Appendix B.

| Provision | No Action Needed (Provision/Option) | Plan Amendment Required (Provision/Option) | Regulatory Amendment Required | |
|---|-------------------------------------|--|--|--------------------------------|
| | | | Provision/Option | Authorizing Framework Language |
| 1 Basic Stacking | | | 1 | FMP Sec 14.2.4, para 3 |
| 2 Base Permit and Fixed Gear Usage | | 2 and 4a, Waiver of downsizing requirement for trawl vessels (FMP Sec 14.2.7 and 14.2.9 para 3). | 2a Gear is that on base permit
2b Gear is that on any stacked permit with sufficient length endorsement.
2c Gear is that on any stacked permit | FMP Sec 14.2.4, para 3 |
| 3 Limits on Stacking | | | 3 | FMP Sec 14.2.4, para 3 |
| 4 Combination of Stacked Permits | | 4c Permits may not be unstacked but endorsements are tradeable (FMP Sec 14.2.6, para 4) | 4a Permits may be unstacked
4b Permits may not be unstacked | FMP Sec 14.2.4, para 3 |
| 5 Fishery Duration | 5b | | 5a April 1-Oct 31 Fishery | FMP Sec 6.2.2 |
| 6 At-Sea Processing | 6b | | 6a At-sea freezing is prohibited | FMP Sec 6.2.3 |
| 7 Owner-on-Board | 7b | 7a Owner-on-board required except for those grandfathered in (FMP Sec 14.2.12).
7a and 7c Grandfather provision (FMP Sec 14.2.4 para 3) | 7c Owner-on-board requirements applies only when permits are stacked | FMP Sec 14.2.4, para 3 |
| 8 Non-sablefish Limits | 8a | | 8b Provide some credit to allow additional nonsablefish species when permits are stacked. | FMP Sec 14.2.4, para 3 |
| 9 Season for Vessels without Sablefish Endorsements | 9a | 9b (FMP Sec 14.2.6 para 1 and 14.2.8 para 6) | | |
| 10 US Citizenship Requirement | 10b | 10a Limit permit owners to US citizens (FMP Sec 14.2.4 para 1) | | |
| 11 Advance Landing Notice | 11b | | 11a Advance landings notice required | FMP Sec 6.2.2 |
| 12 Intent to Stack Declaration | 12c | | 12a or 12 b, Notice of intent to stack required | FMP Sec 6.2.2 |

2.0 Description of the Fishery

Sablefish (*Anoplopoma fimbria*) occur from Baja, California, to the Asiatic coast of the Bering Sea. Along the West Coast of the United States, they occur over a wide range of depths. This document deals with the fixed gear sablefish fishery north of 36°N latitude to the U.S.-Canada border (the Monterey through U.S.-Vancouver management areas). This area is also referenced as the area north of the Conception management area. The 1999 optimum yield for the area was 7,919 mt. This optimum yield is based on an acceptable biological catch of 9,692 mt, derived using $F_{35\%}$ and applying of the default OY (40-10) policy. The stock is estimated to be at 37% of its unfished level, but there is substantial uncertainty in the biomass

estimate. The landed catch equivalent for this area is the total catch OY reduced by 10% for anticipated discard. Ten percent of the northern harvest guideline is set aside for the treaty tribes; the remainder is divided between the limited entry and open access fisheries. The limited entry portion is allocated 58% to the trawl fishery and 42% to the nontrawl fishery. There is no allocation between open access, limited entry trawl, and limited entry nontrawl gear in the Conception area.

A limited-entry program was implemented for the groundfish fishery beginning in 1994. There are approximately 290 limited entry permits for trawl vessels and 236 permits for fixed gear vessels. Of the 236 fixed gear permits, 32 have fishpot gear endorsements and 208 have longline endorsements (four permits are endorsed for both gears). Of the fixed gear permits, 164 received sablefish endorsements under Amendment 9 to the groundfish FMP, including all 33 permits for which fishpot endorsements are held. In 1998 a tiered system of cumulative limits was established. Vessels were assigned to tiers based on catch history. Cumulative limits for the vessels in each tier are set based on the following ratio 1:1.75:3.85. The lowest tier is Tier-3, for which 94 vessels qualified; the next tier is Tier-2 for which 43 vessels qualified; and the highest tier is Tier-1 for which 27 permits qualified. In 2000, the cumulative limits for the tiers were: Tier-3 21,000 pounds; Tier-2 37,000 pounds; and Tier-1 81,000 pounds.

On average, the port areas with the greatest exvessel revenue from sablefish are south Puget Sound, Neah Bay, Newport, and Brookings followed by Coos Bay and Fort Brag.

Most sablefish endorsed longline vessels are under 50 feet in length while most sablefish endorsed pot vessels are over 50 feet in length. While there is a statistical relationship between size of vessel and amount of sablefish harvest, there are smaller sablefish vessels (under 40 feet) which catch as much and more than larger vessels each year. Over time, as the fishery has shortened in length, distribution of harvest among members of the fleet has evened out.

For its income, the limited entry fixed gear sablefish fleet relies, in order, on sablefish, crab, other groundfish, halibut (West Coast and Alaska), tuna, and other species (based on West Coast landings receipts, landings in Alaska not included). The contribution of tuna to fleet income has depended on the availability of tuna and the timing of the primary opening of the limited entry fixed gear sablefish season.

3.0 Analysis

The biological and economic impacts of the stacking options may vary widely depending primarily on whether or not the season can be extended beyond the six to nine day modified derby season provided in recent years. An extension of the season is possible only with the lifting of the current IFQ moratorium or an exemption from the moratorium for the West Coast fixed gear sablefish fishery. The other major factor influencing the impacts of the provisions is the amount of stacking that would actually occur. The more constraints that are placed on stacking (e.g. owner-on-board provisions, requiring stacked permits to remain permanently stacked, etc), the less stacking is likely to occur. Ultimately, the success of permit stacking as a means to reduce capacity is highly uncertain given the difficulties in predicting the number of permits that are likely to be stacked (Council, 2000b). The first part of the analysis summarizes impacts of the permit stacking provisions, provision by provision (section 3.1), then covers biological (section 3.2) and economic and social impacts (section 3.3).

3.1 General Description and Implication of the Options

Provision 1: Basic Stacking

Participants in the limited entry fixed gear (longline and fishpot) primary sablefish fishery would be allowed to register multiple fixed gear sablefish endorsed permits for a single vessel (allowed to stack permits). A vessel would be allowed to take up to the full fixed gear sablefish cumulative limit associated with each permit registered to the vessel. The primary fixed gear sablefish fishery includes the current directed sablefish fishery and the mop-up fishery.

Permit stacking would facilitate a certain amount of voluntary fleet reduction in the West Coast limited entry fixed gear groundfish fishery. Fishers would arrange among themselves for multiple permits to be assigned to the same vessel. Because there are substantially greater numbers of vessels than required to take the available harvest, it is generally believed that a reduction in the number of vessels in the fishery is likely to increase efficiency. With permit stacking, total utilized sablefish capacity would remain the same and the percent of sablefish capacity utilized for vessels that stacked permits would increase. Because limits for other groundfish species would not accumulate with the stacking of permits (or would not be 100% additive, Option 8b), there may be some reduction in latent capacity available to target on nonsablefish groundfish species. If the sablefish season length is extended (Option 5a), individual permit cumulative limits would decline. Hence, for vessels that do not stack permits, the percent capacity utilized for sablefish would decline. Overall, the sablefish harvest and harvest of other nonsablefish groundfish fishes would be consolidated among fewer vessels with the excess vessels either moving on to other fisheries or tying up at the dock.

Permit stacking would allow businesses able to acquire additional permits to increase their harvest. For operations that lost harvest as a result of the reallocation entailed in implementing the three-tier system, there would be an opportunity to move back toward previous harvest levels. Operations that had invested in equipment when the three-tier system was created but had not scaled-up their harvest operations on time to qualify for a tier-1 endorsement would also have an opportunity to stack permits in order to more fully utilize their investments.

The more constraints that are put on the stacking option the less stacking will occur. Examples of such constraints include limits on the number of permits which can be stacked and the permit-owner-on-board provision. A substantial amount of stacking may not occur unless the current IQ moratorium is lifted (Section 1.5) so that Option 5a may be adopted (the Council's preferred option). The stacking program with Option 5b (short seasons) will put the Council in a position to more readily move to an IQ-type program that would reduce capacity, if the moratorium is lifted.

Provision 2: The Base Permit and Gear Usage

When permits are stacked, one of the permits would be designated by the vessel owner as the base permit. The base permit would be required to have a fixed gear sablefish endorsement and meet the length requirement for that vessel. Permits of different fixed gear types (longline and fishpot) could be stacked together.

- Options:
- 2a. When fishing in the primary fixed gear sablefish fishery, the vessel must fish fixed gear sablefish with the gear endorsed on the designated base permit.
 - 2b. When fishing in the primary fixed gear sablefish fishery, the vessel may fish fixed gear sablefish with the gear endorsed on its base permit or any fixed gear endorsed on any of its stacked permits for which the length endorsement associated with the stacked permit is equal to or greater than that of the base permit. For example, a 45 foot longline permit could be stacked with a 55 foot fishpot permit designated as the base permit and the longline permit tier endorsement would add to the cumulative limit for the 55 foot vessel, but the vessel could only use fishpot gear. On the other hand, if both the base permit and the stacked permit had length endorsements 55 feet or greater then the vessel could use either longline or fishpot gear.
 - 2c. When fishing in the primary fixed gear sablefish fishery, the vessel may fish with any fixed gear endorsed on at least one of its stacked permits.

Additionally, if one of the stacked fixed gear sablefish endorsed permits includes an endorsement for trawl gear and the length endorsement is equal to or greater than that of the base permit, the vessel may continue to use trawl gear, but not in the fixed gear fishery. In such a case if the permit is stacked on a vessel that is more than 5 feet smaller than that specified by the size endorsement for the trawl gear permit, the requirement that the trawl endorsed permit be downsized will be waived (Section 14.2.9 paragraph 3 of the FMP), unless permits are permanently stacked as specified in Options 4b and 4c.

The main issue this provision deals with is the gears that would be usable on a vessel with stacked permits. The options on this issue revolve closely around the length endorsements. Length has been used as a proxy for capacity in the groundfish fishery. It is assumed that vessels of similar length using the same gear have similar capacity, an admittedly rough assumption (Robinson and Hastie, 1993). Under the current limited entry program, if permits are combined in order to create a permit with a larger length endorsement, any gear endorsements that do not match between the permits being combined are not carried over to the new permit. In this provision, it is proposed that, at a minimum, a vessel be allowed to stack permits with fixed gear endorsements that do not match (fishpot and longline) and take the harvest associated with all sablefish tier limits on stacked permits registered for use with the vessel. This is suggested in part as a matter of equity as there would be relatively little stacking opportunity for the 31 fishpot permit holders as compared to the 132 longline permit holders. Similarly, requiring that all stacked permits have length endorsements that match vessel size would substantially limit the ability of larger vessels to stack permits. Additionally, as discussed for Provision 1, permit stacking will redistribute the utilization of fixed gear sablefish capacity among the vessels in the groundfish fleet while leaving the total amount of sablefish harvest unchanged. With respect to sablefish, it would appear to make little difference as to whether the fish is caught with longline gear or with pot gear, or from a larger or smaller vessel, the same amount of sablefish will be caught. Therefore, in terms of total retained sablefish catch, maintaining the gear distinctions between pot and longline vessels may have little value.

With respect to other groundfish species, maintaining the distinction between pot and longline gear may continue to be important. When two permits are stacked on a single vessel, capacity for other groundfish species may be removed from the limited entry fleet (see Provision 8). For those other species, the question may be, for example, if a 50 foot fishpot vessel stacks a longline permit and is then allowed to use longline gear, does the fishpot vessel using longline gear have greater capacity to land nonsablefish groundfish than the longline vessel from which the permit was removed. Fishpot vessels generally target only sablefish and are said to have little bycatch of other species. If the longline permit is for a much smaller vessel than the fishpot vessel, the addition of the fishpot vessel to the longline fleet could expand the limited entry longline fleet capacity to take non-sablefish groundfish (Option 2c). This expansion could be limited by allowing vessels to use the gear on the stacked permit only if the size endorsement on the stacked permit is adequate for the vessel (Option 2b). However, the size capacity relationship holds only very roughly when the gear is the same. If gear varies, the relationship may be even weaker, i.e. a 50 foot fishpot vessel may not have the same capacity as a 50 foot longline vessel. The potential for expansion could be eliminated by allowing vessels to use only the gear designated on their base permits (Option 2a).

Taking sablefish with fishpot or longline gear may make little difference in the total sablefish harvest. However, other differences between the gear types may be important (e.g., differences in the size distribution of sablefish taken and the mortality rates of discards associated with highgrading sablefish or other species that might be discarded).

An option not given significant consideration here would be to require that a vessel harvest each tier limit with the gear specified on the stacked permit. Thus a vessel might be able to harvest 37,000 pounds with longline gear and 37,000 pounds with pot gear. Such a requirement would be very difficult to track and enforce and would be relatively easy to circumvent by misreporting gear types on the fish ticket.

There are very few permits with endorsements for both trawl and fixed gear. However, should one of these permits be involved in a stacking situation this provision recommends waiving the requirement that trawl permits be downsized when used on a vessel more than 5 feet shorter than specified on the permit. This waiver would be recommended to encourage consolidation in the fishery and would apply only if unstacking of the permits is allowed (Options 4a). Not waiving this requirement would create a disincentive for stacking trawl-fixed gear permits as the permit owner would face a financial loss from the reduction of the size endorsement on the trawl permit.

Provision 3: Limits on Stacking and Ownership

Stacking: No more than 3 permits may be stacked on a single vessel. *The analysis will include discussion of other permutations such as 2 and 4 permit stacking limits.*

Ownership: The Council will consider restricting the number of fixed gear sablefish permits owned by an individual to

- Options:**
- (a) 2 permits,
 - (b) 3 permits,
 - (c) 4 permits, or
 - (d) an amount with tier limits that add-up to 5% of the total sablefish allocated to the fixed gear primary season.

Exceptions would be made for individuals currently holding permits in excess of the limit. These individuals would not be allowed to accumulate more permits. An individual's ownership would be calculated by either:

Calculation Option (a). Summing the total permits (or percent harvest represented by a permit) for which an individual held some ownership interest, regardless of how small (as calculated under the Alaska IFQ program to determine the number of blocked shares held by an individual), or

Calculation Option (b). Summing the individual's percent interest in each permit to determine the number of permits held (or percentage harvest held) (as calculated under the Alaska IFQ program to determine the number of unblocked shares held by an individual).

The Council will need to decide the approach to be taken in calculating ownership, if it recommends an ownership limit.

For the purpose of grandfathering in concentrations in excess of proposed limits, the Council should address a date for determining ownership concentration. This date may be the date the regulations are implemented or some other date recommended by the Council.

The amount of stacking that is likely to occur will depend on the season length (Provision 5). If short seasons are to be maintained, then the amount of stacking will be limited by the short time fishers will have to take their full limits. It is estimated that only about 30 vessels would be capable of taking a full additional limit if they were able to stack permits (Hastie, 2000). If the season is extended to six months, absent a stacking limit, it is not inconceivable that the equivalent of 5 or more Tier-1 permits would be stacked on a single vessel (given current allocations to the fixed gear fishery). Five tier-1 permits would represent 7% of the total harvest privileges for fixed gear sablefish (Table 1).

Reduction of the fleet to a relatively few vessels would risk concentration of the sablefish fleet and harvest benefits into a relatively few coastal communities and processors. In a six month season, larger capacity vessels could easily harvest over a half million pounds. Some simple calculations based on year 2000 limits (adjusted downward to account for the elimination of overhead) show that given unlimited stacking, harvest may be consolidated on 10 or fewer vessels. While vessel capacity may limit the degree of concentration of harvest among vessels, unless the Council creates one, there would be no limit on concentration of ownership, other than limitations imposed by antitrust laws.

| | Tier 1 | Tier 2 | Tier 3 | Total |
|---|--------|--------|--------|-------|
| Number of Endorsements | 27 | 43 | 94 | 164 |
| Year 2000 Limits (Pounds) | 81,000 | 37,000 | 21,000 | |
| Reduced Limits Under an Extended Season | 64,800 | 29,600 | 16,800 | |
| Number of permits to be stacked to approximately reach 500,000 pounds | 8 | 17 | 30 | |
| Number of 500,000 pound harvesters that could be supported given unlimited stacking | 4 | 3 | 3 | 10 |

Given this potential for the consolidation of permits under the long season scenario, the Council is considering an option to limit the number of permits stacked on a single vessel to three. For analysis purposes, information is also presented on stacking with limits of 2 and 4 permits. In general, even if three Tier-1 permits were stacked on a vessel, there would be many vessels still unable to harvest at close to their full capacity.

| | Limit on Number of Permits Stacked | | |
|--|------------------------------------|---------|---------|
| | 2 | 3 | 4 |
| Minimum Number of Vessels
(Assuming Maximum
Amount of Stacking) | 82 | 55 | 41 |
| Maximum Harvest for a
Vessel (Based on Stacking 3
Tier 1 Limits of 64,800
pounds) | 129,600 | 194,400 | 259,200 |
| Number of Vessels Believed
Capable of Harvesting the
Above Specified Maximum
During a 6 month Fishery | Most | Most | Most |

Another alternative would be to vary the stacking depending on whether or not a Tier-1 permit was included among the stacked permits:

| | Limit on Number of Permits Stacked | |
|--|---|---|
| | 3 if a Tier 1 is included;
4 if no Tier 1 Permit is
Stacked | 3 if a Tier 1 is included;
5 if no Tier 1 Permit is
Stacked |
| Minimum Number of Vessels
(assuming maximum amount of stacking) | 44 | 38 |

While limits on permit stacking may increase the minimum number of vessels on which harvest will be concentrated, it does not limit concentration of ownership. In particular, absent a restriction otherwise, those who retain the opportunity to harvest without being present on board the vessel (are exempted by Provision 7, grandfathering) may acquire an unlimited number of permits and fish those permits on different vessels as long as they have some share in ownership^{2/} of those other vessels and don't violate antitrust laws.

The Council is considering limiting ownership to 2, 3, or 4 permits or 5% of the total harvest rights. Those holding in excess of the limit would be allowed to keep their current harvest rights but would not be allowed to acquire additional permits. Absent an action such as this the only limit that would exist on the concentration of ownership are antitrust laws (as is the case with the current permit system). Currently, only one owner holds in excess of 5% of all harvest privileges, 2 owners hold in excess of 3 permits, and 5 owners hold in excess of 2 permits and 19 owners hold two or more permits (Table Ownership). These estimates of ownership are based on the registered addresses for the permit owners. The numbers may be high, if multiple permit owners use the same address or low if one permit owner uses more than one address. The estimates of current ownership concentration do not reflect the degree of ownership that may be held. For example, a single individual may hold minority interests in permits that are registered at different ownership addresses.

Two methods are being considered for determining total ownership. Under the first method, if an individual owned any share of a permit the entire permit (or the full harvest percentage represented by the permit)

2/ The percentage of ownership that would be required in order to be considered an owner of the vessel is one of the issues to be considered as part of Option 7a.

would be counted toward determining the number of permits (or percent harvest privileges) owned by the individual. Under the second method, an individual's share in the ownership of a permit would be accounted for in determining the total harvest rights owned by an individual. Thus, if an individual owned two-thirds of one permit and one-third of another permit, he or she would be considered to own one entire permit (one-third plus two-thirds). On the other hand, using the first formula described, the individual would be considered to own two permits.

Tracking ownership information is an administratively expensive proposal and places a burden on small businesses. Following the model of the north Pacific IFQ program, permit owners would be required to submit complete ownership information with partnerships and corporations traced down to the living human beings that control the business entities. The north Pacific IFQ program requires the submission of all contracts for the sale of permits along with information about permit prices. In addition to the burden of submitting the information, databases would need to be created to compile and analyze the results. Alternatively, the limits on ownership could be implemented in the regulations and individual cases investigated as suspicious ownership situations are identified or reported. Limits on concentration of ownership combined with owner-on-board provisions would be intended to encourage local small business ownership and a connection between the fishing fleet and local coastal communities.

The degree of burden for tracking permit ownership will depend on the complexity of permit ownership. In a 1997 survey of the fixed gear fleet, of the responding permit owners (59% of the population), a single individual owned the permit 59% of the time, 22% of the permits were owned in partnerships and 19% of the permits were owned by corporations (including Chapter S corporations or limited partnerships). For 64% of the respondents, a single individual owned the permit (including those individuals organized as Chapter S corporations).

Provision 4: Combination of Stacked Permits

- Options:
- 4a. Permits May Be Unstacked.** Permits that are stacked would retain their original length, gear, fixed gear sablefish and tier endorsements and could be transferred to other vessels in the future (i.e., stacked permits would not take on the gear and length endorsement of the vessel's designated base permit when unstacked).
 - 4b. Permits May Not Be Unstacked and Tier Endorsements are Not Tradeable.** When permits are stacked on a single vessel they would be reissued as a single permit that could not be unstacked (redivided) and endorsements remaining on the permit would confer the fishing opportunities specified in Provisions 1 and 2. The length endorsement would be the length endorsement on the permit designated as the base permit.
 - 4c. Permits May Not Be Unstacked and Tier Endorsements are Tradeable Among the Endorsed Fleet.** Same as Option 4b except that Tier endorsements could be transferred separate from the permit to another permit with a fixed gear sablefish endorsement. However, at least one tier endorsement must remain with the base permit. Permits would be limited to a maximum number of endorsements as specified in Provision 3.

The stacking issue involves a balance between the incentive to stack and the degree to which consolidation is permanently locked in. If permits cannot be unstacked (Option 4b and 4c) individuals who stack permits would likely have to own the permits. As compared to freely stacking and unstacking (Option 4a), inability to unstack permits (Option 4b and 4c) would reduce future options for reorganizing business operations or liquidating some fishing privileges (i.e., impose a higher opportunity cost for stacking). While any gains from fleet consolidation would be permanently captured under a permanent stacking rule, the incentive for permit stacking would be less and hence the degree of consolidation less than if unstacking were allowed.

Some flexibility could be preserved if permits were stacked permanently but tier limits could be traded separately (Option 4c). This would make the system more like an ITQ program with sablefish trading in large blocks. Any gains in capacity reduction for nonsablefish species (see Provision 8) would be locked in while flexibility in sizing the sablefish operations and expanding or contracting participation would be

maintained. Additionally, the sablefish fleet could not be expanded because a minimum of one sablefish tier would have to remain with each permit. Thus a person with an unstacked permit could not sell the sablefish endorsement off the permit. When one permit is stacked with another, the number of sablefish endorsed permits would decline and the sablefish tier endorsements could only be traded to one of the remaining permits with sablefish endorsements. Some consolidation of the sablefish harvesters would be locked in.

Provision 5: Fishery Duration

- Options:
- 5a. The fishery would extend over a number of months (the initial recommended season is April 1 thru Oct. 31). For 2001, the fishery could start no earlier than August 1, 2000, in order to provide time for regulations to be put in place. *There would be no preseason and postseason closures and vessels would be required to make their final deliveries prior to closure of the season. There would be no mop-up fishery. No stacking deadline would be needed (Provision 12). The Council may wish to consider adding provisions related to the extended season such that when transfers occur midseason, the seller would be responsible for providing copies of all sablefish fish tickets landed for the year, to date; and that the buyer would have to maintain such copies aboard the vessel.*
 - 5b. Current Situation: The fishery would continue to be managed as a modified derby followed by a mop-up. *The current preseason and postseason closures would continue to apply and vessels would be required to cease fishing upon closure of the fishery. Permits would have to be stacked before some deadline prior to the start of the seasons in order to provide analysts and the Council sufficient time to assess and recommend appropriate cumulative limits and season durations (Provision 12). The steps would include (1) setting the allocation in November, (2) making a preliminary estimate of season lengths and limits and setting season opening date in March, (3) a deadline for stacking of May 15, and (4) final season duration and limits set in June. (Seasons would continue to be set short enough that many vessels would be unable to fully take the allowed catch. In recent years the season duration has been slightly more than one week. Maintenance of this abbreviated fishery has been necessary to prevent the program from being classified as an individual quota program. Such programs are currently prohibited under the Magnuson-Stevens Act.)*

Fishery duration will be one of the most important features determining the impacts of permit stacking provisions. If the current short seasons must be maintained to avoid individual quota classification (Option 5b), the amount of stacking will be less, new more complicated preseason procedures will have to be established, and, at expected levels of stacking seasons would have to be shortened and more vessels would be pressed to harvest their limits in the allotted time, increasing safety concerns.

Under Option 5b, more complicated preseason procedures would be created because the cumulative limits would be determined by the amount of stacking and season length. In order to know whether they wanted to stack permits, fishers would have to be provided with initial estimates of the cumulative limits and season lengths. These initial estimates would then have to be adjusted after amount of stacking is determined. It has been projected that only 30 vessels would be able to stack permits and take their full additional limit at current season lengths and harvest levels. If there would be a sufficient amount of stacking, seasons could lengthen. However, even if 50% of the permits were stacked (82 permits), the season would only lengthen by one day (Hastie, In Press).

Under the longer season (Option 5a), every vessel would be assumed capable of fully taking its cumulative limit, therefore cumulative limits would not need to be adjusted to maintain overhead and avoid the IFQ classification. Moreover, the preseason openings and closures that affect all fixed gear vessels would no longer be required. For short seasons, these closures were needed to ensure that all vessels had a fair start and that the fishery could be closed at-sea (vessels cease fishing at the closure time but do not have to be in port).

If a longer season is allowed (Option 5a), there will be more stacking and consolidation in the fleet; there would be some involuntary reallocation with the decline in cumulative limits and with the elimination of the

mop-up fishery (under which every vessel had an equal limit); opportunity for selective targeting or onboard highgrading of larger fish would increase^{3/}; safety would improve; and preseason and post season closures would be unnecessary, simplifying the enforcement and management system (as previously mentioned). However, while enforcement tasks may be come less complex, they would be longer in duration as it would become necessary to track vessel harvest over the entire duration of the cumulative limit period. While this would be somewhat similar to the current situation for other cumulative limit fisheries, differences are discussed in Section 3.2.3.

Under a longer season, permits may be transferred mid-season, unless the Council specifies otherwise. This would create a situation in which the buyer of a permit would be relying on the seller to inform him or her about the poundage already taken on the permit during the year. There is considerable delay between when fish tickets are filled out (complete with vessel information) and when those fish tickets are tied to a permit in the data base. To reduce the risk in this "buyer-be-ware" situation, sellers might be required to provide buyers with true and complete copies of all fixed gear sablefish fish tickets for the portion of the current year season prior to the transfer. To assist in enforcement, the permit buyer could be required to keep these fish tickets on board, along with the receipts for all landings by the vessel to which the permit is transferred.

For vessels that participate both in the primary season and the daily trip limit fishery, extension of the season (Option 5b) will reduce opportunities in the daily trip limit fishery unless there is some reallocation of fish from the daily trip limit component of the fishery to the primary season.

Provision 6: At-Sea Processing

Note that "processing," as defined under the West Coast groundfish FMP includes such activities as freezing but **excludes heading and gutting**.

- Options:
- 6a. At-sea processing would be prohibited in the fixed gear sablefish fishery except for vessels that can demonstrate the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000. (*Note: Data in the PacFIN database will not support a landing criteria based on frozen product.*)
 - 6b. Current Situation: At-sea processing would be allowed in the fixed gear sablefish fishery. (*Note: At-sea processing has not played a significant role in the fishery in recent years because of the short seasons in place since 1996.*)

While the PacFIN data system has a conditions code for frozen landings, there are no frozen landings of sablefish recorded in the data system. It appears that state fish tickets have not been coded with this information. Therefore, it will not be possible to use the fish ticket system to determine whether vessels meet the landings requirement specified in 6a. **An alternative approach may be to specify that a vessel associated with a permit must have a given amount of freezing capacity as of a specified date.** Vessel owners wishing to qualify as freezer vessels would submit sworn affidavits that would be followed up with enforcement inspections of vessels claiming to have freezer capacity.

Vessels generally deliver their catch to shoreside processors iced but not frozen. It is reported that in the 1980s there were some freezer-pot vessels and freezer-longline vessels that took sablefish off the West Coast. These vessels are said to have not participated in the abbreviated seasons that generally characterized the fishery in the 1990s. Fishers at the September 2000 Council meeting reported that some vessels have invested in equipment to freeze sablefish. There are news reports that Alaska limit seiners and other vessels have been refitted for freezing capacity. The reported incentive for this refitting is to handle product harvested from Alaska IFQ fisheries (Haig-Brown, 2000a and 2000b). The PacFIN data system shows no landings of sablefish in frozen condition from 1981 to date (July 2000). Given that no

3/ Highgrading may have positive or negative biological and economic consequences, depending on the degree of associated mortality and accurate measurement and accounting of the mortality (Section 3.2.1)

landings have been recorded as frozen, either the reports of frozen sablefish landings are incorrect or it will not be possible to use the fish ticket system to determine whether vessels met the landing requirement specified in Option 6a.

Given the uncertainties about when West Coast sablefish have been caught and landed frozen, it is likely that the quantities landed have been relatively small. If permits can be stacked and the fishing season is extended (Option 5a), the extended and more flexible fishing opportunities may increase the probability that at-sea freezing activity will occur (or expand). At-sea freezer vessels are known to participate in Alaska fisheries. At-sea freezing may relocate processing jobs from coastal communities to the freezer vessels and the offloading ports. Freezer vessels may draw their workers from many noncoastal and coastal communities and in the past are said to have typically offloaded their catch in major city-ports such as Los Angeles. Prohibition of at-sea freezing (with grandfather provisions, Option 6a) would reduce the relocation of processing jobs and limit on-shore/off-shore allocation disputes, such as the disputes that have occurred in the whiting fishery. However, if at-sea freezing is the most efficient way to harvest and process sablefish, the provision would also result in the loss of some economic benefit to the nation.

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions

Options: 7a. Fixed gear sablefish permits could only be transferred to individuals (corporations and partnerships and other such business entities would not be allowed to acquire additional permits unless they already owned permits as of a specific date to be announced). The requirement that the permit be owned by an individual would not restrict other aspects of the business operation from being organized as a partnership, corporation or other type of legal entity (Also see Provision 10).

Grandfathered Corporations and Partnership. The exemption for a particular corporation or partnership allowing it to own a permit would cease with a change in the identity of that corporation or partnership.

The permit owner would be required to be onboard the vessel during fishing operations, with the exception of those falling under the following grandfather provision.

Grandfathered Absentee Owners: Corporations, partnerships, and individuals who hold sablefish permits when stacking becomes permissible will not be required to be onboard the vessel on which the permit will be used, so long as they also have

- (d) 20% ownership interest in the vessel (the amount of ownership required might be at least 20% (as in the North Pacific IFQ program), or
- (e) 100% ownership interest in the vessel.
- (f) Some other value (specify)

The percent ownership required will be decided by the Council at the time it makes its final recommendations. Grandfathered absentee owners may acquire additional permits to stack with the permits they own, subject to accumulation caps, and still maintain their status under this provision. ***Additionally, this exemption from the permit-owner on board requirement will cease if there is any change in the identity of a corporation or partnership owning the stacked permits as follows:***

Emergency Exemption: NMFS may grant exemptions from the permit-owner-on-board provision for medical and personal emergencies beyond the control of the permit owner.

Changes in the Identity of Corporations or Partnerships: A change in the identity of the corporation or partnership will be deemed to occur with a change in the corporate or partner membership, except a change caused by the death of a member providing the death did not result in any new members. Additionally, membership is not deemed to change if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor is membership deemed to have changed if the ownership of shares among existing members changes, nor is membership deemed to have changed if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

7b. Current Situation: The permit owner would not be required to be on board the vessel during fishing operations and any business entity eligible to own a US fishing vessel may own a limited entry permit.

~~7c. Same as 7a, except that the onboard requirement would apply only when permits are stacked.~~ (NOTE: The Council voted to drop this option. The option number (7c) and discussion of the option will be retained in the analytical document in order to speed the release of the document for public review.)

Permit-owner-on-board requirements were first discussed by this Council when a program was being developed for sablefish individual quotas. Concern had been expressed that ability to buy and sell individual quotas would result in economic incentives that would potentially shift valued socio-economic characteristics of the fishery. The intent of the permit-owner-on-board requirements is to reduce the chance that control of the fishery might into the hands of absentee owners that are not part of the traditional fishing communities and reduce the chance the income would leave fishery dependent communities. Fishers voiced concern that those in the profession would become "share croppers" instead of having the opportunity to be independent fishers. The concern was that wealthy individuals would accumulate fishing privileges and not be willing to sell the privileges at prices fishers could afford, given the fishers' levels of wealth, liquidity, and available collateral. These concerns may be more prominent in situations such as that proposed here where access rights can only be acquired in large lumps (the tier levels associated with limited entry groundfish permits).

Requiring that the permits be owned only by individuals would be intended to ease the enforcement of the owner-on-board provision and increase the probability that harvest privileges will remain or come under the ownership of individuals that are members of local fishing communities. The provision that a single individual would be registered as a permit owner with NMFS would not prevent that individual from organizing other aspects of his or her business in a partnership or corporate form.

In developing the single-individual-owner and owner-on-board provisions the Council was concerned about disrupting existing businesses practices in the fishery. Therefore, "grandfather provisions" were created to allow corporations and partnerships to continue permit ownership and to allow those already in the fishery to continue to hire skippers to fish their vessels or use their fishing rights.

Initially it appeared that the "grandfather" status for corporations and partnerships could be maintained indefinitely or circumvented by transferring ownership of the business owning a permit without registering a transfer for the permit. Therefore, a change in ownership was defined to occur with a change in the composition of those owning the business that owned a permit (with the exception of companies that were publicly owned).

Another possible way that the owner-on-board requirement might be circumvented for extended periods of time was through the long-term leasing of permits. Long-term leases could essentially convey the exemption from the permit-owner-on-board requirement from the owner to a long-term lease holder. Therefore, the clause was added requiring that in order to be exempt from the owner-on-board provision, the fishing privilege owner also had to own the vessel, essentially preventing leasing of the fishing rights. The degree of ownership required in the Council's initial language was unspecified. The North Pacific IFQ programs for sablefish and halibut require 20% ownership. The language used by the Council could be interpreted as requiring 100% ownership or ownership of a small fraction of the permit. If this provision is adopted, the Council will need to specify the percent of vessel ownership required in order to qualify for the grandfather exemption to the permit-owner-on-board requirement.

All of the provisions (owner-on-board, leasing prohibition, and definition of a change in ownership) were modeled after the North Pacific Fishery Management Council individual quota programs for sablefish and halibut.

The option of requiring the permit owner to be on board only when permits are stacked (Option 7c) would have limited the potential for growth in absentee ownership for those accumulating permits for stacking while maintaining business organization options for owners that did not choose to stack permits. At its September 2000 meeting, the Council eliminated this option, leaving on the table for consideration only the option of requiring the single-owner and owner-on-board provisions for all vessels in the fleet (Option 7a) or for none of the vessels (Option 7b). This action implies a policy that favors an owner-operated fishery, independent of the permit stacking issue.

Ownership and Participation in the Current Fishery

The current fishery is generally characterized by owner-operator fishing operations that are owned by individuals.

The limited entry fixed gear fleet was surveyed in 1997. Of 234 fixed gear permit owners, 133 responded to the survey for a response rate of 57%. During the 1995 and 1996 derby fisheries, permit owners that responded to the survey were on board their vessels 100% of the time for between 82% and 84% of the respondents. During the 1996 mop-up fishery the owner was on-board 100% of the time for 76% of the respondents and during other fixed gear groundfish fisheries in 1996 the owner was on-board 100% of the time for 75% of the respondents. The permit owners were never on board their vessels for the derby fisheries for between 13% and 15% of the respondents; were never aboard for the mop-up fishery for 20% of the respondents; and were never on-board for other fixed gear groundfish fisheries for 17% of the respondents. In the responding group, 64% of the permits were owned by single individuals (including single individuals organized as Chapter S Corporations) and 28% of the permits held by respondents were jointly by two individuals. The remaining 8% of the permits were owned by 3 or 4 individuals. If the respondents are representative of the fleet, 92% of the limited entry fixed gear permits on the West Coast are held by single individuals or partners.

An examination of a 1999 list of permit owners from the limited entry office showed 36 of the 164 sablefish endorsed permits are held under business names and 45 permits were held in the name of two individuals (the vast majority of which appeared to be husband and wife. The remaining 83 permits were owned under the name of an individual. It is possible that some in some cases where only one individual is listed as an owner, that individual is organized as a Chapter S corporation.

Option 7a effectively prevents leasing. A recent examination of permit files at the limited entry office showed that 59 of 164 permits were leased out for the 1999 fixed gear sablefish season. Based on the names on the leases, six of the leases appeared to be leases between different legal entities within the same fishing business and five of the leases appeared to be between family members. There was at least one instance where permits appeared to have been exchanged between fishers through the use of a lease and at least one situation where the same individual leased out the permit he owned and acquired another permit through a lease. There were 14 business names listed as lessors and 15 business names listed as lessees (based on data provided by the NMFS NWR Limited Entry Permit Office).

Impacts

The permit-owner-on-board requirements would temporarily create two classes of owners: (1) those grandfathered in who, could own permits under their current form of business operation (including partnerships and corporations) and would be allowed to designate skippers to use their permits either in response to temporary conditions (e.g., sickness, injury, vacations, conflicting business activities) or in order to be absentee owners; and (2) those who must own permits as an individual and be on board their vessel at all times while their permit is being used in the primary fixed gear sablefish fishery, except when excused for unspecified personal emergencies by the NMFS. Any corporation, partnership, or individual exempted under the grandfather clause will be able to buy more permits and vessels, hire skippers and generally operate free of the permit-owner-on-board requirement. With respect to the restriction's effect on business organization, the requirement that owners be on-board the vessel would not constrain other aspects of the business from being organized as a corporation or partnership, nor would it prevent the encumbrance of a permit to such corporations or partnerships by a private contract.

Aspects of Provision 7 would prohibit leasing. Traditional fishing practices have involved a certain amount of leasing and absentee interests in vessels and permits. These practices provide flexible business conditions that can facilitate gradual transitions into or out of the fishery or adjustment to other changing circumstances of the fishing business. Leases provide access to capital and, for those who lease assets out, the leasing may provide an important part of the income for their overall fishing operations. In general, regulations that reduce flexibility reduce efficiency (net benefits). The owner-on-board and single-owner

provisions are intended to address social values not generally reflected in the traditional cost benefit analysis, in this case increasing the probability that control of the fishery and fishery benefits will be distributed to local fishing communities and that the fishery will maintain its current status as one dominated by owner-operated businesses.

Requiring the permit owner to be an individual and be on board the vessel would rule out the acquisition of sablefish harvest privileges by municipalities or other non-fishing entities for the purpose of stabilizing local economic activity.

Requiring the permit owner to be on board could lead to increased discards of sablefish if a mixed species fishery that includes some sablefish is pursued while the owner is not on board.

There would be some costs associated with tracking changes in ownership for the purpose of administering grandfather clauses. These information needs would be similar to those for monitoring ownership for the purposes of limiting the accumulation of permit rights (Option 3). Given that the dominant form of ownership in the fishery is single owner or two owner permits and owner-operated vessels the number of complex ownership situations that may need to be tracked by the limited entry office may be small and the administrative burden less substantial than for the North Pacific IFQ programs.

Provision 8: Nonsablefish Cumulative Limits

- Options:
- 8a. The stacking of permits with sablefish endorsements would not allow vessels to harvest more than one cumulative limit for non-sablefish species.
 - 8b. When permits are stacked, some credit would be provided to allow the landing of additional nonsablefish groundfish species.

Under Option 8a, the stacking proposal would allow the stacking of limits for only the most lucrative of the fixed gear groundfish species, sablefish. Sablefish management has been the primary fixed gear fleet issue occupying Council time and attention. Option 8a, provides no additional fishing opportunity for nonsablefish species when permits are stacked. Because sablefish is so lucrative, it is expected that permits would be stacked even if stacking does not confer the opportunity to harvest more cumulative limits for other species. This would be similar to what happened in the whiting fishery when catcher-processors bought permits just for their value in harvesting whiting, effectively removing from the fishery latent capacity that might be targeted on other groundfish species. Under the current sablefish fishery, there is little bycatch landed during the derby fishery. Bycatch is generally discarded in favor of retaining retaining sablefish. Therefore the stacking of permits is not expected to increase discards during the current short season (Option 5b), nor would discards of nonsablefish species increase during a longer season (Option 5a). If permits are transferred off vessels that fish nonsablefish groundfish for the purpose of stacking, there may be some reduction in nonsablefish groundfish harvest pressure from the fixed gear sablefish fleet. This could result in somewhat higher fixed gear cumulative limits for the nonsablefish segment, however, latent nonsablefish groundfish capacity in this segment is very large. Reduction in latent capacity may be noticeable only if some future capacity reduction program more easily achieves its target because of the capacity removed through stacking.

If cumulative limits for nonsablefish species are also stacked will be greater incentive to stack permits, even if full additional limits of the nonsablefish species are not provided (Option 8b). However, the stacking of cumulative limits for nonsablefish species is likely to activate substantial latent capacity. Stacking within the tiered system takes some account of differing production levels among fixed gear limited entry vessels. First the fleet is divided into sablefish participants and nonparticipants (sablefish endorsement holders and those without such endorsements). Nonparticipants cannot use their permits to participate in the primary sablefish fishery. Then the fleet that participates is divided into tiers with different quantities of harvest opportunity available for members of each tier. Through these policies latent capacity in the fishery has been reduced. The stacking of fixed gear sablefish permits is not likely to allow the activation of substantial latent capacity

within the sablefish fishery without inactivating a similar amount of capacity. Additionally, there is more unused capacity associated with the nonsablefish groundfish species than with sablefish. Stacking where every permitted vessel has an equal cumulative limit could result in more substantial expansion of catch rates as permits flow from less active to more active vessels.

One of the consequences of stacking nonsablefish cumulative limits would be a decline of such limits for vessels that do not stack permits, including vessels without sablefish endorsements. Holders of fixed gear permits without sablefish endorsements would not be able to recover from limit reduction through the stacking of permits under the provisions currently specified. The Council may specify that if additional harvest control is required, limits be reduced first for stacked permits. This would increase analytical and regulatory complexity. Focusing initial reductions on stacked permits could create a situation where stacked permits would take the brunt of the conservation burden for nonsablefish groundfish species and nonsablefish groundfish limits for stacked permits might be reduced to zero, effectively implementing Option 8a over the long run.

Providing additional limits for nonsablefish species when permits are stacked might provide yet more opportunity to retain bycatch in sablefish directed fisheries. Because of the lack of logbook or observer data, the amount of bycatch in sablefish directed fisheries is uncertain. However, some bycatch levels may be implied through historic catch information (Table 4-6). In the longline segment of the 1996 derby fishery, only 5.8% of the catch was nonsablefish species, while in the slower paced mop-up fishery 24.1% of the catch was nonsablefish species. In the daily trip limit fishery, a little over one-third of the catch was taken in trips where sablefish comprised less than 50% of the harvest and a little under two-thirds was taken in trips where sablefish comprised 50% or more of the harvest. While the stacking of nonsablefish cumulative limits would allow the retention of more bycatch, extension of season length alone (Option 5a) alone will likely increase retention of bycatch as compared to the current derby like fishery where most bycatch is discarded.

Provision 9: Vessels Without Sablefish Endorsements

- Options:
- 9a. Current Situation: The limited entry daily-trip-limit fishery for vessels without sablefish endorsements would be closed during the primary fixed gear sablefish fishery.*
 - 9b. The limited entry daily-trip-limit fishery for vessels without sablefish endorsements would be allowed to run at the same time as the primary fixed gear sablefish fishery.*

The original prohibition on harvest by fixed gear limited entry vessels during the primary fixed gear sablefish fishery was an attempt to simplify the situation for enforcement. Given the brevity of the primary fishery and that the daily-trip-limit fishery was managed with two-month cumulative limits, there was plenty of opportunity for limited entry fixed gear vessels without sablefish endorsements to make up fishing time lost during a closure for the primary fishery. The effort to simplify enforcement was not entirely successful because the open access daily-trip-limit fishery was allowed to run during the primary fishery. If the season length is extended to seven months (Option 5a), the limited entry fixed gear vessels without sablefish endorsements would be prohibited from fishing during the period when most of their catch is taken. Given this changed situation, the Council may wish to reevaluate the balance between adverse impact to the unendorsed fleet and the additional enforcement burden and either reconfirm the current prohibition or make an adjustment such as that suggested in Option 9b.

Provision 10: U.S. Citizenship Requirement

- Options:
- 10a. Only US Citizens would be allowed to acquire fixed gear sablefish permits.
 - 10b. Current situation: Anyone eligible to own a U.S. fishing vessel may acquire fixed gear sablefish limited entry permits.

Concerns over foreign ownership with respect to fisheries have been categorized as follows:

1. Fear of foreign economic domination of the maritime industry and fisheries.
2. Difficulties in regulating foreign-owned businesses.

3. Threats to the social values of U.S. fishing communities.
4. Loss of potential economic benefits.

(NRC, 1999)

Currently, US flag fishing vessels must be owned 50% by US Citizens. In response to the American Fisheries Act the US Coast Guard has proposed that the US citizenship requirement be increased to 75% for vessels under 100 feet in length. Congress has expressed an interest in mechanisms to prohibit from holding IFQs persons who are not eligible to be deemed citizens of the United States for the purposes of operating a vessel in the coastwise trade under U.S. maritime statutes.

Option 10a would specify that permits must be 100% owned by US citizens. Unless a grandfather provision is added to Option 10a allowing US companies to own permits, this option would conflict with the grandfather provision of Option 7a (allowing only individuals to acquire permits). The grandfather provision of Option 7a allows companies that currently own a permit (corporations, partnerships, etc) to continue to own and acquire additional permits. If a grandfather provision is added to Option 10a, then this option does not appear to add to the restrictions of Options 7a. Under status quo management only entities eligible to own US fishing vessels are allowed to hold groundfish limited entry permits. Thus, if grandfather provisions are added allowing US companies currently owning permits to continue to own permits and acquire more (as under Option 7a) then Option 10a and 10b would provide the same restrictions when combined with Option 7a. Option 10a, with a grandfather provision added, would mainly act to reinforce the intent of Option 7a and the status quo provisions.

If new owners do not have to be individuals (Option 7b), then Option 10a would prevent US companies from acquiring permits while Option 10b would allow US companies to acquire permits. If Option 7b is adopted the Council may wish to consider a grandfather provision for Option 10b if it wishes to prevent the proposed policies from forcing the transfer of permits from US fishing companies that currently own such permits.

| Allowed to Acquire Permits (Yes or No) | U.S. Citizens | U.S. Companies (75% control by U.S. citizens) |
|---|---------------|---|
| Option 10a (only U.S. Citizens can own permits) | Yes | No (grandfather provision needed to clarify interaction with Option 7a?) |
| Option 10b | Yes | No, in combination with Option 7a except for those grandfathered in (only individuals may acquire permits and owner must be on board) |
| | | Yes, under Option 7b (absentee owners are OK and any U.S. business entities may acquire permits) |

Shaded areas represent the current situation.

Provision 11: Advance Notice of Landing Required

- Options:
- 11a. When making landings under stacked permits, fishers would be required to provide 6 hours prior notice.
 - 11b. Current situation. No advance notice is required.
 - 11c. All limited entry fixed gear sablefish fishers would be required to provide 6 hours notice when making landings during the primary season.

The Council may wish to consider adding provisions or the flexibility to ask for other information such as hail weight and location of landings.

An advance notice provision would increase deterrence and facilitate enforcement. To be more effective in providing deterrence and increasing the efficiency of enforcement efforts, the Council may wish to consider a recommendation that would allow NMFS to put other requirements on the advance notice

provision. For example, a maximum on the advance notice of landing requirement, location of landing and estimated hail weight. All of this information would enhance the deterrence effect and increase the efficiency of enforcement and port sampling efforts. Advance notice and hail weight provisions were considered as part of the part of the sablefish IFQ program (Amendment 8) tabled by the Council in 1994.

The main need for an advance notice requirement comes more from the extension of the season than from whether or not permits are stacked. Therefore, Option 11c has been added for Council consideration. This Option would require advance notice of landing for all participants in this segment of the fishery, not just those who stack permits. Sablefish are one of the more valuable segments of the fishery. This value combined with the long season may provide greater incentive for underreporting than for other groundfish species.

The issue for underreporting/unreported landings is a concern for nonsablefish groundfish species landed managed under cumulative limits as well; however, no advance notice landing requirements have been proposed for other segments of the fishery.

A system would have to be established to receive the advanced notice and disseminate information to enforcement agents in the field and port samplers. The requirement for notice would place an additional burden on private business, and possibly require the completion of Paperwork Reduction Act filings and procedures before the provision could be put into place.

If the advance notice requirement is adopted, vessels would be able to enter port but not be allowed to begin offloading until the 6 hour notice requirement is met. If the system established to receive notice is not operative seven days a week 24 hours a day, there may be some delay in offloading, causing inconveniences and potential economic losses, though the size of such losses would likely be minor.

Provision 12: Stacking Deadline

- Options 12a: Fishers would be required to declare their intent to stack by June 30 in the year 2001 and by January 15 in all subsequent years; or
- 12b: All permit stacking would have to occur by June 30 in the year 2001 and by **May 15** in all subsequent years.
- 12c: Current situation: No notice of intent to stack would be required.

Options 12a and 12b are necessary only if a short season is to be maintained (Option 5b). For 2001, the final set of alternative season durations and cumulative limits will not be available until after the June Council meeting. A process will need to be established to allow NMFS to make the final determination of season duration and cumulative limits. This would be similar to the process established for setting the cumulative limits for the mop-up that follows the initial opening of the primary fishery.

A stacking deadline **is needed** to assist in establishing cumulative limits and season durations **only if the length of the fishery is not extended** (Option 5b). Actual stacking (Option 12b) or a declaration of intent to stack (Option 12a) may be required. For the year 2001, regulations to allow stacking may not be in place until June 2001. Additionally, the prohibition on transfers more than once every 365 days may make actual stacking impossible for permits that were transferred after June 30, 2000 and before the month and day of the start of the 2001 season. Such vessels would benefit from a provision that allows declaration of intent to stack (Option 12a) rather than a requirement to stack.

On the one hand managers need to know how much stacking is going to occur to estimate the season length and cumulative limits. On the other hand, fishers need to know season lengths and cumulative limits in order to decide whether or not to stack permits. The intent of the stacking deadline is to provide fishers the opportunity to view the preliminary estimates of cumulative limits and season duration before making a commitment to stack their permits. The commitment to stack would have to be made with the understanding that it is likely that cumulative limits and season durations will vary somewhat from the preliminary estimates.

The January 15 deadline in Option 12a would not provide industry the opportunity to review estimates of cumulative limits and season length based on the previous years data. Data sets would not be sufficiently complete to allow production of a full analysis by January 15.

A declaration requirement may provide some equity for fishers that can't stack because of the limit on number of transfers per year (particularly for the year 2001). However, requiring the declaration rather than actual stacking will create more uncertainty since it is possible that fishers would not follow through on their declaration of intent. On the other hand requiring actual stacking, rather than just a declaration of intent to stack, would reduce flexibility in the system. Any reduction in flexibility is likely to reduce incentive for stacking and the attendant benefits.

The options listed here create a range from which the Council can develop final recommendations. The same is true for other provisions. It may be that final action will be some combination of the options, for example: *"Fishers would be required to declare their intent to stack by June 30 in the year 2001 and would have to complete stacking by May 15 in subsequent years."*

Management of short seasons (Option 5b) without knowing the amount of stacking likely to occur (Option 12c) would be difficult and would likely require a greater level of conservatism (resulting in the setting of shorter seasons and /or lower cumulative limits). For Option 5a (a long season), there is not need to determine the amount of stacking in advance of the season.

If intent to stack can be declared (or actual stacking occur) up to June 30, 2001, then some mechanism would be needed to establish season duration and actual cumulative limits after the June 2001 Council meeting.

A system would have to be established to receive the advanced notice of intent to stack. The requirement for notice would place some additional burden on private business and the procedures of the Paperwork Reduction Act may apply such that between 4 and 6 months are required to establish the notice provision.

3.2 Biological Impacts

The total allowable harvest will not change with stacking. Management problems with biological implications will vary depending on whether the fishery is managed under extended season (Option 5a) or as a modified derby (Option 5b).

3.2.1 Highgrading

The Problem

When there is a price-per-pound differential between different sizes of fish there may be incentive to highgrade. For sablefish, highgrading involves discarding small sablefish in order to retain larger sablefish. The degree to which this presents a biological problem is related to the discard mortality rate and the degree to which discard mortalities are not accounted for in stock assessments. If discard mortality is properly estimated and allowed harvest properly adjusted and controlled, the problem is more one of economic wastage than conservation.

When the situation is such that a vessel can take its limits with additional fishing time leftover, it is possible that the net revenue from continuing to fish and highgrade for larger fish may be greater than the net revenue from switching effort to the next best fishery. Highgrading has been reported for some fisheries (e.g., IFQ in New Zealand) and appears to be minimal for other fisheries (e.g. halibut and sablefish fisheries in Alaska) (NRC, 1990). An economic calculation using IPHC data from the halibut fishery indicated that highgrading the smallest halibut out of a 75,000 pound catch would increase revenues by \$5,300 (3.7%). Achieving this additional \$5,300 of revenue would require catching an additional 18,217 pounds of halibut to replace the 14,600 pounds of small fish discarded (NRC, 1991). This is the equivalent to extending the length of a trip and incurring related effort costs in order to harvest a fish that would bring \$0.296 per pound (\$5,300/18,217) at a CPUE similar to that in the halibut fishery. A similar analysis conducted for this Council

in 1994 showed that highgrading sablefish would yield gross revenues similar to catching a fish that would bring between \$0.20 and \$0.27 per pound dockside, depending on the price differential between size categories (Council, 1994).^{4/} Whether or not highgrading is worthwhile depends on the price spreads between different size categories of sablefish and the ratios in which different sized fish are caught. If time constraints and grounds crowding are relieved, fishers are better able to target on larger sablefish (reduce the proportion of small sablefish in their catch), there is an increase in the gross revenue per pound of fish caught to replace discarded fish. In the 1994 Council analysis, a one third reduction in the extra small category (from 54% to 36% of the catch) increased the expected gross revenue per additional pound caught from the \$0.20 to \$0.27 range to a \$0.28 to \$0.38 range. In order to determine whether these incentives to highgrade are significant, the question to be answered is whether once out on the grounds would fishers deploy some additional gear if there were an opportunity to harvest additional fish in the price ranges just discussed. Data needed for a complete economic analysis to answer this question is not available.

Fishery evidence shows that at a minimum, the average size of fish landed is substantially greater in slower paced West Coast fixed gear sablefish fisheries (Table 3 and following).

Sablefish size composition during different portions of the 1999 limited entry fixed gear fisheries for sablefish.^{a/}

| | Daily-Trip-Limit Fishery | | Three-Tiered Fishery | | Mop-Up Fishery | |
|-------------|--------------------------|-------|----------------------|-------|----------------|-------|
| Large | 22.0% | 63.6% | 11.0% | 43.1% | 22.2% | 61.2% |
| Medium | 41.7% | | 32.0% | | 39.1% | |
| Small | 30.1% | 36.4% | 42.0% | 56.9% | 32.8% | 38.8% |
| Extra-Small | 6.2% | | 14.9% | | 6.0% | |

a/ Distribution of sablefish sizes after distribution of "unspecified grade" fish using average price for all landings of the same condition and size, based on data from the 1999 fishery.

Highgrading may be achieved either through discarding from the deck/side or by targeting on larger fish that may be caught in certain geographic locations or in complexes with other species. The most important conservation issue is whether highgrading results in discard mortality and if so whether that discard mortality is properly accounted for in the management process. It has been suggested that (1) pot vessels may highgrade by adjusting the mesh size in the panels, (2) fishers may have more ability to target larger size fish when there is less competition on the fishing grounds and (3) that discard mortality rates for sablefish taken in the fixed gear sablefish fishery are relatively low because sablefish do not have swim bladders. If highgrading for larger fish can be achieved with little or no discard mortality, the reduction of the amount of smaller fish in the harvest could increase the average annual growth rate of the sablefish biomass as well as the average value per pound harvested..

Status Quo

Under status quo management, some vessels are able to easily take their cumulative limit in the time allotted by the regular opening of the primary fishery and most vessels can easily take their cumulative limits in the time allotted for the mop-up fishery. For these openings and vessels, highgrading may be an issue.

Stacking for an Extended Season (Option 5a)

In an extended season of 6 months, most vessels would likely have ample opportunity to harvest their limits within the allotted time, even for vessels that stack permits. Highgrading would be expected to increase if it is economically viable and provides more net revenue than the next best fishing opportunity.

4/ This analysis used size composition reported by Washington port samplers in the early 1990s and prices from 1991-1993.

Stacking for a Modified Derby (Option 5b)

If a short season must be maintained to avoid the IFQ classification, season length would likely be reduced as compared to status quo (see Appendix A). This would reduce the amount of excess time for any vessels that do not stack permits, reducing the opportunity for highgrading. Similarly, vessels that do stack permits would spend more time catching their limits and have less time for highgrading.

Relation to Other Aspects of the Stacking Proposal

The ability to stack pot and longline permits on a single vessel may result in a shift in the proportions of fish caught by each gear type. If one gear type is more conducive to unmeasured discard mortality from highgrading than the other gear type, there may be some effect on highgrading (either positive or negative) from allowing the two permit types to be stacked on a single vessel.

3.2.2 Other Sources of Sablefish Discards

Currently limited entry fixed gear vessels targeting on nonsablefish species may catch sablefish in the complex of species on which they target. If such sablefish catch is in excess of the DTL limits, the sablefish must be discarded. Expansion of the fixed gear sablefish season length (Option 5a) would increase the amount of sablefish that might be retained by sablefish vessels when they target on segments of a stock complex that include both sablefish and nonsablefish groundfish. In 1996, over one-third of the sablefish taken in the daily trip limit fishery were taken in landings where sablefish comprised over 50% of the catch (Table 4-6).

3.2.3 Discards of Nonsablefish Groundfish

Landings of other groundfish species along with fixed gear sablefish tend to be larger and more frequent in the daily-trip-limit and cumulative limit mop-up fishery than during the main opening of the primary fishery (the modified derby fishery) (Table 4). This indicates that other groundfish species may be being discarded during the modified derby. Extending the season will relieve the time pressure on fishers to complete all the landings allowed under cumulative limits of the modified derby. This would be expected to increase the economic incentive for the landing of other fish caught along with sablefish, reducing discards. Whether or not permits are stacked, vessels would be able and more likely to land their nonsablefish species limits along with their sablefish, an improvement over the current situations where it is more likely that these other species will be discarded.

On the one hand additional reduction of discards might occur through the stacking of nonsablefish cumulative limits (Option 8b), depending on the amount of bycatch of nonsablefish groundfish in the sablefish directed fishery. On the other hand, stacking nonsablefish cumulative limits may activate substantial latent capacity, exacerbating management problems for nonsablefish groundfish species and reduce cumulative limits. The vessels participating in the sablefish fishery have already been identified (through Amendment 9 that created the sablefish endorsement) and to a certain extent are limited to given capacity levels by assignment to tiers. Sablefish vessels targeting on nonsablefish groundfish have not gone through similar stages of limitation and categorization. Thus sablefish permits from vessels that have rarely landed nonsablefish groundfish species may be transferred to sablefish vessels that actively participate in nonsablefish groundfish fisheries, activating latent capacity targeted on nonsablefish groundfish.

3.2.4 Unreported and Underreported Sablefish Landings

Unreported or underreported landings can result in harvest in excess of target harvest levels, resulting in conservation problems for the stock.

The incentive and opportunity for cheating is greatest when a vessel has not yet fully taken its cumulative limit. In such a situation, the window of highest vulnerability to detection is relatively brief: the period of time between when the landing paperwork is completed and the fish is mixed with other landings of sablefish in

a plant or shipped out of the landing area. The sablefish in a plant may include fixed gear, open access and trawl landings. For plants handling large volumes of sablefish, cheating by some vessels may be hidden as slightly higher than average recovery rates.

Status Quo

Under status quo management, many vessels have capacity far in excess of that needed to take the available cumulative limits during the season. For such vessels, advantage may be gained by underreporting the vessel's first landing(s) so that more fish may be landed later in the season, however, the opportunity for making additional landings is very brief in the current short season. Additionally, the short season makes it easier to concentrate enforcement efforts on monitoring the fishery.

Stacking for an Extended Season (Option 5a)

Incentives and opportunities for cheating under an extended season would be similar to those available for other groundfish species under the current cumulative limit managements system. The additional harvest opportunity gained by underreporting a particular landing would be available over several months. The primary difference in incentives for the fixed gear sablefish fishery as compared to other groundfish fisheries managed under cumulative limits is that the fixed gear sablefish is more valuable on a per pound basis than most other groundfish species, hence there may be a greater incentive for underreporting.

Stacking for a Modified Derby (Option 5b)

Stacking of permits would shorten the season. Both vessels that stack and do not stack permits will have less time to harvest the additional fish needed to take advantage of underreporting their landings. Thus with stacking and continued short seasons, the amount of incentive for underreporting would decline.

Advance Notice of Landing Requirement (Options 11a or 11c)

Six hours advance notice of landing may substantially increase the deterrence for not reporting a landing. Field enforcement officers discovering an offloading activity for which no advance notice had been given would be able to immediately issue a citation on that basis alone.

Attaching a requirement that vessels provide an estimated hail weight along with the advance notice of landing may provide an additional deterrent for underreporting. If a vessel consistently reported landing amounts less than the amount hailed, enforcement might target that vessel for increased monitoring to determine whether underreporting was occurring.

3.2.5 Collection of Biological Samples

An increase in at-sea dressing (heading and gutting) would make it more difficult to collect biological samples. Increased dressing at sea might be expected if the fishing season were extended, giving vessels more time to harvest their allotted limits (Option 5a). Table 5 shows that in 1996, landings for which condition was reported had more at-sea dressing during the daily-limit-fishery and mop-up than during the regular derby season (however, it should be noted when fish with unreported condition of landing are included in the calculation, the proportion of dressed fish increases during the derby season). Allowing the stacking of permits without relieving the individual quota constraint (Option 5b) may shorten the season, focusing more attention on completely harvesting the vessel limits than spending time dressing fish. Additionally, under a short season there would be less time for highgrading, resulting in landings composition for which biological information from the sablefish component more accurately represents the portion of the population recruited to the fishery.

The six hour advance notice proposed for enforcement purposes (Option 11a) would also help increase the efficiency of the port sampling program.

3.3 Social and Economic Impacts

3.3.1 Season Duration and Vessel Allocation

The stacking of permits would affect the allocation of fish among vessels and season duration. The basic stacking provision (Provision 1) would provide an opportunity for a mostly voluntary reallocation of sablefish among vessels. Vessels divesting their groundfish limited entry permits may seek to increase fishing activities in other fisheries. Thus stacking may increase competition and reallocate harvest in other fisheries.

Base Permits and Gear Usage (Provision 2)

Administratively, the easiest way to create a stacking program would be to associate the current cumulative limits with the permit rather than the vessel. However, with 132 longline permits and only 31 pot permits having sablefish endorsements (and hence sablefish tier endorsements), pot permit holders who wanted to stack would be at a considerable disadvantage in finding permits of the same gear type. Similarly, permits for large vessels are fewer in number than those for small vessels, thus size endorsements on the permits would place owners of large vessels at a disadvantage compared to smaller vessels. To provide a more consistent opportunity for stacking across the fleet and to encourage stacking, Provision 2 would eliminate any length endorsement requirement for stacked permits (so long as one permit had the proper length endorsement) and provide three options for flexibility in the fixed gear to be used when permits are stacked (see page 5).

There is a groundfish fleet capacity reduction advantage that may be gained from the stacking of permits. When permits are stacked, while usable harvest capacity in the fixed gear sablefish fishery will remain constant, limits for other groundfish species may (Option 8b) or may not be stacked (Option 8a). Under Option 8a, if three permits are stacked, where there was previously a potential for three vessels with cumulative limits for groundfish species other than sablefish, only one vessel will remain.

Under Option 8b, at least some credit may be given for nonsablefish species, increasing the limits for these species when permits are stacked. Because there is no tier system for nonsablefish species there is greater divergence between the nonsablefish cumulative limits and the amount of capacity utilized under each permit (greater latent capacity) than for tiered sablefish permits. Thus, for nonsablefish groundfish there is more potential for individual vessels to expand harvest through the transfer of permits from vessels that do not generally utilize their nonsablefish groundfish harvest privileges to vessels more intensely involved in the nonsablefish groundfish fisheries. If some vessels are able to expand their harvest of nonsablefish groundfish species, cumulative limits may decline. Vessels that do not stack permits may experience some reduction in their harvest opportunity. Vessels with fixed gear limited entry permits that do not have sablefish endorsements would not be able to recover harvest opportunity through stacking.

Limits on Stacking (Provision 3) and Owner-on-Board Provisions (Provision 7)

Vessels would be able to increase their share of the catch by stacking up to three permits (Provision 3) except to the degree that their harvest share is constrained by season length (Option 5b). Owner-on-board requirements (Provision 7) would make fishing multiple vessels more difficult during short seasons (Option 5b), but during a longer season (Option 5a) the permit owner could move between vessels to fish multiple permits. However, if an owner had multiple vessels, the vessel(s) that the owner was not on could not take sablefish, even as bycatch in fixed gear efforts targeted on other groundfish stocks. The owner-on-board provision would not apply to current permit holders. Therefore, current owners would be less constrained in fishing multiple vessels in the groundfish fishery, if it were desirable to do so.

Combination of Stacked Permits (Provision 4) and Nonsablefish Cumulative Limits (Provision 8)

When permits are stacked there may be capacity reduction for nonsablefish species in that the stacked permits would confer the opportunity to harvest more sablefish but may (Option 8b) or may not (Option 8a) confer opportunity to harvest more of other groundfish species. If no credit is given to allow additional

harvest of nonsablefish cumulative limits when permits are stacked and the stacked permits have been used by vessels to target other species, there could be some reallocation of nonsablefish groundfish harvest toward other vessels. Under Option 4a, permits could be unstacked and capacity for targeting groundfish reintroduced. Preventing permits from being unstacked (Option 4b), or allowing only sablefish endorsements to be traded off stacked permits (Option 4c), would permanently capture the reduced harvest capacity resulting under Option 8a (no stacking of nonsablefish cumulative limits). On the other hand, the permanency of the decision to stack increases the investment risk of stacking and thus may reduce the amount of stacking which occurs. Allowing tier endorsements to be traded but requiring the permits remain stacked (Option 4c) would provide more investment flexibility than Option 4b while still capturing any gains in capacity reduction for nonsablefish groundfish. The system would also more resemble an individual quota program in which shares could be traded only in large blocks.

If additional credit for nonsablefish cumulative limit species is given for permits that are stacked, latent capacity (permits not previously used to target nonsablefish cumulative limits) may be transferred to vessels actively targeting on nonsablefish groundfish, increasing harvest for vessels able to stack while decreasing harvest opportunity for vessels that do not stack, or are unable to stack (in the case of nonsablefish endorsed vessels, see the discussion of Provision 8 in Section 3.1).

Fishery Duration and Cumulative Limits (Provision 5)

If Option 5a (lengthened seasons) were implemented without stacking, there would be a shift of harvest toward lower capacity vessels. Under status quo, seasons are set short enough that vessels with small capacity relative to their cumulative limits are unable to take all of their cumulative limits in the allotted time. Managing to ensure cumulative limits are not a guaranteed amount of fish that vessels are able to harvest distinguishes the current management system from an individual quota system. If every vessel fully harvested its cumulative limit, harvest would exceed the amount allocated to the limited entry fixed gear primary fishery by an amount that has been termed "overhead." The target overhead has generally been set at 25% of the expected harvest. The lengthened season under Option 5a provides opportunity for every vessel to take its full cumulative limit, thus cumulative limits would have to be reduced (overhead eliminated) so that the allocation to the fishery is not exceeded. Cumulative limits would decline by about 20%. This would imply a reduction in harvest opportunity for vessels able to take close to their full cumulative limits under the short status quo seasons and an increase in harvest opportunity for vessels that harvest substantially below their cumulative limits during the status quo season. Vessels would recover/increase the harvest opportunity by stacking permits.

With an extended season (Option 5a), vessels that participate in the daily trip limit fishery may experience some reduction in opportunities in that fishery. These vessels would not be able to fish against the daily trip limits during the primary season while limited entry sablefish vessels without endorsements may have an opportunity to do so (Option 9b). In an April through October fishery, inability to participate in the daily trip limit fishery could constitute a substantial reduction in sablefish harvest opportunity for bottom tier vessels.

Under Option 5b, it appears most likely that seasons would shorten slightly. A shorter season would result in a shift toward higher capacity vessels that stack permits and away from lower capacity vessels. Tier cumulative limits would not change substantially, however, season length would likely decline. Example modeling for the year 2000 indicated that season length might be reduced from nine days to eight days if permit stacking were allowed under the current moratorium on individual quota programs (permit stacking were allowed but season lengths had to be set to maintain overhead, Table 3 in Appendix A). The reduction in season length would adversely impact lower capacity vessels not able or just able to take their cumulative limits in a nine-day fishery. If half the half of all permits were stacked the season might be lengthened by about one day (Hastie, In Press), however, such a high level of stacking does not appear likely with the current short seasons.

Prohibition on At-Sea Freezing (Provision 6)

The Council first considered a prohibition on at-sea processing, then decided to allow existing at-sea freezer vessels to continue their activities. The limitation on at-sea processing has been characterized by

proponents on the Council as primarily a social issues. The proposal (Option 6a) would limit a shift of shore based processing operations and employment to at-sea vessels. Currently, landing codes on fish tickets show no at-sea freezing is occurring. However, members of industry report that at-sea freezing is occurring and there are press reports of vessels being modified to freeze sablefish taken under the Alaska ITQ system (Haig-Brown, 2000). It may be difficult to evaluate the proposed criteria for qualification. Alternative qualification requirement may need to be considered (see discussion of Provision 6 in Section 3.1). If some vessels qualify permits for at-sea processing the cumulative limits and limits on the number of permits that can freeze would restrict the growth of this sector. Thus the provision would limit deviations from status quo toward more at-sea processing and limit allocation issues such as those that developed in the Pacific whiting fishery.

Vessels Without Sablefish Endorsements (Provision 9)

Under status quo management, limited entry fixed gear vessels without sablefish endorsements are not allowed to harvest daily-trip-limits during openings of the primary fixed gear fishery. Because of the monthly and two-month cumulative limits that apply to the daily-trip-limit fishery, the loss of fishing time during the primary season openings is easily made up when the primary fishery is closed. If the primary season is extended to 6 months, the restriction prohibiting harvest by these unendorsed vessels during the primary fishery may severely constrain their harvest, allocating fish away from those unendorsed vessels most active during the extended primary season (proposed as April 1 through October 31, Option 5a). An alternative would be to allow fixed gear limited entry vessels without sablefish endorsements to fish their daily-trip-limits during the primary fishery (Option 9b). One of the primary reasons for not allowing these two segments of the fleet to operate concurrently was the additional complexity that would be added to the enforcement task. However, given that the open access fleet is allowed to continue to harvest its daily sablefish limits during the primary fishery there is likely a minimal additional detrimental impact on enforcement efforts from allowing between up to 70 and 80 other limited entry fixed gear permitted vessels to fish daily limits concurrently with the limited entry sablefish endorsed fleet's primary season.

3.3.2 Equity

National Standard 4 dictates that allocations be made in a fair and equitable manner. Because of the wide-ranging views in our society about what constitutes equitable allocation, there are not commonly accepted standards against which an objective analysis can conclude that one allocation decision is more fair and equitable than another. There are no generally accepted measuring sticks for equity similar to those for evaluating such factors as efficiency. Therefore, analysis is limited to pointing out the major decision which would likely affect the allocation, perceived fairness and equity of a limited entry system and the rationale for those decisions. It will be up to each individual involved in the process to evaluate for him or herself whether the alternative adopted is, or would be evaluated by the general public to be, on the whole, fair and equitable.

3.3.3 Income and Employment

In general, a system which generates more efficient use of resources to generate the same amount of production will lead to an increase in income for the nation as a whole. Permit stacking is expected to have this effect, primarily if Option 5b is implemented. The amount of associated employment may go up or down. If permits are stacked there may be fewer jobs for crew members, however, the jobs may last longer and provide a higher level of income per crew member. Additionally, some vessels may attempt vertical integration (attempt to take on some processing functions to gain more income), using crew member labor to replace labor that would have been provided by workers in shore plants.

3.3.4 Relative Bargaining Strength

The main change in relative bargaining strength would occur if the season for fixed gear sablefish were extended (Option 5a). An extended season would give harvesters more delivery alternatives increasing the pressure on processors during price negotiations.

The owner-on-board requirement (Option 7a) would effectively prevent vertical integration into the harvesting sector by processors that do not currently own permits (assuming that the processors are not owned by a single individual willing to go to sea during sablefish harvest operations). Those processors that currently own a permit could continue to acquire additional permits and vertically integrate to secure control over a supply of sablefish. This may provide a competitive advantage in the wholesale marketplace.

The additional harvest flexibility and harvest certainty provided by an extended season (Option 5a) will likely increase the value of permits with tier endorsements. Those holding these permits will be made wealthier and thus will be more able to control and acquire additional permits for stacking.

With IQ programs crew members are often able to accumulate shares over time and so increase their share of profits from vessel operations. The cumulative limits that would be created under permit stacking, may have many characteristics similar to an IQ program, however, control over harvest privileges would continue to be associated with the limited entry permit. This would provide no opportunity for those without permits to gradually accumulate harvest shares and additional leverage in the fishery.

3.3.5 Safety

Safety related problems under status quo management include:

- fishers having to choose between fishing in poor weather or unsafe mechanical situations and forgoing their primary sablefish harvest opportunity for the year;
- fishers choosing to operate under high stress and at a high speed, with a lack of rest, in order to maximize their primary sablefish harvest opportunity for the year;
- fishers choosing to fish with less than optimal safety related maintenance due to financial pressures associated with overcapacity in the fishery; and
- difficult to enforce at-sea closures implemented in an attempt to make the fishery safer.

Under permit stacking all of these problems would continue unless the season is lengthened (Option 5a). There appear to be few options for relief from the current situation other than creating a system that would be classified as individual quota management (currently prohibited under the Sustainable Fisheries Act moratorium), implementing a buyback program (funding not available), or imposing involuntary capacity reduction measures (highly controversial and potentially inequitable). It is unlikely that voluntary permit stacking will be sufficient to result in a lengthening of the season. Stacking of half the permits would increase season length by only one day. The more likely scenario is a shortening of the season, unless there is an end to or exemption from the individual quota moratorium.

Due to a lack of reliable data and methodological problems, it is hard to provide quantitative estimates on the linkages between vessel safety and other factors, such as management practices. In *Fishing Vessel Safety, Blueprint for a National Program*, the National Research Council notes that commercial fishing has one of the highest mortality rates of any occupation and that safety has largely gone unregulated. While attributing a large portion of the safety issues to the actual vessel (e.g., its structure, equipment and crew), the authors did consider fishery management practices to be one of three major external influences on vessel safety. They assert that the current fishery council structure has not been effective in resolving allocation conflicts and that has "resulted in a highly competitive operating environment in which fishers may take unnecessary risks to maintain their livelihood". The extremely short and inflexible halibut and salmon openings off the West Coast and Alaska were specifically mentioned as examples of management practices that had forced fishers to work under "extremely adverse environmental conditions or not at all".

3.3.6 Windfall Profits

"Windfall profits" is a term often used when one group of citizens acquires unanticipated profits at the expense of others as a result of a shift in the economy or governing rules and regulations. When individual quota programs were considered by the Council in the early 1990s, the generation of windfall profits was a major concern for a number of Council members. In the current situation, limited entry permits have been issued and those permits have been assigned to tiers that determine the maximum amount of fixed gear

sablefish that may be harvested with the permit. For fixed gears, the sablefish harvest opportunity is a major component of the value of the permit. Additional permit value ("windfall") will be generated by any changes to the system that increase the net value of the harvest allowed under the permit. On the other hand, permits may also lose value. The value of permits on the market is determined both by what others think they can make with a permit (demand) and by what someone is actually making with the permit (supply).

With permit stacking and a lengthened season (Option 5a), maximum gross revenues for every permit will decrease with the decrease in cumulative limits necessary to ensure harvest does not exceed the allocation (the elimination of overhead). In general, if the season is lengthened such that every vessel is able to take its limit, cumulative limits would be expected to decline by about 20%. This will tend to put downward pressure on the price for permits. On the other hand, a lengthening of the season will reduce the risk that a vessel will be unable to harvest its available harvest. This increased certainty of harvest would have an upward influence on price along with a number of other factors which are likely to increase the value of the sablefish harvest opportunity. For example, a longer season would allow fishers to schedule their sablefish harvest activity between other fishing opportunities, avoid crowded fishing grounds, harvest larger higher quality fish, and possibly negotiate higher market prices.

In general, regulations that provide more flexibility while attaining the primary regulatory objectives will generate more net value and result in higher permit values. Any provision that restricts how the sablefish will be harvested would reduce the value of the permit and sablefish harvest rights from what they would have been, for example, limits on stacking (Provision 3), not allowing permits to be unstacked (Option 4a), prohibiting at-sea processing (Option 6a), and requiring the permit owner to be on board the vessel (Option 7a). Any provision that increases the flexibility in how fish are harvested will likely result in higher values for permits and sablefish harvest rights, for example, more flexibility in deciding on the fixed gear to be fished (Option 2c), allowing tier endorsements to be transferred separately from the permit (Option 4c), and not limiting the number of transfers per year (not currently being considered as part of this regulatory package).

3.3.7 Fisher Job Satisfaction and Life Style

Permit stacking alone will likely affect fisher job satisfaction and lifestyle only to the degree that fishers stack permits and expand their harvest to the limit that can be taken in the short openings that would be provided in Option 5b. Risks of not taking the harvest in the allotted time will increase as well as the pressure to operate in conditions that might be otherwise considered unsafe. This pressure may be felt particularly if there is a need to pay-off expenditures made on the permits that have been stacked. Those who stack permits while seasons are short will be taking a gamble. Additionally, those who do not stack permits will face some additional risks as seasons are shortened as a result of permit stacking (see Appendix A). Some studies show that there are many similarities in the characteristics of fishers and gamblers (McGoodwin, 1990). If the season is lengthened so that all vessels are able to easily take their cumulative limits, the importance of skill in the speed of catching fish to ensure maximum gross returns may be replaced by the importance of skills in handling and maintaining quality. Skills in locating fish may not be important so much for the greater harvests such skills bring as for their value in reducing harvest cost and increasing the amount of large fish in the catch. As the importance and measures of various skills change, there may be some disruption in the job satisfaction generally experienced by individuals in the profession.

With a lengthened season, a reduction in the hazards imposed by recent derby-like fisheries may reduce some aspects of stress for both fishers their families.

While the changes discussed above may be significant for many fishing operations, sablefish harvesting may be only a small portion of the overall fishing operations of many vessels. To the degree that this is true for a particular operation, there will be less reduction in the "gambling" nature of the activity. However, as more fisheries come under fleet rationalization programs, it is likely that the mark of the successful fisher businessman will be ability to maintain, accumulate, and manage access privileges, and maximizing the net value of the harvest opportunities imbued by those access privileges.

3.3.8 Gear Conflict

On the one hand, there may be reduction in grounds pre-emption and other types of on-grounds competition between fixed gear vessels if seasons are lengthened. On the other hand, an extended season will increase the probability of fixed sablefish/mobile-gear encounters during the period of the extended season. Under the condensed season of recent years, mobile gear vessels had short periods of time during which they could either remain off the water to avoid conflict or simply exercise a heightened awareness of the probability of interaction with fixed gears. While the potential for gear fixed-gear/mobile-gear conflict may increase, the situation will not be much different from that of the mid- and late-1980s when the fixed gear sablefish season was nearly a year round fishery.

3.3.9 Risk of Foreign Control

Concern has been expressed that transferable harvest privileges, especially IQ or IQ-like privileges may be subject to foreign purchase and control. Foreign interests which were displaced from fisheries within 200 miles of the U.S. coast by the MFCMA have a continued interest in access to U.S. fishery resources.

In response to this concern the Council has specified provisions in the license limitation program that would require anyone acquiring control of a permit to be eligible to own a U.S. fishing vessel. Despite this provision, there is concern by some that the exertion of foreign control in a fishery is possible through a broad number of mechanisms running from part ownership of a business or parent business, to exclusive marketing agreements to the provision of financing for acquisition of harvest rights. There is an inherent risk to foreign enterprises that try to achieve control over US firms because of differences in business culture. This risk is amplified when the domestic firm is taking part in an inherently variable and risk prone industry. When an industry becomes more stable through practice or a change in the business environment, there may be a tendency for foreign interests to seek additional vertical integration in the domestic economy in order to seek control of the resource base. Thus, an extension of the fixed gear sablefish season, by reducing the uncertainty of achieving target harvests, may encourage foreign interests to seek more control in the industry.

One way to reduce the risk of foreign (or corporate) control may be to require the owner(s) of the harvest privileges to be on board the vessel during fishing operations. This does not eliminate the opportunity for control through exclusive marketing or financing agreements, but does make control more difficult and less certain. An additional measure to reduce the opportunity for foreign control and influence is to specify that only US citizens be eligible to own permits.

3.3.10 Privatization of a Public Resource

Extension of the season length such as would occur under Option 5a would essentially turn the current management system into an individual quota program in which quota is traded in large blocks of three different sizes (reflecting the current three-tier program). Concern is often expressed that limited entry and individual quotas in particular go against the "free enterprise system" and represents the privatization of a public resource--the creation of a private "property right." While what would be allocated are fishing "privileges," rather than "rights," these "privileges" are beneficial to the economy to the degree that they emulate private property "rights" and support market based decision incentives. The basis for the strength of this system is that individuals who own resources will husband them to achieve the greatest good for themselves and, in pursuit of that personal benefit, will be guided to use the resources to produce the greatest value for society.

Failings of the free enterprise system generally occur when property rights systems are not in place, so that the individual does not bear the full cost and benefit from his or her use of a resource. For example, wastes are released into the air and water, in part, because the person creating the waste bears only a very small portion of the costs of the pollution created. Fisheries is another area in which property rights are not assigned to a resource. License limitation and IQs are attempts to rectify the economic failures which occur as a result of the lack of property rights (e.g., overcapitalization) by assigning access privileges which behave in some ways like property rights. Because of the fugitive nature of the fisheries resources, the

rights to specific fish cannot be assigned. Therefore there is not full emulation of a private property system. For example, an individuals may find it in their best interest to highgrade to earn more per pound of quota because any negative effect highgrading has on productivity of the resource is shared by all users.

The fishery is a public resource held as common property by the people of the United States. Statements in the groundfish limited entry program indicate that rather than a "right," a fishing permits constitute fishing "privileges" which may be revoked or modified by an amendment to the groundfish plan. At present, when permit values are increased or decreased through actions under the groundfish management plan, the sale of permits can result in capital gains or losses against which taxes are assessed. Thus, changes in the value of the access rights can be passed on to the general public in the form of changes in amounts of tax revenue collected.

3.3.11 Entry and Exit

Flexibility for entry and exit to the fixed gear sablefish fishery would remain essentially unchanged from the status quo with the exception of the owner-on-board requirement for new entrants and the restriction that only individuals be allowed to own permits. These requirements would provide less operational flexibility for new entrants as compared to pre-existing permit owners, placing the new entrants at somewhat of a competitive disadvantage. The permit stacking proposal would also differs from many individual quota programs, in which crew members and in some cases local jurisdictions and corporations can acquire quota without needing to control an entire license for access to a particular fishery (in this case the fixed gear groundfish fishery).

3.3.12 Geographic Distribution

Geographic redistribution of landings may result from a lengthening of the season and the consolidation of permits. The longer season allows vessels the opportunity to take their harvest to preferred ports of landings, which may be more distant from the fishing grounds. For example, Figure 1 shows that as the season shortened in the early 1990s, sablefish landings moved from inside Puget Sound to coastal ports. A lengthening of the season may reverse this effect.

Over time, the consolidation of permits among fewer vessels could result in the consolidation permits in ports where there are lower costs or higher exvessel values, giving fishers in the port the opportunity to outbid individuals from other geographic areas in the competition to purchase permits. Data is not available that can be used to predict which ports may offer residents a competitive advantage in bidding for permits, so little prediction can be made of the geographic redistributions that may occur.

3.3.13 Enforcement Costs

Seasons and Underreporting: Changes in enforcement costs will primarily vary by changes in the season length. Derby fisheries are some of the simplest fisheries to regulate. The current derby, capped with cumulative limits, presents some enforcement problems because of the difficulty of determining whether or not the amount of fish on board a vessel is within the vessel's limits and is being properly reported. The problem is similar to that for other groundfish managed under cumulative limits, however, under the short season (Option 5b) the enforcement problem and opportunities to benefit from underreporting are restricted to a relatively few days. Additionally, the incentives for underreporting for sablefish would be substantially greater than for most other groundfish managed under cumulative limits because sablefish bring a substantially higher price per pound. Under an extended season (Option 5a), the enforcement problem would be protracted over a number of months. On the other hands, some of the enforcement problems associated with the derby fishery would be eliminated: preseason and postseason closures would not be needed and at-sea closures would not be necessary. However, overall the enforcement burden would be expected to increase.

Advance Notice of Landing: Enforcement costs may be reduced if all fixed gear permit holders are required to provide advance notice of landings Option 11c. Such advance notice, particularly when combined with a requirement that haul weights be provided, would increase deterrence and increase the

efficiency of enforcement efforts. Individuals offloading limited entry fixed gear sablefish without having provided advance notice would be immediately subject to citation. Individuals that consistently land less than their hauled weight would be targeted for investigation of underreporting. The advance notice could be required only for those who stack permits (Option 11a), however, the increased monitoring costs that the reporting requirement would mitigate apply to all limited entry fixed gear vessels and are associated with the increased length of the season.

Owner-on-Board Requirement and Limits on Concentration of Ownership: Under Provision 7, the owner of the permit would have to be on board the vessel during sablefish fishing operations, unless the owner is exempted as a pre-existing owner under a grandfather clause. Owner-on-board requirements present two administrative or enforcement problems. The first is determining who the owner is and the second is determining whether the owner is required to be on board. Determination of whether the owner is required to be on board will also involve an evaluation of the vessel ownership (the grandfather clause exempting pre-existing owners applies only if the permit owner also owns the vessel). Limits on the concentration of ownership may also require detailed consideration of ownership information for the permit. It is likely that permit owners would be required to submit full documentation of the ownership of their fishing business on an annual basis. This documentation would have to be evaluated and information provided to enforcement on the requirements that apply. Additionally, some enforcement effort may be necessary to ensure that the information submitted is accurate.

Midseason Transfers: If midseason transfers occur, situations may arise where vessels separately fish under the amount allotted by the permit but together fish over the cumulative limit for the single permit. Questions arise as to which owner would be held responsible for the overage and whether a permit buyer would be held responsible if a permit seller had not properly reported the amount of fish landed to date at the time of sale. Regulations might include a provision requiring a seller to accurately report to the permit office the pounds of sablefish caught against the permit's cumulative limit, together with a copy of all relevant landings receipts. The permit buyer might be required to keep all landing receipts on board the vessel, including copies of the receipts submitted by the permit seller. The problem of midseason transfers would primarily apply for a longer sablefish season (Option 5b).

Harvest Opportunities for Unendorsed Fixed Gear Limited Entry Vessels

When the fixed gear limited entry fleet was first subdivided into those with and without sablefish endorsements, rules were set out that restricted unendorsed vessels from fishing for sablefish during the openings of the primary sablefish season. While this may have provided some relief for enforcement, fixed gear open access vessels were allowed to continue to harvest sablefish during the limited entry primary fishery. Thus enforcement still had to deal with distinguishing between participants in the primary fishery and those in the open access fishery. Option 9b would allow fixed gear limited entry vessels without sablefish endorsements to continue to fish during the primary season. Because the open access fleet is already allowed to fish during the primary season only a minimal additional burden on enforcement is expected.

3.3.14 Administrative Costs

There would be some relatively minor initial administrative costs associated with modification of permit office data bases to implement the basic stacking provisions (Provisions 1, 2, 3 and 4). The more significant administrative costs may be associated with tracking and documenting permit and vessel ownership changes for the purpose of implementing the grandfather clause that provides an exception to the owner-on-board requirement (Options 7a and 7c), the limits on concentration of ownership (Provision 3) and ensuring that only US citizens own permits (Option 10a). Additionally, there are hardship exceptions to the owner-on-board provisions for health and other factors on which the permit office would likely be asked to advise the regional director.

In addition to permit administration, there would be administrative costs associated with the requirement that vessels provide 6 hours advance notice of their intent to land. A system would have to be established to receive, record and disseminate notices of intent to land.

3.3.15 Council Workload and Process

Stacking under a shortened sablefish season (Option 5b) would add to Council workload. As outlined in Option 5b, a tentative set of cumulative limits and season lengths would be identified, a period allowed for fishers to decide whether or not to stack permits, and then a final set of limits and season lengths would be specified. Under Option 5a (long seasons), there would be a single specification of cumulative limits and it would be generally assumed that all vessels would easily take their limits.

Complexities may arise with respect to the limit on number of transfers per year such that the Council may receive requests for additional modifications or exceptions to the limits. At a minimum, in the first year of the program, the Council may wish to loosen the restriction on number of permit transfers per year in order to provide all permit owners an equal opportunity to change their permit holdings and adjust to the new system.

If the IQ moratorium is lifted, there may be modifications needed to meet congressional criteria for new IQ programs (See Section 1.3). Additionally, it is likely that the Council will face requests to modify the system, for example, to make the tier limits separable from the permits and divisible, allow crew members and others to purchase the tier limits (quota shares) etc.

3.3.16 Benefit-Cost (Efficiency) Analysis

Capital Costs

The primary economic benefit expected from permit stacking would be through the reduction in capacity in the fishery (and hence a reduction in the long-term capital cost of harvest). The SSC report on capacity (Council, 2000b) notes that capacity reduction achieved through permit stacking can be expected to erode over the long term. This is particularly true for options such as Option 5b (a short sablefish season). Under Option 5b a modified derby would be maintained and those vessels not able to harvest their allocated cumulative limits in the allotted time would likely increase capital investment in order to do so. However, with the opportunity to stack permits, those vessels able to easily take the harvests allotted under their permits would be most likely to buy or lease permits to stack. Slower harvesters may sell or lease out their permits rather than undertake the investment needed to bring their operations up to full capacity, knowing that as they and others increase capacity the season would continue to shorten, increasing risks and the amount of investment required. Thus, under a continued short season with stacking, some future capital investment may be avoided as the industry transfers permits to realign harvest opportunity with existing harvest capacity.

In contrast, under Option 5a (long seasons) every vessel would likely have more than enough time to harvest their allotted sablefish limits, even after permits have been stacked. Reductions in capacity within the sablefish fishery are not likely to erode over time because there would be no incentive to increase capacity for the purpose of harvesting sablefish more rapidly. Profits in the sablefish fishery would be expected to increase for reasons discussed below, providing fishers the opportunity to increase investment in other fisheries, other sectors of the economy, or in consumer purchases.

Operation Costs

Given a longer fishery (Option 5a), vessel owners would have more opportunity to harvest sablefish at times or in manners that minimize their costs. For example, harvest costs may be reduced by using sablefish cumulative limits to retain bycatch in fisheries targeted on other stocks. Opportunity costs may be reduced by timing sablefish harvest to reduce conflict with other fishing opportunities (e.g. tuna or salmon).

Exvessel Value

The exvessel value of retained product may be increased by means such as improved handling of the product or by highgrading. Highgrading may have impacts that are either positive or negative in an economic and biological sense, depending on the accompanying discard mortality (see Section 3.2.1). For

example, there are locations where sablefish tend to be larger. By reducing competition on the grounds fishers may be able to increase the average size of fish caught, increasing the value per pound value without any discarding. Even if a fisher intends to highgrade on the deck (discard), the economic incentive is still to harvest in an area and at a time when the fish will be the largest. This contrasts with a derby situation where the primary incentive may be to set gear in an available location where the catch rate is likely to be highest.

Vessels may also receive higher exvessel prices for sablefish by being in a better position to negotiate price among a greater number of processors in different ports. This type of increase in "value" may represent more of a transfer of benefits between harvesting and processing sectors than an actual increase in net national benefits.

Processor Efficiency

The most significant problem for processors may be scheduling processing activities during a long sablefish season (Option 5b). Larger volume processors handling a relatively continuous flow of product from various fisheries may be able to process and ship sablefish that are delivered on a somewhat irregular schedule, absorbing the additional product into existing production schedules. For processors that must open a plant or bring on extra crew to handle large sablefish deliveries, variability in product flow and uncertainties about exact vessel delivery times may add to the expense of handling sablefish, as compared to the current abbreviated seasons (Option 5b).

As the large Japanese winter demand for sablefish continues to dominate the markets, processors may incur some additional storage costs if some sablefish are delivered in the spring (Option 5a). However, price signals will influence the timing of sablefish harvest. Processor demand will include considerations such as cold storage costs and any seasonal differences in flesh quality and average sizes. Harvester supply will take into account processor demand for sablefish as well as potential revenues in alternative fisheries at different times of year.

3.3.17 Effects on Other Fisheries

West Coast

The stacking of permits among fewer vessels will not change the capacity utilized in West Coast sablefish fishery but may reduce capacity available to target on other West Coast groundfish (Option 8a). To the degree stacking occurs, some vessels would be leave the West Coast groundfish fishery and may seek to increase effort in other West Coast fisheries. The amount of capacity transfer will depend on the amount of consolidation through stacking.

Adjacent Council Fisheries (Alaska Fisheries)

There is an inverse correlation between harvest in the West Coast fixed gear sablefish fishery and harvest in the Alaskan fishery with Alaska harvest dropping in August, when the West Coast fishery is usually in progress and then rebounding (Figure 2). This relationship could be the result of either a switch in harvesting effort from Alaska to the West Coast or a temporary decrease in processor demand in Alaska as a result of the increased availability of fish from the West Coast. Additional analysis of the vessels participating in the Alaska and West Coast fisheries would shed some light on this issue, however, West Coast analysts are not allowed to access individual vessel landings information for Alaskan fisheries.

4.0 Other Applicable Law

4.1 Regulatory Impact Review and Regulatory Flexibility Act Determination

In compliance with Executive Order (EO) 12866 and the Regulatory Flexibility Act (RFA), National Marine Fisheries Service (NMFS) requires the preparation of a Regulatory Impact Review (RIR) and analysis of impacts under the RFA for all regulatory actions or for significant policy changes that are of public interest.

4.1.1 Executive Order 12866

EO 12866, Regulatory Planning and Review, was signed on September 30, 1993 and established guidelines for promulgating new regulations and reviewing existing regulations. While the EO covers a variety of regulatory policy considerations, the benefits and costs of regulatory actions are a prominent concern. Section 1 of the order deals with the regulatory philosophy and principles that are to guide agency development of regulations. The regulatory philosophy stresses that, in deciding whether and how to regulate, agencies should assess all costs and benefits of all regulatory alternatives. In choosing among regulatory approaches, the philosophy is to choose those approaches that maximize net benefits to society.

The regulatory principles in EO 12866 emphasize careful identification of the problem to be addressed. The agency is to identify and assess alternatives to direct regulation, including economic incentives such as user fees or marketable permits, to encourage the desired behavior. When an agency determines that a regulation is the best available method of achieving the regulatory objective, it is to design its regulations in the most cost-effective manner to achieve the regulatory objective. Each agency is to assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify the costs. Each agency is to base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for and consequences of the intended regulation.

NMFS requires the preparation of an RIR for all regulatory actions of public interest, including those that either implement a new fishery management plan (FMP) or significantly amend an existing FMP or its implementing regulations. The RIR is part of the process of preparing and reviewing FMPs and provides a comprehensive review of the changes in net economic benefits to society associated with proposed regulatory actions. The analysis also provides a review of the problems and policy objectives prompting the regulatory proposals and an evaluation of the major alternatives that could be used to solve the problems. The purpose of the analysis is to ensure the regulatory agency systematically and comprehensively considers all available alternatives, so the public welfare can be enhanced in the most efficient and cost-effective way. The RIR addresses many of the items in the regulatory philosophy and principles of EO 12866.

EO 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be "significant." A "significant regulatory action" is one that is likely to (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this EO.

A regulatory program is "*economically significant*" if it is likely to result in the effects described in Item 1 above. The RIR is designed to provide information to determine whether the proposed regulation is likely to be "*economically significant*."

4.1.2 Impacts on Small Entities (Regulatory Flexibility Act)

The RIR is also designed to determine whether the proposed rule has a "significant economic impact on a substantial number of small entities"^{5/} under the RFA. The purpose of the RFA is to relieve small businesses, small organizations, and small governmental entities from burdensome regulations and record-keeping requirements. Major goals of the RFA are: (1) to increase agency awareness and understanding

5/ The Small Business Administration defines a small business in commercial fishing "as a fish harvesting or hatchery business that is independently owned and operated and not dominant in its field of operation" with "annual receipts not in excess of \$3,000,000."

of the impact of their regulations on small business, (2) to require that agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and the consideration of alternatives that may minimize the impacts while still achieving the stated objective of the action. An initial regulatory flexibility analysis (IRFA) is conducted unless it can be determined that an action will not have a "significant economic impact on a substantial number of small entities." For the plan and regulatory amendments that may be proposed here, information is not sufficient to determine that an IRFA is not necessary. The RFA specifically requires that an initial regulatory flexibility analysis include the following information:

- A description of the reasons why action by the agency is being considered;

See Section 1.2.

- A succinct statement of the objectives of, and the legal basis for, the proposed rule;

See Sections 1.0, and 1.3.

- A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply (including a profile of the industry divided into industry segments, if appropriate);

The proposed rules would apply to the owners of the 164 limited entry fixed gear sablefish permits issued for this fishery. Additionally, there may be a modification to regulations affecting holders of approximately 70 fixed gear permits that are not endorsed for sablefish (Provisions 8 and 9).

- A description of the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the type of professional skills necessary for preparation of the report or record;

All holders of fixed gear limited entry permits endorsed for sablefish would be required to submit on an annual basis full documentation of the ownership of their permits, including the identification of the ownership of all companies and parent companies that participate in the ownership of the permit. Permit buyers may be required to submit sales contracts including documentation of the ownership of all parties to the contract and the sales price of the permit. This provision would apply to those grandfathered into the fishery under the exception that allows entities other than individuals to own permits, if they owned permits prior to the implementation of this amendment. Individuals may be required to provide documentation of their US citizenship.

All holders of fixed gear limited entry permits endorsed for sablefish may be required to provide at least six hours advance notice of landing submit including a haul weight and the location of the landing.

When permits are stacked, part of the application for the stacking of a permit will require identification of a base permit.

If Option 5b is implemented (short seasons) permit owners intending to stack permits may have to submit an intent to stack declaration prior to a deadline to be established.

If an at-sea processing ban is implemented with an exception for vessels with pre-existing sablefish fishery capacity or history of freezing sablefish, there will be an application procedure required for vessels wishing to qualify under the exception.

The skills required for the submission of the above information should be held by anyone running a fish harvesting business.

- An identification to the extent practicable, of all relevant Federal rules that may duplicate, overlap or conflict with the proposed rule.

The recommendation of Option 5a would conflict with the Magnuson-Stevens Act moratorium on new individual quota programs (this moratorium is due to expire October 1, 2000). The Council is not aware of any other Federal rules that would duplicate or conflict with the permit stacking proposal.

- A description of any significant alternatives to the proposed rule that accomplish the stated objectives that would minimize any significant economic impact of the proposed rule on small entities.

The actions considered in this document may have significant impacts on small entities. Public comment is invited on adjustments that would reduce the impacts on small entities and on whether the analysis adequately takes impacts on small entities into account.

4.2 Coastal Zone Consistency

Section 307(c)(1) of the Federal Coastal Zone Management Act (CZMA) of 1972 requires all federal activities which directly affect the coastal zone be consistent with approved, state coastal zone management programs to the maximum extent practicable. The relationship of the groundfish FMP with the CZMA is discussed in Section 11.6.1 of the groundfish FMP. The groundfish FMP has been found to be consistent with the Washington, Oregon, and California coastal zone management programs. The recommended action is consistent and within the scope of the actions contemplated under the framework FMP. The recommended action will conserve and maintain the sablefish resource. The action is consistent to the maximum extent practicable with the coastal zone management programs of Washington, Oregon, and California, within the meaning of Section 307(c)(1) of the CZMA and its implementing regulations. This determination will be submitted to the responsible state agencies for their review.

Under the CZMA, each state develops its own coastal zone management program which is then submitted for federal approval. This has resulted in programs which vary widely from one state to the next. The following is a review of the fishery relevant consistency criteria used in federal consistency determinations by each state.

Washington

Consistency with the Washington Coastal Zone Management Program requires compliance with the Washington Shoreline Management Act, the state and federal clean water acts, and the State Environmental Policy Act or National Environmental Policy Act (NEPA). Compliance with the Washington Shoreline Management Act requires consistency with the master plans for the affected coastal counties. The fishery activities covered in this action fall in the exempt category for the coastal county master plans. The proposed action has no water quality implications, meets the requirements of the NEPA, and was developed in consultation with the Washington Department of Fish and Wildlife.

Oregon

General Goals and Requirements

Federal fishery management decisions are reviewed against Oregon's statewide planning Goal 19 for ocean resources and the applicable requirements of the Oregon Territorial Sea Plan.

Goal 19: Ocean Resources: "To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf. All local, state, and federal plans, policies, projects, and activities which affect the territorial sea shall be developed, managed and conducted to maintain, and where appropriate, enhance and restore, the long-term benefits derived from the nearshore oceanic resources of Oregon. Since renewable ocean resources and uses, such as food production, water quality, navigation, recreation, and aesthetic enjoyment, will provide greater long-term benefits than will nonrenewable resources, such plans and activities shall give clear priority to the proper management and protection of renewable resources."

Oregon Territorial Sea Plan: "The principal focus of the Territorial Sea Plan is conservation and protection of marine habitat through clear procedures and standards for decision making." While the plan is not intended to be an ocean-fisheries management plan, marine habitat conservation and protection considerations may affect federal ocean-fisheries management decisions.

Specific Requirements of Goal 19 and the Territorial Sea Plan

Resource Inventory/Effects Evaluation: Prior to any decisions to approve or implement an action that will potentially affect the state's territorial sea, a resource inventory and effects evaluation is required. The inventory and effects evaluation must be sufficient to understand the short-term and long-term impacts of the proposed activity on resources and uses of the continental shelf and nearshore ocean. Inventory and evaluation content standards are listed in the Territorial Sea Plan (p. 44-47).

For **Fishery Resources**, the ocean policy goals are to:

- Develop scientific information on the stocks and life histories of commercial, recreational, and ecologically important species of fish, shellfish, marine mammals and other marine fauna.
- Designate and enforce fishing regulations to maintain the optimum sustainable yield while protecting the natural marine ecosystem.
- Develop and promote improved fishing practices and equipment to achieve the optimum sustainable yield while protecting the natural marine ecosystem.
- Develop a better scientific understanding of the effects of man's activities on the marine ecosystem.
- Encourage, where appropriate and in keeping with sound practices for conservation of ocean resources, the exploitation of unutilized and underutilized fish species.

For **Biological Habitat**, the ocean policy goals are to:

- Identify and protect areas of important biological habitat, including kelp and other algae beds, seagrass beds, rock reef areas and areas of important fish, shellfish and invertebrate concentration.
- Identify and protect important feeding areas; spawning areas; nurseries; migration routes; and other biologically important areas of marine mammals, marine birds, and commercial and recreational important fish and shellfish.
- Protect the integrity of the marine ecosystem, including its natural biological productivity and diversity.

Permits or other approvals for actions potentially affecting ocean resources should:

- Designate any areas where certain activities will be prohibited.
- Specify methods and equipment to be used and standards to be met.
- Be available for public review and comment before issuance. Agencies and governments which use or manage ocean resources should also be consulted.

California

The following are the standards related to fishery harvest by which consistency with the California Coastal Zone Management Program is generally determined. Section references are to the California Coastal Act.

Section 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30234.5: The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

4.3 Marine Mammal Protection Act (MMPA)

Section 118 of the MMPA requires that NMFS publish, at least annually, a list of fisheries placing all U.S. commercial fisheries into one of three categories describing the level of incidental serious injury and mortality of marine mammals in each fishery. Definitions of the fishery classification criteria for Categories I, II, and III fisheries are found in the implementing regulations for section 118 of the MMPA (50 CFR part 229.) Pacific Coast groundfish fisheries are considered Category III fisheries, where the annual mortality and serious injury of a stock by the fishery is less than or equal to 1 percent of the PBR level.

Under the MMPA, marine mammals whose abundance falls below the optimum sustainable population level (usually regarded as 60% of carrying capacity or maximum population size) can be listed as "depleted". Populations listed as threatened or endangered under the ESA are automatically depleted under the terms of the MMPA. Currently the Stellar sea lion population off Washington, Oregon, and California is listed as threatened under the ESA and the fur seal population is listed as depleted under the MMPA. Incidental takes of these species in the Pacific coast fisheries are well under their annual Potential Biological Removal (PBR) levels. None of the alternatives under any of the issues discussed above are likely to affect the incidental mortality levels of species protected under the MMPA.

4.4 Seabirds

Human activities affect seabirds through direct mortality from: 1) collisions with vessels, 2) entanglement with fishing gear, 3) entanglement with discarded plastics and other debris, and 4) shooting. Indirect effects include: 1) competition with fisheries for food, 2) alteration of the food web dynamics due to commercial and recreational removals, 3) disruption of avian feeding habits resulting from dependency on fish wastes, 4) fish-waste related increases in gull populations that prey on other bird species, and marine pollution and changes in water quality (NMFS 1997).

Seabirds are caught incidentally to all types of fishing operations, but the vulnerability of bird species to gear types differ with feeding ecology. Fishing gear used in the groundfish fishery includes trawl, hook-and-line, pot, and setnet. Hook-and-line gear occasionally catches surface-feeding seabirds that are attempting to capture bait as the line is being set; some birds are caught on hooks and drown. Trawl gear appears to catch surface-feeding and diving birds that are feeding and scavenging while the net is being hauled. Pot gear does not commonly catch birds, though rare reports of dead diving and surface-feeding birds exist in pot gear. Setnet gear, which is legal only in southern California waters, has documented effects on seabirds as well (Wohl, 1998.) None of the alternatives under any of the issues discussed above are likely to affect the incidental mortality of seabirds.

4.5 Paperwork Reduction Act

The major purposes of the Paperwork Reduction Act (PRA) of 1980 are to (1) minimize the federal paperwork burden for individuals, small businesses, state, and local governments; (2) minimize the cost to the federal government of collecting, maintaining, using, and disseminating information; and (3) ensure the collection, maintenance, use, and dissemination of information by the federal government is consistent with applicable laws relating to confidentiality. A PRA analysis and Office of Management and Budget authorization may be required for several aspects of the permit stacking program including, declaration of a base permits (Provision 2), submission of ownership information on an annual basis (Provision 3), qualifying for at-sea processing (Provision 6), qualifying for and maintaining exemptions from individual-owner and owner-on-board requirements through the submission of ownership information (Provision 7, information requirements similar to Provision 3), demonstration of US citizenship (Provision 10) and declarations of intent to stack (Provision 12). The number of individuals businesses affected is expected to be about 136 at any one time (there are 164 limited entry fixed gear sablefish permits however, 47 are held by 19 companies/individuals that each own more than one permit).

4.6 Federalism

Executive Order 12612 contains nine fundamental federalism principles to which executive agencies must adhere in formulating and implementing policies having federalism implications. No federalism issues have been identified relative to the options in this document. The affected states have been closely involved in developing the options considered, and the principle state officials responsible for fisheries management in their respective states have not expressed federalism-related opposition to the options. Preparation of a federalism assessment under Executive Order 12612 is not warranted.

4.7 National Environmental Policy Act

4.7.1 General

The discussion of the need for action, alternatives, and their environmental impacts are contained in Sections 1, and 3 of this document. A description of the affected environment is contained in Section 2.

The implementation of a permit stacking program would not be a major action having significant impact on the quality of the marine or human environment of the West Coast.

Mitigating measures related to a tiered system would be unnecessary. No unavoidable, adverse impacts on protected species, wetlands, or the marine environment would be expected to result from the recommended action.

4.7.2 Finding of no Significant Environmental Impact

The recommended action would alter the current implementation of the groundfish FMP by allowing fixed gear sablefish permits to be stacked for the primary limited entry sablefish fishery. The options being considered are described in detail in Section 1.

Section 1508.27 of the CEQ Regulations lists ten points to be considered in determining whether or not impacts are significant.

Beneficial and Adverse Impacts

There would be beneficial and adverse impacts from limited entry fixed gear permit stacking. The impacts are described in Section 3.

Public Health or Safety

Limited entry fixed gear permit stacking would not be expected to have any significant adverse impact on public health or safety. There may be substantial vessel safety benefits if seasons can be lengthened (see Section 3.3.5).

Unique Characteristics

Limited entry fixed gear permit stacking would not be expected to have any significant adverse impact on unique characteristics of the area such as historic or cultural resources, park lands, wetlands, or ecologically critical areas.

Controversial Effects

Limited entry fixed gear permit stacking is not expected to involve significant controversial issues for the broader public. Among participants in the fleet, there may be some controversy if the season is lengthened as some participants may experience a reduction in their cumulative limits of about 20% and a decrease in their access to harvest under the daily trip limit fishery.

Uncertainty or Unique/Unknown Risks

Limited entry fixed gear permit stacking would not be expected to have any significant effects on the human environment that are highly uncertain or involve unique or unknown risks.

Precedent/Principle Setting

Limited entry fixed gear permit stacking would not be expected to have any significant effects in establishing a precedent and does not include actions which would represent a decision in principle about a future consideration. Section 14.1.4 of the license limitation program will continue to apply. This section states:

Groundfish limited entry permits and endorsements confer a right to participate in the West Coast groundfish fishery with a limited entry gear in accordance with the limited entry system established under the groundfish FMP as modified by this chapter of the FMP (created under Amendment 6) or any future amendment which may modify or even abolish the limited entry system. The permits and endorsements are also subject to sanctions including revocation, as provided by the M-S ACT, 16 U.S.C. at 1858(g), and 15 C.F.R. Part 904, Subpart D.

Relationship/Cumulative Impact

Limited entry fixed gear permit stacking would not be expected to have any significant cumulative impacts that could have a substantial adverse effect on the sablefish resource or any related resource (see Section 3.2).

Historical/Cultural Impacts

Limited entry fixed gear permit stacking would not be expected to have any significant effects on historical sites listed in the National Register of Historic Places and will not result in any significant impacts on significant scientific, cultural, or historic resources.

Endangered/Threatened Impacts

Limited entry fixed gear permit stacking would not be expected to adversely affect any endangered or threatened species or marine mammal population (see Section 6.3).

Interaction with Existing Laws for Habitat Protection

Limited entry fixed gear permit stacking would not be expected to have any significant interaction which might threaten a violation of Federal, state, or local law or requirements imposed for the protection of the environment.

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TABLE 1. Potential concentration of harvest by number of stacked permits for each tier level.

| TABLE 1. Potential concentration of harvest by number of stacked permits for each tier level. | | | | | | | | |
|--|---------------|-----------------------------------|------|------|------|------|-------|-------|
| | | Number of Permits Stacked (Owned) | | | | | | |
| Tier Levels | Total Permits | 1 | 2 | 3 | 4 | 5 | 7 | 13 |
| Concentration of Harvest Opportunity with Extended Season | | | | | | | | |
| 1 | 27 | 1.4% | 2.8% | 4.2% | 5.6% | 7.0% | 9.8% | 18.2% |
| 2 | 43 | 0.6% | 1.3% | 1.9% | 2.6% | 3.2% | 4.5% | 8.3% |
| 3 | 94 | 0.4% | 0.7% | 1.1% | 1.5% | 1.8% | 2.6% | 4.8% |
| Concentration of Harvest Opportunity with Short Season
(Potential Harvest = 125% of Allocation) | | | | | | | | |
| 1 | 27 | 1.8% | 3.5% | 5.3% | 7.0% | 8.8% | 12.3% | 22.8% |
| 2 | 43 | 0.8% | 1.6% | 2.4% | 3.2% | 4.0% | 5.6% | 10.4% |
| 3 | 94 | 0.5% | 0.9% | 1.4% | 1.8% | 2.3% | 3.2% | 5.9% |

TABLE 2. Number of owners with multiple permits and the tier levels associated with the permits (based on review of permit owners listed addresses).

| Number of Owners | Cumulative Number of Owners | Tier Levels | | | Number of Permits Per Owner | Percent of Total Harvest | | |
|------------------|-----------------------------|-------------|--------|--------|-----------------------------|--------------------------|-------------|------------------------|
| | | Tier 1 | Tier 2 | Tier 3 | | Per Owner | For the Row | Cumulative Row Percent |
| 1 | 1 | 3 | 1 | 1 | 5 | 5.2% | 5.2% | 5.2% |
| 1 | 2 | 2 | 1 | | 3 | 3.5% | 3.5% | 8.7% |
| 1 | 3 | 2 | | | 2 | 2.8% | 2.8% | 11.5% |
| 1 | 4 | 1 | 1 | 3 | 5 | 3.1% | 3.1% | 14.7% |
| 5 | 9 | 1 | 1 | | 2 | 2.0% | 10.2% | 24.9% |
| 1 | 10 | 1 | | 2 | 3 | 2.1% | 2.1% | 27.0% |
| 1 | 11 | | 2 | | 2 | 1.3% | 1.3% | 28.3% |
| 2 | 13 | | 1 | 1 | 2 | 1.0% | 2.0% | 30.3% |
| 1 | 14 | | | 3 | 3 | 1.1% | 1.1% | 31.4% |
| 5 | 19 | | | 2 | 2 | 0.7% | 3.7% | 35.1% |

Note: Percents with no overhead (assumes an extended season, percents would be higher with a shortened season).

TABLE 3. Amounts of 1996 fixed gear sablefish catch by condition and size category for the daily-trip-limit, derby, and mop-up fishery.^{a/}

| | Daily-Trip-Limit | Derby | Mop-Up |
|---|------------------|-------|--------|
| Dressed Condition | | | |
| (percent of all dressed condition fish, excluding unspecified size) | | | |
| Large | 7% | 3% | 8% |
| Medium | 27% | 20% | 27% |
| Small | 64% | 57% | 54% |
| Extra-Small | 3% | 20% | 10% |
| Pounds of Dressed Condition and Specified Size | 237 | 2,077 | 244 |
| Unspecified Size as a Percent of Total Dressed Pounds | 4% | 3% | 4% |
| Round Condition | | | |
| (percent of all round condition fish, excluding unspecified size) | | | |
| Large | 39% | 1% | 17% |
| Medium | 26% | 3% | 50% |
| Small | 29% | 91% | 33% |
| Extra-Small | 6% | 4% | 0% |
| Pounds of Round Condition and Specified Size | 31 | 143 | 18 |
| Unspecified Size as a Percent of Total Round Pounds | 49% | 85% | 68% |
| Unspecified Condition | | | |
| (percent of all unspecified condition fish, excluding unspecified size) | | | |
| Large | 15% | 16% | 0% |
| Medium | 54% | 71% | 83% |
| Small | 31% | 13% | 17% |
| Pounds of Unspecified Condition and Specified Size | 123 | 408 | 53 |
| Unspecified Size as a Percent of Total Unspecified Condition Pounds | 70% | 60% | 64% |
| Dressed, Round, and Unspecified Combined | | | |
| Pounds | | | |
| Large and Medium | 184 | 830 | 143 |
| Small and Extra-Small | 190 | 1,798 | 172 |
| Percent of Total (excluding unspecified sizes) | | | |
| Large and Medium | 49% | 32% | 45% |
| Small and Extra-Small | 51% | 68% | 55% |

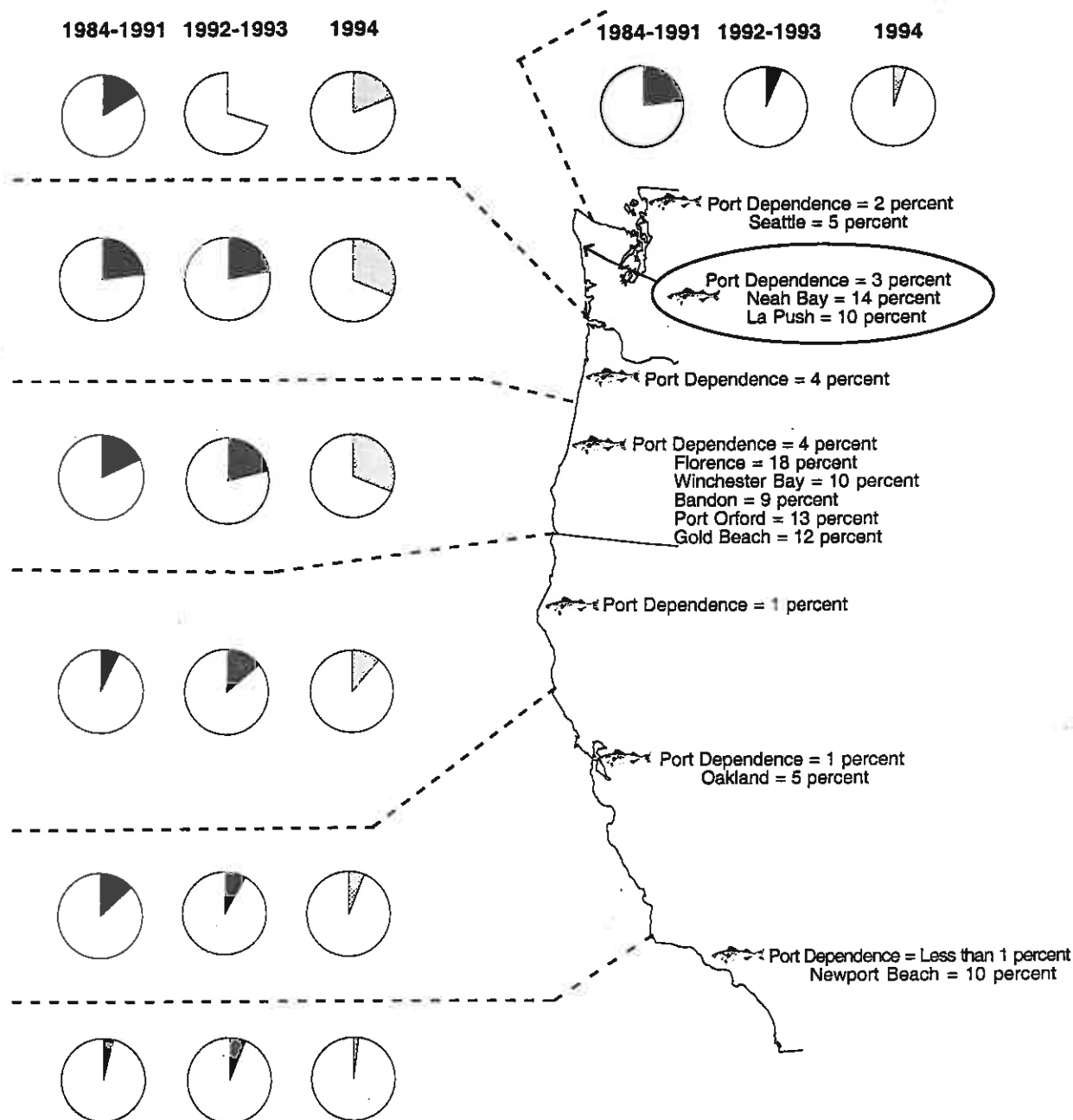
a/ All poundage are expressed in round pound equivalents.

TABLE 4. Distribution of 1996 longline sablefish landings by season and the percentage of total pounds in the landing contributed by sablefish (includes Conception area).

| Fishery/Groups Based
on Percent of Weight
From Sablefish | Number of
Landings | Percent
Sablefish | Total
Sablefish
Poundage | Total
Nonsablefish
Pounds | Total
Poundage | Percent
Nonsablefish |
|--|-----------------------|----------------------|--------------------------------|---------------------------------|-------------------|-------------------------|
| Daily Limit | | | | | | |
| 0-10 | 521 | 5.0 | 108,931 | 2,064,015 | 2,172,946 | 95.0 |
| 10-30 | 677 | 17.5 | 157,036 | 742,458 | 899,494 | 82.5 |
| 30-40 | 252 | 34.9 | 56,155 | 104,975 | 161,130 | 65.1 |
| 40-50 | 292 | 44.8 | 69,710 | 85,816 | 155,526 | 55.2 |
| 50-60 | 302 | 55.0 | 72,427 | 59,152 | 131,579 | 45.0 |
| 60-70 | 327 | 65.0 | 79,088 | 42,605 | 121,693 | 35.0 |
| 70-80 | 386 | 74.8 | 92,272 | 31,043 | 123,315 | 25.2 |
| 80-90 | 363 | 84.7 | 92,414 | 16,699 | 109,113 | 15.3 |
| 90-95 | 175 | 93.0 | 73,714 | 5,518 | 79,232 | 7.0 |
| 95-100 | 860 | 98.9 | 284,341 | 3,139 | 287,480 | 1.1 |
| Total | 4,155 | 25.6 | 1,086,089 | 3,155,419 | 4,241,508 | 74.4 |
| Derby | | | | | | |
| 0-10 | 2 | 2.4 | 423 | 17,334 | 17,757 | 97.6 |
| 10-30 | 3 | 20.2 | 497 | 1,967 | 2,464 | 79.8 |
| 30-40 | 0 | - | 0 | 0 | 0 | - |
| 40-50 | 4 | 41.6 | 987 | 1,386 | 2,373 | 58.4 |
| 50-60 | 2 | 55.9 | 1,566 | 1,233 | 2,799 | 44.1 |
| 60-70 | 6 | 62.6 | 4,791 | 2,860 | 7,651 | 37.4 |
| 70-80 | 10 | 74.7 | 30,274 | 10,266 | 40,540 | 25.3 |
| 80-90 | 53 | 87.1 | 462,644 | 68,442 | 531,086 | 12.9 |
| 90-95 | 52 | 93.3 | 663,201 | 47,989 | 711,190 | 6.7 |
| 95-100 | 181 | 97.9 | 2,000,715 | 43,774 | 2,044,489 | 2.1 |
| Total | 313 | 94.2 | 3,165,098 | 195,250 | 3,360,348 | 5.8 |
| Mop-up | | | | | | |
| 0-10 | 6 | 0.9 | 183 | 21,026 | 21,209 | 99.1 |
| 10-30 | 22 | 22.6 | 6,338 | 21,666 | 28,004 | 77.4 |
| 30-40 | 19 | 35.3 | 15,192 | 27,901 | 43,093 | 64.7 |
| 40-50 | 11 | 45.3 | 9,577 | 11,558 | 21,135 | 54.7 |
| 50-60 | 12 | 56.1 | 13,168 | 10,297 | 23,465 | 43.9 |
| 60-70 | 19 | 64.9 | 12,162 | 6,583 | 18,745 | 35.1 |
| 70-80 | 35 | 76.8 | 44,505 | 13,467 | 57,972 | 23.2 |
| 80-90 | 30 | 86.6 | 61,702 | 9,583 | 71,285 | 13.4 |
| 90-95 | 29 | 92.5 | 67,958 | 5,479 | 73,437 | 7.5 |
| 95-100 | 89 | 98.8 | 178,051 | 2,200 | 180,251 | 1.2 |
| Total | 272 | 75.9 | 408,836 | 129,760 | 538,596 | 24.1 |

TABLE 5. Amounts of 1996 limited entry fixed gear sablefish catch, by condition category for the daily-trip-limit, derby, and mop-up fishery.

| | Daily-Trip-Limit | Derby | Mop-Up |
|---|------------------|---------------------|--------|
| Total Pounds Landed, by Condition Category | | Thousands of Pounds | |
| Dressed | 248 | 2,150 | 254 |
| Round | 80 | 970 | 57 |
| Unspecified | 496 | 1,016 | 148 |
| Total | 824 | 4,136 | 459 |
| Portion of Specified Condition Pounds Landed, by Condition Category | | Portions | |
| Dressed | 0.76 | 0.69 | 0.82 |
| Round | 0.24 | 0.31 | 0.18 |
| Portion of Total Pounds Landed, by Condition Category | | | |
| Dressed | 0.30 | 0.52 | 0.33 |
| Round | 0.10 | 0.23 | 0.70 |
| Unspecified | 0.60 | 0.25 | 0.60 |



The dependence percentages are based on total shoreside landings of marine and anadromous fish and do not take into account fish transported to the area which were reported as being landed in other areas, e.g., Alaska landings transported to Seattle.



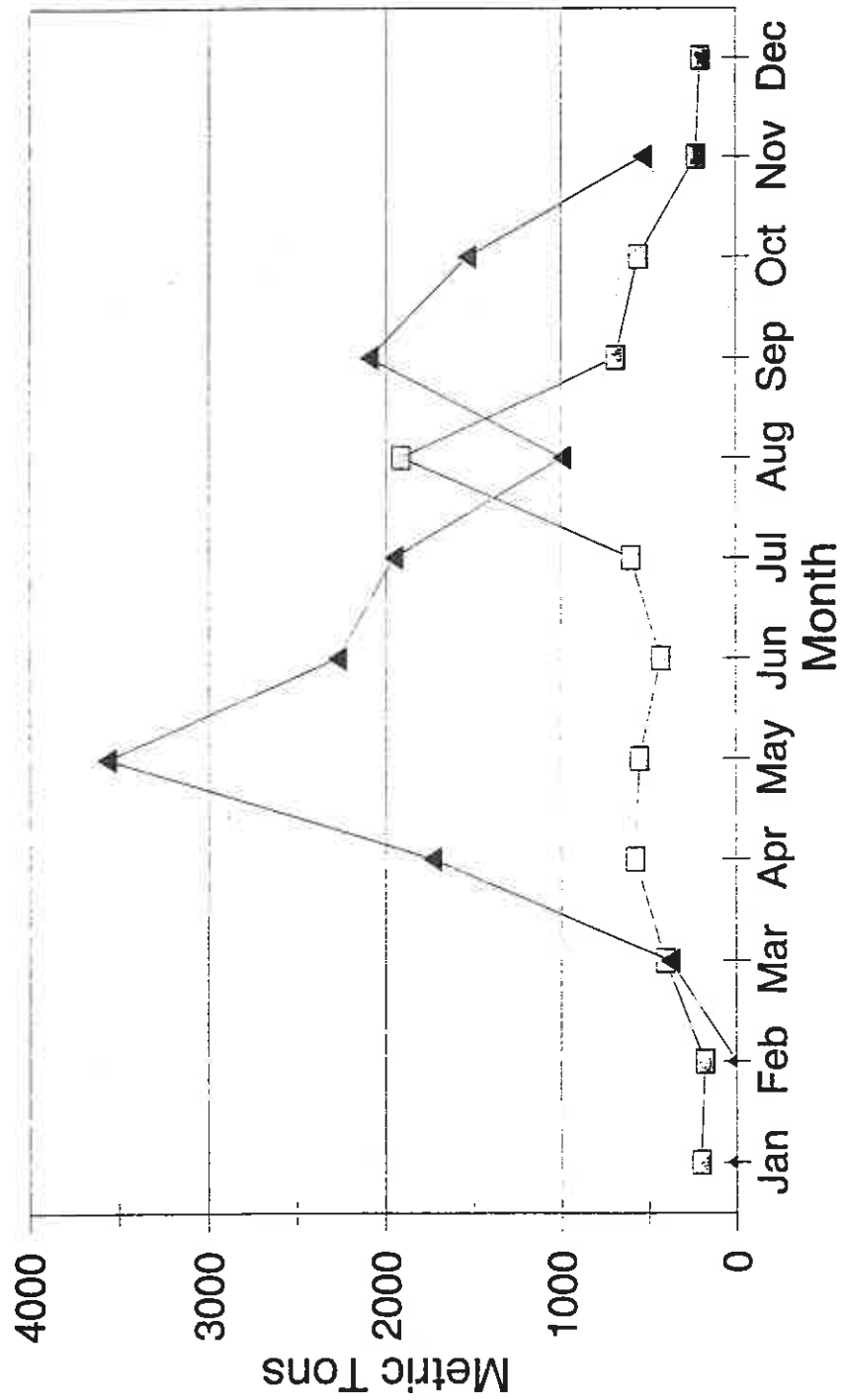
Similarly shaded areas indicate the relative shares of total pounds of West Coast ocean non-Indian fishpot and line gear sablefish harvest landed in each area for the indicated time period.



Port Dependence = non-Indian fishpot and line gear sablefish exvessel revenue as a percentage of the exvessel revenue of all fish landed in all fishpot and line gear sablefish ports in the area (1984-1993 average). Individual ports for which this value is greater than 5 percent are listed separately.

FIGURE 1. Fishpot and line gear sablefish landings by geographic distribution and port dependence.

Figure 2. Fixed gear sablefish landings (average for 1997-1999).



■ West Coast ▲ Alaska

APPENDIX A

Supplemental GMT Report D.15.
June 2000

PRELIMINARY EVALUATION OF THE EFFECTS OF PERMIT STACKING ON SEASON LENGTH AND LIMITS IN THE THREE-TIERED, LIMITED ENTRY, FIXED GEAR FISHERY FOR SABLEFISH

Prepared by Dr. James Hastie
of the National Marine Fisheries Service Northwest Fisheries Science Center

The draft version of the Strategic Plan presented to the Council at this meeting identifies the development of a voluntary stacking program for the three-tiered sablefish fishery as a high priority. In support of that discussion, this document summarizes the results of a modeling exercise intended to provide insight into the changes in season length and cumulative limits that would be required to maintain the desired level of "overhead" in the fishery. As such, this analysis is predicated on the assumption that the moratorium on new IQ programs remains in force.

If the moratorium were to lapse in 2000, a season length of at least two months would be anticipated in 2001. Since season length would be far less constraining under those circumstances, the number of permits that might reasonably be used for stacking would be higher and the distribution of stacked permits would be quite different than portrayed in this analysis. Without the need for overhead, cumulative limits would fall to the point where the cumulative limits times the number of endorsed permits in each tier equaled the target poundage for the fishery. Given the current target, the Tier 1 limit would be 66,510 pounds, with limits for Tiers 2 and 3 roughly 30,000 pounds and 17,000 pounds, respectively. A conservative expansion of the currently estimated permit catching capacities to reflect a 2-month season suggests that at least 62 permits could catch at least 200,000 pounds--about three Tier-1 limits--in that amount of time. Of course, this represents the ability of these 62 permits to catch the equivalent of 186 Tier-1 limits, and there are only 164 sablefish-endorsed permits, and just 27 of those are Tier 1. Given this circumstance, the ultimate disposition of stacked permits in a two-month fishery without overhead considerations would be highly uncertain.

In the modeling scenario developed for this analysis, 30 permits are assumed to be stacked in a fishery with the same target poundage as in 2000. The primary criterion used in determining which permits would add an additional permit was the poundage difference between the estimated catching capacity of the permit and the amount of its current cumulative limit. The degree to which that catching capacity has actually be utilized in recent fisheries was also considered. Determining which permits would be included in the group providing the stacked permits was more complicated. Factors included in developing a ranking permits according to their likelihood of being stacked included 1) the difference between a permit's current limit and its projected landings; 2) the difference between a permit's current limit and its recent sablefish landings; 3) the value of its sablefish limit poundage relative to recent earnings from other groundfish and non-groundfish species; and 4) ownership of multiple permits and whether any such permits are currently leased.

To simplify the modeling, no more than one permit was stacked on any other, and the original permit attached to a vessel was always retained by that vessel if it remained in the fishery. In other words, a vessel currently having a Tier-2 permit was only evaluated with regard to adding another permit, not with regard to selling it and buying two Tier-3 permits. The analysis does not evaluate how many permits would be stacked if the opportunity were available. No consideration of the cost of obtaining permits or the effects of doing so on vessel profitability was included. Permits selected to add another permit were assigned a permit from a tier having a limit poundage that was less than, or near, the estimated difference between their catching capacities and existing limit poundages.

The number of 30 stacked permits was selected, during the evaluations described above, because it did not appear that many more permits would have an ability to make full use of an additional limit, given the time constraints placed on the fishery. Therefore, 30 probably represents a reasonable estimate of the largest number of permits that would be stacked under a voluntary program subject to existing overhead

considerations. Uncertainties regarding the limit poundage that would be realized through stacking, as well as the time that would be available to catch it, could discourage some potential stackers from doing so. Additionally, market conditions might be such that the expected financial benefits from stacking would not exceed the costs of permit acquisition for many vessels that have the physical capability of landing additional limits. Because those who acquire additional permits to stack will be buying permits conveying access to a suite of groundfish species--not just sablefish--the status of rockfish allocation, fixed gear rockfish endorsements, changes in groundfish limits for 2001 (and beyond), and the ability to obtain higher rockfish limits through stacking will also affect the willingness of individuals to purchase permits for stacking. On the basis of current ownership of multiple permits and permits that have few or no landings in recent fisheries, a reasonable estimate for the minimum number of stacked permits would be in the 7-10 range.

Table 1 provides a summary of permit shifts used in this scenario. The pool of 30 stacked permits is drawn from all three tiers: three from Tier 1, nine from Tier 2, and 18 from Tier 3. This represents about 11% of the Tier-1 permits, and about 20% of the permits in each of the other tiers. The stacked Tier-1 permits were distributed to one permit in each of the three tiers. Of the 9 stacked Tier-2 permits, three went to Tier-1 permits, two to Tier-2 permits, and four to Tier-3 permits. Of the 18 stacked Tier-3 permits, three were assigned to Tier-1 permits, seven to Tier-2 permits and eight to Tier-3 permits.

Each of the two models used to provide recommendations for the 2000 fishery (Attachment D.6.a.) was used to project limit size and season length under this assumed distribution of permits. Table 2 summarizes the overhead results using these model configurations, with the addition of stacking. Also, the last row shown for each model indicates the estimated amount of overhead if this stacked fleet were provided with the season length and limits recommended for the 2000 fishery (with that model). The right-hand columns illustrate the difference in the contribution to estimated overhead between the group of permits fishing a single limit and those fishing two.

Table 3 provides a more detailed summary of limit amounts, season lengths and overhead for the two model configurations. For each case, the 2000 model results without stacking are provided first, for comparative purposes. With stacking, an 8-day fishery, under Model 1, would meet the worst-case overhead goal of exceeding 15%, however the expected overhead is slightly below the current minimum target of 25%. As a result, both models indicate that in order to meet both overhead standards, the fishery would need to be constrained to seven days. This would represent a reduction of two days from the 2000 Model-1 recommendation and one day from the Model-2 recommendation. Due to the greater reduction in length under Model 1, the limits available for a seven-day fishery with 30 stacked permits would be about 6% higher than recommended for a nine-day fishery in 2000. Because the eight-day scenario is so close to achieving the overhead objectives, reduction of another full day produces much higher overhead than necessary (41%). Projected limits for seven days under the more conservative Model 2 are lower than the Model-2 recommendations for 2000, but the estimated overhead is closer to the minimum standards.

Assuming that sufficient overhead will continue to be a concern, the difference between these results and projections for the 2000 fishery underscores the need for a management structure which will allow final parameters for the fishery to be determined after a deadline has passed marking the close of permit stacking that can be utilized during that year's fishery.

TABLE 1. Distribution of three-tiered sablefish endorsements in the hypothetical modeling of 30 stacked permits.

| | Original tier assignment | | | Total |
|---|--------------------------|----|----|-------|
| | 1 | 2 | 3 | |
| # of Tier 1 endorsements after stacking | 25 | 1 | 1 | 27 |
| # of Tier 2 endorsements after stacking | 3 | 36 | 4 | 43 |
| # of Tier 3 endorsements after stacking | 3 | 7 | 84 | 94 |
| Total endorsements after stacking | 31 | 44 | 89 | 164 |
| # of stacked permits | 3 | 9 | 18 | 30 |
| Tier 1 only | 17 | | | 17 |
| Tier 2 only | | 24 | | 24 |
| Tier 3 only | | | 63 | 63 |
| Tier 1+1 | 1 | | | 1 |
| Tier 1+2 | 3 | 1 | | 4 |
| Tier 1+3 | 3 | | 1 | 4 |
| Tier 2+2 | | 2 | | 2 |
| Tier 2+3 | | 7 | 4 | 11 |
| Tier 3+3 | | | 8 | 8 |

TABLE 2. Comparison of estimated overhead for the entire fleet with values for vessels stacking permits or fishing a single permit in the hypothetical stacking scenario.

| | Fleet Overhead | Overhead among Vessels With: | |
|------------------------|----------------|------------------------------|----------------|
| | | Stacked Permits | Single Permits |
| Model 1 configuration | | | |
| 8 days | 22% | 9% | 33% |
| 7 days | 41% | 18% | 61% |
| 9 days and 2000 limits | 19% | 8% | 26% |
| Model 2 configuration | | | |
| 7 days | 30% | 10% | 46% |
| 8 days and 2000 limits | 25% | 8% | 38% |

TABLE 3.--Comparison of recommendations for the duration and cumulative limits for the 2000 primary fishery with projections for a fishery in which 30 underutilized permits were stacked.

| | Tier 1 | Tier 2 | Tier 3 | Total | Worst Case
(1-day differential) |
|---|--------|--------|--------|-----------|------------------------------------|
| # of permits | 27 | 43 | 94 | | |
| Model 1: (less conservative) | | | | | |
| with a general landings reduction of 1% and landings reductions for permits not fishing in [1999:1998:1997] of (30%:20%:10%) and/or landings reductions for achieving less than [50%:70%] of their available 1999 limit (20%:10%) | | | | | |
| Tier-specific capacity reductions | 2% | 13% | 33% | | |
| Model results for the 2000 fishery | | | | | |
| Duration | | | | 9 days | |
| Cumulative Limit | 81,278 | 36,731 | 21,101 | 5,757,435 | 5,757,435 |
| Expected landings | 68,009 | 29,664 | 14,774 | 4,500,524 | 4,711,315 |
| Overhead | 20% | 24% | 43% | 28% | 22% |
| Model results with 30 stacked permits | | | | | |
| Duration | | | | 8 days | |
| Cumulative Limit | 77,753 | 35,139 | 20,186 | 5,507,774 | 5,507,774 |
| Expected landings | | | | 4,496,899 | 4,711,315 |
| Overhead | | | | 22% | 17% |
| Duration | | | | 7 days | |
| Cumulative Limit | 86,054 | 38,890 | 22,341 | 6,095,734 | 6,095,734 |
| Expected landings | | | | 4,309,769 | 4,711,315 |
| Overhead | | | | 41% | 29% |
| Model 2: (more conservative) | | | | | |
| with a general landings reduction of 2% but smaller landings reductions for permits not fishing in [1999:1998:1997] of (20%:10%:10%) | | | | | |
| Tier-specific capacity reductions | 4% | 15% | 35% | | |
| Model results for the 2000 fishery | | | | | |
| Duration | | | | 8 days | |
| Cumulative Limit | 85,712 | 38,735 | 22,252 | 6,071,510 | 6,071,510 |
| Expected landings | 64,706 | 29,083 | 14,817 | 4,390,424 | 4,711,315 |
| Overhead | 32% | 33% | 50% | 38% | 29% |
| Model results with 30 stacked permits | | | | | |
| Duration | | | | 7 days | |
| Cumulative Limit | 80,095 | 36,197 | 20,794 | 5,673,622 | 5,673,622 |
| Expected landings | | | | 4,355,905 | 4,711,315 |
| Overhead | | | | 30% | 20% |

APPENDIX B

Needed Changes to Groundfish FMP

This appendix outlines changes to the FMP text that would be needed to implement those aspects of the stacking alternative that would require an FMP amendment (see Section 1.6). Text to be added is highlighted in bold italics and text to be deleted is struck through.

Existing FMP Language Authorizing Permit Stacking

Section 14.2.4 of the FMP authorizes the stacking of permits and reads as follows (bolded text added as part of Amendment 13):

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a U.S. fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit. (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)
2. Ownership of a permit will be considered to change when there is an ownership change on U.S. Coast Guard documents, however, an owner can submit documents to demonstrate that the controlling interest has not changed and therefore the change in documentation is not a change in ownership.
3. **An entity qualified to hold an LE permit may hold more than one LE permit. If the Council authorizes a LE permit stacking program, in which a vessel could use more than one permit simultaneously, each LE fishery participant would be required to hold at least one LE "base" permit. An LE base permit is the initial permit necessary to participate in the LE fishery, and subject to all of the requirements described herein for LE permit ownership qualifications, and gear and length endorsements. Requirements and additional priorities for permits "stacked" on to base permits may be authorized in a federal rulemaking.**

Any Provision 2 Stacking Option Combined with Option 4a of the Stacking Alternative

Section 14.2.4 gives the Council the authority to create a permit stacking program, however, Provision 2 of the stacking alternative specifies that where a trawl endorsement is involved in permit stacking (i.e. a permit has both a trawl endorsement and at least one fixed gear endorsement), if permits can be unstacked (Option 4a), the downsizing requirement for trawl permits will be waived. The following are the changes to the FMP needed to implement any Provision 2 option combined with Option 4a.

14.2.7 Size Endorsement Will Specify the Vessel Length

The LE permit will be endorsed with the length overall (as defined for purposes of U.S. Coast Guard documentation) of the vessel for which the LE permit is initially issued. The length for which the LE permit is endorsed will be changed only when LE permits are combined, as per Section 14.2.10, or, in the case of LE permits endorsed for trawl gear, when the size of the vessel used with the permit is more than five feet less than the originally endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. ***Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).*** Vessels which do not have documents stating their length overall will have to be measured by a marine surveyor or the U.S. Coast Guard and certified for that length.

14.2.9 Transfer of an LE Permit to Different Owners or Vessels of the Same Owner

3. LE permits may be used with vessels greater in length than the endorsed length provided the increase does not exceed five feet of the endorsed length. Original size endorsements will change only when LE permits are combined as per Section 14.2.10, or when an LE permit with a trawl endorsement is transferred to a vessel five feet less in length than the endorsed length. In the latter case, the LE permit will be reissued with a size endorsement for the length of the smaller vessel. ***Regulations may be promulgated to waive this downsizing requirement if the permit was transferred to a smaller vessel for the purpose of stacking (See Section 14.2.4 paragraph 3).***

Option 4c of the Stacking Alternative

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that once permits are stacked they cannot be unstacked. However, tier limits are associated with the sablefish endorsement. In order to allow tier limits to be transferred separately from the sablefish endorsements, as specified in Option 4c, Section 14.2.6 paragraph 4 of the FMP would be amended to read:

4. ***If permits are stacked such that a single permit has multiple sablefish endorsements, sablefish endorsements and associated cumulative limits may be transferred to other sablefish endorsed permits so long as at least one sablefish endorsement and associated tier limit remains with the permit. Fixed gear sablefish endorsements may not be transferred from permits on which there is only one fixed gear sablefish endorsement.*** ~~are not separable from the LE permit and therefore may not be transferred separately from the LE permit.~~

Options 7a and 7c of the Stacking Alternative

Section 14.2.4 gives the Council the authority to create a permit stacking program and require that permit owners be on board the vessel when permits are stacked. However, Option 7a would require all permit owners to be on board while a vessel is participating in the primary fixed gear sablefish fishery, even when permits are not stacked. Additionally, for the purpose of implementing a grandfather clause, Options 7a and 7c would create a definition of change in ownership different from that in the FMP. To implement the grandfather clause Section 14.2.4 of the FMP would need to be modified as follows.

14.2.4 Ownership Restriction and Changes in Ownership

4. ***For the purpose of provisions specifically identified by the Council, NMFS may promulgate regulations which define a change in ownership of a permit as a change in the identity or ownership interest of a corporation or partnership owning a permit.***

To implement the owner-on-board requirement for permits that are not stacked (Option 7a), a new section (Section 14.2.12) would be added to the FMP:

14.2.12 Owner-on-board Requirements

In order to preserve the social and historic characteristics and practices in the fishery or to encourage the flow of fishery benefits into fishing communities, on the Council's recommendation, as it deems appropriate and consistent with the goals of the groundfish FMP and National Standards, NMFS may require permit owners to be on-board a vessel during fishing operations.

Option 9b of the Stacking Alternative

Under the extended season specified in Option 5a, vessels with fixed gear limited entry permits that do not have sablefish endorsements would not be able to operate for a substantial portion of the season. If these vessels are to be provided a fixed gear sablefish opportunity during the primary fixed gear fishery, the following changes would be needed in the FMP language.

14.2.6 Fixed Gear Sablefish Endorsements

1. The permit and gear endorsement requirements of the license limitation program limit the number of vessels which may participate in the groundfish fishery, however, there is still substantial opportunity for vessels to shift between segments of the groundfish fishery. One of the segments of the limited entry fishery subject to an increase in the number of vessels participating is the limited entry fixed gear sablefish fishery. To prevent the movement of vessels from nonsablefish segments of the limited entry fixed gear groundfish fishery to the sablefish segment of the fishery, a fixed gear sablefish endorsement for limited entry permits is required for longline and fishpot gear limited entry vessels to take sablefish against the fixed gear limited entry allocation **and as part of the primary fishery, the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude. Such endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.** ~~during periods of time specified in the regulations. The general intent is to require an endorsement to take part in the major limited entry fixed gear sablefish harvest opportunities north of 36°N latitude, but not when management measures are intended to allow only small or incidental sablefish harvests.~~

14.2.8 An LE Permit and Necessary Gear and Sablefish Fixed Gear Endorsements Will Be Held by the Owner of Record of the Vessel

6. A vessel owner may not use a vessel, or allow a vessel to be used, to catch any Council-managed sablefish with longline or fishpot gear against the LE fixed gear sablefish allocation ~~and under LE fixed gear sablefish regulations during fishing periods~~ **as part of the primary fixed gear sablefish fishery** specified in the regulations and north of 36°N latitude, unless the vessel owner holds an LE permit with a longline or fishpot gear endorsement and a fixed gear sablefish endorsement, and the LE permit has been registered with National Marine Fisheries Service (NMFS) for use with that vessel. **Sablefish endorsements are not required to harvest under fixed gear limited entry daily-trip-limit or other regulations intended to allow low level or incidental harvest.**

US Citizenship Requirement (Option 10a)

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a U.S. fishing vessel may be issued or may hold (by ownership or otherwise) an LE permit **with the exception of limited entry longline and fishpot permits endorsed for sablefish. Longline and fishpot permits endorsed for sablefish maybe owned only by US citizens.** (Foreign ownership of LE permits should be limited to the maximum degree possible given what is allowed under the law.)

APPENDIX C

National Standards and Groundfish FMP Goals and Objectives

National Standards

The following are the national standards that must be met by any action recommended by the Council. The national standards most relevant to permit stacking are italicized.

- (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
- (2) Conservation and management measures shall be based upon the best scientific information available.
- (3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
- (4) *Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*
- (5) *Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.*
- (6) *Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.*
- (7) *Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*
- (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 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.*
- (9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
- (10) *Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.*

Groundfish Fishery Management Plan

The following are the goals and objectives of the groundfish FMP. The goals and objectives most relevant to permit stacking are italicized.

Management Goals.

Goal 1 - Conservation. Prevent overfishing by managing for appropriate harvest levels, and prevent any net loss of the habitat of living marine resources.

Goal 2 - Economics. Maximize the value of the groundfish resource as a whole.

Goal 3 - Utilization. Achieve the maximum biological yield of the overall groundfish fishery, promote year round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objectives. To accomplish these management goals, a number of objectives will be considered and followed as closely as practicable:

Conservation.

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

Objective 2. Adopt harvest specifications and management measures consistent with resource stewardship responsibilities, for each groundfish species or species group.

Objective 3. For species or species groups which are below the level necessary to produce MSY, consider rebuilding the stock to the MSY level and, if necessary, develop a plan to rebuild the stock.

Economics.

Objective 4. Attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.

Objective 5. Identify those sectors of the groundfish fishery for which it is beneficial to promote year round marketing opportunities and establish management policies that extend those sectors fishing and marketing opportunities as long as practicable during the fishing year.

Objective 6. Gear restrictions to minimize the necessity for other management measures will be used whenever practicable.

Utilization.

Objective 7. Develop management measures and policies that foster and encourage full utilization (harvesting and processing) of the Pacific coast groundfish resources by domestic fisheries.

Objective 8. Recognizing the multispecies nature of the fishery, establish a concept of managing by species and gear, or by groups of interrelated species.

Objective 9. Strive to reduce the economic incentives and regulatory measures that lead to wastage of fish.

Objective 10. Provide for foreign participation in the fishery, consistent with the other goals to take that portion of the OY not utilized by domestic fisheries while minimizing conflict with domestic fisheries.

Social Factors.

Objective 11. When conservation actions are necessary to protect a stock or stock assemblage, attempt to develop management measures that will affect users equitably. Develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. Promote and support

monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those to improve other information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.

Objective 12. *Minimize gear conflicts among resource users.*

Objective 13. *When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures and environment.*

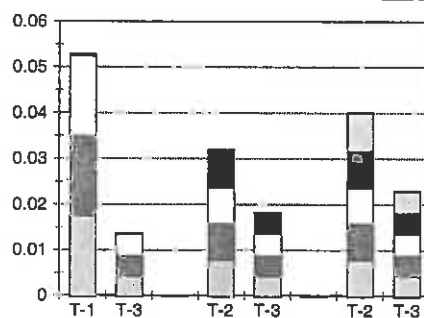
Fixed Gear Sablefish Permit Stacking (November 2000)

Today's Presentation

Review Some of the More Complex Provisions

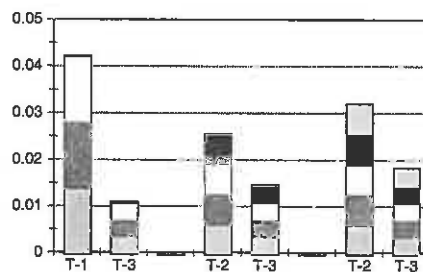
Review Time Line for Implementation

Prov 3: Stacking & Ownership Limit



Modified Derby

4%=Roughly 180,000 pounds



Extended Season

27 Tier-1; 43 Tier-2; 94 Tier 3

| | | | | | |
|-----------|----|----|----|------------|------------|
| Limit | 2 | 3 | 4 | 4 (no T-1) | 5 (no T-1) |
| Min # Ves | 82 | 55 | 41 | 44 | 38 |

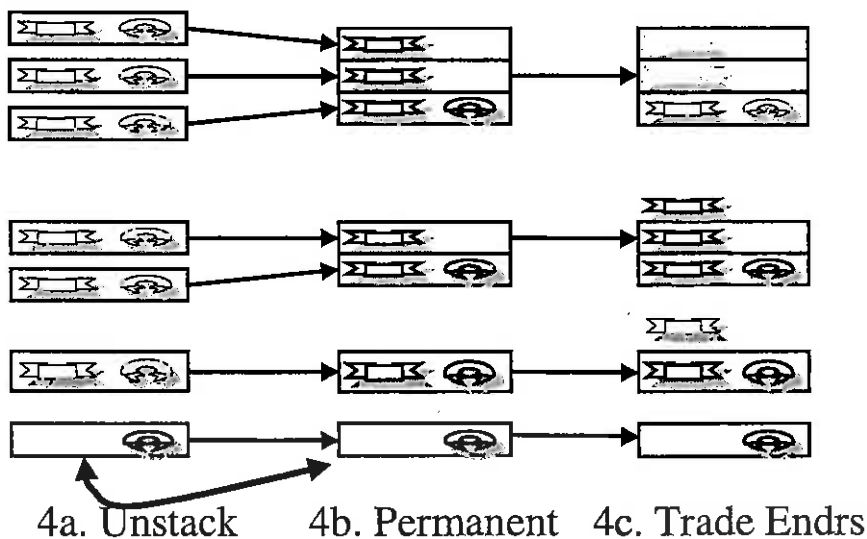
Prov 3: Stacking & Ownership Limit

Current Concentration of Ownership

| # Owners | # Permits | # Owners | % Hvst
Priv |
|----------------------------------|-----------|----------|----------------|
| 2 | 5 | 1 | 5.2 |
| 0 | 4 | 1 | 3.5 |
| 3 | 3 | 1 | 3.1 |
| 14 | 2 | 1 | 2.8 |
| Date for determining ownership. | | 1 | 2.1 |
| Calculating ownership. | | 5 | 2.0 |
| Limits on grandfather provision. | | 9 | <1.3 |
| Reporting requirements. | | | |

(Data from Table 2 Page 50 of the analysis)

Prov-4. Combination of Stacked Permits (Prov-8. Non-sablefish Cum Limits)



Prov 8: Nonsablefish Cum Limits

Bycatch of Other Groundfish

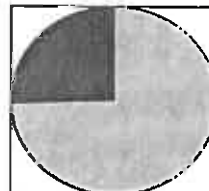
Modified Derby



Mop-Up



Daily Trip Limit



□ NonSablefish ■ Sablefish

(See Table 4, page 52)

Stacking nonsablefish cum limits may activate latent capacity.

Sablefish endorsement system cut out unused sablefish capacity.

Tiered system roughly scaled limits proportional to size of operation.

The nonsablefish management system has not been tailored in a similar fashion.

Therefore, there is considerable opportunity for the activation of latent capacity.

Prov 7. Owner-on-Board

1. Requires owners to be on-board during sablefish operations (has grandfather clause).
2. Restricts ownership to individual human beings (has grandfather clause).
3. Prohibits leasing (even for those grandfathered in)

Add: **Percent vessel ownership required**
 Date for determining permit ownership
 Reporting requirement

| # of Owners/Permit | | Owner Presence: | Always | Never |
|--------------------|-----|-----------------|--------|-------|
| One | 64% | SF Derby | 83% | 14% |
| Two | 28% | SF Mop-up | 76% | 20% |
| | | Oth LE Fixed | 75% | 17% |

(Data for 1995 and 1996 based on 1997 survey. See page 23 of analysis)

Key Government Costs

- Tracking ownership to enforce accumulation limits and detect ownership changes that expire grandfather clauses (owner-on-board and single owner requirement).
- System for receiving and disseminating advance notice of landings (system will reduce increases in enforcement costs).
- Enforcement

Time Line

- Nov 2000 - Public hearing and final action
- June 2001 - Regulations finalized
- July 2001 – If IFQ moratorium applies, abbreviated stacking declaration and limit setting process (reduced Council consultation or alternative consultation process)
- Mid-August 2001 – Season starts
- October 31 2001 – Season ends (if IQ moratorium lifted)

STATEMENT OF THE GROUND FISH ADVISORY SUBPANEL
ON SABLEFISH PERMIT STACKING

The Groundfish Advisory Subpanel (GAP) discussed options for sablefish permit stacking as presented in Exhibit C.8.a, Attachment 1. The focus of the discussion was a proposal presented by the fixed gear fleet. Due to conflicts with other meetings, only nine GAP members were present. Seven of those present supported the fixed gear fleet proposal; one abstained; and one supported most of the proposal, but disagreed with some elements. The proposal and areas of disagreement are as follows:

Provision 1: **Basic Stacking**

The Council should proceed with stacking, regardless of whether there is an extended season. Those that choose to stack should bear the burden of any decrease in limits or time which might result from lack of an exception to an individual transferable quota moratorium.

Provision 2: **Base Permit & Gear Usage**

Option 2c: A vessel may fish with any fixed gear endorsed on at least one of its stacked permits; waive trawl permit downsizing provisions for stacked fixed gear permits (applies only if stacked permits can be unstacked).

Provision 3: **Limits on Stacking and Ownership**

Stack no more than three permits per vessel; allow ownership of no more than three permits. Any percentage of permit ownership will be considered full ownership. Provide a grandfather clause with a control date of November 1, 2000, exempting current levels of ownership.

Provision 4: **Combination of Stacked Permits**

The majority supported option 4a, allowing permits to be unstacked. A minority supported option 4c, making stacking permanent but allowing trading of tier endorsements among the endorsed fleet.

Provision 5: **Fishery Duration**

For 2001, start the season as soon as possible after April 1st and extend it to October 31st. For subsequent years, set the season as April 1st to October 31st.

In regard to mid-season permit transfers, require the seller to provide fish ticket information to the buyer and require the buyer to keep the seller's fish ticket information on board during that season.

Provision 6: **At-sea Processing**

Adopt option 6a prohibiting at-sea processing except for vessels that can demonstrate through acceptable documentation the landing of at least 2000 pounds of frozen sablefish in 1998, 1999, or 2000. ✓

Provision 7: **Permit Ownership/Owner On Board**

The majority supported option 7a, which provides that only individual human beings (with a heart) can acquire permits; that the permit owner must be on board while fishing; that an

exception be made for - as of November 1, 2000 - businesses already owning permits and permitting current owners to be absent while fishing as long as they also own the vessel. These exceptions will expire with a change in permit or business ownership. Permit owners can be required to submit ownership information to management authorities.

Not
A minority supported option 7b, allowing business entities to own a permit and imposing no requirements for the owner to be on board the vessel while fishing.

Provision 8: Nonsablefish Cumulative Limits

Adopt option 8a providing no stacking of nonsablefish cumulative limits. Vessels with stacked permits can land only one daily trip limit fishery limit.

Provision 9: Vessels Without Sablefish Endorsements

Adopt option 9b, allowing unendorsed vessels to fish during the primary fishery.

Provision 10: U.S. Citizenship Requirement

Adopt option 10a allowing only U.S. citizens to acquire fixed gear sablefish permits.

Provision 11: Advance Notice of Landing

Adopt option 11c requiring six hours advanced notice for all fixed gear sablefish tier permits and providing that additional information may be required.

Provision 12: Stacking Deadline

Declare an intent to stack by a date as late as possible which meets the needs of Council and/or National Marine Fisheries Service staff.

PFMC
11/01/00

SCIENTIFIC AND STATISTICAL COMMITTEE COMMENTS ON SABLEFISH PERMIT STACKING

Mr. Jim Seger briefed the Scientific and Statistical Committee (SSC) on the completed Draft Analysis of Permit Stacking for the Limited Entry Fixed Gear Sablefish Fishery. The revised analysis includes 1) a description of relevant policies and recommendations from the Groundfish Strategic Plan, 2) a description of the fishery, 3) a qualitative analysis of each option, and 4) social and economic impacts.

The results of the analysis are not substantially different from the September draft report. The general conclusion is that, unless the individual quota (IQ) moratorium is lifted, voluntary permit stacking is not likely to increase the duration of the fixed gear sablefish season, alleviate safety concerns and complex management decisions associated with short seasons, or result in significant capacity reduction. In order to achieve capacity reduction, voluntary stacking will need to be followed by a properly designed IQ system (an uncertain prospect at this time, given the moratorium) or some other stringent capacity reduction mechanism.

The SSC has the following recommendations:

- The analysis contains ten key objectives and relates each objective to the appropriate Strategic Plan recommendations, National Standards or Groundfish Fishery Management Plan (FMP) objectives. The permit stacking objectives are sometimes contradictory. For instance, while the objective of capacity reduction is consistent with selecting options that encourage permit stacking, other objectives are consistent with options that would discourage stacking. The analysis could be simplified by focusing on a small number of priority objectives. As a related issue, the SSC also notes that some of the goals and objectives of the Groundfish FMP may not be consistent with the Strategic Plan. The SSC recommends that the FMP be revised to incorporate Strategic Plan objectives and that FMP objectives be prioritized; this would be useful not just for evaluating permit stacking options but for evaluating options contained in future FMP amendments.
- Transitioning to an IQ program is a recommendation of the Groundfish Strategic Plan. The SSC recommends that the Council evaluate the permit stacking options in terms of whether they would accommodate a smooth transition to an IQ program. In other words, in considering options pertaining to restrictions on concentration of permits, restrictions on permit ownership, and permit-on-board and U.S. citizenship requirements, it would be helpful to consider whether such provisions are also what the Council would like to see in an IQ program.
- Given existing uncertainties regarding whether the various sets of options will encourage permit stacking, the SSC recommends that the Council evaluate the program after one year to determine its effectiveness and consider revising options if the program is not meeting key objectives. As part of this evaluation, we recommend that transaction prices as well as permit ownership be tracked over time. Because prices reflect the expectations of permit holders regarding current and future earnings in the fishery, they would be a key indicator of the success of the stacking program.
- Many of the objectives and options in the analysis focus on social, economic and community effects. This emphasis reinforces the need for additional social science expertise within the Council family to evaluate such effects.

West Coast Fishermen's Alliance

Exhibit C.8.c
Public Comment
November 2000

Phone 541-888-3811
Fax 541-888-6111

PO Box 5508
Charleston
Oregon, 97420

Pacific Fisheries Management Council
2130 SW Fifth Avenue
Portland, Oregon. 97201

Dear Chairman Lone:

The West Coast Fishermen's Alliance would like to submit the following comments regarding the proposed Sablefish Limited Entry Fixed Gear Permit Stacking Plan.

Provision 1: Basic Stacking.

We support the PFMC. moving forward in the process of developing a Permit Stacking plan for The Fixed Gear Sablefish fishery. We support this plan even if the moratorium on IFQ's is not lifted.

If Stacking is allowed and the moratorium is not lifted we support the following adjustment to the tier allocations.

1. That those who are participating in the stacking plan would bare the burden of any reduction of allocation or loss of time at sea. Those who do not participate would not see there season or allocation reduced . This will make the transition into the stacking plan fair to those who do not participate, by not economically impacting non participants. This will reduce any controversy that would be raised on this issue. However if the moratorium is lifted all allocations will revert back to their normal values using the harvest guideline for that year.

Provision 2: The Base Permit and Gear Usage.

We support Option 2 c. The vessel may fish with any fixed gear endorsed on at least one of its stacked permits. The plan that has been shopped around the Fishing Industry for the past several years has always been discussed in terms of allowing any permit to be used for the gear type designation that will be fished as long as the base permit fits the vessel.

There are no reasonable arguments for not allowing the most conservative and selective gear type to be used. This is one of the priority issues that is being discussed at both the PFMC and State levels of management. In regard to dealing with stock rebuilding and by catch issues.

On many occasions Pot fishers have testified to the Council regarding the efficiency of their gear and its ability to avoid bycatch. In the following are listed several reasons why the option to use Sablefish Pot permits should be allowed.

a. Pot gear is safer to use than hook gear for obvious reasons, with the shortage of experianced crew members in the labor pool now days , safty is becoming more of an issue.

b. Pot gear is species specific with virtually no bycatch of other species. Mesh sizes can be adjusted to allow small fish to escape, reducing impacts on juvenial fish.

c. Pot gear is also economically more efficient than long line gear. It takes much less labor to maintain the gear, and Pots do not require large baiting crews that are often seen in the long line hook fleet.

d. Pot gear has less potential for habitat degradation.

e. Long line gear has some bycatch though it is a small amount compared to Trawl, it does still occur, i.e.; Sharks, ratfish, skates, halibut, species of deep water rockfish, and other bottom dwelling creatures.

f. Long line is very labor intensive, some small vessels have as many as 12 employees during the derby where a pot vessel might only have 3 employees to harvest the same amount of fish in the same length of time.

g. Long line does have some negative impacts on habitat, it hooks rocks and turns them over, and sweeps across the ocean floor if the fishermen are not careful in there hauling practices.

It seems to us that if the council really wants to move toward the use of alternate gear types and promote conservative harvest practices while reducing habitat degradation, this would be a good place to start.

We would encourage the council to not let this opportunity slip by to as it would be very difficult to go back later and once again change the plan to accommodate these conservation issues.

Provision 3: Limits on Stacking.

We support the **Provision that no more than three permits could be stacked on any one vessel.** This would ensure that the demographics of the fleet would remain similar to what we see today, and the fleet size would not shrink below 56 vessels coast wide. This would help to ensure that communities and processors can also remain viable during this transitional period. But most importantly would discourage the accumulation of excessive shares of the resource by stakeholders with very deep pockets.

We also support a cap of 5% on individual ownership of the resource, while allowing on initial implementation those who have more than 5% to be grandfathered in. Second generation ownership could not exceed 5% of the total allowable catch for an individual or corporation. **The Cap of 5% currently equals 3 top tier permits.**

Provision 4: Combination of Stacked Permits.

We support Option 4 a. Permits may be unstacked.

If permits are not allowed to be unstacked we are afraid that this plan will not meet the Magnusen- Stevens requirements allowing for new entrants into the fishery, as fishers retire or when vessels are lost. There is another reason for allowing the transferability of these permits. Example: If 3 vessels had only 2 permits on their respective vessels add one of them wanted to sell out and get out of fishing. The vessels who were going to stay in would not be able to break up this block of permits and stack them on their vessels, reducing the potential of the fleet to reduce its capacity. We need some flexibility with in the fleet to deal with the ever changing needs of the individuals who are participate in this plan, if we don't provide this flexibility the plan will be ineffective.

Provision 5: Fishery Duration.

We support the **Option 5 a. A fishery structure that would last April 1 thru Oct. 31.** This would allow ample time for harvesters to market their product in a reasonable manner. Commercial fishing is documented to be the most dangerous occupation in the United States, being forced to fish under a derby management system for the sole purpose of avoiding the ITQ definition is a great dis-service to the Fishermen and women of the West Coast. This Management system forces fishermen that are already at risk to fish in weather conditions that a prudent fisherman would never consider working in under normal circumstances. We can consider our selves very lucky that we haven't lost any one in our fleet in the past few years, it will only be a matter of time before this tragedy will occur under our current system. I am personally not at all interested in becoming a statistic for determining the mortality rate for the Fishing industry. I would hope that PFMC would support this option, if flexibility is allowed through an exemption in the current moratorium on ITQ,s.

Provision 6: At Sea -Processing.

We support Option 6 b. At sea processing would be allowed in the fixed gear Sablefish fishery.

We see absolutely no advantage in giving up now, something that may turn out to be our only option in the future. As the effects of the groundfish collapse reach some of our small coastal ports the infrastructure may collapse, leaving many communities with out a processor. This would leave only two options available to the fisherman, processing on board or relocating to a port that still has processing infrastructure. The Council should value added strategies by fishermen not prohibit them. We must have the option of at sea processing and develop new markets for our products that will add value to the fish for the fishermen. One of our goals as an organization has always been to support and promote the viability of our small boat fishermen and the communities they live and work in. If the fleet can not remain viable, the question wheather or not processors will survive becomes a mute point.

Provision 7: Owner on Board Provisions.

We support Option 7 a. The permit owner would be required to be onboard the vessel during fishing operations.

This option would discourage the ownership of permits by non fishing related investors or corporations that may be interested in buying up our west coast fishing resources. This would apply to only second generation owners that haven't previously owned permits in the fixed gear fishery.

Provision 8: Stacking of Non sablefish Cumulative Limits.

We support **the stacking of non sablefish endorsements**, but as conservation and rebuilding dictate we would support the reduction of second and third cumulative limits, to facilitate the rebuilding of species that are over fished.

Provision 9: Vessels without Sablefish Endorsements.

We support Option 9 b. Allow the limited entry daily trip fishery to continue at the same time as the directed fishery only those who were non endorsed would be allowed to participate. This option would allow those who are involved in the daily trip limit fishery to no be adversely impacted by the implementation of the fixed gear stacking plan. This would reduce any controversy surround this issue.

The West Coast Fishermen's Alliance recommends that the Council move forward on this issue in an expedient manner, time is of the essence. We would also like to caution the Council not to try and complicate this plan by adding all types of bells and whistles. We do not want to risk destroying the consensus that has been developed. Keep the plan simple and don't loose the momentum we currently have.

Sincerely,

John Warner
West Coast Fishermen's Alliance.

**FISHING VESSEL OWNERS' ASSOCIATION
INCORPORATED**

ROOM 232, WEST WALL BUILDING • 4005 20TH AVE. W.
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

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Exhibit C.8.c
Supplemental Public Comment 2
November 2000

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OCT 23 2000

PFMC

October 20, 2000

Mr. Jim Lone, Chairman
Pacific Fishery Management Council
2130 S.W. Fifth Avenue, Suite 224
Portland, OR 97201

Dear Chairman Lone:

The members of the Fishing Vessel Owners' Association submit the following comments regarding provisions for a permit stacking alternative for the fixed gear sablefish primary fishing season. The Association represents the owners of 84 vessels. Twenty-two of our vessel owners hold sablefish-endorsed tiered permits for this fishery. Three of our members hold tier-one permits and three of our owners hold tier-3 permits, while the rest hold tier 2 permits. The Association is a trade association representing hook-and-line groundfish operations and has been doing so since 1914.

The following represents the recommendation of the Fishing Vessel Owners' Association regarding final action for a permit stacking program for the fixed-gear sablefish fishery.

Provision 1: Basic Stacking (No Options)

The Association's membership supports a basic stacking option, where the full cumulative trip limit for each permit for the primary sablefish fishery is allowed to be harvested. The members only support this option if an extended season is provided so that if permits are stacked, there is adequate time to harvest the additional amount of fish associated with the additional permits.

If the current nine-day season is all that becomes available, very little stacking will occur, because of the inability to harvest the fish associated with an additional permit. Only with additional time will the marketplace recognize the additional value of stacking permits. The additional time provides for a market incentive to stack permits.

Provision 2: The Base Permit and Gear Usage.

The Association's members support option 2C. This option will require one permit, known as a base permit, to meet the length and gear requirements of the vessel it is used on. Other permits stacked on a vessel having one base permit, would not need to meet the length or gear

requirements, that is the pot or longline endorsements.

Provision 3 Limits on Stacking and Ownership.

Stacking. The Association's members support a limitation of a maximum of three permits to be stacked per vessel. In the event someone owns more than this prior to the final action of the Council, that person should be grandfathered to stack in excess of three (3) permits, up to their existing holdings. The limitation on use of permits per vessel will provide for adequate amounts of consolidation to take place and help achieve the goal of the Strategic Plan to reduce harvest capacity by 50%. The limitation to use no more than 7 percent per vessel will help prevent excessive control of the harvesting privileges and help minimize the loss of harvesting jobs.

Limitation on ownership. The Association supports that no individual or entity can own any more than three permits. The Association recognizes that not all the permits have equal harvesting endorsements and that three Tier 1 permits have significantly more harvestable fish than three Tier 3 permits. The concern than FVOA has, is to provide reasonable and fair access to the permits and also achieve a reduction in vessel capacity. The Tier 3 permits are generally associated with smaller vessel operations and the proposed limitation is intended to help provide some access by the smaller vessel operations. Those operations that require or desire larger harvestable amounts can focus on acquisition of Tier 2 and Tier 1 permits for stacking. The Association recommends against a straight percentage of 5% for an ownership control. If 5% were the cap, it would allow some to acquire nearly 200,000 pounds of the fixed-gear quota. A Tier 3 permit in 2000 was 21,000 round pounds. A 5% limit would allow for nine Tier 3 permits to be consolidated. This fishery is managed with permits and therefore excessive shares and use need to be address on the accumulation of permits. Should the stacking program evolve to a pure IFQ program, where poundage is transferred and not endorsed trip limits, a straight percentage would work best. Congress may preclude a pure IFQ for this fishery, therefore, we recommend an excess use cap based on the number of permits being controlled.

The Association recommends trying the above limitations on consolidation and re-evaluate the situation in a few years to see if the desired amount of consolidation has taken place. If it has not, the ownership and use restriction per vessel and per owner can be liberalized.

Provision 4: Combination of Stacked Permits.

Option 4a is supported by the membership of FVOA. Option 4a would allow permits to be stacked and unstacked. This option provides the maximum flexibility to a permit holder or vessel owner to consolidate permits and reduce vessel capitalization at the lowest cost. If permits are unstackable, the functional result of stacking a permit, is the owner of the permit can never retrieve their asset back, if they stack it on another vessel. Therefore, unstackable options will force a permanent sale of the permit, hence, increasing the cost of stacking. The unstackable options will likely result in fewer permits being stacked and less reduction in vessel capitalization on the water.

Option 4a is hopefully visioned as a long-term fix to this industry. When current permit holders

wish to sell out due to retirement, if the permits are unstackable, it may become financially burdensome to crew members who want to buy into the fishery if they are forced to purchase three combined permits as opposed to purchasing one at a time.

Additionally, at this time, we do not recommend that the sablefish endorsement be divisible from the fixed-gear groundfish permit. This could result in consolidation of fixed-gear sablefish operations, but also could result in more useable rockfish fishing operations. The current permit and sablefish endorsement should remain one tradeable unit.

Provision 5: Fishery Duration.

The members of the Association support option 5a. "After 2001, April 1 through October 31; for 2001, as early as possible through October 31st."

Providing for an extended season is the most important part of the stacking option. The extended season takes the current race for fish out of the fishery. The race for fish presents the fleet with undue safety risks, both to crews and equipment. The current 9-day season was picked based on the use of weather pattern charts on the West Coast. Even with this forethought, it must be recognized that the coastline for this fishery is 1200 miles long and weather can be adverse in different geographical areas of the current coastal opening. Weather patterns vary considerably at any given time in this 1200 mile area. The extended season allows the vessel operator to fish around local storms.

The National Academy of Science's Executive Summary on IFQs entitled, "Sharing the Fish" stated relative to the Alaska IFQ programs, that

"The derby has been eliminated, safety has improved, and ghost fishing has been reduced."

Safety is only one element that is addressed by extending the season. There are conservation benefits of less gear being fished and less gear being lost. Time allows the crew to take care of saleable bycatch in a more prudent manner as well.

In order to economically encourage people to stack permits, there must be a reasonable expectation that there is time to harvest the additional poundage of a new permit. If the fishable time remains at nine days, very little stacking will occur as it will not be economical to purchase or acquire an additional permit if you cannot harvest the fish that the new permit is endorsed for. The extended season with option 5a creates the economic opportunity to harvest multiple permits and allow the market to function for these transferable permits.

Provision 6: At-Sea Processing.

Option 6a is supported by the members of the FVOA. This provision would prohibit at-sea processing except for vessels that can demonstrate the landing of at least 2000 pounds of frozen

sablefish in 1998, 1999, or 2000. This provision is supported by the members of the Association. The ability to stack permits with an extended season will address the problems facing the vessel operators, such as the race for fish, safety, and provide the ability to stack permits and reduce vessel capitalization. It is not the intent of FVOA to move the current shorebased processing employment to at-sea processing, which could easily occur in the sablefish fishery. Option 6a preserves the existing character of the industry, where sablefish is landed in the round or a headed and gutted condition with the need for shorebased freezing activity. The shorebased communities have been devastated by the significant reduction in harvest levels of the rockfish complex. Keeping the sablefish processing jobs in the community is an important consideration.

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions.

Option 7a is endorsed and supported by FVOA. The intent of this provision is to promote an owner on board provision. The requirement that the new owners be present on board helps promote safety at sea. People who will go to sea to harvest their fish on someone else's vessel or their own vessel, will not likely set foot on a poorly maintained vessel.

There are several examples of IFQ-type fisheries that have not required an owner to be on board. The Canadian sablefish fishery does not require this. Investors from outside the fishing industry have become owners in sablefish IFQs. Individuals who have no knowledge of seaworthiness of a vessel or its operations. The term "sharecropper" is used to describe this fishery. The National Academy of Science mentioned the contradiction of what occurs between a fishery that is not owner operated and one that is. They referenced the Alaska Halibut and Sablefish program as one with owner operators and the East Coast Ocean Quahog IFQ, as one that did not have owner operators.

With reference to the clam IFQ on the East Coast, the NAS said "although this IFQ program achieved the desired effect of eliminating excessive effort and protecting clam stocks, it also produced levels of consolidation and aggregation of a share that some individuals believe are undesirable". This fishery is almost exclusively controlled by the processors and is vertically integrated, which may be appropriate for fisheries that have had a history of vertical integration. The fixed-gear sablefish fishery has not had that history.

The history and character of the coastal fixed-gear sablefish fishery have been one of distinct separation between the harvesters and processors. There have been a distinct harvester group and a distinct group of processors and buyers. These harvesters and processors have very little vertical integration and control of the sablefish product. Option 7a helps maintain the existing co-dependence and separatism between the harvesters and processors. For the above reasons, FVOA supports option 7a.

Provision 8: Nonsablefish Cumulative Limits.

At this time, the Association's members support status quo. There should be an allowance for the normal rockfish trip limit to be delivered along with the sablefish. The current trip limit levels have

been adequate for bycatch needs, while prosecuting the primary sablefish fishery. The members do not see the need to provide for the stacking of rockfish cumulative limits at this time. Stacking provisions for rockfish may not be provided by Congress, and the Association's members, though supportive of this type of option in the future, believe the Council should allow the Strategic Planning Implementation Team to address this issue first.

Provision 9: Vessels Without Sablefish Endorsements.

Option 9b is recommended. The derby-trip-limit fishery should not be forced into foul weather months to operate, because of the redesign of the primary sablefish fishery. If the extended season for the fixed-gear sablefish endorsed permit holders creates an enforcement problem for identifying which vessel is legally operating in the DTL fishery, then requirements should be placed on the endorsed permit operators. Such requirements might include notification to NMFS prior to harvesting sablefish "tiered" quota or prior notice of delivering of such catches.

Provision 10: US Citizenship Requirement.

The members of the Association support 10a which would allow only U.S. citizens to be allowed to acquire fixed-gear sablefish permits. There are provisions with NFTA that allow for the protection of coastal fishermen and we ask for that protection under this provision. U.S. fishermen should not have to compete for limited natural resource jobs against foreign labor and foreign investors.

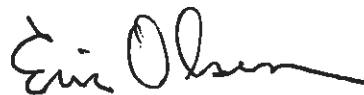
Provision 11: Advance Notice of Landing Requirement.

The members of the Association will defer to the enforcement consultant on this provision. The members see no problem with a 6-hour advance notice of landing or giving a prior notice of harvest.

Provision 12: Stacking Deadline.

The members of the Association defer to the enforcement consultant on a stacking deadline. If there is adequate advance notice of the deadline, this should not be a problem to the fleet.

Sincerely,



Eric Olsen, President
Fishing Vessel Owners' Association
Owner/Operation of F/V Lorelei II

cmb

**FISHING VESSEL OWNERS' ASSOCIATION
INCOPORATED**

ROOM 232, WEST WALL BUILDING • 4005 20TH AVE. W.
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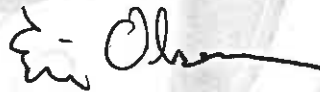
October 20, 2000

Mr. Mark Cedergreen
Westport Charterboat Association
P. O. Box 546
Westport, WA 98595-0546

Dear Mark:

Please find enclosed a copy of the Fishing Vessel Owners' Association's position paper regarding the 12 decision points for the stacking program for fixed-gear sablefish. The members hope you can support our program. Any help you can provide from the Groundfish Advisory Panel will be appreciated.

Sincerely,



Eric Olsen, President
Fishing Vessel Owners' Association

EO:cmb

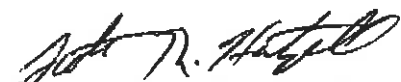
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OCT 25 2000

Regarding decisions to be made at the October/November council meeting: I am in favor of permit stacking with a longer season. I feel that to encourage fishers to stack permits, you need to be more liberal with the season's length. At this time, it would be long shot for vessels within the fleet to partake in the permit-stacking program with a short timeframe. Currently, many fishers need the entire season's length to catch their tier value. With regard to sablefish bycatch accounting options proposed for the year 2001, I am in favor of 2001c. I would also like to see the Council reward the fixed-gear fleet the majority of the sablefish total allowable catch.

If you would like to contact me, I can be reached at (541) 991-6121. Thank you for your time and consideration of my opinion.

Sincerely,


Scott R. Hartzell

SRH/tlh

MOTION IN WRITING

Provision 1: Basic Stacking (No Options)

Proceed forward with stacking, regardless of whether there is extended season.
(Those that choose to stack bear the burden of any decrease in limits and days if there is no exception to a moratorium on individual quotas.)

Provision 2: The Base Permit and Gear Usage

Option 2c: Use only fixed gear on any of the stacked permits, as long as one of the permits is endorsed for that gear; and waive the trawl permit downsizing provision for stacked fixed gear permits.

Provision 3: Limits on Stacking and Ownership

Stacking: Three permits per vessel.

Ownership: Three permits per owner. (Ownership - any percent owned of a permit equals one permit.
Grandfather clause for what people own as of the control date (date of November 1, 2000).

Provision 4: Combination of Stacked Permits

Option 4a: Permits may be unstacked.

Provision 5: Fishery Duration

Option 5a: Fishery duration - April 1 through October 31 after 2001.
As soon as possible for 2001 - October 31.

Midseason
Transfers: Seller can be required to provide fishticket information.
Buyer must keep seller's fishtickets on board.

Provision 6: At-sea Processing

Option 6a: At-sea processing prohibited except for those vessels that froze 2,000 or more pounds at sea from 1998, 1999, or 2000.

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions

Option 7a: Only individual human beings (with a heart) can acquire permits.
Permit owner must be on board while fishing.

Grandfather clauses as set forth in 7a: Grandfather clauses provide exceptions to (1) allow businesses already owning permits to continue their ownership and acquire additional permits, (2) allow current owners to be absent during fishing operations. Both the grandfather clauses expire with a change in ownership of the permit or business owning the permit.

Council meeting date is the control date for determining ownership.

Can be required to submit ownership information.

Provision 8: Nonsablefish Cumulative Limits

Option 8a: No stacking of rockfish limits. Example: three permits for sablefish, but only one rockfish limit. No stacking of daily-trip-limit for sablefish.

Provision 9: Vessels Without Sablefish Endorsements

Option 9b: Daily-trip-limit fishery open during primary fishery. Once tier limit is reached you may participate in the daily-trip-limit fishery.

Provision 10: U.S. Citizenship Requirement

Option 10a: Only U.S. citizens allowed to acquire fixed gear sablefish permit.

Provision 11: Advance Notice of Landing Required

Option 11c: Six hours advance notice for all fixed gear sablefish tier permits ~~and additional information as required, (i.e., hail weights and port of landing).~~

Provision 12: Stacking Deadline

Option 12a: Staff may establish by what day intent to stack must be declared in the event a season is not extended.

PROPOSALS FOR 2001 RECREATIONAL LINGCOD AND ROCKFISH REGULATIONS

WASHINGTON

Lingcod

Option 1 (status Quo) - Retain the 1-fish daily-bag-limit and 24-inch minimum length restriction. The fishery would be closed from October 31 through March 31.

Option 2 - Increase the daily-bag-limit to 2 fish, maintaining the a 24-inch minimum length restriction. The fishery would be closed from October 31 through March 31.

Justification:

Inseason projections of Washington recreational landings for 2000 indicate a 24% reduction in catch (which is primarily the result of the reduction in the daily-bag-limit from 2 fish in 1999 to 1 fish in 2000). The Council has proposed increasing the 2001 lingcod OY to 611 mt (a 62% increase). The proposed bag limit would provide Washington recreational fishers to participate in the increased catch opportunity.

Rockfish

Option 1 (status Quo) - Retain the daily-bag-limit of 10 rockfish, not more than 2 of which may be canary rockfish and not more than 2 of which may be yelloweye rockfish. The fishery would be open year-round.

Option 2 - Reduce the daily-bag-limit to 10 rockfish, not more than 2 of which may be canary or yelloweye rockfish. The fishery would be open year-round.

OREGON

Lingcod

Option 1 (status quo) - Retain the 1-fish daily-bag-limit and 24 to 34 inch legal length slot limit; the season would remain open year-round for hook-and-line anglers. Spear fishing would be open year-round subject to the 1-fish daily-bag-limit and a 24-inch minimum length (i.e., no 34-inch maximum length).

Option 2 - Increase the daily-bag-limit to 2 fish and replace the size (slot) limit with a 26-inch minimum length restriction. The season would be closed March and April for boat based anglers, but would remain open for shore anglers (shore anglers are estimated to take less than 2% of total Oregon recreational lingcod landings).

Option 3 - Retain the 1-fish daily-bag-limit, but drop the maximum size limit and retain the 24-inch minimum length restriction. The season would be open year-round.

Rockfish

Status Quo - No change is proposed in the daily-bag-limit of 10 rockfish, not more than three of which may be canary rockfish, open year-round.

CALIFORNIA - THESE MAY ALSO APPLY TO COMMERCIAL FISHERIES

Proposal 1. Move the southern rockfish and lingcod management line from Lopez Point (36° N latitude) to Point Conception. This would place Avila Beach and Morro Bay in the central California management area and be consistent with the statistical area boundary used by the Marine Recreational Fisheries Statistics Survey.

Proposal 2. Extend the shelf and nearshore rockfish and lingcod closure periods south of Cape Mendocino to November through February in the south and January through April or March through June in the northern area. These additional closure periods may be needed to reduce the bocaccio catch to under 100 mt in the

combined commercial and recreational fisheries in 2001. The catch of lingcod in the combined fisheries would be projected to be at or under 130 mt (the statewide catch assumed for 2000 management). These closures would apply to the recreational fishery, all commercial limited entry gears except trawl, and all commercial open access gears except exempted trawl.

Proposal 3. Reduce the rockfish bag limit to between 3 and 9 fish (see proposal 2, above). This would be done to meet biological and allocation objectives for the complex.

Proposal 4. Prohibit retention of cabezon, greenlings, scorpionfish, and sanddabs during the rockfish and lingcod closures south of Cape Mendocino. These closures would apply to the recreational fishery, all commercial limited entry gears except trawl, and all commercial open access gears except exempted trawl. The intention is to minimize bycatch of rockfish and lingcod when fishing for these species.

Proposal 5. Reduce the bag limit for bocaccio from 3 to 2 or 1 fish. This would be done to further reduce targeting on bocaccio, but could increase discard of dead fish.

Proposal 6. Reduce the number of hooks that anglers may use when fishing for rockfish or lingcod from 3 to 2 or 1. This would be done to reduce the chances of catching more than a limit of bocaccio on a single drop.

Proposal 7. Close the season or part of the season for lingcod, cabezon, and greenlings south of Cape Mendocino during September through June. This would apply to possession of any of these species, both sport and commercial except trawl. These closures are being considered by the California Fish and Game Commission (CFGF) and would be intended to meet biological and allocation objectives for the individual species and at the same time protect nesting fish.

Proposal 8. Reduce the lingcod bag limit from 2 to 1 fish. This would be done to meet biological and allocation objectives for the species.

Proposal 9. Increase the minimum size limit for cabezon from 14 to 15-18 inches. Increasing the size limit will save immature fish and contribute to meeting biological and allocation objectives for the species. This action is being considered by the CFGF.

Proposal 10. Provide for the transport, pursuant to California regulations, of recreational groundfish through restricted areas under terms and conditions specified on an annual permit that may be issued by the Manager of the Marine Region. (This would not be a federal regulation.)

Proposal 11. Prohibit fishing for and retention of cowcod. This option is intended to eliminate targeting on cowcod, but could increase discard of dead fish. It would apply to all recreational and commercial fisheries off California.

Proposal 12. (Option 1) Prohibit recreational and commercial fishing year-round for federal groundfish as follows: Area 1--The area bounded by 118° 50' W longitude, 33° 50' N latitude, 120° W longitude, and 32° 20' N latitude. Area 2--The area bounded by 117° 50' W longitude, 32° 50' N latitude, 118° W longitude, and 32° 30' N latitude.

(Option 2) Same as Option 1, but would exclude nearshore rockfish, cabezon, greenlings, and scorpionfish. The CFGF would adopt complementary regulations affecting state-managed fisheries for bottom fish species (sheephead, ocean whitefish, California halibut, including exempted commercial trawl gear).

(Option 3) Same as Option 1, but would exclude slope rockfish species, sablefish, and thornyheads taken in waters deeper than 200 fathoms.

PFGC
10/17/00

Management Proposals for Commercial Fisheries in 2001

Note: The Ad Hoc Allocation Committee is scheduled to meet October 23-24, 2000 and is expected to refine proposals for Council consideration at the November meeting.

LIMITED ENTRY

Option 1 - Each commercial limited entry groundfish vessel will be allowed to harvest groundfish in two, 2-month periods during the fishing year, plus December. One fishing period must be selected during the first 6 months of the year (January through June) and one period during the following 5 months of the year (July through November). A period will consist of consecutive calendar months and will begin when the vessel makes a landing of groundfish in any given calendar month. Additionally harvest will be managed to provide some fishing opportunity in December. December, by default, will be a period for the entire limited entry fleet. Targets for this final month will be conservative to maximize the harvest opportunity selected by vessels earlier in the fishing year, but will provide ability for adjustments to prevent exceeding overfishing levels. These provisions apply to all limited entry groundfish vessels, including whiting and pink shrimp fishers.

Option 2 - Each limited entry vessel will be allowed to harvest groundfish in one 3-month period during the first 6 months of the year (January through June) and one 2-month period during the following 5 months of the year (July through November) plus December. A period will consist of consecutive calendar months and will begin when the vessel makes a landing of groundfish in any given calendar month. Additionally harvest will be managed to provide some fishing opportunity in December. December, by default, will be a period for the entire limited entry fleet. Targets for this final month will be conservative to maximize the harvest opportunity selected by vessels earlier in the fishing year, but will provide ability for adjustments to prevent exceeding overfishing levels. These provisions apply to all limited entry groundfish vessels, including whiting and pink shrimp fishers.

Option 3 - ("status quo") The general management structure used in 2000 involving gear, species, and area restrictions would be continued in 2001. Trip and cumulative landing limits would be adjusted with the intention of achieving the specified catch levels and reducing bycatch, consistent with rebuilding plans and other Council goals and objectives.

Option 4 - The year will be divided into two cumulative limit periods. Cumulative landing limits for the first half of 2001 would be set in advance and not revised until the period ends. Cumulative limits for the second half of the year would be estimated in advance but would likely require adjustment before or during the period.

OPEN ACCESS

To help limit the take of canary rockfish in the pink shrimp fishery, the Council recommends the states require that shrimp fishers use fish excluders.

Option 1 - North of Cape Mendocino, the open access fishery will be open from April through September. During January through March and October through December, a small trip limit (perhaps 500 pounds per month) for nearshore rockfish will be available.

Option 2 - Between Cape Mendocino and Pt. Conception, the open access fishery will be closed January through April (depending on closure of the recreational fishery) and open from May through September. During October through December, a small trip limit (perhaps 500 pounds per month) for nearshore rockfish, or nearshore rockfish and associated species such as greenlings and cabezon, will be available.

Option 3 - South of Pt. Conception, the open access fishery will be closed January through February and November through December (depending on closure of the recreational fishery). The fishery will be open from April through September. During October, a small trip limit (perhaps 500 pounds per month) for nearshore rockfish, or nearshore rockfish and associated species such as greenlings and cabezon, will be available.

PFMC
10/17/00

MANAGEMENT MEASURES FOR 2001

Situation: After the Council has set the harvest levels for 2001, the next major step is to devise management measures that will achieve but not exceed those levels. The main difficulty is that there is so much overcapacity in the harvest sectors that severe restrictions are necessary to ensure harvest does not exceed the established limits. In past years, the Council's focus was limited to commercial fishing. Recently, recreational fisheries have also required increased attention.

Substantial reductions to harvest levels in 2000 required major changes in management measures for commercial and recreational fisheries. To avoid incidental catch of overfished bocaccio, lingcod, Pacific Ocean perch, cowcod, and canary rockfish, the Council needed to reduce opportunities to harvest other species as well. To allow as much harvest of those other species as possible, without further impacting depleted species, the Council restructured rockfish management by (1) separating the major species (canary, yellowtail, chilipepper, splitnose, and bocaccio), and combining the others into a new "Minor Rockfish" category; (2) combining the Eureka area with the Vancouver and Columbia areas to form a larger northern management area so the optimum yields match the management boundary (Cape Mendocino); and (3) assigning the minor rockfish species into nearshore, shelf, and slope subgroups. Closed seasons for lingcod and other species were established, trawl gear restrictions were changed to limit the catch of shelf species, and limits for both commercial recreational fishing sectors were reduced. For 2001, further reductions will be necessary. This will likely include reduced fishing for slope species in order to protect overfishing darkblotched rockfish, which is also overfished.

At the September 2000 meeting, the Council proposed several options for managing recreational fisheries in year 2001 (Exhibit C.9, Attachment 1) and a few general options for managing the commercial fisheries (Exhibit C.9, Attachment 2). These proposals were intended to cover the range of options necessary to achieve the necessary harvest reductions. **The Council's Ad Hoc Allocation Committee will meet prior to the Council meeting to develop more specific proposals for Council consideration (Exhibit C.9.b, Supplemental Allocation Committee Report).** Public proposals have also been received (Exhibit C.9, Public Comments).

Trip limits for commercial fisheries and bag limits for recreational fisheries are classified as "routine actions" that can be implemented quickly with minimal additional analysis. Seasons and gear restrictions are non-routine actions that may be implemented by abbreviated rule-making procedures. Allocations are also non-routine measures, and may only be implemented through full rule-making procedures. Any actions not authorized by the fishery management plan (FMP) require either FMP amendment or emergency action by National Marine Fisheries Service (NMFS). There is not enough time between the November Council meeting and January 1, 2001, to complete full rule-making or plan amendment procedures, so emergency procedures would be required.

Motions must be visible in writing prior to vote. Emergency regulation motions must be visible in writing and a roll call vote is required.

Council Action: Adopt final management measures for recreational and commercial fisheries for 2001, including emergency regulations, if necessary.

Reference Materials:

1. Proposed Management Measures for Recreational Fisheries (Exhibit C.9, Attachment 1).
2. Proposals for commercial fisheries (Exhibit C.9, Attachment 2).
3. Ad Hoc Allocation Committee Report (Exhibit C.9.b, Supplemental Allocation Committee Report).
4. Groundfish Management Team (GMT) Analysis of proposed management measures for 2001 (Exhibit C.9.c, Supplemental GMT Report).
5. Exhibit C.9, Public Comment.

PPMC
10/16/00

DRAFT REPORT OF THE AD-HOC ALLOCATION COMMITTEE
October 23-24, 2000

The Chairman of the Committee, Jim Lone, called the meeting to order at 10 a.m. Committee members in attendance were:

Mr. Phil Anderson, Washington Department of Fish and Wildlife (WDFW)
Mr. Burnie Bohn, Oregon Department Fish Wildlife (ODFW)
Mr. LB Boydston, California Department of Fish and Game (CDFG)
Dr. Dave Hanson, Pacific States Marine Fisheries Commission
Mr. Jim Lone (Committee Chairman)
Mr. Bill Robinson, National Marine Fisheries Service (NMFS)

The Committee was assisted by Jim Glock and Don McIsaac (Council Staff), Eileen Cooney (NOAA Counsel), and Yvonne DeReynier. Groundfish Management Team (GMT) members Brian Culver, Dave Thomas, Mark Saelens, and Jim Hastie assisted the committee as needed, along with Lt. Dave Cleary (OSP). Council staff member Mr. Dan Waldeck was also in attendance, and Council members Ralph Brown and Hans Radtke. Public attendance represented groundfish trawl, shrimp trawl, commercial open access, seafood processing, and the recreational fishery.

Status of 2000 Catch Levels for Lingcod and Bocaccio

LB Boydston reported California has decided to close the recreational fishery for lingcod south of Cape Mendocino on November 1 due to higher than anticipated catch levels. The expected total recreational catch of lingcod in the region is 218 mt; the closure will prevent catch of an additional 53 mt. The Washington recreation fishery will also close, as scheduled, on October 31. Oregon will remain open. Mr. Boydston also reported the California Fish and Game Commission decided not to take action to close the recreational rockfish fishery because the total bocaccio catch is expected to be very near the OY. The recreational catch is higher than expected, but the commercial catch low enough to offset the overage.

The GMT also reported the coastwide canary rockfish is expected to reach 120-135 mt in 2000, well below the 200 mt OY but far in excess of the proposed 2001 OY of 60 mt. Jim Hastie also noted that landings of darkblotched rockfish this year comprise a lower percentage of the total slope rockfish landings (about 30% rather than the previous 50%), which means there can be more fishing opportunities for other slope rockfish next year. Mark Saelens reported ODFW has charted locations of year 2000 trawl activity to date, and it appears the fleet is avoiding areas of darkblotched abundance.

Proposed 2001 Harvest Levels

Jim Glock summarized the preliminary OY's adopted for public review at its September meeting. The Committee focused on those species where the preliminary OY's represented significant declines from 2000 and OY's that would likely be a controlling stock from a management perspective.

Jim Hastie reported the 1998 whiting assessment is being updated to include recent whiting harvest levels, and the results are similar to the original projections. The 1998 assessment predicted a population decline which will likely require reduction of the OY next year. He indicated the U.S. OY may be near 190,000 mt, down from the current 232,000 mt. He also discussed the recent Pacific ocean perch analysis and rebuilding plan, and said the 2001 OY may be lower than recommended by the GMT if the SSC does not concur. He said there will not be an update on darkblotched rockfish, and the question about historical foreign catch levels is unanswered. The upper OY (130 mt) is based on an assumed foreign catch of about 5%.

Draft Rebuilding Plans for Canary Rockfish and Cowcod

Jim Glock briefly summarized the draft rebuilding plans, pointing out the canary plan would set an annual catch limit of 60 mt for the entire rebuilding period, while the cowcod plan would set annual harvest at about 1% of the adult biomass (2.4 mt in 2001). The Committee did not spend time discussing the specific aspects of the draft rebuilding programs relative to the different recruitment assumptions or probabilities of rebuilding. the

Management Options for 2001, Preliminary Impact Analysis and Results of Stakeholder Meetings

Mr. Boydston reported that 3 in-state meetings were held in California following the September Council meeting. More than 200 interested members of the public attended the meetings and there was a thorough discussion of the management challenges facing California's commercial and recreational fisheries. Mr. Boydston indicated that California plans to continue the basic 2000 recreational management approach into 2001, but will allow recreational fishing in the nearshore areas during the rockfish closures. There will be a 4-month closure option in the central California region. He said they have developed different configurations of the proposed cowcod closure areas and will consider allowing nearshore fishing within the area. He noted that bocaccio should also be helped by the closure. He expects a closure will be adopted, but the specific details aren't clear yet. The 2-month closure will likely be extended to 4 months in the southern region, and the bag limits for bocaccio and canary rockfish will be reduced. He hopes the lingcod bag can be retained or increased; the minimum size for cabezon will be increased to 15 inches. He said measures for state-managed species will be coordinated to minimize bycatch of groundfish species.

Burnie Bohn reported that Oregon convened a special meeting last week and will hold another after the allocation committee meeting. The meeting concluded that 2000 management measures were probably too conservative because landings will end up below OY. It may not be necessary to reduce things much next year. He said they discussed the FMA proposal, and included it on the Council's list as "option 5." He said if an observer program can be in place by July 2001, that may open up some additional options later in the year. They did not discuss open access management much, except for the Pacific City provisions; they would like to continue them in 2001. There were no recreational representatives at the meeting, so recreational management was not discussed much. However, they mentioned the possibility of a "less than three" canary rockfish bag sub-limit and the desire to have a lingcod bag limit of 2 fish. With respect to the shrimp fishery, they want to develop a management package before April. They have not been able to identify areas where canary rockfish can clearly be avoided.

Phil Anderson reported Washington held two meetings. He said it may be possible to reduce the recreational canary rockfish catch, but Washington doesn't catch much anyway (about 2 mt this year). Washington wants to increase the lingcod bag limit to two, and will continue the closure period. He said the shrimp fishers who attended one of the meetings seemed willing to consider fish excluders and footrope modifications to reduce canary bycatch. In addition, he reported that WDFW staff had been examining 1999 logbook data for targeting locations and bycatch rates for canary rockfish in different areas and fisheries.

Peter Leipzig presented the FMA proposal to the committee, noting the commercial catch of canary will be about 40 mt this year. The current management has resulted in a reduction in canary rockfish catch of more than 90%. The proposal for 2001 would set different limits north and south of Cape Mendocino and at different times during the year.

Recommendations for 2001 Management

The Committee started the process of developing a management strategy for 2001 with the recognition that Canary rockfish are taken in the majority of commercial and recreational fisheries north of Cape Mendocino, California. The Committee created a "canary scorecard" to keep a running tally of the quantity of canary taken in the commercial and recreational fisheries that were added to a 2001 management proposal. The Committee began with the creation of a suite of recreational fisheries for each of the three states designed to minimize canary catches followed by an effort to build a set of fisheries for the commercial sector. In general, the Committee prioritized fishing opportunities that created the greatest harvest of healthy stocks while minimizing or eliminating the bycatch of canary rockfish.

Information provided by the GMT indicated that canary rockfish generally reside in depths ranging from 50 to 150 fathoms. As a result of the extremely low OY needed to meet the draft rebuilding program, the fishing opportunities recommended by the Committee are largely confined to those waters inside or outside these water depths and include closures of this corridor.

Recreational The committee prepared a summary of the recreational proposals (see table) and estimated the canary rockfish catch would fall between 46 and 70 mt. To reduce the coastwide recreational catch of canary to 46 mt, California would have to close the recreational fishery for rockfish for four months, California and Oregon would each be required to reduce the canary bag limit to one fish, and Washington would be required to modify its bag limit to no more than 2 canary or yelloweye in their rockfish bag limit.

Commercial The GMT advised the committee that under normal conditions, 3 mt of canary rockfish would be expected to be taken in the at-sea whiting fishery and that 11 mt had been landed in the 1999 pink shrimp trawl fishery down from nearly 30 mt in 1998. With the extremely low quantity of canary available for harvest, the committee looked for commercial fishing strategies that would result in zero or near zero bycatch of canary rockfish. With the exception of the fishery south of Cape Mendocino, the whiting fishery, and a mid-water widow fishery, the strategy developed by the Committee restricts all other commercial fishing on the shelf (50-150 fathoms) where canary rockfish are known to reside. The Committee prioritized consideration of fishing strategies on the slope (>150 fathoms) including fisheries designed to target Dover sole, thornyheads and sablefish commonly referred to as the (DTS) complex fishery. The GMT calculated the harvest quantities of the target species that could be expected in addition to the amount of canary bycatch anticipated, (see table). It was noted that this fishing strategy would be limited by the OY for Shortspine thornyhead and that the Darkblotched rockfish OY would not be exceeded. The GMT will try to further develop this option including trip limit estimates.

Sablefish bycatch apportionment options were presented by Jim Hastie in a revised analysis of sablefish discard/mortality apportionment options. The committee discussed the analysis but did not include a recommendation to the Council in this report regarding the options for apportioning the bycatch mortality between the sectors.

In addition, Phil Anderson noted that trawlers might leave as much as 400 mt of sablefish unharvested due to shortspine thornyhead constraints, and noted that the Strategic Plan proposed allowing a sector access their allocation of a particular species using an alternative gear type. He thought the Council should consider allowing trawlers to use open access gear (e.g., pots, or hook and line) to harvest their allocation. The Committee also discussed the possibility of using an EFP to investigate different strategies to harvest healthy species without impacting canary rockfish. Examples included a summer arrowtooth flounder/sablefish fishery or a mid-water yellowtail fishery.

General Concerns and Considerations

Bill Robinson expressed concern that the amount of canary landed in the 2000 fishery may not accurately reflect the total fishery related mortalities of canary rockfish in the 2000 fishery. Landing data presented by the GMT indicates the catch has been reduced by over 90% as a result of the management measures adopted last November for this year's fishery. However, if the 2000 management measures increased canary discard rates, the total canary mortalities may be significantly higher than indicated by the total landings. This speaks to the need for the Council to have a means of verifying its management intent through an on-board observer program.

Eileen Cooney stressed the need for a full discussion of why the committee did not choose alternative management approaches, such as prohibiting all landings of canary rockfish or requiring that all canary rockfish be retained so the total amount could be tabulated. She said if there are any fisheries that would be eliminated, the Council needs to explain why. Also, why did the committee not recommend a "no fishing" option, or require that vessels carry observers.

The pink shrimp fishery's bycatch of canary rockfish was discussed. The pink shrimp fishery is managed by the states however the regulations pertaining to the harvest of groundfish taken in the fishery falls under the jurisdiction of the federal groundfish regulations. The 1999 landed catch of canary rockfish was 11 mt and the Committee discussed means of reducing it by 50% or 5.5 mts. The most effective means of achieving this reduction would be through the use of finfish excluders. The states would necessarily need to take the lead on a such a requirement. If the success of the 2001 management strategy for canary rockfish is partly dependent on constraining the bycatch of canary rockfish in the pink shrimp fishery, the Council and NMFS would need some certainty from the states that the measures intended to accomplish the reductions would be enacted by the states.

Public Comment - Most of the public in attendance represented commercial fishing and processing interests. The majority of the public comment stressed the need for fair and equitable sharing of the conservation burden, and participants noted the impact on the commercial sectors appeared much more severe than on the recreational sector. There was also a call for fleet reduction that would be supported by the entire commercial industry.

| FISHERY | Fishery Description | | Catches/Impacts | |
|---------------------------------------|----------------------------|---------------------------|-------------------------|------|
| | | | <u>Range of Options</u> | |
| Recreational | | | | |
| | WA sport | | 2 | 2 |
| | OR sport | | 16 | 21 |
| | CA sport | | 26 | 45 |
| Trawl | | | | |
| | Shrimp | | 5.5 | 11 |
| | Whiting | | | 3 |
| | Slope LS Thornyhead | >150 fm only | 0 | 0 |
| | Slope Sablefish | >150 fm only | 0 | 0 |
| | Slope Dover | >150 fm only | 0 | 0 |
| | Slope Petrale | >150 fm only | 0 | 0 |
| | Midwater Widow | | 1 | 1.5 |
| | Nearshore Flatfish | <50 fm | 1 | 1 |
| | South of Mendocino | all depths trawl | 1 | 1 |
| | Midwater Yellowtail | | 0 | 0 |
| | Summer Arrowtooth | >150 fm only | 0 | 0 |
| Fixed Gear | | | | |
| | LE except 3-Tier Sablefish | close 50 - 150 fm; | 1 | 1 |
| | | reduced Widow, YT targets | | |
| | LE 3-T Sablefish | | 1 | 1 |
| | South of Mendocino | reduced Widow, YT targets | 1 | 1 |
| | OA incl salmon troll | close 50 - 150 fm | 2 | 2 |
| | OA South of Mendocino | | 0 | 0 |
| Listing of other fisheries zeroed out | | | | |
| Research and Stock Assessment?? | | | | |
| Totals | | | 57.5 | 90.5 |

COMMERCIAL FISHERY HARVEST ESTIMATES

Method: Build a commercial management proposal, starting with target species/gear/locations with lowest bycatch first, then layering on target species/gear/locations with higher bycatch.

Assumption: Fishing in water deeper than 150 to 200 fathoms has near zero canary bycatch.

Fisheries that meet that standard: (1) Dover sole, thornyheads and trawl-caught sablefish (DTS) complex [shortspine thornyhead is the constraining factor], and (2) midwater trawl fishery for widow rockfish, especially in winter [canary is constraining factor].

Approach: divide year into quarters (3 months each), and schedule target fisheries where bycatch rates (or expected bycatch amounts) are lowest.

Example (in metric tons per quarter); DTS limited by shortspine thornyhead

| target species | 1st quarter | 2nd quarter | 3rd quarter | 4th quarter |
|--------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| longspine thornyhead | target: 400 | target: 300 | target: 200 | target: 400 |
| | total, inc. incidental: 487 | total, inc. incidental: 389 | total, inc. incidental: 275 | total, inc. incidental: 491 |
| sablefish | target: 300 | target: 200 | -- | target: 100 |
| | total, inc. incidental: 602 | total, inc. incidental: 535 | total, inc. incidental: 492 | total, inc. incidental: 654 |
| Dover sole | target: 2,200 | target: 1,500 | target: 1,300 | target: 2,000 |
| | total, inc. incidental: 2,269 | total, inc. incidental: 1,551 | total, inc. incidental: 1,312 | total, inc. incidental: 2,091 |
| Petrals sole | target: 700 | -- | -- | target: 700 |
| Widow rockfish, midwater | 900 | -- | -- | 900 |
| <OR> | 450 | 450 | 450 | 450 |
| <OR> | 600 | 450 | 450 | 600 |

Total expected shortspine thornyhead catch: 545 mt

Total expected canary rockfish catch: zero mt (if no widow targets in 2nd and 3rd quarters); otherwise, 1.5 mt.

PROPOSED RECREATIONAL MANAGEMENT MEASURES

| | California | | | Oregon | Washington | expected total |
|----------------------|----------------------------|----------------------------|-----------------------|-------------------------------|-----------------------------|----------------|
| | South | Central | North | | | |
| canary | 1 | 1 | 1 | 1 | 2 (canary+yelloweye) | |
| bocaccio | 2 | 2 | -- | -- | -- | |
| lingcod | 2 @ 26" | 2 @ 26" | same as Oregon? | 2 @ 24" | 2 @ 24" | |
| | closed Jan-Feb and Nov-Dec | closed Mar-Jun | same season as Oregon | closed Mar-Apr, or no closure | closed Jan- Mar and Nov-Dec | |
| cowcod | 1 per angler
2 per boat | 1 per angler
2 per boat | -- | -- | -- | |
| rockfish | 10 | 10 | 10 | 10 | 10 | |
| total expected catch | 40 mt | | 2 | 21 mt | 2 mt | 70 mt |
| | 30 mt | | 2 | 16 mt | 2 mt | 46 mt |

Assuming recreational total of 70 mt, plus 3 mt in whiting fishery, plus 11 mt in the pink shrimp trawl fishery, the total canary catch would be 84 mt.
Assuming recreational total of 44 mt, plus 3 mt in whiting fishery, plus 11 mt in the pink shrimp trawl fishery, the total canary catch would be 60 mt.

**Groundfish and Nearshore Fisheries Management
Public Hearings - Sacramento
October 10, 2000**

Attendance: 35 people

Summary of Public Response

CPFV owners and operators were concerned about the continued use of the MRFSS data for in season catch estimates. They encourage the Department to develop a new CPFV logbook that will capture more specific catch information about the nearshore fishery. They also support having onboard observers, but they would also like to observe on the commercial boats.

The southern California fishing community is concerned it is being regulated by fishery independent data collected north of Point Conception. The results of these surveys are being used to regulate groundfish statewide. More money is needed in southern California for fishery independent studies.

In general, there was a lot of support for localized fishery management.

Reducing the number of hooks from three to one would force the CPFV industry to shift fishing effort from deep water to shallow water rockfish. A suggestion was made to have a maximum weight requirement when fishing for midwater shelf rockfish.

The recreational contingent supports increasing the lingcod minimum size to 28" over reducing the daily bag limit to one fish. Many individuals indicated they would lose an important customer base if their customers could only keep one fish per angler.

CPFV operators indicated the current proposed lingcod management measures would force them to use live bait for lingcod.

Additional time closures would put many CPFV owners and their landings out of business. Last years regulations resulted in a 20% decrease in business.

Time block closures would deflated the exvessel price paid for premium live finish because of the potential glut of fish when the season is open. Trap fishermen support short period closures spread over a years time.

Nearshore fishermen feel they are being regulated out of the fishery by anecdotal information. A 50% harvest reduction would put them out of business.

One nearshore fishermen suggested increasing the commercial minimum size of greenling *spp.* and keep the current recreational minimum size.

Some individuals expressed concern over the definition of nearshore. Most agreed with

the one mile demarcation but thought 40 fathoms was too broad.

A representative for central California sport free divers association indicated he was concerned about the decrease in size and number of nearshore rockfish. His group supports ITQs for commercial fishers and suggested reducing the catch rate by restricting the number of hooks or poles.

Gear restrictions; requiring nearshore fishermen to use rod-and-reel gear verses other gears would result in a high catch rate for blue and black rockfish. They die very easily and are not typically sought by the markets.

Trawlers support increasing trip limit periods to reduce the discard rate of sensitive species.

Why are trawlers fishing on the shelf when commercial longliners and recreational boats are being excluded.

**Groundfish and Nearshore Fisheries Management
Public Hearings - San Luis Obispo
October 11, 2000**

Attendance: ~100

Summary of Public Response

Concerned time closures as they relate to offshore fishes will cause a shift in effort towards nearshore species.

One individual supported cuts in bag limits for recreational fishers and reduced OY's for commercial fishers over time closures.

The following is a list of proactive activities the Department should be concerned about:
Artificial enhancement of the nearshore fishes

- Habitat protection and enhancement

- Buy back program for displaced groundfish fishermen

- Socioeconomic impacts of it's proposed regulations

- Provide a list of the publications the Department cites when justifying management proposals

Identify point and non-point pollution sources.

The Department needs to collect more accurate field data. The current CPFV logbooks are insufficient and the MRFSS data is less than creditable.

Concerned the Department has not investigate the sociaeconomic impacts of it's proposed regulations. When you close down fisheries you impact whole communities.

Punch cards and ITQs were recommended as potential management tools.

Some people supported area closures, but not time closures. Time closures would force fishermen to fish in unsafe conditions to make a living.

Cowcod landings are down because there is not a market for them. They are too large for the current market demand. Cowcod generally do not mix with other species of rockfish and can be regularly taken when targeted.

Commercial fishermen do not support a halibut or leopard shark ban in the proposed closed areas. They are concerned sculpin will be impacted unless the four month closure is approved.

Some individuals were concerned about management measure (7). A majority of the nearshore fishing occurs in isolated areas along the coast. The catch is often transported to the buyers before market receipt can be written up.

Nearshore fisheries management regulations should be equilateral between commercial and recreational fishers.

The public is concerned that they are being excluded from the nearshore FMP development process.

The Department web page should contain information about these management measures and upcoming venues. Public notice of these meetings and others held by the Department are announced at the last minute.

Participants would like to know what management measures the Department will recommend to the commission before the final meeting, so they can negotiate constructively with the Department.

Management issues need to be handled at a regional level versus statewide management.

Current area time closures have resulted in a 20% decrease in revenue for the port San Luis CPFV fleet. They would like the Department to consider creating three management zones: southern, central, and northern.

Nearshore OY's should be based on data collected from 1980 thru 1999 because of the swing in landings from a fishery dominated by recreational fishers in the 1980s to commercial dominance in the 1990s.

Limited entry permits for the nearshore fishery should be based on individuals' historical landings, not by a control date.

**Groundfish and Nearshore Fisheries Management
Public Hearings - San Diego
October 19, 2000**

Attendance ~ 110 people

Groundfish Open Discussion

Administrators of the MRFSS indicated that their data should not be used for in season management, so why does the Department rely on it?

What data did you use to generate your catch estimates? The current CPFV logbooks do not capture species specific information to make quantitative management decisions according to the authors of a DFG technical report.

Many CPFV owners and operators are outraged that the Department is going to regulate them out of business with inaccurate data.

What fishery independent data does the Department have for deep water rockfish taken in southern California?

What type of fishery dependent data does the Department collect?

Why does the Department want to create such a large protected area for cowcod, when the logbooks provide specific catch location information? The Department should only close those areas specific to high cowcod catches.

The rockfish count has been down in recent years in southern California because CPFV operators have been targeting white seabass and yellowtail.

Southern California anglers catch relatively few lingcod, cabezon, or greenlings, so why should they be faced with the same restrictions as those anglers in central and northern California?

The DFG is filtering information before it gets to the commissioners. The commissioners are not being informed accurately about the issues at hand.

Open Discussion of Nearshore finfish options

How does the Department plan to deal with the transport of live finfish from Oregon into California? What type of records are being kept?

Recent nearshore live finfish regulations have resulted in a destabilization of the market. No new regulations should be enacted until the market stabilizes.

Onboard observers are needed for both the commercial and CPFV fleets.

How much money will California fishermen receive from the disaster relief fund?
Trap fishermen would like to see some sort of regional approach to management of live

finfish.

Some CPFV operators support the rebuilding plan for bocaccio, but they were concerned the rebuilding plan was acting as a shield for other species not declared overfished.

What type of catch and release experiments have been conducted by the DFG on deep water rockfish? Recommends the Department ask industry people to help with these types of experiments.

Many people expressed concern that an economist has not been consulted about the impact of the proposed regulations.

There was opposition to prohibiting the take of sheephead in the proposed area closures and to increasing the minimum size of sheephead. Closing the offshore islands and banks to live finfish industry will cause a shift in effort to the nearshore islands.

Four to six month time closures would put CPFV and tackle shops that support them out of business, and there would likely be a decrease in license sales.

Commercial fishermen support IFQ program or other individual limits such as pounds or days fished.

Nearshore trapper supports increasing minimum size for nearshore commercial species. He supports weekend closures over block closures. He would like to harvest the product when it is worth the most amount of money.

Formal Testimony

The CPFV industry is skeptical about the data being used to regulate them out of business. The emergency closure for November and December would not impact the southern California fleet. They rarely make trips offshore that late in the year. There has not been a customer base since last years rockfish restrictions. They support using data collected during the eighties over the nineties for nearshore allocation allotments. In addition, they support a reduction in bag limit and reducing the number hook-per-line. They would like to see more money spent on the MRFSS survey.

Representatives of the CPFV industries indicated many of the landings will go out of business in addition to there affiliates (tackle shops, motels, and restaurants) if the commission adopts the four to six months closures.

Regional management is needed to address the specific geographic management issues. Why should the commercial and recreational industries be impacted statewide by local issues?

Lobster fishermen are concerned the vague language used to describe the one mile (nearshore) area closure and gear restrictions would put them out of business.

Exempted species and gear need to be identified in the language.

The Department needs to hire an economist to address the socioeconomic impacts of the proposed 2001 regulations. Did the Department notify general license holders about these proposed regulations and the meetings to discuss them?

The time and money spent on nearshore interim management measures has been wasted. The Department could have used that money for meaningful research.

What is being done to monitor private boat owners?

CALIFORNIA RECREATIONAL

1. Move southern management line to Point Conception; retain Cape Mendocino line.
2. Bag limits: two bocaccio, one canary, two lingcod, ten rockfish, no cowcod retention.
- 3.a. Minimum size: lingcod 26", bocaccio 10", cabezon 15", scorpionfish 10", greenlings 12".
- 3.b. Retain filet lengths and skin-on for cabezon and lingcod, *and rockfish.*
4. Hooks: two (down from three).
5. 2001 anticipated recreational catches (coastwide): bocaccio 48 mt, canary 44 mt, lingcod 350 mt, cowcod 1.7 mt (bycatch south of Point Conception).
6. Season for rockfish including scorpionfish and lingcod:
 - South: Closed: January through February (and November through December if necessary to stay within bocaccio and cowcod OYs, except open for nearshore minor rockfish inside 20 fathoms around islands and along coast. Cowcod closure in effect all year.
 - Central: Closed March through June except open for nearshore minor rockfish inside 20 fathoms during May through June.
 - Northern: Same as Oregon.
7. Cowcod closure: Alternative 2 in Exhibit C.1.c, Supplemental CDFG Overheads (8 sided): *provision for a transportation corridor 33° latitude, 1 mile area vessels must be underway during transit*
Closed to all federal groundfish except open to nearshore minor rockfish, cabezon, and greenlings (inside 20 fathoms).

Write letter to California Fish and Game Commission requesting closures for prawn trawl, ocean whitefish, and other species as appropriate.

CALIFORNIA LIMITED ENTRY AND OPEN ACCESS NONTRAWL COMMERCIAL

1. Same management lines as recreational.
2. Minimum sizes: same as recreational, except same as Oregon north of Mendocino for lingcod.
3. 2001 anticipated catches (coastwide): bocaccio 52 mt, canary 44 mt, lingcod 261 mt, cowcod 0.7 mt (bycatch).
4. Season for shelf and nearshore rockfish, scorpionfish, and lingcod is the same as recreational; slope is always open for slope species.
5. Cowcod closure: same as recreational. No cowcod retention.
6. Trip limits may be changed inseason to stay within OYs (see Exhibit C.9.c).

ENFORCEMENT CONSULTANTS COMMENTS ON
MANAGEMENT MEASURES FOR 2001

The Enforcement Consultants (EC) have reviewed the proposed management measures for 2001.

In reviewing the proposals for cowcod, I will refer to Exhibit C.9.c, Supplemental GMT Report 2 and Exhibit C.1.c, Supplemental CDFG Overheads.

The EC is recommending the following:

1. Prohibit the take, possession, and landing of cowcod statewide.
2. Prohibit the take and possession of federal groundfish species and state managed groundfish species that would adversely impact cowcod in the closed area.

We felt the wording in 2 would address alternatives 1 and 2 outlined in the GMT statement. The EC felt alternative 3 would make any cowcod closure unenforceable.

In discussing the three alternatives for the size and shape of a cowcod closure we would recommend Alternative 2 (slide and attachment) from Exhibit C.1.c, Supplemental CDFG Overheads. This closure appears to be easily understood by the public, industry, and enforcement. This option would reduce the area in the original proposal by over 2,000 square miles. This size and shape would maintain the savings that was met by the original purposed cowcod closure in September. We recognize this is new ground in management measures, and we anticipate that after a year of evaluation, we will be in a better position to tell you how effective our enforcement effort has been.

The management measures proposed for the recreational catch of canary rockfish for Oregon and Washington involves simply adjusting the bag limits and should not create any problems with proper notification to anglers.

The proposals for California represents a change in bag, hook numbers, and area closures that is similar to measures used in 2000. Again, with proper notification to anglers there should not be an enforcement concern.

Management measures proposed in the commercial fishery that were discussed are as follows.

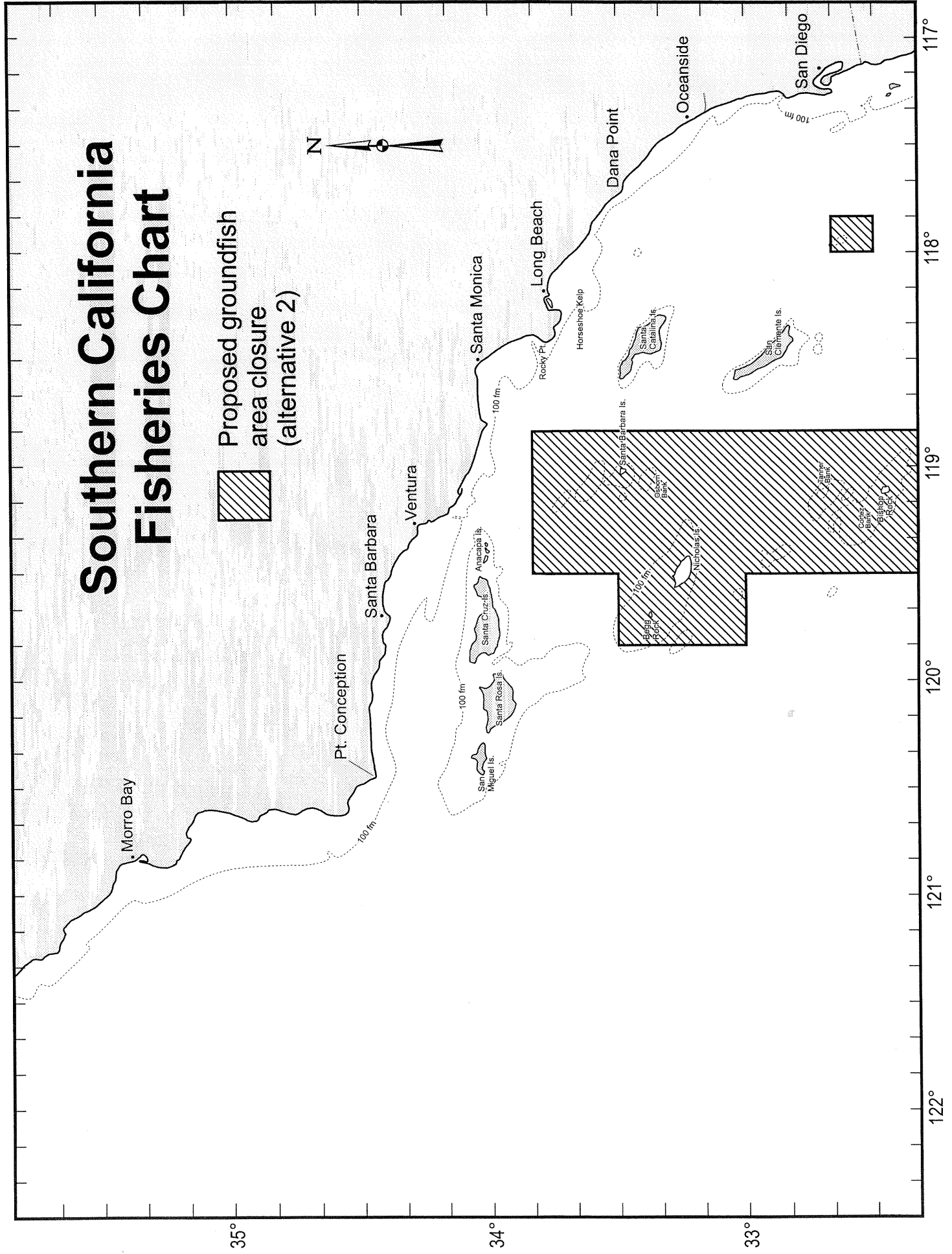
Using a line to have differential trip limits for deep water complex will not be an enforcement issue if:

1. Limits are tied to port of landing and not the fishing area.
2. Language should be published in the *Federal Register* identifying deep water complex species effected.
3. The same language published in the *Federal Register* describing operating in areas with different trip limits would apply.

PPMC
11/02/00

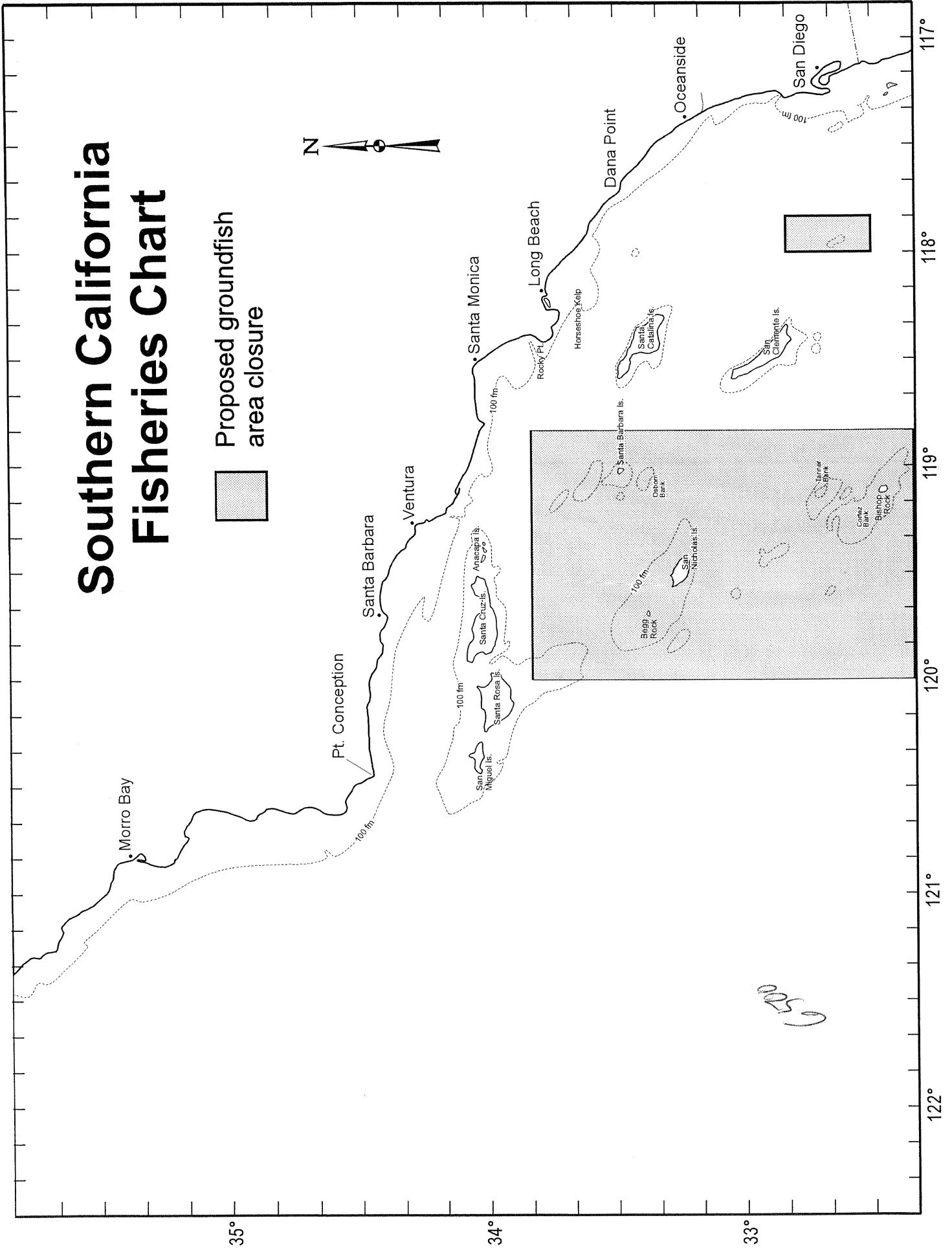
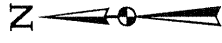
Southern California Fisheries Chart

Proposed groundfish
area closure
(alternative 2)



Southern California Fisheries Chart

Proposed groundfish area closure



GROUND FISH ADVISORY SUBPANEL COMMENTS
ON 2001 GROUND FISH MANAGEMENT MEASURES

After receiving direction from the Council, the Groundfish Advisory Subpanel (GAP) held several joint meetings with the Groundfish Management Team (GMT) to develop management measures for the 2001 groundfish season.

For the sake of brevity, I will not repeat all of the proposals advanced by the GMT, as we are in agreement on most of them. I will identify where there are areas of disagreement or additions to the GMT statement:

Cowcod area closure south of Conception

While the GAP fully supports the protection of cowcod stocks, the extensive area closure to all groundfish fishing is unnecessary and will have severe economic impacts on both commercial and recreational fisheries. We recommend that the Council adopt the option identified as Option 2 on Supplemental GMT Report 2 under this agenda item, with the proviso that boats taking advantage of this opportunity carry observers or provide other effective means of verification. While the GAP understands the enforcement concerns identified, we believe that some means can be found to resolve them if all parties are willing to work cooperatively and think creatively.

California recreational management, central area

The majority of the GAP supports a recreational option calling for a March through June closure on the shelf and a March and April closure near shore (with a parallel closure of commercial fixed gear), resulting in a sport impact on near shore minor rockfish of 550 metric tons, a limited entry fixed gear impact of 30 metric tons (landed catch), and an open access impact of 74 metric tons.

A minority of the GAP supports a recreational option calling for a March through June closure of both shelf and near shore (with a parallel closure of commercial fixed gear) resulting in a recreational impact of 500 metric tons, a limited entry fixed gear impact of 30 metric tons (landed catch) and an open access impact of 120 metric tons.

Sablefish minimum size

The GAP supports removing the 22" sablefish minimum size requirement for all limited entry gear in order to reduce discards of small sablefish.

Platooning

The GAP supports continuation of the platooning option for limited entry trawl vessels. For vessels in the "B" platoon, the final period will be November 16, 2001 to December 31, 2001, with the same trip limits as the "A" platoon has for the November 1 to December 31 period.

PFCM
11/02/00

Presented by Tom Barnes

@ 4:41 pm 11-2-2000

Exhibit C.9.c.
Supplemental GMT Report 2
November 2000

GROUND FISH MANAGEMENT TEAM COMMENTS ON
COWCOD MANAGEMENT MEASURES FOR 2001

The Groundfish Management Team (GMT) discussed the proposed cowcod groundfish area closure, and concluded that prohibition of federal groundfish within the proposed boundaries will achieve the rebuilding yields for the Southern California Bight. As originally proposed, the closure would eliminate groundfish fishing in a large geographic area, resulting in a 55% reduction in total cowcod mortality. The closure is primarily located far offshore where cowcod catches and catch rates remain high, but where total groundfish effort has been comparatively lower than for fishing grounds closer to the mainland. Therefore, the area closure is likely to be less disruptive to southern California fisheries than alternative measures applied across the board to all shelf fishing grounds.

Some of the proposed area closure alternatives raise concern that efforts to allow fishing for selected groundfish species within the proposed area closure would result in enforcement difficulties and cowcod bycatch. These concerns must be addressed and resolved to maintain an expectation that rebuilding yields will not be exceeded. Total allowable 2001 fishing mortality under the base case in the rebuilding plan is 2.4 mt (55% probability of success within 98 years), which is about one half of the current take, and far less than average annual catches during the 1990's (25.9 mt/yr). Rebuilding analyses suggest that for the base case scenario, recovery will be jeopardized if rebuilding yields are exceeded by any significant amount.

In order for the proposed closure to be effective, it is necessary that all fishing opportunities for shelf groundfish be eliminated within the proposed closure boundaries. The proposed boundaries (all 3 options) encompass virtually all offshore fishing grounds that still exhibit high catch rates for cowcod. There are at least three logically plausible alternatives for eliminating cowcod catches within the proposed area boundaries:

- 1) Complete prohibition of groundfish fishing and prawn trawling, as specified in the original proposal.
- 2) Prohibit fishing for and retention of shelf groundfish and prawn trawling, with allowance for nearshore and slope fishing within the closure.
- 3) Redefine the area boundaries to exclude nearshore and/or slope fishing grounds from the closure. This option may require provision for transport of prohibited groundfish through closed areas.

Although all options raise significant enforcement concerns, those other than Option 1 (above), present increased problems. If fishing for nearshore or slope species is permitted within the proposed boundaries, bycatch of shelf species has the potential to result in cowcod mortality if those fishing activities are not precisely constrained to shallow nearshore (<20fm) or slope (>175fm) fishing grounds. Enforcement of depth-specific regulations is problematic for large geographic areas located far offshore. Alternate area boundaries have been proposed to allow some slope fishing grounds to remain open, resulting in an irregular shaped closure that will be more difficult to enforce than the rectangular-shaped alternatives. The GMT expects that it would also be difficult to identify, define and enforce shallow-water boundaries to provide access to nearshore (<20fm) fishing grounds within the proposed closure boundaries. Also, any new proposal to redraw area boundaries to allow some productive offshore shelf habitat to remain open may result in effort shift that has the potential to result in cowcod catches in excess of rebuilding yields. The same concerns that have been identified for cowcod also apply to expected savings for bocaccio from the various closure options.

Input from Enforcement Consultants will be essential in consideration of all options, especially those that allow nearshore and slope fishing within the proposed boundaries. In order to meet rebuilding yields based on area closures, the measures under consideration must be enforceable, and not result in additional cowcod fishing mortality.

The GMT recommends that retention of cowcod in recreational and commercial fisheries be prohibited. It is important that the angling public and commercial fishers understand the importance of avoiding the take of cowcod, and this measure would achieve that purpose. The status of cowcod as a highly prized trophy species in the recreational fishery raises the possibility of targeting, even under a one-fish bag limit. Also, the one fish per landing allowance in the commercial fishery is expected to result in only a few hundred pounds of landings in 2000. The GMT believes the potential for increased discards is more than offset by the benefits of prohibition.

Exhibit C.9.c
Supplemental GMT Report
November 2000

Proposed trip limits for **Limited-Entry Trawl** for 2001

| Species/groups | JAN-FEB | MAR-APR | MAY-JUN | JLY-AUG | SEP-OCT | NOV-DEC |
|---|---|--|---|---------|---|---------|
| Minor slope rockfish | | | | | | |
| North of Cape Mend. | | | 1,500 lb / 2 months | | | |
| South of Cape Mend. | | | 14,000 lb / 2 months | | | |
| Splitnose-South | 8,500 lb / 2 months | | 14,000 lb / 2 months | | 4,000 lb / month | |
| POP | 1,500 / month | | 2,500 lb / month | | 1,500 lb / month | |
| DTS north of Cape Blanco | | | | | | |
| Sablefish | 5,000 lb / 2 months | | 14,000 lb / 2 months | | 5,000 lb / month | |
| Longspine | 6,000 lb / 2 months | | 6,000 lb / 2 months | | 6,000 lb / 2 months | |
| Shortspine | 1,500 lb / 2 months | | 1,500 lb / 2 months | | 1,500 lb / 2 months | |
| Dover sole | 65,000 lb / 2 months | | 20,000 lb / 2 months | | 20,000 lb / 2 months | |
| DTS south of Cape Blanco | | | | | | |
| Sablefish | 8,000 lb / 2 months | | 11,000 lb / 2 months | | 8,000 lb / 2 months | |
| Longspine | 6,000 lb / 2 months | | 6,000 lb / 2 months | | 6,000 lb / 2 months | |
| Shortspine | 1,500 lb / 2 months | | 1,500 lb / 2 months | | 1,500 lb / 2 months | |
| Dover sole | 35,000 lb / 2 months | | 35,000 lb / 2 months | | 35,000 lb / 2 months | |
| Arrowtooth | 20,000 lb / trip | | Small footrope: no limit
Large footrope: 5,000 lb / trip | | 20,000 lb / trip | |
| Petrale sole | No restriction | Small footrope: no limit
Large footrope: included in other flatfish limit | | | No restriction | |
| Rex sole | No limit | | | | | |
| All other flatfish | Small footrope: no limit Large footrope: 1,000 lb / trip | | | | | |
| Shoreside whiting * | 20,000 lb / trip | | Open | | 20,000 lb / trip | |
| Use of small footrope required for landing all shelf and near-shore rockfish | | | | | | |
| Minor Shelf rockfish | | | | | | |
| North of Cape Mend. | 300 lb / month | | 1,000 lb / month | | 300 lb / month | |
| South of Cape Mend. | 500 lb / month | | 1,000 lb / month | | 500 lb / month | |
| Canary-Coastwide | 100 lb / month | | 300 lb / month | | 100 lb / month | |
| Widow-Coastwide
(mid-water only) | 20,000 lb / 2 months | | 10,000 lb / 2 mo 20,000 lb / 2 mo | | 10,000 lb / 2 months | |
| Small footrope | 1,000 lb / month | | 1,000 lb / month | | 1,000 lb / month | |
| Yellowtail-North
(mid-water only) | 30,000 lb / 2 months | | | | 20,000 lb / 2 months | |
| Small footrope | 1,500 lb / month | | 1,500 lb / month | | 1,500 lb / month | |
| as flatfish bycatch | Up to 33% of all flatfish (excluding arrowtooth) plus 10% of weight of Arrowtooth not to exceed
2,500 lbs/trip | | 7,500 lbs/trip | | 2,500 lbs/trip
or the cumulative 2-month poundage allowed for mid-water gear | |
| Bocaccio-South | 300 lb / month | | 500 lb / month | | 300 lb / month | |
| Chilipepper-South
(mid-water only) | | | 25,000 lb / 2 months | | | |
| Small footrope | | | 7,500 lb / 2 months | | | |
| Cowcod | No retention | | | | | |
| Minor Nearshore rockfish | | | | | | |
| North of Cape Mend. | 200 lb / month | | 200 lb / month | | 200 lb / month | |
| South of Cape Mend. | 200 lb / month | | 200 lb / month | | 200 lb / month | |
| Lingcod | No retention | | 400 lb / month | | No retention | |

* Whiting limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

Proposed trip limits for **Limited-Entry Fixed-gear** for 2001

| Species/groups | JAN-FEB | MAR-APR | MAY-JUN | JLY-AUG | SEP-OCT | NOV | DEC |
|---------------------------------------|--|---------|----------------|---------|---------|---------------|-----|
| Minor slope rockfish | | | | | | | |
| North of Cape Mend. | same as trawl | | same as trawl | | | same as trawl | |
| South of Cape Mend. | same as trawl | | same as trawl | | | same as trawl | |
| Splitnose-South | same as trawl | | same as trawl | | | same as trawl | |
| POP | same as trawl | | same as trawl | | | same as trawl | |
| Sablefish: Daily-Trip-Limit fishery * | 300 lb / day: 2,700 lb / 2 months
Exploration of alternative management structures, drawing upon
landing options provided at the end of 2000 | | | | | | |
| Longspine | same as trawl | | same as trawl | | | same as trawl | |
| Shortspine | same as trawl | | same as trawl | | | same as trawl | |
| Dover sole | same as trawl | | same as trawl | | | same as trawl | |
| Arrowtooth | same as trawl | | same as trawl | | | same as trawl | |
| Petrale sole | same as trawl | | same as trawl | | | same as trawl | |
| Rex sole | same as trawl | | same as trawl | | | same as trawl | |
| All other flatfish | same as trawl | | same as trawl | | | same as trawl | |
| Shoreside whiting | same as trawl | | same as trawl | | | same as trawl | |
| Minor Shelf rockfish | | | | | | | |
| North of Cape Mend. | same as trawl | | same as trawl | | | same as trawl | |
| South of Cape Mend. | same as trawl | | same as trawl | | | same as trawl | |
| Widow | 3,000 lb / month | | | | | | |
| Canary | same as trawl | | same as trawl | | | same as trawl | |
| Yellowtail-North | 1,500 lb / month | | | | | | |
| Bocaccio-South | same as trawl | | same as trawl | | | same as trawl | |
| Chilipepper-South | 2,500 lb / month | | | | | | |
| Cowcod-South | No retention | | | | | | |
| Lingcod | No retention | | 400 lb / month | | | No retention | |
| Minor Nearshore rockfish | | | | | | | |
| North of Cape Mend. | 10,000 lb / 2 months, no more than 4,000 lb of which can be species other than black or blue | | | | | | |
| South of Cape Mend. | For a 5 mt target: 600 lb / 2-months
For a 30-34 mt target: 2,000 lb / 2-months | | | | | | |

* In the Conception area, sablefish DTL limit is 350 lb / day, or 1 landing per week of up to 1,050 lb.

Notes:

Nearshore and shelf fishing opportunities will be closed in the Monterey and Conception areas when the recreational fisheries are closed in those areas.

Proposed trip limits for **Open-access** (other than exempted trawl) for 2001

| Species/groups | JAN-FEB | MAR-APR | MAY-JUN | JLY-AUG | SEP-OCT | NOV | DEC |
|--------------------------|---|---------|--|---------|---|--------------|-----|
| Minor slope rockfish | | | | | | | |
| North of Cape Mend. | | | 500 lb / 2 months | | | | |
| South of Cape Mend. | | | 5,000 lb / 2 months | | | | |
| Splitnose-South | | | 200 lb / month | | | | |
| POP | | | 100 / month | | | | |
| Sablefish | 300 lb / day: 2,700 lb / 2 months | | > | | In Conception area, 350 lb / day | | |
| Longspine | No retention (North of Pt. Conception) \ | | | | S. of Pt. Conception, 50 lb / day for both | | |
| Shortspine | No retention (North of Pt. Conception) / | | | | species combined, up to 2,000 lb / 2-months | | |
| Arrowtooth | | | 200 lb / month | | | | |
| Dover sole | | | (included in "other" flatfish limit) | | | | |
| Petrable sole | | | (included in "other" flatfish limit) | | | | |
| Near-shore flatfish | | | (included in "other" flatfish limit) | | | | |
| "Other" flatfish | | | 300 lb / month | | | | |
| Shoreside whiting | | | 300 lb / month | | | | |
| Minor Shelf rockfish | | | | | | | |
| North of Cape Mend. | | | 100 lb / month | | | | |
| South of Cape Mend. | | | 200 lb / month | | | | |
| Widow | | | 3,000 lb / month | | | | |
| Canary | | | 50 lb / month | | | | |
| Yellowtail-North | | | 100 lb / month | | | | |
| Chilipepper-South | | | 2,500 lb / month | | | | |
| Bocaccio | | | 200 lb / month | | | | |
| Cowcod | | | No retention | | | | |
| Lingcod | No retention | | 400 lb / month | | | No retention | |
| Minor Nearshore rockfish | | | | | | | |
| North of Cape Mend. | 3,000 lb / 2 months, no more than 900 lb of which can be species other than black or blue | | | | | | |
| Pacific City fleet | 200 lb / mo | | 2,200 lb / mo | | | 200 lb / mo | |
| South of Cape Mend. | | | For a 30 mt target: 600 lb / 2 months | | | | |
| | | | For a 67 mt target: 1,500 lb / 2 months | | | | |
| | | | For a 74 mt target: 1,800 lb / 2 months | | | | |
| | | | For a 120 mt target: 3,500 lb / 2 months | | | | |

GMT recommended:

Exempted trawl

Spot/ridgeback prawn, California halibut, sea cucumber fisheries:

300 lb. of groundfish per trip, not to exceed the poundage of target species, or any other open-access species limit.

Spiny dogfish poundage can exceed target poundage but not the 300 lb per trip limit.

Notes:

Nearshore and shelf fishing opportunities will be closed in the Monterey and Conception areas when the recreational fisheries are closed in those areas.

GMT Estimates of 2001 Recreational Catch and Calculations of Commercial Limited Entry
and Open Access Allocations (in mt)

An updated version of the previous handout:

REVISED REVISED Supplemental Replacement GMT Report 3

| | 2001
Total
ABC (US) | GMT Final Optimum Yield (OY) | | | | | | Open-Access | | Limited-entry | | |
|---|---------------------------|------------------------------|---------|--------|-------|-------|--------------------|-------------|-----------------|----------------|-------------------|--------|
| | | Total | | Tribal | Rec. | Comp. | Non-trib.
Comm. | % | Landed
catch | Total
catch | At-sea
Bycatch | Landed |
| | | Catch | Landed | | | | | | | | | |
| Lingcod | 1,119 | 611 | | | 360 | | 251 | 19.0% | 48 | 203 | | 203 |
| Whiting | 190,400 | 190,400 | 190,400 | 27,500 | | | 162,900 | | | | | |
| Sablefish (N of 36°)[2001c] | 7,661 | 6,895 | 6,206 | 669 | | 24 | 6,206 | 9.4% | 537 | 5,622 | | 4,834 |
| Conception | 425 | | 212 | | | | 212 | | | | | |
| Dover sole | 7,677 | 7,677 | 7,293 | | | 67 | 7,610 | | | 7,610 | | 7,293 |
| English sole | 3,100 | | | | | | | | | | | |
| Petrale sole | 2,700 | | | | | | | | | | | |
| Arrowtooth flounder | 5,800 | | | | | | | | | | | |
| Other flatfish | 7,700 | | | | | | | | | | | |
| Thornyheads | | | | | | | | | | | | |
| Shortspine (N of 36°) | 757 | 689 | 552 | | | 4 | 685 | 0.27% | 2 | 683 | | 546 |
| Conception | 123 | | 62 | | | | 0 | 0.27% | 0 | 0 | | 0 |
| Longspine (N of 36°) | 2,461 | 2,461 | 2,051 | | | 8 | 2,453 | | | 2,453 | | 2,043 |
| Conception | 390 | | 195 | | | | 0 | | | 0 | | 0 |
| Widow | 3,727 | 2,300 | 1,739 | | 40 | | 2,260 | 3.0% | 68 | 2,192 | 250 | 1,631 |
| Canary | 228 | 93 | 82 | | 44 | 5 | 44 | 12.3% | 5 | 39 | 3 | 30 |
| POP | 1,541 | 400 | 336 | | | | 400 | | | 400 | | 336 |
| Yellowtail | 3,146 | 3,146 | 2,126 | | 60 | | 3,086 | 8.3% | 256 | 2,830 | 675 | 1,810 |
| Chilipepper | 2,700 | 2,000 | 1,823 | | 15 | | 1,985 | 44.3% | 879 | 1,106 | | 929 |
| Splitnose (Rosefish) | 615 | 461 | 387 | | | | 461 | | | 461 | | 387 |
| Bocaccio | 122 | 100 | 100 | | 48 | | 52 | 44.3% | 19 | 29 | | 29 |
| Cowcod - Concep | 2.4 | 2.4 | | | | | 0 | | 0 | | | 0 |
| Monterey | 19 | 2.4 | | | | | 0 | | 0 | | | 0 |
| Darkblotched (high OY) | | 130 | 106 | | | | 130 | | 3 | 126 | | 106 |
| Minor Rockfish | | | | | | | | | | | | |
| <u>North of Mendocino</u> | 4,823 | 3,137 | 2,784 | | 645 | | 2,492 | 9.6% | 221 | 2,254 | | 1,918 |
| Near-shore | | 987 | 966 | | 575 | | 412 | | 181 | 222 | | 211 |
| Shelf | | 990 | 843 | | 70 | | 920 | | 34 | 880 | | 740 |
| Slope | | 1,160 | 974 | | | | 1,160 | | 7 | 1,152 | | 968 |
| <u>South of Mendocino</u> | | | | | | | | | | | | |
| (4-mo closed shelf) | 3,556 | 2,040 | 1,882 | | 1,025 | | 1,015 | 44.5% | 383 | 563 | | 474 |
| Near-shore | | 662 | 660 | | 625 | | 37 | | 30 | 5 | | 5 |
| Shelf | | 739 | 685 | | 400 | | 339 | | 176 | 129 | | 109 |
| Slope | | 639 | 537 | | | | 639 | | 176 | 429 | | 360 |
| [NEW] | | | | | | | | | | | | |
| (4-mo closed shelf & 5-fish
bag NS during closure) | 3,556 | 2,040 | 1,879 | | 960 | | 1,080 | 44.5% | 441 | 633 | | 534 |
| Near-shore | | 662 | 657 | | 560 | | 102 | | 67 | 32 | | 30 |
| Shelf | | 739 | 685 | | 400 | | 339 | | 176 | 129 | | 109 |
| Slope | | 639 | 537 | | | | 639 | | 168 | 439 | | 369 |
| [NEW] | | | | | | | | | | | | |
| (4-mo shelf closure,
2-mo NS during closure) | 3,556 | 2,040 | 1,870 | | 950 | | 1,090 | 44.3% | 414 | 597 | | 506 |
| Near-shore | | 662 | 656 | | 550 | | 112 | | 74 | 34 | | 32 |
| Shelf | | 739 | 685 | | 400 | | 339 | | 176 | 129 | | 109 |
| Slope | | 639 | 528 | | | | 639 | | 164 | 434 | | 365 |
| (4-mo closed shelf & NS) | 3,556 | 2,040 | 1,876 | | 900 | | 1,140 | 44.5% | 440 | 633 | | 536 |
| Near-shore | | 662 | 654 | | 500 | | 162 | | 120 | 36 | | 34 |
| Shelf | | 739 | 685 | | 400 | | 339 | | 165 | 142 | | 120 |
| Slope | | 639 | 537 | | | | 639 | | 155 | 455 | | 382 |

GROUND FISH MANAGEMENT TEAM COMMENTS ON COWCOD MANAGEMENT MEASURES FOR 2001

The Groundfish Management Team (GMT) discussed the proposed cowcod groundfish area closure, and concluded that prohibition of federal groundfish within the proposed boundaries will achieve the rebuilding yields for the Southern California Bight. As originally proposed, the closure would eliminate groundfish fishing in a large geographic area, resulting in a 55% reduction in total cowcod mortality. The closure is primarily located far offshore where cowcod catches and catch rates remain high, but where total groundfish effort has been comparatively lower than for fishing grounds closer to the mainland. Therefore, the area closure is likely to be less disruptive to southern California fisheries than alternative measures applied across the board to all shelf fishing grounds.

Some of the proposed area closure alternatives raise concern that efforts to allow fishing for selected groundfish species within the proposed area closure would result in enforcement difficulties and cowcod bycatch. These concerns must be addressed and resolved to maintain an expectation that rebuilding yields will not be exceeded. Total allowable 2001 fishing mortality under the base case in the rebuilding plan is 2.4 mt (55% probability of success within 98 years), which is about one half of the current take, and far less than average annual catches during the 1990's (25.9 mt/yr). Rebuilding analyses suggest that for the base case scenario, recovery will be jeopardized if rebuilding yields are exceeded by any significant amount.

In order for the proposed closure to be effective, it is necessary that all fishing opportunities for shelf groundfish be eliminated within the proposed closure boundaries. The proposed boundaries (all 3 options) encompass virtually all offshore fishing grounds that still exhibit high catch rates for cowcod. There are at least three logically plausible alternatives for eliminating cowcod catches within the proposed area boundaries:

- 1) Complete prohibition of groundfish fishing and prawn trawling, as specified in the original proposal.
- 2) Prohibit fishing for and retention of shelf groundfish and prawn trawling, with allowance for nearshore and slope fishing within the closure.
- 3) Redefine the area boundaries to exclude nearshore and/or slope fishing grounds from the closure. This option may require provision for transport of prohibited groundfish through closed areas.

Although all options raise significant enforcement concerns, those other than Option 1 (above), present increased problems. If fishing for nearshore or slope species is permitted within the proposed boundaries, bycatch of shelf species has the potential to result in cowcod mortality if those fishing activities are not precisely constrained to shallow nearshore (<20fm) or slope (>175fm) fishing grounds. Enforcement of depth-specific regulations is problematic for large geographic areas located far offshore. Alternate area boundaries have been proposed to allow some slope fishing grounds to remain open, resulting in an irregular shaped closure that will be more difficult to enforce than the rectangular-shaped alternatives. The GMT expects that it would also be difficult to identify, define and enforce shallow-water boundaries to provide access to nearshore (<20fm) fishing grounds within the proposed closure boundaries. Also, any new proposal to redraw area boundaries to allow some productive offshore shelf habitat to remain open may result in effort shift that has the potential to result in cowcod catches in excess of rebuilding yields. The same concerns that have been identified for cowcod also apply to expected savings for bocaccio from the various closure options.

Input from Enforcement Consultants will be essential in consideration of all options, especially those that allow nearshore and slope fishing within the proposed boundaries. In order to meet rebuilding yields based on area closures, the measures under consideration must be enforceable, and not result in additional cowcod fishing mortality.

The GMT recommends that retention of cowcod in recreational and commercial fisheries be prohibited. It is important that the angling public and commercial fishers understand the importance of avoiding the take of cowcod, and this measure would achieve that purpose. The status of cowcod as a highly prized trophy species in the recreational fishery raises the possibility of targeting, even under a one-fish bag limit. Also, the one fish per landing allowance in the commercial fishery is expected to result in only a few hundred pounds of landings in 2000. The GMT believes the potential for increased discards is more than offset by the benefits of prohibition.

GROUND FISH MANAGEMENT TEAM STATEMENT ON
2001 MANAGEMENT MEASURES

The GMT continues to remind the Council that lacking a comprehensive observer program, or a verified full retention program, our estimates of total fishing mortality remain highly uncertain. Absent a tool to measure changes in fishing mortality that result from management changes, the GMT has no recourse other than the review of trawl logbooks (which contain no discard information) and then make "guesstimates" as to what extent measures such as gear modification or changes in fishing behavior have altered observed logbook bycatch rates. Moreover, for the nontrawl sector, the GMT has no logbook program or other information to gauge the bycatch consequences of the Council's management measures. The GMT strongly supports the rapid development of an observer program that will provide information on total mortality in the groundfish fisheries.

In addition to the attached tables recommending cumulative trip limits, the GMT discussed the following issues for GAP and Council consideration.

1. GAP recommendations on differential landings limits for the trawl DTS complex (Dover sole, thornyheads, sablefish) north and south of Cape Blanco raise enforcement concerns similar to those currently associated with rockfish limits north and south of Cape Mendocino. Current management measures include "crossover" provisions to deal with trip limits that are differential by area. In general, a vessel that fishes for the same species or species group in areas with different trip limits during the same cumulative limit period, that vessel is subject to the more restrictive limit for that species or species group. Enforcement of trip limits that are differential by area is usually done on a port-of-landing basis, although some at-sea enforcement of the restrictions on "taking, retaining, possessing, or landing" also occurs.

"Operating in areas with different trip limits. Trip limits for a species or species group may differ in different areas along the coast. The following "crossover" provisions apply to vessels operating in different geographical areas that have different cumulative or "per trip" limits for the same species or species group....

(a) Going from a more restrictive to a more liberal area. If a vessel takes and retains any groundfish species or species group in an area where a more restrictive trip limit applies, before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(b) Going from a more liberal to a more restrictive area. If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, then that vessel is subject to the more restrictive trip limit for that trip limit period."

2. The GAP has recommended summer flatfish limits that are relatively liberal when compared against 2000, particularly for Dover sole south of Cape Blanco. While the GMT is willing to support these limits at this time, it is with the understanding that the GMT will be spending time this winter looking at 1999 and 2000 logbook data on catch composition and tow location for the summer months, and may recommend more restrictive inseason changes early next year to canary rockfish from bycatch effects.
3. The GMT notes that the California delegation will be proposing a change in a southern management line for some recreational and commercial fisheries from 36°00' in 2000 to Point Conception (34°27') in 2001. While this management line differs from the standard Monterey/Conception areas border, the GMT does not see this line shift as posing resource management concerns.

4. The GMT concurs with the GAP recommendation for removing the 22" size limit for sablefish now in effect for the limited entry trawl fishery and fixed gear primary season, and expects that this change should result in lower sablefish discards for small-size sablefish.
5. For widow rockfish, the GMT supports higher limits during the winter months, when widow rockfish are more aggregated, rather than a constant limit throughout the year. The GMT also recognizes the necessity of providing some widow rockfish allowance for incidental retention during mid-water yellowtail rockfish fisheries.
6. The GMT concurs with the recommendations of the Oregon delegation for Pacific City, Oregon, which are:
 - a. An April-September season for nearshore rockfish, with a 2,200 lb per month limit, of which no more than 700 lb may be rockfish other than black or blue rockfish.
 - b. Outside of that season, in January-March and October-December, a 200 lb per month limit for black or blue rockfish.
 - c. If nearshore rockfish limits are increased inseason for vessels outside of Pacific City, the Pacific City nearshore rockfish limits will be increased proportionately during the months of April-September.
7. There are several open access exempted trawl fisheries (pink shrimp, spot and ridgeback prawns, California halibut, sea cucumber) that take incidental groundfish. With the exception of pink shrimp, these exempted trawl fisheries were managed in 2000 under standard Open Access landings limits, with no more than 300 lb of groundfish per trip. Additionally, the amount of groundfish landed per trip in these fisheries could not exceed the amount of target species landed, except that the amount of spiny dogfish landed could exceed the amount of target species landed. In April 2000, the Council set differential cumulative limits for exempted trawl vessels participating in the pink shrimp fishery. In general, the groundfish species-specific limits (canary rockfish, lingcod, sablefish) for this fishery were higher than the open access limits. The pink shrimp fishery also had a per trip limit of 500 lb of groundfish per day, multiplied by the number of days in the fishing trip, but not to exceed 2,000 lb of groundfish per trip. Similar to other exempted trawl fisheries, the amount of groundfish landed could not exceed the amount of targeted pink shrimp landed.

Although the GMT would support continuing the pink shrimp exempted trawl limit for sablefish at 2,000 lb per month starting April 1 and for lingcod at 400 lb per month starting May 1, we have some reservations about allowing a canary rockfish limit any higher than the standard open access canary rockfish limit. For canary rockfish, the GMT recommends a cumulative limit of 50 lb per month (same as open access) in April, and 200 lb per month in May through October. The overall groundfish limit would be 500 lb per day, no more than 1,500 lb per trip. The GMT recommends the use of finfish excluders or other canary-avoidance management (avoiding areas of high canary rockfish interaction, fleet education on canary rockfish avoidance) to ensure that the shrimp fishery does not exceed its expected canary rockfish mortality level. Limited entry permitted vessels participating in the pink shrimp fishery may be affected by DTS limits that are differential by area, as described above.



September 29, 2000

RECEIVED

OCT 11 2000

FPMG

To: Phil Anderson
LB Boydstun
Jim Golden

From: Peter Leipzig, Executive Director

I wish to once again thank each of you for taking the time to spend the afternoon with my Board of Directors discussing groundfish management for next year.

I have attached a copy of the proposal that my Board developed for the trip limits for next year. The major structural changes contained in our proposal include dividing the coast into three zones and moving to quarterly cumulative trip limits.

We believe that the approach of using three management areas will allow the size and timing of the various trip limits to better reflect when fish are available so that they can be caught in a better balance to their actual occurrence. This will greatly reduce the discarding of fish. In the past our desire to simplify regulations by having coast wide trip limits resulted in situations where fishermen had to avoid fish in part of the year when trip limits were low and then to hunt for fish when the trip limits increased.

The change to quarterly cumulative limits will also reduce discards. Fishermen agree that the change to the two-month cumulative limits a couple of years ago had a tremendous effect on reducing discard. This proposed change would continue that trend. We know that trip limit induced discards decrease with higher limits. The higher three-month limit will provide this benefit and also reduce the number of times the limits could become constraining from six to four.

The current two-month trip limit has resulted in a considerable amount of "time off the water" by allowing fishermen to consolidate their time on the water. Once a fisherman chooses to go fishing, he fishes until he has reached or come close to his limits and then ties the boat up until the next period. This pattern of time on the water and time off the water will continue with our proposal. With the longer periods, fishermen will have even greater flexibility in choosing when to fish. In this case, the choice when to fish can not only lead to reduce discards, but can also greatly promote safety,

We gave considerable amount of attention in developing the specific trip limits to reducing the take of Darkblotched rockfish and Canary rockfish. We believe that the

commercial take of Lingcod, Bocaccio rockfish, and Cowcod have been reduced sufficiently and are under control.

The proposed limit for slope rockfish north of Cape Mendocino is greatly reduced. It is our opinion that this reduction will eliminate targeting on slope rockfish. Darkblotched rockfish is a species that can be targeted. The reduced limit coupled with the explanation to the fleet about the concern for Darkblotched rockfish will eliminate targeting. The trip limit amount that is provided in the proposal should be sufficient to provide for the amount of slope species that could be caught incidentally while fishing for the deepwater complex.

Crafting regulations to further reduce the take of Canary rockfish without knowing what share the commercial fishery will receive of the 60 ton OY is difficult. As we indicated to you at the meeting, we proceeded under the assumption that the commercial share will be 30 tons. To put this amount of fish into perspective, the commercial fishery in 1999 landed nearly 650 tons. Through management measure imposed in 2000, primarily the footrope restriction in the trawl fishery, the catch of all shelf rockfish species is dramatically lower. The commercial landings of Canary rockfish this year will around 40 tons.

Even though the Canary rockfish issue is coast wide, there does seem to be a significant difference between the northern and the southern areas of coast. The northern catch is primarily commercial and the southern catch is largely recreational. For the commercial fishery to achieve a meaningful reduction of Canary it must occur in the northern area. We propose that the Dover sole limit be reduced through the summer (third quarter) period. This will reduce effort on the shelf at the time of year where the incidental take of Canary is the highest. The limits for the other deepwater species remain relatively high through this period because in the northern area they can be caught with little associated Dover sole.

We also propose that the beginning of the unrestricted Arrowtooth flounder fishing period be delayed until May 1ST. Participants in that fishery felt strongly that this delay would allow better separation of Arrowtooth from associated species and would significantly reduce interaction with Canary rockfish.

My Board is very much interested in continuing discussion about how best to structure the groundfish fishery. We believe that our proposal is an improvement over the current regulations given what we need to accomplish. We also feel, however, that until we reduce the capacity of our current fleet we are only attending to the symptoms rather than seek a cure. The FMA is continuing its efforts to seek congressional assistance for fleet reduction. I would like each of you, working through the Council to help this effort by endorsing a Council position in support of Federal assistance.

cc: Board of Directors
Groundfish Management Team
Don McIssac

PROPOSED LIMITED ENTRY TRIP LIMITS FOR 2001- North of Cape Blanco

| Species/groups | JAN-MAR | APR-JUN | JLY-SEP | OCT-DEC |
|----------------------|---|--|----------------------|----------------------|
| Minor slope rockfish | | | | |
| North | 3,000 lb / 3 months | 2,000 lb / 3 months | 2,000 lb / 3 months | 3,000 lb / 3 months |
| POP | 6000 / 3 months | 4000 / 3 months | 4000 / 3 months | 6000 / 3 months |
| Sablefish | 6,000 lb / 3 months | 20,000 lb / 3 months | 20,000 lb / 3 months | 6,000 lb / 3 months |
| Longspine | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months |
| Shortspine | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months |
| Dover sole | 82,500 lb / 3 months | 82,500 lb / 3 months | 20,000 lb / 3 months | 20,000 / 3 months |
| Arrowtooth | 20,000 lb / trip | | No limit (3) | 20,000 lb / trip |
| Petrale sole | No restriction | No limit (small footrope required for landing) | | No restriction |
| Rex sole | No limit | | | |
| All other flatfish | No limit (small footrope required for landing)(1) | | | |
| Shoreside whiting * | 20,000 lb / trip | Open | | 20,000 lb / trip |

Use of small footrope required for landing all shelf and near-shore rockfish

| | | | | |
|--------------------------|----------------------|----------------------|----------------------|----------------------|
| Minor Shelf rockfish | | | | |
| North | 300 lb / month | 300 lb / month | 300 lb / month | 300 lb / month |
| Canary-Coastwide | 100 lb / month | 100 lb / month | 100 lb / month | 100 lb / month |
| Widow | | | | |
| (mid-water only) | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months |
| Small footrope | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month |
| Yellowtail-North | | | | |
| (mid-water only) | 15,000 lb / 3 months | 45,000 lb / 3 months | 45,000 lb / 3 months | 15,000 lb / 3 months |
| Small footrope | 1,500 lb / month | (2) | (2) | 1,500 lb / month |
| Minor Nearshore rockfish | | | | |
| North | 200 lb / month | 200 lb / month | 200 lb / month | 200 lb / month |
| Lingcod | No retention | 400 lb / month | 400 lb / month | No retention |

* Whiting limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

(1) With large footrope, 1000 lbs/trip of flatfish other than Dover and Rex

(2) Yellowtail upto 33% of weight Flatfish (excluding Arrowtooth) plus 10% of weight of Arrowtooth beginning May 1st
not to exceed 7,500 lbs per trip or 30,000 / 3 months

(3) No limit with small footrope, 20,000 lbs with large footrope

PROPOSED LIMITED ENTRY TRIP LIMITS FOR 2001 - Between Cape Blanco and Cape Mendocino

| Species/groups | JAN-MAR | APR-JUN | JLY-SEP | OCT-DEC |
|----------------------|---|--|----------------------|----------------------|
| Minor slope rockfish | | | | |
| North | 3,000 lb / 3 months | 2,000 lb / 3 months | 2,000 lb / 3 months | 3,000 lb / 3 months |
| Sablefish | 9,000 lb / 3 months | 18,500 lb / 3 months | 18,500 lb / 3 months | 6,000 lb / 3 months |
| Longspine | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months |
| Shortspine | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months |
| Dover sole | 52,500 lb / 3 months | 52,500 lb / 3 months | 52,500 lb / 3 months | 52,500 lb / 3 months |
| Arrowtooth | 20,000 lb / trip | | No limit (3) | 20,000 lb / trip |
| Petrale sole | No restriction | No limit (small footrope required for landing) | | No restriction |
| Rex sole | No limit | | | |
| All other flatfish | No limit (small footrope required for landing)(1) | | | |
| Shoreside whiting * | 20,000 lb / trip | Open | | 20,000 lb / trip |

Use of small footrope required for landing all shelf and near-shore rockfish

| | | | | |
|--------------------------|----------------------|----------------------|----------------------|----------------------|
| Minor Shelf rockfish | | | | |
| North | 300 lb / month | 300 lb / month | 300 lb / month | 300 lb / month |
| Canary-Coastwide | 100 lb / month | 100 lb / month | 100 lb / month | 100 lb / month |
| Widow | | | | |
| (mid-water only) | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months |
| Small footrope | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month |
| Yellowtail-North | | | | |
| (mid-water only) | 15,000 lb / 3 months | 45,000 lb / 3 months | 45,000 lb / 3 months | 15,000 lb / 3 months |
| Small footrope | 1,500 lb / month | (2) | (2) | 1,500 lb / month |
| Minor Nearshore rockfish | | | | |
| North | 200 lb / month | 200 lb / month | 200 lb / month | 200 lb / month |
| Lingcod | No retention | 400 lb / month | 400 lb / month | No retention |

* Whiting limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

(1) With large footrope, 1000 lbs/trip of flatfish other than Dover and Rex

(2) Yellowtail upto 33% of weight Flatfish (excluding Arrowtooth) plus 10% of weight of Arrowtooth beginning May 1st.
not to exceed 7,500 lbs per trip or 30,000 / 3 months

(3) No limit with small footrope, 20,000 lbs with large footrope

PROPOSED LIMITED ENTRY TRIP LIMITS FOR 2001- South of Cape Mendocino

| Species/groups | JAN-MAR | APR-JUN | JLY-SEP | OCT-DEC |
|----------------------|---|--|----------------------|----------------------|
| Minor slope rockfish | | | | |
| South | 4,500 lb / 3 months | 4,500 lb / 3 months | 10,500 lb / 3 months | 4,500 lb / 3 months |
| Splitnose-South | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months |
| Sablefish | 9,000 lb / 3 months | 18,500 lb / 3 months | 18,500 lb / 3 months | 6,000 lb / 3 months |
| Longspine | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months | 10,000 lb / 3 months |
| Shortspine | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months | 2,500 lb / 3 months |
| Dover sole | 52,500 lb / 3 months | 52,500 lb / 3 months | 52,500 lb / 3 months | 52,500 lb / 3 months |
| Arrowtooth | 20,000 lb / trip | No limit (small footrope required)(1) | | 20,000 lb / trip |
| Petrale sole | No restriction | No limit (small footrope required for landing) | | No restriction |
| Rex sole | No limit | | | |
| All other flatfish | No limit (small footrope required for landing)(2) | | | |
| Shoreside whiting * | 20,000 lb / trip | Open | Open | 20,000 lb / trip |

Use of small footrope required for landing all shelf and near-shore rockfish

| | | | | |
|--------------------------|----------------------|----------------------|----------------------|----------------------|
| Minor Shelf rockfish | | | | |
| South | 500 lb / month | 500 lb / month | 500 lb / month | 500 lb / month |
| Canary-Coastwide | 100 lb / month | 100 lb / month | 100 lb / month | 100 lb / month |
| Widow | | | | |
| (mid-water only) | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months | 40,000 lb / 3 months |
| Small footrope | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month | 1,000 lb / month |
| Bocaccio-South | 300 lb / month | 300 lb / month | 500 lb / month | 300 lb / month |
| Chilipepper-South | | | | |
| (mid-water only) | 37,500 lb / 3 months | 37,500 lb / 3 months | 37,500 lb / 3 months | 37,500 lb / 3 months |
| Small footrope | 11,500 lb / 3 months | 11,500 lb / 3 months | 11,500 lb / 3 months | 11,500 lb / 3 months |
| Cowcod | 0 fish per landing | 0 fish per landing | 0 fish per landing | 0 fish per landing |
| Minor Nearshore rockfish | | | | |
| South | 200 lb / month | 200 lb / month | 200 lb / month | 200 lb / month |
| Lingcod | No retention | 400 lb / month | 400 lb / month | No retention |

* Whiting limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

(1) With large footrope, 1000 lbs/trip of flatfish other than Dover and Rex

(2) Yellowtail upto 33% of weight Flatfish (excluding Arrowtooth) plus 10% of weight of Arrowtooth beginning May 1st.
not to exceed 7,500 lbs per trip or 30,000 / 3 months

(3) No limit with small footrope, 20,000 lbs with large footrope

FAX COVER SHEET

CRESCENT CITY HARBOR DISTRICT
101 Citizens Dock Road
Crescent City, CA 95531

Phone (707)464-6174
Fax (707)465-3535

| | |
|---|------------------------------|
| SEND TO | |
| Company name
Crescent City Harbor District | From
Kenyon Hensel |
| Attention
Jim Locke | Date
10-2 |
| Office location | Office location |
| Fax number
563-376-6831 | Phone number
707-465-6857 |

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: _____

COMMENTS

H. Jim,
Please pass these
along to the C.M.A.T. meeting
that is currently in progress.
Also please put these in
current material for the
Attn. meeting. TLL call
ASAP to see if these two
letters got through. Thanks
Jim Hensel

Kenyon Hensel
871 Elk Valley rd
Crescent City Ca
95531
707 465 6857

RE: proposal to add a vertical line open access quota for 2001.

To The Pacific Fishery Management Council,

I have spent much time trying to protect the people who where left in open access in 1995 as the council has reflected a policy that seeks to exclude open access from its place as a legitimate fishery. Fishermen who had traditionally fished gears other then long line, or trawl, where told during the closure period that open access was their place, and that they would always be given a portion of the yearly catch.

Now when other gears are shown to be undesirable in some situations, the closed access fishermen are given open access gears to prosecute their catch. At the same time, the open access fishery has been crippled and reduced under severe catch limits. I understand that the people who entered this industry after the 95 cut off date maybe considered to have entered at their own risk, but the pre 95 fishermen who did not fit gear requirements, do have as much claim to resource as any other gear type.

HISTORY

I have stressed to the council that a group of people did not want to change over to long line gear to fish for rock cod. I have expanded the fact that a number of us vertical line fishermen stayed with this gear to catch fish we found in numerous large schools that are fished most effectively with vertical lines. Many of these fishermen felt like I did, that there were already enough boats and long line gear to catch the prized colored miner near shore and shelf rock cod species, so we where content to develop our specialty markets and thus gain higher values for our catch. The fact that we did these things on a small-scale does not make this effort any less legitimate.

I have to stress that this fishery is in danger of being lost or changed in the next few years. These fishermen cannot afford to continue these methods without the fish to support them. To this end I have tried to initiate a study of these fishing methods to allow the gear class to be granted the access to it's traditional fish species. I still need to convince the council to give vertical line fishermen short-term access to these fish to survive the next few years of regulatory uncertainty. To this end I propose a change to the wording of the 2001 fishing regulations in open access.

PROPOSAL

A sentence added to the open access regulations that reads like this: Fishermen using vertical gear could exchange their other near shore minor rock fish for a 50% addition to that period's quota to be taken as blacks and blues. If a quota was 2000lbs with 500 other then blacks and blues, a fishermen who uses only vertical line could take 3000lbs of blacks and blues as long as he lands no other m.n.s.r.

This would both reduce the pressure on the other near shore minor rockfish that are sought on the live fish market, and give vertical line fishermen a chance to continue to survive. The blacks and blues caught with this quota are uncaught under the system used last year. This is because the near shore and closed entry long line do not catch these fish in conjunction to their fishing with long line gear. Their gear has to be modified to target these fish; so most fishermen would not exchange their M.N.S.R. for the lower priced blacks and blues. A few fishermen who cannot catch them or do not have the market could be helped. Also this rule would create a tracking device to see who is using these gears and species. Later that information could help to identify the users of this gear.

If the council wished to limit capacity of this gear farther, then a provision naming the number of hooks used could be included.

Please consider the fact that the hardships being imposed are not necessary to achieve the catch reductions indicated. The council has used gear with the trawl industry to control catch and allow them greater catches and offsetting the financial burden of their conservation efforts. This proposal may not help all fishermen, but it would help us in the coming year. We small boat fishermen need this help immediately. I hope some day the industry as a whole can be helped through my efforts, but at this time. I can only offer help to the fisheries I know best. As always I ask you to help. I look forward to our next meeting.


Kenyon Hensel

Kenyon Hensel
871 Elk Valley rd
Crescent City, CA
95531

RE: open access management plan for year 2001.

To: The Pacific Fisheries Management Council,

I am writing in response to the proposed management plan for the open access northern area for the year 2001. The idea to close open access fishing from January to April, and October through December in 2001, would cause unnecessary hardship to the open access fishermen, and in all likelihood increase the catch of canary rock cod in this fishery.

The hardship would come in the form of lost revenue to the full time fishermen who rely on this fishery to make their license money in April. The amount of fish landed would be controlled, and could be adjusted to exclude the retention of spawning Cabazon and Kelp Greenlings. Just as the catch of lingcod has been closed at this time for years.

We just went through the most exceedingly hard season any of the open access fishermen have ever faced. We caught less fish then any previous year. At this time, we were not even allowed to land half of our yearly allotment because of what the G.M.T. called the unknown affects on effort of decreasing landing limits, and their ultra conservative actions due to not having previous experience to rely on. Now this year with experience gained we could expect to have quotas that would allow us to catch the fish to which we are entitled. Instead, a measure is suggested that would limit us to 6 months, or three periods, this would increase the period quotas to the point that some of the boats that reframed from fishing this year would find it economically advantageous to reenter the fishery and fish with much more gear then was feasibly in 00. This has the potential to rise by catch of unwanted species that would not be caught if the quotas where lower and capacity spread out over the whole year.

This year's strategy allowed for the raising of period limits in the mid summer. After, many boats with other fisheries to work in have made critical decisions how, and where they are going to fish. In this way, some capacity is shifted out of the open access without hurting the boats that where left. In the case of a 6 month season, you have left the door open for any fisherman to make the logical conclusion that the higher rock cod catch could be prosecuted in the early summer months between the spring salmon and late summer tuna opportunities.

Also if either of these fisheries were not productive, then the higher rock cod trip limits could draw anyone with gear into open access. These are all reasons to keep the yearly limits intact.

I have always defended the need to keep the near shore open to fishing opportunities. Yet this year, I have explained how in the Northern area, our weather ends in November, and our natural tendency is to concentrate on crab in December. The overcapitalization is so severe in the crab fishery that the small boats with less then 100 pots only make money until Christmas. Please don't constrict our fishing effort the rest of the year. The council must try to avoid the policies that produce the strip and waste mentality that constricted time on the water encourages.

A much better scenario for the northern open access area would be to have the two month periods starting Jan 1st with a 3000lb limit with a cap of 1000lbs of other then blacks and blues. This limit could run for the first two periods. The retention of ling Cod, Cabazon, and Kelp Greenling could begin may 1st. This would lessen the financial hardship that is inherent in a closure. This year has proven that a period limit of this size does not infer a great risk to an over abundance of catch.

At the April meeting, a med season adjustment to 6000lbs for the months of May /June, should be adopted to give the fishermen who cannot fish Salmon a chance to increase their income. The in season tracking of catch keeps the council informed of any unusual conditions that might allow an exceptional winter catch. At the July meeting, catch should be increased, or decreased, to foster a

harvest that would end the Northern area's season by the last of September/mid October. This would then close the fishery down in time to limit the take of the ling Cod, Cabazon, and Kelp Greenling during their possible spawning seasons.

I am reminding the council that the constricting of time on the water does not help to maintain a sustainable fishery, or help promote harvest practices that lead to lower by catches. The opposite is achieved when fishermen are asked to harvest larger quantities over less time. This is the main ingredient in the proposal on the table right now. It should under no circumstances be adopted.

A handwritten signature in black ink, appearing to read "Kenyon Hensel". The signature is fluid and cursive, with the first name "Kenyon" being more prominent than the last name "Hensel".

Kenyon Hensel

John Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

11 Aug. 2000

RECEIVED

AUG 17 2000

PFMC

To Whom It May Concern:

I would like to bring to your attention the problems with the ground fisheries in Southern California ocean waters.

On numerous occasions I have sent letters of information concerning the negative effects of the gillnetting, driftnetting and dragger fishing to groundfisheries to different government agencies during the 1980's and 1990's to include the Dept. of Fish & Game and the National Marine Fisheries Service. No action was ever taken to solve the destructive effects of these types of fishing methods and now fish stocks have been depleted to almost nothing.

I have been fishing commercially for 25 years with Hook & Line but now I am being penalized with limits set by government agencies who have no realistic approaches to solve the continuous problems now present in the ground fisheries. I have now been limited to 200 lbs. of rockfish per month which approximates to \$150.00 when I sell it.

Beginning in 1985, I began a letter writing campaign to different branches of the fisheries regulatory agencies, to notify them that the ground fishery, in particular that rock cod, was in imminent danger of disappearing for all practical purposes. This is due to the destructive gill net and dragger type commercial fisheries.

PROBLEM 1: GILL NET FISHING

When a Gill Net is caught on the ocean floor and could not be retrieved, it will essentially continue capturing rockfish and other species indiscriminately, wiping out fish at an astounding rate. These nets to this day continue to do their damage and do not decay or self destruct because of their depth in the ocean with little or no sunlight to affect their composition, essentially "ghostfishing". This fishery decimates the natural population of fish to such an extent, it does not leave enough fish present for sustainable reproduction, basically leaving no or little fish left for future generations.

I have talked with the Fish & Game in San Diego about retrieving the gillnets lost at the Fishing Banks years ago to the warden, and giving him the Loran C numbers with their positions. I was told that a large boat from Long Beach would be retrieving these nets but I've been waiting for 15 years for this to happen.

PROBLEM 2: DRAGGER FISHING

The Dragger type commercial fishery is basically a strip mining operation that completely scoops and scrapes all living material to include fish from the ocean bottom and leaves a "desert" ocean floor. Little or no living things grow back where these "Draggers" have been and leaves a sterile environment in their path. Typically, if a total of 100 tons of fish are caught, 80 tons are wasted and thrown overboard dead or neardeath due to their not being able to be sold at fish markets due to no or low prices being paid for certain species.

PROBLEM 3: DRIFT NET FISHING

This type of fishery involves placing nets near the surface of the ocean and is usually several miles long per fishing vessel. This net then catches any fish, whale, diving birds, turtles, dolphins etc... who run into it and then get entangled in it. It destroys a tremendous amount and species of fish and wildlife indiscriminately.

PROBLEM 4: FISH TRAPS

When these traps are lost on the ocean floor, they continuously keep fishing due to their not self destructing and catch all species of juvenile fish. This also contributes to the fishes not reproducing in a sustainable number due to the overfishing and the numerous amounts of lost fishing gear on the bottom of the fishing grounds.

The trawler and trap fisherman who are fishing for shrimp also catch a lot of bottom fish to include juvenile Bocaccio and most rock fish. This does not help with the rebuilding of groundfish stocks.

A SOLUTION: HOOK AND LINE FISHING

The Hook and Line Fishing method presents a very "clean method" due to the line with hooks having bait on each hook. When the bait gets detached from the hook, no more fish will get caught on it. The hook and line, when lost in the ocean, does not continue fishing because the bait eventually falls off the hooks and no fish get caught. The hook and line, when lost, eventually falls to the bottom of the ocean and does not catch any more fish.

Currently, there are some fisherman who only fish part time with commercial fishing licenses but hold full time jobs on land. This does no practical good for fisherman who fish full time trying to make a living while others have no business being in this industry, by flooding the market with fish and overfishing.

I believe that restricting the sale of commercial fishing licenses to professional full time fisherman would be a good first step, and not overselling groundfishery licenses to anyone.

The commercial fisheries such as Hook & Line, Long Line and Harpoons are the types of commercial fishing methods which do not destroy entire species of fish and leave enough

fish for sustainable reproduction. These types of fisheries leave enough fish and do not catch every species indiscriminately and threaten future populations.

The Fish & Game biologists lack "real world experience" and clearly demonstrate a naïve and indirect approach in addressing the real cause and impact of the severe decline of fish populations.

The personnel I have previously dealt with over the years in the Department of Fish & Game and the NMFS, notifying them in numerous correspondences and phone calls of the above problems have demonstrated a very poor understanding and lack of knowledge due to their spending too much time at their offices and not having practical experience. The biologists failed to comprehend that Gill Netting and Dragger fishing caught so many fish that they could not sustain enough population to reproduce their species in a sufficient number. My hook and line fishing was a sustainable type of fishery, that does not kill or catch indiscriminately all fish and create a "sterile environment."

In order to keep track of the quantity and species of fish being sold, a central processing station should be established at each major harbor. Also, have the commercial fisherman license number along with the processing station number on the fish ticket. When fish are sold on the commercial market, have the processing station ticket be presented to the buyer as mandatory proof that the fish has been weighed, tracked and identified prior to being sold. This would result in a more tighter management and control of the groundfishery.

On 9 Aug. 2000, I attended a Dept. of Fish & Game meeting concerning the regulation of the ground fisheries. I believe that after this meeting was done, no progress or changes for the better will occur due to my past observations and the overall content of these meetings, which result in little or no progress.

At the meeting held in Long Beach, CA on 9 Aug. 2000, I met Bob Fletcher who is on the committee. When he was working for the Fish & Game in 1987, I wrote to him informing him of the problems with the groundfisheries back then and predicting correctly that the day would come that this fishery was headed for great difficulties. He laughed about the letters I presented to him at this meeting, the letters dating back approximately 15 years, telling me that they were too old. I told him that if he did his job back then, that this current situation would perhaps not exist with the groundfisheries. His attitude and indifference is indicative that Mr. Fletcher lacks an overall understanding or comprehension of the situation. His involvement in these issues is questionable due to his past inaction and noneffectiveness. It would be more productive to involve personnel who have an overall understanding of the current situation. Mr. Fletcher has failed to mention or implement any positive changes, and needs to be evaluated for his competency, his past history is proof of this.

Mrs. Patty Wolf, the Offshore Ecosystem Coordinator, was very professional and approachable relating to the questions and concerns addressed. Personnel like this are much more easy to discuss issues with and take a positive approach toward the situation.

There needs to be action taken with direct input and suggestions from the commercial fisherman directly, who are involved with the groundfisheries as a full time occupation. These fisherman have the experience and knowledge to implement the necessary changes to this industry in a beneficial manner, in conjunction with the responsible governmental agencies. This would be a more long term and cooperative solution to all those involved.

I posses documentation, letters and other material that relate to my concerns and treatment by these agencies and would like to present them as evidence of my claims.

I would like to see more direct action taken to address the above issues and look forward to a response from your office.

Sincerely,

John Le-Touzic

A handwritten signature in black ink, appearing to read 'John Le-Touzic', with a long horizontal flourish extending to the right.

My mailing address:

John Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Home Phone:
(619) 582-2266
Fax Number:
(619) 582-2266

STATE CAPITOL
SACRAMENTO CA 95814-4906
(916) 445-3952
FAX (916) 327-2188

DISTRICT OFFICE
1557 COLUMBIA STREET
SAN DIEGO CA 92101
(619) 645-3090
FAX (619) 645-3094

INTERNET ADDRESS
SENATOR ALPERT@SEN.CA.GOV

California State Senate

SENATOR
DEDE ALPERT

THIRTY-NINTH SENATORIAL DISTRICT

CHAIR

SENATE EDUCATION COMMITTEE



COMMITTEES
CHAIR, EDUCATION
APPROPRIATIONS
ENVIRONMENTAL QUALITY
NATURAL RESOURCES AND
WILDLIFE
REVENUE AND TAXATION

SELECT COMMITTEES
CALFED WATER PROGRAM
CALIFORNIA'S WINE INDUSTRY
DEFENSE CONVERSION, RETENTIC
AND SPACE FLIGHT INDUSTRIES
ECONOMIC DEVELOPMENT
FAMILY, CHILD AND YOUTH
DEVELOPMENT
HIGHER EDUCATION ADMISSIONS
AND OUTREACH
JUVENILE JUSTICE
URBAN ECONOMIC DEVELOPMENT

SUBCOMMITTEES
APPROPRIATIONS
SUBCOMMITTEE ON FISCAL
OVERSIGHT

JOINT COMMITTEES
VICE CHAIR, JOINT COMMITTEE
ON FISHERIES AND AQUACULTURE

July 14, 2000

Department of Fish and Game
Attention: Legislative Office
1416 Ninth Street, Suite 1306-4
Sacramento CA 95864

COPY

To Whom It May Concern:

Please find attached a letter I received from one of my constituents, John Le-Touzic.

As his correspondence raises several questions that fall under your department's expertise, I hope that you will be able to respond to his letter and provide me with a copy of that response. In particular, I would like to know:

- How the quotas vary within the rockfish fishery by gear type or fishing methodology; and
- What efforts, if any, the department has undertaken to locate lost or abandoned gillnets and driftnets that may be floating in state waters, causing ongoing harm to the resource.

Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dede", written over the printed name of Senator DeDe Alpert.

SENATOR DEDE ALPERT
39th District

DA:nl

cc: John Le-Touzic



BOB FILNER
50TH DISTRICT, CALIFORNIA

2463 RAYBURN BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-8045
FAX: (202) 225-9073

333 F STREET, SUITE A
CHULA VISTA, CALIFORNIA 91910
TEL: (619) 422-5963
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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE

VETERANS' AFFAIRS
COMMITTEE

e-mail: TalkToBobFilner@mail.house.gov
website: www.house.gov/filner

June 6, 2000

John Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear John:

Thank you for contacting me about the problems of the West Coast groundfish fisheries.

I wholeheartedly agree—we must curb the use of the destructive gill net and dragger types of commercial fishing in order to protect the already devastated groundfish industry. In fact, I recently wrote to Chairman Harold Rogers and Ranking Member Jose Serrano requesting appropriate funding to help alleviate the problems associated with this type of fishing (letter enclosed).

I appreciate hearing from you on this most important issue.

Sincerely,

BOB FILNER
Member of Congress

BF/je
2000873

Enclosure

Congress of the United States
House of Representatives
Washington, DC 20515

May 19, 2000

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce,
Justice, State and Judiciary
Committee on Appropriations
H-309 The Capitol
Washington, D.C. 20515-6017

The Honorable José Serrano
Ranking Democrat
Subcommittee on Commerce,
Justice, State and Judiciary
Committee on Appropriations
2342 Rayburn HOB
Washington, D.C. 20515-3216

Dear Chairman Rogers and Ranking Member Serrano,

As deliberations begin on the FY01 Commerce, Justice, State and Judiciary appropriations, we would appreciate your support for funding of critical importance to our state and to our nation. We are writing to highlight one of our priorities in the fisheries area: the needs of the West Coast groundfish fishery. The Governors of California, Oregon and Washington and the Secretary of Commerce concur that a West Coast groundfish disaster exists. We are seeking your assistance in including language and funding levels in the Commerce Appropriations bill to address research and community needs, and aid for diversification and restructuring of the fleet and marine infrastructure in order to minimize the impacts of the groundfish disaster. Appropriate funding levels are essential to address the restoration of groundfish stocks and to prevent similar failure in the future.

Stock assessments, monitoring, and research : \$8.2 million

We are seeking \$8.2 million for the National Marine Fisheries Service for stock assessments, expanded surveys, biological sampling and improved monitoring. A major factor contributing to the groundfish disaster continues to be lack of basic scientific data about the more than 80 species within the groundfish complex. This data is essential for constructing accurate stock assessment models, used by the Pacific Fishery Management Council (PFMC) for establishing sustainable harvest levels for the groundfish industry. We are in support of increased funding for scientific research through monitoring and stock assessments. The research will not only provide crucial data for the sustainable management and restoration of this fishery, but also serve as economic relief to fishermen through cooperative research. In the process of collaborative data gathering between fishers and scientist a strong partnership is built that is invaluable to the long-term success of sustainable harvesting. The Administration's request for fiscal year 2001 includes \$3.3 million for stock assessments, an increase of \$1 million from 2000. Our funding request of \$8.2 million reflects a more appropriate funding level to accommodate expanded survey efforts and monitoring programs of NMFS. The expansion of research is critical to improve our scientific understanding of the fisheries, in order to fine tune

the management strategies of the PFMC and for recovery of a sustainable groundfish fishery.

West Coast Observer Program: \$4.7 million

An observer program is essential for collection of accurate groundfish harvest data across gear type and species, including the number of species and fish captured as bycatch. These non-target species are captured and discarded at sea during fishing operations, but play a major role in determining harvest levels. Thus far, management decisions have been impaired due to lack of bycatch statistics. Currently, discard levels are estimated based largely on an outdated study. Besides bycatch data, observers will also focus on those key fishing strategies that best address the critical data and information gaps in stock assessment. The Administration included an increase of \$2.3 million to begin implementation of a new National Observer Program on the West Coast. We are requesting \$4.7 million to implement a fully developed observer program.

Fleet Restructuring: \$15 million

We are also in support of prompt funding to initiate a buyback program and financial incentives for de-capitalization to help relieve excess fishing pressure. The Magnuson-Stevens Fishery Conservation and Management Act authorizes buybacks of fishing vessels or permits to reduce capacity in a fishery to end overfishing, rebuild stocks, and improve conservation and management.

West Coast Groundfish Community Assistance for Oregon, California and Washington: \$6 million (Economic Development Administration)

We are also requesting \$1 million for transition support of fishers. The funds for community assistance would support outreach programs, family and financial counseling, training for new jobs, living expenses while training for new jobs, and direct assistance in the form of disaster unemployment assistance, and loan restructuring. As part of this request we are also requesting \$5 million for improved marine infrastructure. These funds would support marketing of existing and successful fisheries in new areas, developing new products, port facilities related to processing, and loan capitalization programs for businesses to diversify.

These initiatives are of critical importance for restoration of the groundfish fishery and the coastal communities that depend on them within our state. We appreciate your continued leadership in providing resources necessary to address both the West Coast groundfish crisis and the Pacific salmon recovery programs. Thank you for taking time to consider our request.

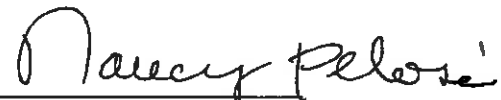
Sincerely,



SAM FARR



GEORGE MILLER



NANCY PELOSI



LOIS CAPPS


HOWARD BERMAN


ANNA ESHOO


MIKE THOMPSON


BARBARA LEE


STEVEN KUYKENDALL


LYNN WOOLSEY


BRIAN BILBRAY


BOB FILNER



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, MD 20910

THE DIRECTOR

Mr. Jean Claude Le Touzic
6859 Marlowe Drive
San Diego, California 92115

JUN - 6 2000

Dear Mr. Le Touzic:

Thank you for your letter and the accompanying materials regarding the management of California fisheries.

The National Marine Fishery Service currently manages three fisheries off the West Coast under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act): groundfish (including rockfish, sablefish, and flatfish), coastal pelagics (Pacific and jack mackerel, northern anchovy, Pacific sardine), and ocean salmon. The Pacific Fishery Management Council (Council) is responsible for preparing fishery management plans (FMPs) for these fisheries. FMPs provide the basis for Federal regulations. The Council is preparing an FMP for highly migratory species fisheries (that is, fisheries for tuna, swordfish, and other highly migratory pelagic species), which should be completed early in 2001. All other California fisheries are managed by the State of California, except for the driftnet fishery for swordfish and sharks which is partially regulated under the Federal Marine Mammal Protection Act to control that fishery's take of marine mammals.

Most of the materials you provided were from the period 1986-90. Since then, there have been many changes in fishery management. At the Federal level, the FMPs listed above provide a framework for long term conservation of the stocks. The Magnuson-Stevens Act requires management measures to prevent overfishing, as well as strict controls to rebuild stocks if they become overfished. In fact, it is under the Magnuson-Stevens Act that we have imposed extremely tight controls on rockfish harvests off the West Coast for 2000. While these management measures cause immediate hardship to many fishermen, it is the only way we can rebuild the stocks. In addition, in response to a request from the Council, we are considering regulations to prohibit set net fishing in the Huntington Flats area, comporting with the State's regulations in State-managed waters.

At the State level, a new fishery management law was recently adopted by the State legislature that requires the California Department of Fish and Game (CDFG) to develop management plans for a number of important State fisheries and provides greater authority for the Department to make regulatory changes based on science and an open management process. The CDFG and the

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



California Fish and Game Commission are taking a proactive position with respect to marine fisheries management for waters and fisheries under State jurisdiction.

I encourage you to contact your local office of CDFG to obtain the schedule for the development of management plans and how you can be involved in the management plan process. Your own information should prove useful to CDFG in this process.

Sincerely,

Penelope D. Dalton
for Penelope D. Dalton
Assistant Administrator
for Fisheries

J-H Le-Touan
6859 Marlowe Drive
San Diego, CA 92115

Never answers

San Diego June 8-1987

Dear Mr Fletcher

After our conversation on the phone on May concerning informations on gillnets, you asked me to write you letter

I have been fishing bottom fish since 1976, south of St Clemente Island. and I have seen the rockcod fish specie decline at alarming rate due to overfishing by gillnets. also the 90 mile Bank, Kidney Bank, 49 mile Bank, and all around St Clemente Island.

Gillnetters need to stay 6 to 10 days most the time to get 6000 pounds of fish. Another Problem is all the gillnet boats loose lot of the nets to the bottom and all this Bank are covered with lost nets. they still fishing and killing everything going through the mesh those nets never destroy themselves after they hang to the bottom

I talk with the fish & game here in San Diego to pull some off the bottom, but is still waiting

Now that all these banks have been clean of fish gillnetters are going to tanner and coasty bank to kill the place with fish

I hope something could be done very soon, otherwise every fisherman, sports, gillnets, hook & line will be out of Business.

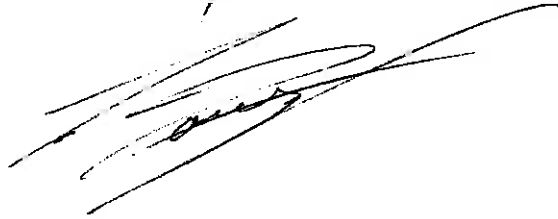
Fishing with hook & line is productive and selective in 8 months my wife and I have very good year. It very hard work but rewarding. I think people need to work harder.

to catch the fish

Also we no deplet the stock at fast rate
Now we have big problem with the gillnets fast to
the bottom we hang our gear and we lose all stock
and sometime the all of opinion what cause use lot
money

I hope you will be looking seriously to
this problem and do something about for the
good of the fishery.

Sincerely

A large, stylized handwritten signature, possibly reading "H. J. [unclear]", written in dark ink.

J-H Le-Touze
6859 Marlowe Drive
San Diego, CA 92115

San Diego Oct. 20-1986

Dear Mr Parnell

I wrote letters concerning gillnets fishing around San Diego, to different agencies and they refer me to get in contact with you.

I am very concern about the gillnets fishing also more about these nets fast to the bottom of the ocean, those net keep fishing on and on, and also the fisherman who are hook and line have tendency to loose all their fishing gear caught in those net.

I have been fishing in those areas off San Diego south of Clemente Island for more than 10 years, and I saw year after year them bank going empty.

9 miles bank, Kidney Bank, 4 1/2 miles bank and all around, gillnets have been fishing so much, that they are very more fish left.

Now we need to go to 60 miles banks where the Bank Perches are disappearing - cow cod and long rods are not existing.

We need to fish for Black gillnets at 1500 feet and the gillnets are going after that species right now and in no time they will be no more black gill also.

I ~~like~~ would like to get in contact with you to discuss the problem if possible. If Not, tell me what states legislators I can contact and remedy that problem.

Thank you very much



J-H Le-Touzic
8959 Marlows Drive
San Diego, CA 92115

Dear Mr. Parrnell

I received your letter on the 31. Octobe
and I think you are missing the point concerning
the gillnets fishing for the rock fish.

The problem is the gillnet don't
catch anymore at 50 or 70 phantoms, because the fish
have been fish out longtime ago; now they go to
100 to 300 fathoms after the black gills (last species
on the bottom floor) also going that deep, they loose
their nets on the rocks and those nets keep fishing
for ever.

No later than last week our gagnions were caught
in one off the lost net at 60 miles Bank. They are brass
nets lost to the bottom floor on the 182-180-19 miles and
43 Bank. them Nets never destroye them self and they keep
catchin fish constantly.

On the 43 miles bank we use to catch cow cod
for 4 years. One gillnet boat come where we fish Doras
nets and pull 9 tonnes off cow cod, real rock fish the m.
be 4 trips and 8 clean all that specie. Now the 43 Bank
is gone for that fishing. I talk we some fisherman gille
netter and they admit themself will be out off that fish
too

In your letter you are blaming El Niño, that warm
current has ben for thousand ^{years} and longtime before we were where
and this planet, it is exide go and come and is parts of
live for all living thing in the ocean. Our best years
off fishing was during the El Niño, I thing is poor
excuse, we are the problem by no regulating the
fisher

Hoping you will adress this problem and
do something about for the good off the fisheries,

Sincerely

A stylized, handwritten signature in black ink, featuring a prominent horizontal stroke and a large, sweeping flourish.

J-H Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr Gordon Van Uke

I wrote a letter to Mr Jack Parnell, Director of Fish & Game in Sacramento, since 1985 concerning fishing with gillnets. Mr. Parnell has ignored the problem, and now the fish on the Bank South off St Clemente Island are almost gone.

The problem is, the gill nets fishing industries are cleaning the rockcod species, everything swims in these nets. Even the gillnets are not catching much fish, they need to stay 10 days out there to catch 2 or 3 tons of fish and they come to the market in very poor condition.

I am myself commercial fisherman with hooks and lines, and we use to do good bottom fishing before the gillnets came to clean

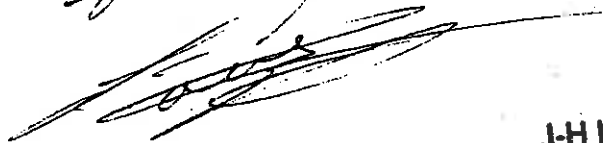
all the banks. This year is going to the worse catch for all hooks and lines.

Also, the problem with gill nets is they get caught to the bottom of the ocean floor, and they stay there, then they buy new nets. But those nets keep on fishing and lots of fish are destroyed for years. The stock of fish are even depleted faster.

I would like you to investigate that problem if possible and do something about because the Fish & Game is ignoring completely the problem -

I am putting some answers from Fish & Game and NOAA.

Sincerely,



J-H Le-Touzel
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr Gordon Van Velsch

San Diego 1-16-90

A few years ago, I wrote a letter to you about gillnet fishing for rockfish, south of San Clemente Island, concerning the depletion of the species (enclosed copy of your letter.)

Now, for two years, fishing has been disastrous and is getting worse each time we go fishing. The last trip to the 30 miles Bank, we only caught 2 fishes with 500 hooks. We used an slow time to catch at least 500 pounds in that place a day -

The problem is not to make laws on top of laws for gillnet fishing at certain depths but to ban them at any depth. The reason for this is to eliminate the lost gillnet in the bottom of the ocean, because we cannot retrieve them and they keep catching fish for almost ever - (We call them "ghost nets").

According to your letter, you said the Fish & Game people told you there is no problem with fishing at the 43 fathom Bank. I went several times over there and so other fishermen, and none of us caught enough fish to pay the fuel bill. I don't know who is that idiot in the Fish & Game gave you that kind of information - But it is disgusting to hear such thing -

I spoke with a Fish & Game

biologist (his name: Philipp G. Swartzell) last year and he agreed with me on all these subjects - I think it is the big money people who dictates their views for them to make a quick profit and the hell with the little fisherman - Like one Italian American fisherman said here in San Diego: "He is the killer net money maker" -

Another way of fishing that is depleting and destroying all species of fish is drag net. It also destroyed the habitat of the fish thus putting an end to a very important bio system, and only 20% of the fish caught by drag nets is marketable, 80% is destroyed or no use.

Another system of fishing is drift net, that system catch anything swimming in his path, get tangled and die - That destroyed so much of fish which are not good for the market, but is very important part of the ecosystem.

I think the big problem we have is the ineptness and the greed of the people working in government. They are unwilling to take any suggestion or direction but go the way the money talks - I bought a bigger boat (42') in order to go fishing further expecting to find fish on the Cortez and Tanner Bank, because anything closer to the Coast has been destroyed. To my disappointment and learning from other fishermen at one time they had 3 big dragger on those banks completely depleting the area. Now, I can't go no further. There are no more fishing ground

after those banks, outside available for boat of this size.

Last summer we decided to go Salmon fishing, expecting to make a little money. Instead, I went further in debt. There are so many fishermen having or sharing my lot. The fish never came to the coast, the reason was they got caught by Taiwanese boat (leaflet enclosed) and what the government did about that? Nothing as usual. Sometimes I wonder if Washington is really looking for the good of this country. To make ^{it} worse, our government let the salmon from Norway flood the market and drive the price down. That was the end for any profit for all salmon fishermen.

I could write more about our fishing problems, but I don't really know what could help us. If people with honesty and integrity in Washington and Sacramento don't work to alleviate these problems. It is a very sad situation and very deplorable. Not one in the government gives a damn about fishing in this country, but are more concerned about foreign country and give them all the help with the taxpayer money.

I hope you will be able to look more closely into our problems and do something about solve these injustice.

C. J. F.

PETE WILSON
CALIFORNIA

COMMITTEES:
ARMED SERVICES
AGRICULTURE, NUTRITION, AND FORESTRY
COMMERCE, SCIENCE AND TRANSPORTATION
SPECIAL COMMITTEE ON AGING
JOINT ECONOMIC COMMITTEE

United States Senate

WASHINGTON, D.C. 20510

November 14, 1989

Mr. J-H Le-Touzic
6859 Marlowe Drive
San Diego, California 92115

Dear Mr. Le-Touzic:

Thank you for contacting me regarding illegal fishing by Asian nations and its effect on the U.S. fishing industry.

As you know, Japanese, Korean, and Taiwanese fleets are being accused of intercepting substantial numbers of salmon and steelhead in the North Pacific. I agree with you that such action is intolerable as these fish are important recreational, food, and economic resources in this country.

The interception of these fish has been a major concern to the commercial fishing industry. It is believed that such piracy is responsible for a significant reduction in the number of Alaskan fish harvested last year.

The Congress has enacted several bills to direct the U.S. Coast Guard and the National Marine Fisheries Service to end these international fishing violations. Unfortunately, each agency's ability to enforce these laws has been made difficult in the last few years. Budget constraints promulgated by the Gramm-Rudman budget deficit law have meant cutbacks to government agencies for many programs.

Congressman Young of Alaska has introduced a bill (H.R. 132) to deter Asian interception of our fish resources. H.R. 132 amends the Fisherman's Protective Act of 1967 to authorize the President to prohibit the importation of any product from a nation determined by the Department of Commerce to have violated an international fishing conservation program or an endangered or threatened species program.

The bill is pending before two committees in the House of Representatives. I am looking forward to Senate review of this legislation. Be assured that I will continue to keep your views in mind.

Again, I appreciate knowing of your interest in this important matter of mutual concern.

Sincerely,



PETE WILSON

PW:eh



The Cousteau Society

7 April 1986

J-H Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear M. Le-Touzic,

Captain Cousteau is preparing to leave on expedition and has asked me to respond to your recent letter.

We, too, are concerned about the problems of gill net fishing and intend to examine this fishing method in one of our upcoming films.

We are looking into ways of addressing and changing this situation and we appreciate your support.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R.C. Murphy", with a stylized flourish at the end.

Richard C. Murphy, Ph.D.
Vice President
Science and Education

RCM/lc

Trawl Gear
Long Gear



41M-TK 0
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
300 South Ferry Street
Terminal Island, California 90731

September 5, 1986

F/SWR31:SF

Mr. J.H. LeTouzic
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr. LeTouzic:

This is to respond to your letter concerning gillnet fishing for bottomfish south of San Clemente Island.

The groundfish fishery in this area is managed by the Pacific Fishery Management Council's Fishery Management Plan, which was implemented in 1981. In developing that plan, the Council carefully considered whether to impose special control measures on gillnet fishing. The Council did not have information demonstrating a serious conservation or user conflict problem at that time, and concluded that no special management regulations were warranted. It was felt that the California Fish and Game Code (Article 5, Sections 8680 et seq.) would exercise sufficient control to prevent overfishing and achieve optimum yield from the fishery. Among the measures in the code are area closures and mesh size limits. In addition, there is an advisory committee to the Director, California Department of Fish and Game, to recommend regulations which the Director may propose to the California Fish and Game Commission to govern the use of gillnets. In short, the regulations of the State of California govern fishing in the area you mentioned.

I recommend that you write directly to Jack Parnell, Director, California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, to express your concerns on this matter and to ask how you might present your views to his advisory committee or to the Fish and Game Commission.

Thank you for your letter.

Sincerely yours,

E.C. Fullerton
E.C. Fullerton
Regional Director



Resources Building
1416 Ninth Street
95814
(916) 445-5656
TDD (916) 324-0804

California Conservation Corps
Department of Boating and Waterways
Department of Conservation
Department of Fish and Game
Department of Forestry
Department of Parks and Recreation
Department of Water Resources

GEORGE DEUKMEJIAN
GOVERNOR OF
CALIFORNIA



THE RESOURCES AGENCY OF CALIFORNIA
SACRAMENTO, CALIFORNIA

Air Resources Board
California Coastal Comm.
California Tahoe Conservancy
California Waste Management Board
Colorado River Board
Energy Resources Conservation and Development Commission
San Francisco Bay Conservator and Development Commission
State Coastal Conservancy
State Lands Division
State Reclamation Board
State Water Resources Control Board
Regional Water Quality Control Boards

FEB 22 1990

Mr. J. H. Le-Touzic
6859 Marlowe Drive
San Diego, California 92115

Dear Mr. Le-Touzic:

Thank you for your recent letter expressing concerns for commercial fishing off of California. I contacted the Department of Fish and Game regarding your continued concern for gill and trammel net fishing at the 43 fathoms spot, and on the high seas.

The issue of high seas foreign driftnet fishing in the Pacific is a major problem facing all Pacific fishing nations. Although past research has demonstrated that California-origin steelhead are taken on the high seas, we have no direct evidence that California-origin salmon and steelhead are being seriously impacted by foreign fisheries interceptions on the high seas. However, we are aware of the significant detrimental impacts foreign high seas fisheries are having on other North American-origin salmon and steelhead stocks and we are in agreement that these interceptions must be stopped, or at least substantially reduced. We are also very concerned over the impacts these high seas interceptions are having on albacore, marine mammals, and seabird populations.

We participated in a joint United States-Canada conference in Victoria, British Columbia which addressed this issue. A proclamation calling for strict international controls and, ultimately, an international ban on driftnet fishing on the high seas was drafted at that meeting. Just recently California Governor Deukmejian joined the Governors of Alaska, Washington, Oregon, Idaho, and Hawaii, and the Premier of the Province of British Columbia in signing that proclamation for submission to the governments of Canada and the United States.

With regard to your interest in a prohibition on all gill and trammel nets off of California, the Director informs me that circumstances have required a total prohibition on their use in some areas off of California, particularly off of central California where additional protections for seabirds and marine mammals are needed. However, where regulations can be fashioned to resolve a specific problem short of a total prohibition, the legislature has elected that avenue. In this manner, protections for resources and fisheries can be applied while providing fishermen with the continued opportunity to earn a livelihood.

For example, the Department informs me that the current prohibition on gill nets used to take rockfish and lingcod, in waters 70 fathoms (420 feet) or less in depth off of southern California, was initially instituted to resolve a user conflict between recreational and commercial gill and trammel net fishermen competing for rockfish in the same areas. However, with the continued intense fishing pressure applied to rockfish stocks in southern California by both recreational and commercial fishermen, the rockfish gill net depth restrictions have proven to be increasingly important in protecting rockfish stocks from overharvest.

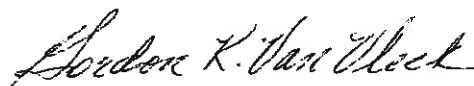
In this regard, during 1988 the Department sought, unsuccessfully, to have the 70 fathom depth restriction for rockfish gill nets extended to 100 fathoms throughout southern California. However, the Department was successful in increasing the rockfish gill net depth restriction to 100 fathoms at the Sixty Mile Bank off of San Diego as a test area. If this increased depth restriction proves effective in conserving rockfish stocks in that area, the information can be used to support increases in depth restriction elsewhere off of southern California.

Also, two bills were enacted last year further regulating the use of gill and trammel nets. The first bill, AB 1652, Chapter 1242, Statutes 1989, established a permanent limited entry gill and trammel net fishery off of California in a continuing effort to balance fishing effort with the available resources. The second bill, SB 764, Chapter 655, Statutes 1989, requires gill and trammel net fishermen to permanently mark their nets at least every 45 fathoms along the corkline with the fishermen's identification number, and also to report to the Department any net lost during fishing operations which is not recovered by the fishermen. This will alleviate future problems associated with lost nets and the "ghost fishing" you referenced.

With regard to your concerns for state and federal management of marine fisheries, the Director assures me that the Department of Fish and Game is vitally interested in maintaining viable marine resources and fisheries off of southern California. In this regard, 24 different bills further regulating the use of gill and trammel nets have been enacted since 1980 (summary enclosed). Also, the Department assures me that it is prepared to recommend additional measures where specific problems and issues are documented.

I hope this information is responsive to your concerns, and thank you again for your comments regarding this important issue.

Sincerely,



Gordon K. Van Vleck
Secretary for Resources

Enclosure

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
SACRAMENTO, CA 95814

(916) 445-3531

January 17, 1986

Mr. H. H. Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr. Le-Touzic:

Thank you for your recent letter expressing concern for the use of gill nets in ocean waters off California.

First, let me assure you that we are also very interested in the effects of gill and trammel nets upon our marine resources and fisheries. In this regard, the Department has devoted a great deal of time and effort during the past five years, to investigating the gill and trammel net fisheries off both central and southern California. These efforts include direct at-sea observations of gill and trammel net operations and the target and non-target species being caught in the nets.

As a result of these studies, we have documented impacts to seabirds and marine mammals off central California, which resulted in legislation, which regulates the use of gill and trammel nets in specified nearshore waters. No serious impacts to fish species, reserved for recreational fishermen, have been documented, to date. However, we recognize that for some relatively sedentary species, such as rockfishes, maintenance of a satisfactory recreational fishery may require establishing areas where the use of gill nets or trammel nets is controlled or prohibited altogether. For example, the use of gill nets to take rockfish from Point Sal (north of Point Conception) to the U.S.-Mexico border, is prohibited in waters less than 50 fathoms deep along the mainland shore and in waters less than 70 fathoms deep at the offshore banks and islands. Similar area closures to the use of gill nets used to take rockfish exist off several areas of the central California coast.

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Horse
wet then
California
Abolish*

In addition, minimum mesh size requirements exist for gill and trammel nets used to take species such as California barracuda, yellowtail, white sea-bass, California halibut and rockfish. These minimum mesh size provisions help to insure that sub-adult fish can escape capture and have an opportunity to spawn.

You will be interested to know that recently passed legislation (Assembly Bill 307, Wright) placed a moratorium on the further issuance of permits to use gill and trammel nets off California, beginning January 1, 1986. This

Mr. H. H. Le-Touzic
Page 2

moratorium will remain in effect until at least 1990. In the meantime, the Department will be submitting a report to the Legislature, assessing the need for limiting the total number of gill and trammel net permits issued.

Thank you again for expressing your concerns on this important issue. We hope this information will convey the high priority we place upon the gill and trammel net issue.

Sincerely,

for Robert C. Hitchcock
for Jack C. Parnell
Director

Resources Building
1416 Ninth Street
95814
(916) 445-5656
TDD (916) 324-0804

California Conservation Corps
Department of Boating and Waterways
Department of Conservation
Department of Fish and Game
Department of Forestry
Department of Parks and Recreation
Department of Water Resources

GEORGE DEUKMEJIAN
GOVERNOR OF
CALIFORNIA



THE RESOURCES AGENCY OF CALIFORNIA
SACRAMENTO, CALIFORNIA

Air Resources Board
California Coastal Commission
California Tahoe Conservancy
California Waste Management Board
Colorado River Board
Energy Resources Conservation and Development Commission
San Francisco Bay Conservation and Development Commission
State Coastal Conservancy
State Lands Division
State Reclamation Board
State Water Resources Control Board
Regional Water Quality Control Boards

JUN 24 1987

Mr. J. H. Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr. Le-Touzic:

Thank you for your recent letter expressing concern for the use of gill nets to take rockfish south of San Clemente Island, and for including the copies of previous Department of Fish and Game letters to you responding to these concerns. I contacted the Department of Fish and Game to determine if they had any new information, regarding gill net fishing in the area of concern to you, since their previous correspondence with you on January 17 and October 31, 1986.

The Department informs me that the general area you apparently are referring to is commonly known as the 43-fathom spot (because that is the shallowest spot on this offshore bank) and is a popular fishing area for both recreational and commercial fishermen. The Department indicated to me, as they did in their earlier correspondence to you, that under current state law (Fish and Game Code Section 8693) areas at the 43-fathom spot which are 70 fathoms (420 feet) or less in depth, are closed to the use of gill nets to take rockfish and lingcod. Therefore, this law does set aside areas at the 43-fathom spot for exclusive use by recreational fishermen and commercial hook-and-line fishermen such as yourself.

Also, the Department informs me that, since their last correspondence with you, they have completed an analysis of available angler hook-and-line catch records for rockfish taken at the 43-fathom spot since 1980. This analysis indicates that the number of fish taken per angler has remained high (nearly 10 rockfish per angler during each trip) since 1980. This suggests that the rockfish populations as a whole at the 43-fathom spot, are sustaining their numbers under current fishing pressure. However, with increased fishing pressure, we would expect the average size of fish being caught in this area to decline. The Department has indicated to me that they are reassessing current management of offshore rockfish resources including consideration of management alternatives which could further restrict the use of gill and trammel nets.

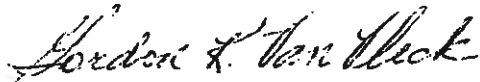
JUN 24 1987

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I hope this information clarifies the existing provisions which exist regarding the use of gill and trammel nets and the efforts being undertaken to monitor and control their use.

Thank you again for expressing your concern regarding this issue.

Sincerely,

A handwritten signature in cursive script, reading "Gordon K. Van Vleck". The signature is written in dark ink and is positioned above the typed name.

Gordon K. Van Vleck
Secretary for Resources

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
SACRAMENTO, CA 95814
(916) 445-3531



October 31, 1986

Mr. J. H. Le-Touzic
6859 Marlowe Drive
San Diego, CA 92115

Dear Mr. Le-Touzic:

This is in response to your October 20, 1986 letter expressing continued concern for the use of gill nets in ocean waters off southern California.

Your principal concern apparently continues to be with rockfish and lingcod in areas where gill nets were formerly authorized for use. We must again point out, as we did in our letter to you dated January 17, 1986, that prohibitions exist on the use of any gill or trammel net to take rockfish and lingcod in waters 50 fathoms (300 feet) or less in depth, along the mainland shore between Point Sal, Santa Barbara County, south to the U.S.-Mexico Border, and 70 fathoms (420 feet) or less in depth at the offshore banks and islands offshore from southern California.

These provisions were enacted specifically to provide areas for the exclusive use of recreational fishermen pursuing rockfish and lingcod. In that regard, these restrictions on gill nets have proven successful in both reducing user group conflicts and maintaining viable stocks of rockfish and lingcod off southern California.

Also, as we indicated in our previous letter to you, minimum mesh size requirements are in effect to protect sub-adult fish from capture in gill nets, and a moratorium is presently in effect until January 1, 1990, on the issuance of any further general gill or trammel net permits. In the meantime, we are continuing our direct at-sea observations of the catches being made by gill and trammel net fishermen and are prepared to recommend additional restrictions if our information indicates such a need.

You should also recognize that El Niño oceanographic events (intrusions of anomalously warm nearshore ocean waters off California), such as the major one which occurred from mid-1982 through mid-1984 can drastically influence abundance and availability of rockfish and lingcod stocks off California. In this regard, we noted a decline in the sport and commercial

Mr. J. H. Le-Touzic

-2-

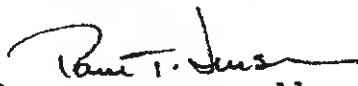
October 31, 1986

landings of lingcod along the entire coast of California during 1983 and 1984, a decline very likely associated with the effects of El Niño.

In summary, a number of measures related to the use of gill nets are in place to protect southern California's important recreational and commercial fishery resources. Also, I can assure you that the Department is continuing its direct monitoring and assessment of the use of gill and trammel nets and is prepared to recommend further protective measures where indicated.

Thank you for your continued interest regarding this important issue.

Sincerely,


for Jack C. Parnell
Director

Abandoned gill nets leave behind a gruesome catch

MAY 1995
San Diego

By ED ZIERALSKI
Staff Writer

Two abandoned gill nets were confiscated May 8 by two Department of Fish and Game wardens off Mission Bay.

The nets were loaded, or, as San Diego warden Sal Amato put it, "encrusted with sea life."

There were huge spider crabs, 25 to 30 dead and near-dead lobsters, skeletons from halibut and other fish, sponges, barnacles, spot prawns and kelp coral.

Unattended for three months, the abandoned nets had become a smelly artificial reef.

The snared fish had long since been eaten or rotted away. One of the nets was rolled up in a ball of death.

"That's the nastiest thing I've ever had to do for the department," Amato said. "We even found a swim fin, and we started sweating it out, hoping we wouldn't find a diver next."

The wardens, led by Lt. Mike Castleton and Amato of the patrol boat Tuna and assisted by the crew on the Hammerhead out of Long Beach, recovered the two 900- to 1,000-foot-long gill nets 2.7 miles off Mission Bay. The operation was done by hand, mostly, because the Hammerhead's pulley was inoperable.

The nets had been abandoned since mid-February and not marked properly, both violations of California fish and game laws.

Proposition 132, the 1990 gill net initiative passed by California voters, banned gill nets inside three miles effective Jan. 1, 1994. Fishermen must notify the DFG within 72 hours if they can't get to their nets.

Two San Diego commercial fishermen, Dominic Ghio and his son John, claimed the nets in interviews with Amato. These were the fourth and fifth nets forfeited by the two Ghios to the DFG for fish and game code violations.

The Ghios are distant relatives of the famous Ghio fishing family, owners of Anthony's Seafood Restaurants.

"Far removed," a Ghio spokeswoman said.

John Ghio, 36, said he had been supplying fish to Sportsmen's Seafood in Mission Bay, to the Chesapeake Fish Co. Inc. and, at one time, to Anthony's Seafood Restau-



Union-Tribune / ED ZIERALSKI

Nasty job: State Department of Fish and Game wardens confiscate gill net illegally placed within three miles of shore.

rants.

Dominic Ghio, 80, no longer has a commercial fishing license because of past fishing violations. John was cited this week by deputy city attorney Scott Russo for setting gill nets inside three nautical miles from shore, improperly marking the nets and failure to report to the DFG within 72 hours that he was unable to retrieve the nets.

The maximum penalty for each violation is six months in jail and a \$1,000 fine.

"This is a big one as far as we're concerned," said Russo.

So big that Russo may ask that John Ghio's commercial fishing license be suspended for life.

John Ghio said he was catching soupfin sharks and white seabass before his boat engine blew up. He said engine problems prevented him from retrieving the nets.

He also said he wasn't aware of the law that required him to notify the DFG within 72 hours if he couldn't retrieve his nets.

"I was in the process of convert-

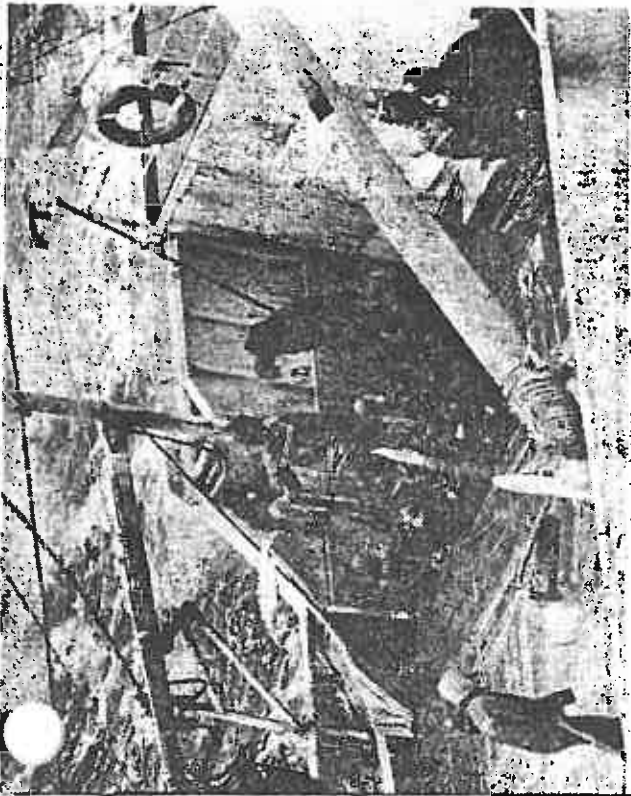
ing another boat to go out and get the nets," Ghio said.

Ghio said he anchored the nets outside three miles, but he figures they must have drifted in. He said he doesn't have any electronic instruments on his boat, and set the nets by time and distance from the dock and by maps.

On March 7 the Ghios pleaded guilty to setting a gill net inside three nautical miles. Since Dominic previously had been convicted of a gill net violation, he agreed to forfeit his commercial fishing license for life and pay a \$650 fine. John was fined \$680 and put on three years' probation.

"We've seized three nets in the past from them," Amato said. "What kind of fishermen leave their nets out for three months? These guys just don't care."

Said Castleton: "These men have no respect for the resource or the laws that protect it. There's no place in the ocean for people with that kind of attitude using that type of gear."



FISH FLY as crewmen aboard the fleeing TA CHIEH NO. 3 rush to discard evidence of their illegal fishing activities on the high seas. Logbooks indicating

Taiwanese caught

by John Fiorillo

After boarding a Taiwanese vessel observed hauling nets full of salmon 150 miles north of the foreign vessel's legal fishing grounds, a Coast Guard boarding team was offered gold, money, alcohol, and sexual favors "if they would just go away and forget the incident."

Coast Guard officials aboard the cutter, *Midgett*, were surreptitiously filming the high-seas activity of the *Ta Chieh No. 3* on June 5, when the all-male crew of the Taiwanese vessel realized they were being watched and began dumping approximately two metric tons of salmon overboard—a portion in the form of frozen salmon from the ship's hold.

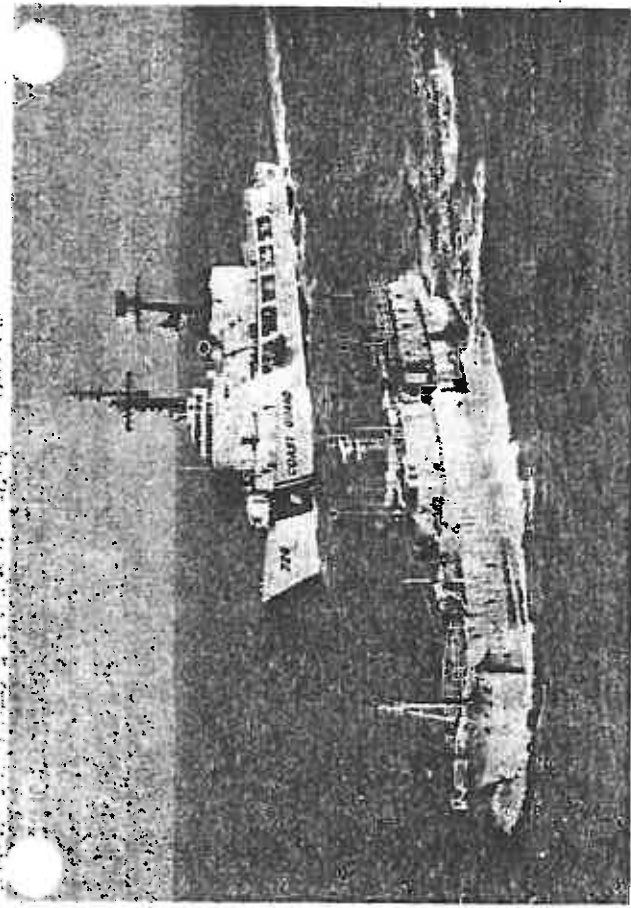
Guardsmen and National Marine

Fisheries Service officials boarded the vessel twice, the second time discovering logbooks and documents indicating that the *Ta Chieh No. 3* has fished north of its legal waters on at least 64 occasions over a two-year period.

During April and May, a total of 25 Taiwanese squid driftnet vessels were observed operating north of the fishing boundary established by Taiwan (39 Lat).

The boarding crew also recovered fish scales believed to be from salmon. The vessel's master indicated that he intended to disobey orders from the Taiwanese government to return home, and instead, planned to continue fishing through the fall.

The vessel, which was originally spotted 600 miles southwest of the Aleutian Islands chain, had an esti-



the vessel had practiced illegal fishing for more than two years were recovered. Coast Guard cutter MIDGETT escorted the vessel to Midway Island.

with nets down

mated seven nautical miles of gillnet in the water when officials began filming, according to the Coast Guard.

Washington State Reps. John Miller and Jolene Unsoeld praised Coast Guard and NMFS officials for their enforcement efforts and welcomed the acquisition of proof that high seas driftnet fishermen are intercepting U.S. bound salmon. Both legislators have been active in programs aimed at halting the illegal fishing of foreign driftnet vessels.

Alaska Senator Frank Murkowski described the *Ta Chieh No. 3* as the big one that didn't get away.

"Under American law, we would throw the book at these guys. We have asked the Taiwanese government what charges they intend to prosecute and

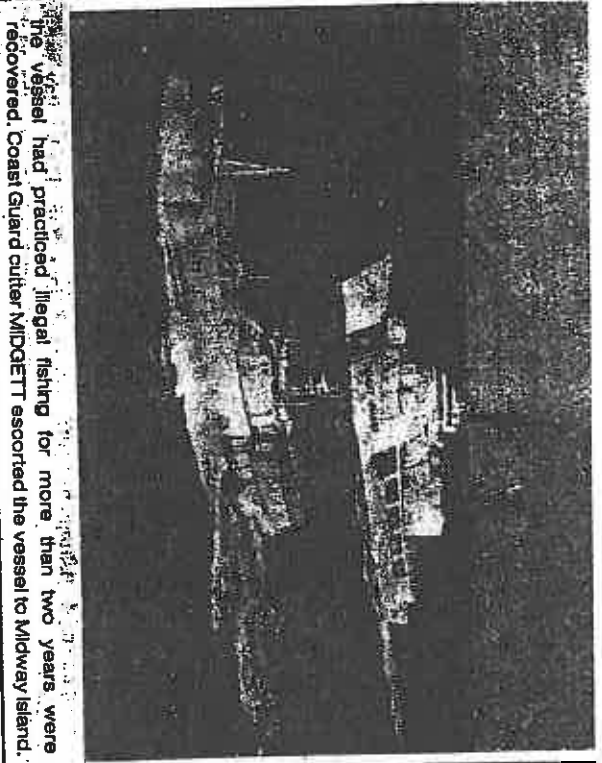
what the possible penalties are. Until those questions are answered, I have urged the State Department not to let the vessel leave U.S. jurisdiction," Murkowski said.

The *Ta Chieh No. 3*, under Coast Guard escort, arrived at Midway Island on June 16. It will remain in U.S. custody until representatives from Taiwan meet the vessel. In a related event, the U.S. and Taiwan returned to the bargaining table late last month to develop a driftnet fishing agreement.

Following the first round of the negotiations, Murkowski stated that the talks "did not go well."

This series of negotiations is widely regarded as the last chance for Taiwan before the U.S. proceeds with imposing trade sanctions under the Pelly Amendment.

FISH FLY as crewmen aboard the fleeing TA CHIEH NO. 3 rush to discard evidence of their illegal fishing activities on the high seas. Logbooks indicating



The vessel had practiced illegal fishing for more than two years, were recovered. Coast Guard cutter WMEC-115 escorted the vessel to Midway Island.

Taiwanese caught with nets down

by John Florillo

After boarding a Taiwanese vessel observed hauling nets full of salmon 150 miles north of the foreign vessel's legal fishing grounds, a Coast Guard boarding team was offered gold, money, alcohol, and sexual favors if they would just go away and forget the incident.

Coast Guard officials aboard the cutter *WMEC-115* were surreptitiously filming the high seas activity of the *Ta Chieh No. 3* on June 3, when the ill-male crew of the Taiwanese vessel realized they were being watched and began dumping approximately two metric tons of salmon overboard — a portion in the form of frozen salmon from the ship's hold.

Fisheries Service officials boarded the vessel twice, the second time discovering logbooks and documents indicating that the *Ta Chieh No. 3* has fished north of its legal waters on at least 64 occasions over a two-year period.

During April and May, a total of 25 Taiwanese squid driftnet vessels were observed operating north of the fishing boundary established by Taiwan (39 Lat).

The boarding crew also recovered fish scales believed to be from salmon. The vessel's master indicated he intended to disobey orders from the Taiwanese government to return home, and instead planned to continue fishing through the fall.

Estimated seven nautical miles of gillnet in the water when officials began filming, according to the Coast Guard.

Washington State Reps. John Miller and Jolene Unsoeld praised Coast Guard and NMFS officials for their enforcement efforts, and welcomed the U.S. bound salmon. Both legislators have been active in programs aimed at halting the illegal fishing of foreign driftnet vessels.

Alaska Senator Frank Murkowski described the *Ta Chieh No. 3* as the big one that didn't get away.

"Under American law, we have thrown the book at these guys. We have asked the Taiwanese government what

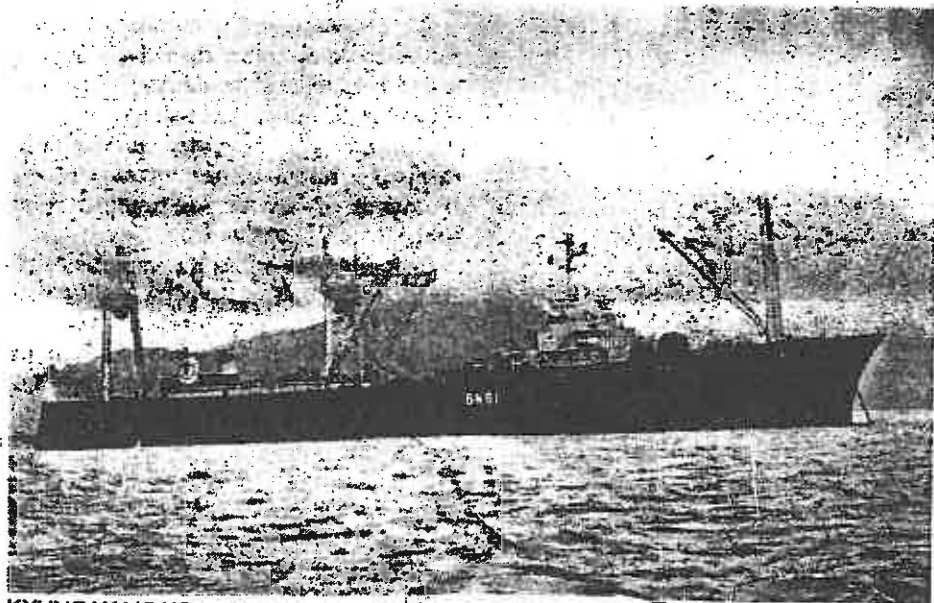
what the possible penalties are. Until those questions are answered, I have urged the State Department not to let the vessel leave U.S. jurisdiction," Murkowski said.

The *Ta Chieh No. 3* under Coast Guard escort, arrived at Midway Island on June 16. It will remain in U.S. custody until representatives from Taiwan meet the vessel in a related event, the U.S. and Taiwan returned to the bargaining table late last month to develop a driftnet fishing agreement.

Following the first round of the negotiations, Murkowski stated that the talks "did not go well."

This series of negotiations is widely regarded as the last chance for Taiwan before the U.S. proceeds with imposing trade sanctions under the Pelly

Two Korean joint venture vessels seized, released



KYUNG YANG HO

Two Korean vessels seized by the Coast Guard, were released Sept. 20, after the vessels owner agreed to pay \$305,000 in penalty and seizure costs, a spokesman for the Alaska State At-

torney's office said.

The *Kyung Yang Ho* and the *Gae Cheog Ho* were engaged in Soviet/South Korean joint venture fisheries when they entered the U.S. Exclusive Economic Zone (EEZ), prompting seizure of the vessels by the Coast Guard. According to Tim Burgess, assistant U.S. Attorney in Alaska, the vessels were processing catch in an area commonly called the "disputed zone" -- 180 miles west of St. Matthews Island in the Bering Sea.

The "disputed zone" is a body of water claimed by both the U.S. and the U.S.S.R. An agreement by both nations states that only U.S. and Soviet fishing vessels may operate in that area. The infractions are considered violations of the Magnuson Act.

Korea Wonyang Fisheries, the owner of the two vessels, negotiated with Coast Guard and U.S. Attorney represen-

tatives for the release of the vessels. Under the settlement agreement, the owner of the seized vessels accepted the U.S. government's allegation of violations of the Magnuson Act. Under the Magnuson Act, fishing and processing are treated the same in terms of the degree of the infraction.

At the time of the seizures for the July and August violations, the South Korean vessels were engaged in authorized U.S./South Korean joint venture fishing in the Bering Sea, the Coast Guard advised.

Ship's logs aboard the *Kyung Yang Ho* confirmed that the vessel had operated illegally within the U.S. EEZ from July 26 to Aug. 26. The vessel master also admitted to fish processing in the area, a Coast Guard spokesman said.

Sunday, November 21, 1993

THE SAN DIEGO UNION-TRIBUNE

Worldwatch posts danger flag for oceans

Pollution, fishing curbs called vital

REUTERS

WASHINGTON — Urgent action is needed by world leaders, industry and communities to protect oceans from the devastating effects of pollution, overfishing and degradation of coastal habitats, Worldwatch Institute said in a new report published yesterday.

The report concludes that oceans — the leading source of animal protein in the human diet — are showing marked signs of deterioration, including a three-year decline in the world marine fish catch after de-

cades of steady growth.

It warned that failure to limit catches, protect coasts and curtail pollution flowing into oceans from industry, households and farms could have dire consequences, including a continued drop in fish stocks and rising global temperatures.

"Without far more serious attention . . . to the biological limits of the oceans, marine and coastal environments will continue to deteriorate, eroding land-based as well as sea-based economies and threatening the economical keel of the biosphere," author Peter Weber concluded.

Weber called for better manage-

ment of fisheries, stricter limits on commercial and traditional catches and an end to annual government fishing subsidies of \$124 billion which generate just \$70 billion worth of fish.

On land, he said it was imperative to control development of coastal areas, protect natural wetlands and adopt strict limits on toxic air and water emissions that are polluting coastal areas, the most fertile marine areas.

Coastal areas are especially vulnerable, since half of the world's population lives within 60 miles of the sea.

The Worldwatch report follows closely on the heels of a book released last month by the World

Bank, Center for Marine Conservation and other international groups which calls for concerted action to protect marine biodiversity.

Both publications stressed the vital importance of oceans, which cover 71 percent of the Earth's surface, and called for greater attention and research on this vast area.

The subject of oceans did merit a mention at last year's Earth Summit in Rio de Janeiro, but they got nowhere near the limelight heaped on the issue of global warming and the need to protect endangered species in the rain forests and elsewhere.

Fish nations want driftnets banned

It has not been a good summer for foreign driftnetters. Because of heightened awareness worldwide, the foreign driftnetters spent much of the summer on the run. Recently signed agreements have also cut into a practice that has long gone unnoticed and unaddressed. Fishing nations around the world are calling for an end to the use of "wall of death" driftnets in the North and South Pacific.

One such nation, New Zealand, recently proposed placing the issue of high seas driftnetting on the agenda for the next session of the United Nations General Assembly.

The move amplifies a growing desire to manage the world's oceans internationally rather than in a piecemeal way.

In early-July, members of the South Pacific Forum (SPF) condemned the use of high seas driftnets, calling for a permanent ban on the use of the gear. As a result of the SPF summit, the Republic of South Korea announced that it would stop its trawlers from using driftnets in the South Pacific. Last season U.S. albacore fishermen in the South Pacific counted more than 90 vessels driftnetting, mostly from Japan, Korea and Taiwan.

United States lawmakers are also urging the state department to enter into negotiations with other fishing nations to develop international legislation banning the use of the nets. The movement has been likened to the worldwide ban on whaling achieved a few years ago.

New Zealand Prime Minister David Lange has outlined his country's hard line against driftnetting and was joined by Australian Prime Minister Bob Hawke.

Although no time frame has been established on the issue, Lange said he would like to see something done before the end of the year.

27 FEB 2000

THE SAN DIEGO UNION-TRIBUNE

Firm ends 'Franken-fish' experiment

ASSOCIATED PRESS

BLLENHEIM, New Zealand -- A controversy involving leaked secret documents, deformed fish heads and gargantuan salmon has ended with a New Zealand company agreeing to kill all its genetically engineered fish.

More than a year after New Zealand King Salmon Co. Ltd. was first accused of breeding mutant chinook salmon in the so-called "Franken-fish" experiment, the company announced Friday it would bury the remains of the specially grown fish and suspend its research.

King Salmon's chief executive, Paul Steere, said the company made the decision after it successfully in-

roduced another growth hormone gene to chinook salmon and passed the trait down three generations. He denied the decision to suspend the project was influenced by political, ethical or scientific resistance.

Opponents of the project have fought for more than a year to stop it after leaked secret papers showed deformed heads and other abnormalities had occurred during the breeding program.

After receiving the new growth hormone gene, the salmon grew three times faster than normal. According to the company, the genetically modified salmon could grow to 550 pounds. Chinook, or Pacific king, the largest species of salmon, grows to 150 pounds in the wild.

King Salmon has admitted some of the first-generation fish had developed lumps on their heads due to apparent genetic deformities.

"All modified salmon have been culled and disposed of, in accordance with containment protocols," Steere said in a statement.

The company said it would retain frozen sperm from genetically engineered salmon "at a secure location" so it was available to continue the program in the future.

The company's experimental work was halted as the government prepared to establish an inquiry into the project and its controls to prevent live salmon or fertile eggs escaping into the wild.

*that
is no good
science*

Steve Fitz 111 Mirada Road Half Moon Bay, CA 94019 650/726-6953

Exhibit C.9.d

Supplemental Public Comment
October 19, 2000 November 2000

Mr. James Lone, Chairman
Pacific Fisheries Management Council
2130 SW 5th Avenue, Suite #224
Portland, OR 97201

RECEIVED

OCT 19 2000

PFMC

Subject: Groundfish Management

Dear Chairman Lone:

In today's precautionary approach to groundfish management, the broad axe of closure and limits will inevitably fall with less than surgical precision. In some cases, the fisheries with minimal adverse impact may suffer. As a lifelong fisherman with a thriving business, the atmosphere of impending doom has driven me to attempt this communication with you who, in a real sense, may soon decide my fate.

To illustrate the unique nature of my operation, allow me to ask these five questions:

- 1) Which is the only boat on the West Coast of the U.S. to use the "environmentally friendly" method of bottom harvesting known as Scottish Seining?
- 2) Which gear type has no negative effect on the seabed, marine mammals or marine birds?
- 3) Which boat has for seventeen years exclusively harvested the underutilized Sand Dab for the local fresh market?
- 4) What boat can prove through Fish and Game log data that its target species is more plentiful now than in the past? (*Evidencing a sustainable resource.*)
- 5) What vessel has *zero impact* on any of the potentially endangered species of Rock Cod?

Answer: The answer to all of these questions is the Scottish seine vessel *Mr. Morgan*, supplying fresh fish to the San Francisco Bay Area.

As a young man, I witnessed the destruction of the fish stocks by the giant "distant water" fleet off the coast of New England in the 1970's. This profoundly affected my overall philosophy on the harvesting of fish. Upon resettling on the California Coast in 1980, my goal was to develop a "niche fishery." The underutilized sand dab would be the product, and the lightweight, low horse-powered Scottish seine method would be the gear used. Years of trial and error and small markets followed. Ultimately, due to the quality of our product (see Attachment #2: Scottish Seining) and an increase in the local demand, we were fortunate enough to become a well-established local business. Most importantly, given the limited demand inherent in the fresh fish market, and our continuing efforts to minimize juvenile-retention and unwanted discard, I believe our fishery represents the essence of a sustainable resource. A resource harvested in what is widely regarded as the most environmentally friendly method yet devised.

Letter to Jim Lone, Chairman
October 19, 2000
Page 2

I am offering the following four attachments to corroborate the above assertions.

- Attachment 1: A simplified diagram of a Scottish seine set to illustrate the physical process of how the gear works.
- Attachment 2: A letter from Duncan Amos, Director of the University of Rhode Island Marine Advisory Service. He attests to the method and gear's environmentally friendly characteristics.
- Attachment 3: A California Fish & Game landing receipt indicating a typical day's high percentage (96%) of Sand Dabs caught on the *Mr. Morgan*.
- Attachment 4: A copy of a recent San Francisco Chronicle article which shows the high level of local appreciation for our fresh caught sand dabs.

Thank you for taking the time to read this letter. I believe your task of making groundfish management decisions to be a very important and difficult one. I sincerely hope that the long-term conservation goals of the Management Council can be accomplished without killing a small, specialized 'niche fishery' like the one developed by the *Mr. Morgan*.

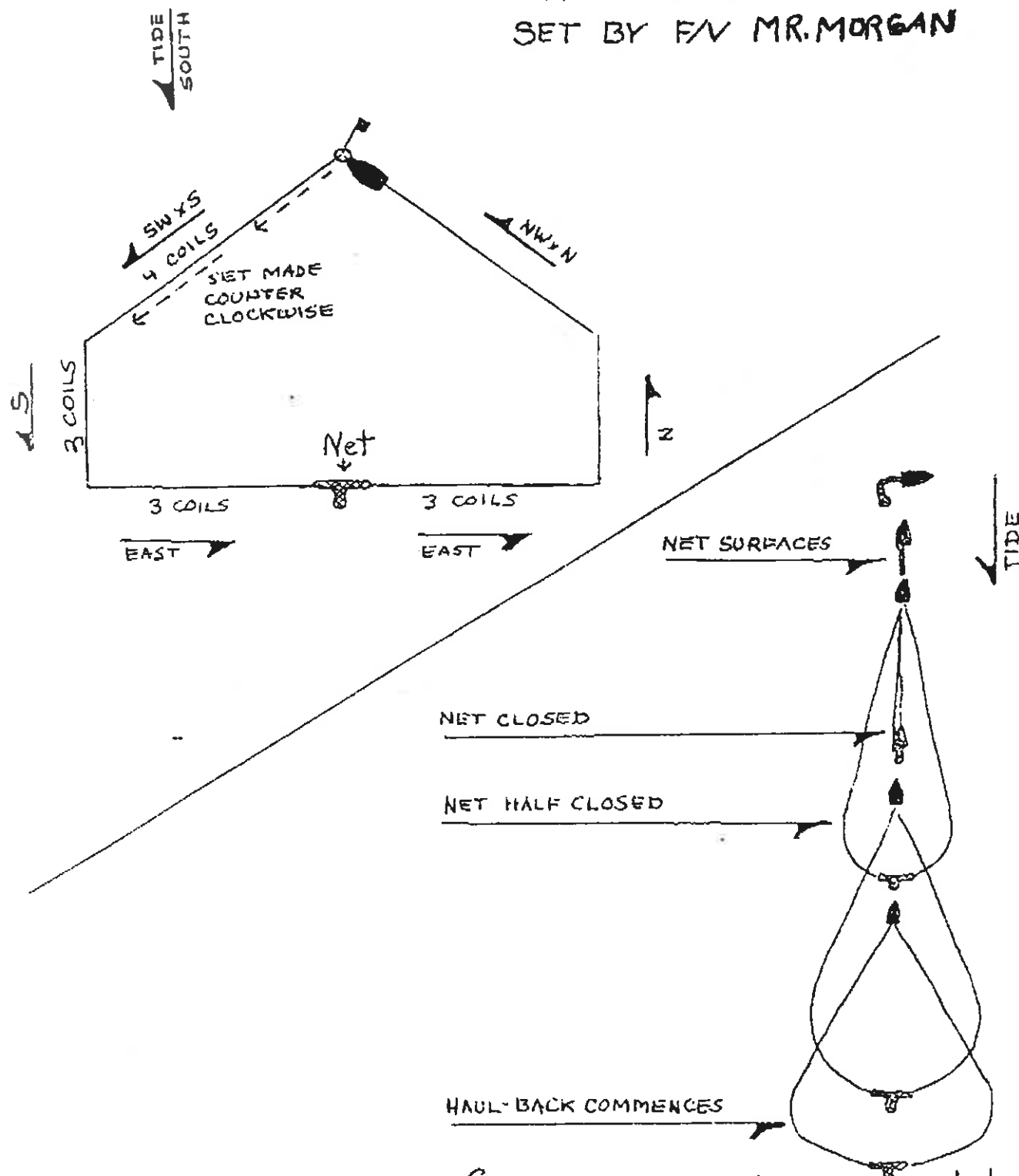
Sincerely,



Steve Fitz
Owner/Operator
F/V *Mr. Morgan*
Half Moon Bay, CA

Attachments (4)

Diagram # 1

TYPICAL 20-COIL (10 PER SIDE)
SET BY F/V MR. MORGAN

★ A set takes approx. 2 hours from commencement to completion. As the ropes move along the ocean floor they create a small mud cloud. The fish instinctively herd away from the disturbance towards the center of the set. Juvenile fish lack the strength to swim from the outside to the center. As they tire, the ropes pass them harmlessly by. This results in an efficient culling technique.



The University of Rhode Island, Narragansett, RI 02882-1197
Division of Marine Resources (401) 792-6211

Steve Fitz
Attachment
#2

October 7, 1985

Mr. Steve Fitz
1315 Audubon Street
Monterey, CA 94037

Dear Sir

Scottish Seining

The fish harvesting technique commonly referred to as Scottish Seining or Fly Dragging has been used in European waters for over four decades.

It is a fuel efficient method of fishing and it is effective on all demersal species.

Because of the long lengths of leaded rope that are used, it is normally only deployed over fine sand, gravel or mud grounds.

Its impact on the seabed is minimal because of the slow but gentle movement of the ropes from the initial setting of the gear to the final closing stages of the net. The net itself actually only moves across the seabed a relatively short distance and because the net is very light when compared to a trawl, there is very little disturbance to the seabed.

If the gear is used in relatively shallow water, a high percentage of the fish will come to the surface alive and in good condition. If the mesh size used in the cod end is large enough, i.e., in excess of four inches, many small and immature fish will escape from the gear during the fishing operation.

There are films and video materials available showing the Scottish Seine in operation and from these it can be seen that the gears impact on the seabed is minimal.

I hope the above information is useful to you and if I can be of further assistance, please get in touch.

I remain.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'D. Amos', is written over the typed name.

Duncan Amos
Director
MARINE ADVISORY SERVICE

DA/mm

Steve Fitz
Attach
#

... represents a typical days harvest
 Note that 96% of fish is the Sanddab

CALIFORNIA DEPARTMENT OF FISH AND GAME

MONTH DAY YEAR

08 15 00

B 017726

SEE 2ND
PAGE

6 F 0 3 3 3

MAN LAST NAME

K

P.L.

LD. NUMBER

5

L

6

4

7

1

8

PORT OF FIRST LANDING

4

5

2

LOCATION WHERE FISH WERE CAUGHT

4

7

5

EL NAME

M

VESSEL LD.

4

1

1

3

4

FISH BUSINESS NAME

F

I

T

FISH BUSINESS LD.

4

0

7

8

5

-

0

1

NAME

POUNDS

PRICE

TOTAL AMOUNT

CONDITION

GEAR

PRIMARY GEAR
USED

4

8

GEAR LEGEND

- 1 HOOK & LINE
- 3 VERTICAL HOOK (PORTUGUESE)
LONGLINE
- 5 SET LONGLINE
- 8 TROLL (GROUND)
- 21 FISH TRAP
- 55 BOTTOM TRAP
- 55 SET GILL NET

OTHER
SCOTCH
SEINE(BIOLOGIST USE)
FISH CODE

4

8

4

8

4

8

4

8

4

8

NOTE PAD

TOTALS

62.96

\$

Steve Fitz
Attachment
#4

AT THE SOURCE

Kim Severson



LENA HYDE Special to The Chronicle

Landing Sand Dabs Means Fishing With Finesse

On any given day, some 15 miles off the Northern California coast, you can find Steve Fitz coaxing thousands of tiny sand dabs into a huge net.

By the end of the day, he might have pulled 8,000 pounds of the little chocolate brown flounders from the deep waters near the Monterey Bay canyons or the Farallon Islands.

► **INSIDE:** See Georgeanne's Kitchen for ways to serve sand dabs

3

Fitz, who has a degree in English and 18 years of West Coast sand dab fishing under

his belt, is by all accounts the premier sand dab fisherman in Northern California. He runs his 68-foot former shrimp boat, the Mr. Morgan, out of Half Moon Bay, fishing almost exclusively for that most San Francisco fish, the sand dab.

"His fish have a firmness to them," ex-

► **SOURCE:** Page 3

Continued on
next page

Remember It's Key to Trim a Sand Dab

Don't let the bones keep you from enjoying the delicate, mild flesh of the sand dab. As any good San Francisco waiter will tell you, boning a sand dab looks trickier than it is.

The key is in the preparation. At Sam's Grill (374 Bush St., near Kearny), sand dabs have been a staple for almost a century. To make boning easy, chef Andy Cravalho trims about a quarter-inch all around a fish that has already had its head, tail and fins removed.

After heating canola oil in a saute pan, lightly dusting the fish

in flour, salt and pepper, he pan fries them for about three minutes on each side.

Then, he runs a table knife lightly along the back bone from tail to neck and flips the meat onto a platter. With one swift but gentle motion, he grabs the bone near the tail, lifts it from the remaining meat and slips the second fillet onto the platter skin-side down. The dish is finished with butter.

"The thing is you have to do that trimming first," Cravalho says. "Then you have to just have some confidence."

— Kim Severson

WEDNESDAY, JULY 21, 1999

Flounders Caught With Finesse

► SOURCE

From Page 1

plans Phil Bruno of Exclusive Fresh Inc., who sells about 20,000 pounds of Fitz's sand dabs a week on the West Coast. "There is no scale loss and the bellies are intact. They're not bruised."

Fishmongers say Fitz's sand dabs are the best because of the relatively gentle method he uses to catch them. And with the delicate, bony sand dab, gentleness matters. A lot.

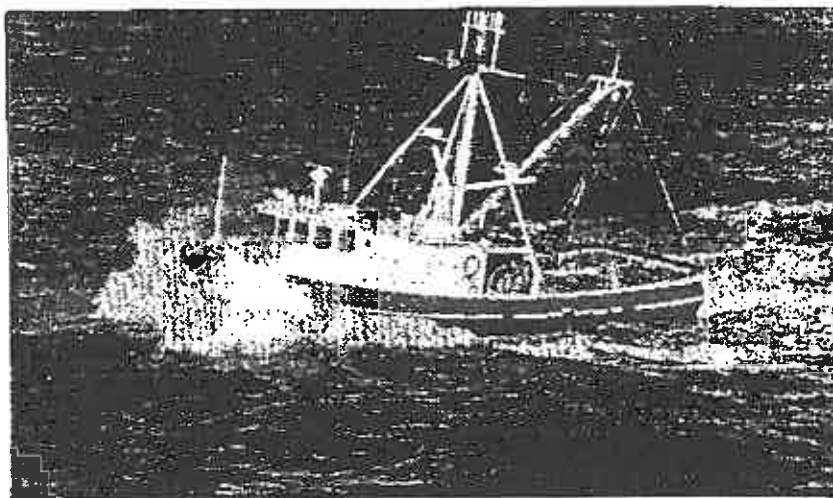
The fish are smaller than most of their flounder kin. At a pound or less each, they're more akin to rex sole (also a flounder) than a petrale sole, which can weigh as much as five pounds.

Sand dabs are caught year-round, although the fishery slows down in winter when colder temperatures and storms drive the fish farther offshore into deeper water.

How the sand dab came to be a California — and particularly a San Francisco — menu staple isn't well documented, but people in the fish and restaurant business say the sand dab is a fish of immigrants.

Sand dabs became popular among Italian fishermen who immigrated to the Bay Area. They weren't always big sellers, but the Italians liked to salt and dry them like cod or saute them with garlic. They remain a constant at old-school San Francisco restaurants like Tadich Grill and Sam's Grill, and also are experiencing resurgence at trendier restaurants interested in showcasing local fish.

A new wave of immigrants is helping the sand dab's popularity, and Fitz credits some of his increased business to the rise in the Bay Area Asian population. A lot of his catch goes directly to Vietnamese and Chinese markets, where he believes the quality of his fish makes them stand out.



FISHING: Mr. Morgan's unique netting ensures a pristine catch.

Fitz uses a Scottish seine method. A weighted polypropylene rope that stretches out about two and half miles is dropped to the bottom in a rough diamond shape. Fitz's boat slowly pulls the rope along the floor, which kicks up little clouds of mud. When the fish see the cloud, they instinctively herd away from the rope toward the center of the diamond.

With traditional dragging methods, the pressure created as the net is pulled rapidly through the water essentially sandblasts some fish and

suffocates others that get pushed against the net itself.

Sand dabs can't withstand that sort of treatment, Fitz says. Rather, the gentle motion of the rope tickles the fish to the center, where they swim freely until the net is pulled shut and lifted to the surface. The fish spend only a few minutes in the net.

"It's a finesse fishery," Fitz says.

He and his crew — Jay Dykens and nephew Stevie Fitz — hand sort the fish into 100-pound boxes and lower them into a hold chilled to 33 degrees. By that afternoon, the fish are at a supplier, being pan-dressed for restaurants, fishmongers and supermarkets like Draeger's, Whole Foods and Mollie Stone's.

Pan-dressing involves gutting the fish and removing the head and fins

and sometimes the tail. Filleting sand dabs is a difficult and, some would argue, futile task. Some experts suggest it's better to fry a pan-dressed sand dab quickly on each side, then gently lift the backbone, starting tail first, to remove the bones. (See sidebar.)

"Once a week we have a dab dinner out of respect," he says. "I like to pan fry them fairly hot with butter and garlic so they brown and then squeeze on a lot of lemon. If you cook them right and leave the tail on, you can literally flip them from one side to the other and the meat falls off."

Kim Severson is a Chronicle staff writer.



PORT SAN LUIS COMMERCIAL FISHERMEN'S ASSOCIATION
P.O. Box 513, Avila Beach, Ca. 93424

October, 16, 2000

RECEIVED

OCT 20 2000

PFMC

California Department of Fish and Game
John Duffy, Assistant Executive Director
1416 Ninth Street
Sacramento, Ca. 95814

Dear Mr. Duffy,

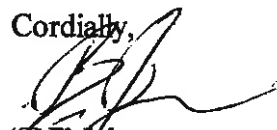
On behalf of the members of the Port San Luis Commercial Fishermen's Association, I would like to respond to Title 14 -Notice of Proposed Changes in Regulations.

1. Leave the bag and possession limits as they are now. The reductions and quotas that are already in place haven't had time to determine whether they have been beneficial to the stocks.
2. We are against this proposal because a blanket closure would put the nearshore sheephead fishermen out of business. Cowcod are not indigenous to the same area as sheephead.
3. Oppose, leave it as is with 3 hooks.
4. Oppose. Again we feel adequate time has not been given to the effectiveness of the two month closure.
5. There will be no shift in effort on nearshore species due to reductions in the take of shelf groundfish, because as of June, 2000 a control date has been established preventing shelf fishermen from taking nearshore species. (For lack of eligibility of Nearshore Permit.)
6. We support. Vessels should be allowed to transport catch through restricted areas.
7. CPFV's should be required to keep the same type landing tickets as commercial fishermen in order to keep a more accurate accounting of each species. Although we don't support the mandatory observer program, we strongly feel that accurate recreational catch data is a must.
8. Oppose. More time and effort should be spent properly managing the already listed species.
9. We feel that surfperch, starry flounder, leopard shark and monkeyface eels should not be added to the list, because as a rule they are a non-target species and the stocks are not in decline.
10. Unclear as to the intent of this proposal.
11. Nearshore waters should be defined by species of fish.
12. No, leave as is. There are current ongoing stock assessments for cabezon and kelp greenling that haven't been made available. We would like to see the results of these assessments before any further action is taken.
13. Strongly oppose.
14. We support the reduction of number of hooks to 15 per line in the areas currently exempt.

page 2

15. We oppose expanding the commercial seasonal closure by one month. We support establishing a recreational season closure.
16. Oppose.
17. Oppose.
18. Unable to comment at this time due to lack of definition.
19. No comment.

Cordially,



"BJ" Johnson,
President, PSLCFA

cc: Fish & Game Commission
Pacific Fisheries Management Council

PFMC

DEAR Sirs

DEAR Sirs

OCT 23 2000

October 23, 20

I object To THE Diagonal Proposals For

Rock Fishing / Ling Cod Limits THAT ARE

Proposed. FISH don't VOTE! I do AND

Am sending copies OF THIS To THE

CALIFORNIA GOVNA & FEDERAL REPRESENTATIVES

YOU'VE gone TOO FAR THIS TIME!

Sincerely,

Bryan DALTON

845 VAN DYKE CT

SUNNYVALE CA 94087

408 245 8576

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

RECEIVED

OCT 24 2000

BBB

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

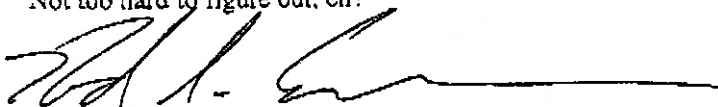
The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

Not too hard to figure out, eh?



Roderic S. Cannon
137 Mainsail Court
Vallejo, CA 94591

FACSIMILE COVER PAGE

To : Fishery Management Council
Sent : 10/23/100 at 9:57:24 PM
Su t :

From : FAST TECH User
Pages : 1 (including Cover)

Fishery Management Council
2130 SW Fifth Avenue, Suite 224,
Portland, Oregon 97201

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I copied this letter, and I do agree with it. I hope you will reconsider the excessive action you seem to be planning

Sincerely,

Paul Lipton
1411 Ada St
Berkeley CA 94702
paliptonarthlink.net

RECEIVED

OCT 24 2000

DEPT

RECEIVED

OCT 21 2000

P.01

503-326-6831

To Who it Should Concern.

Commercial Fisherman take
95% of the rockfish. That
is where to cut back
and conserve the fish stock.

Cutting the 5% group
doesn't make any sense
other than you are really
supporting commercial interests
and not the fish.

I cannot believe you are
such mumb skulls.

P. Batchelder

**FOUNTAIN
GROVE
MORTGAGE**

1325 College Avenue
Santa Rosa, CA 95404
Bus: (707) 525-1292
Fax: (707) 525-0335

RECEIVED

JUN 24 2000

DEAD

The Fishing Report
By
Hunt Conrad
10/23/00

I don't often get on a soapbox but when something is just not right I feel that I have a responsibility to stand up and declare "foul"

The Pacific Marine Fisheries Council (PFMC) is prepared to close the taking of Lingcod from Pt. Conception to the Oregon border as of November first. We expected some sort of further reduction in take but the PFMC is seemingly poised to kill off all sportfishing for all species of rockfish. The government is proposing to close sportfishing for rockfishing for four to six months a year and to reduce the limit to as low as three rockfish per person and just one lingcod. Currently the limit is 10 rockfish including two lingcod.

The thing that gets me so riled up is that this comes after years of sport group complaining that the commercial rock fish operations with their drag nets and hanging gill nets were doing significant damage to this fishery. They operate like vacuum cleaners and are indiscriminate of species or size and often have huge amounts of waste kill, which include juvenile and other non-target species along with the damage done to marine mammals and birds.

Each year the Commercial fishermen take 85 to 90 percent of the catch. Since they are doing the majority of the damage wouldn't it make more sense to limit their impact by 90%. Why not shut them down to 1-month year and if sport anglers are responsible for 10% reduce their impact by 10%. From last years 15 fish limit that would mean a 13 fish limit and an 11-month season. And wouldn't it make more sense to eliminate the netters altogether and just make it a hook and line fishery where the overall impact can be regulated more efficiently.

That is not what is going to happen under the new proposal. The netters will be allowed to continue their rape and pillage tactics while sportfishers get to standby and watch the destruction for six months.

You have a chance to make an impact by writing the PFMC and letting them know what you think. PFMC, 2130 SW Fifth Avenue, Suite 224, Portland Oregon 97201. Or fax them at 530-326-6831.

In the fishing news the wind played havoc with most fishing efforts over the weekend. The Albacore fishing that really turned on at the end of last week has been put on the back burner until the sea settles and they find the fish again. Sunday, salmon fishers picked up where they left off at the end of last week with limit style fishing at Duxbury buoy. Trollers are doing better than moochers are but most are getting at least a fish to the rod. This season ends Nov 3rd so get your licks in for one more week of bright ocean salmon. Sport Crab season opens Nov 11th and is followed by the commercial guys Nov 14th so get out early for best results.

The Lakes are turning over meaning that the trout are showing on the surface. Lake Berryessa is your best bet but Lake Sonoma, Blue lakes and Indian Valley reservoir are other good options with recent stocks. Try trolling a 1/2 night crawler or needlefish behind a flasher in the top ten feet of water. Make sure that you have your gear at least 75 to 100 feet behind the boat. For a slower and stealthier approach use your trolling motor.

Pending Rockfish Closure.. HELP!!!

Subject: Pending Rockfish Closure.. HELP!!!

Date: Sun, 22 Oct 2000 20:22:57 -0700 (PDT)

From: BARFNewsletter@barfonline.com

Organization: The California Fishing Network

To: jasmine@ifn.net

RECEIVED

OCT 24 2000

DEMO

Please read this article by Tom Stienstra the EXAMINER, and act before it is too late.

Mike

Outdoors: Sports anglers may soon be cast adrift

By Tom Stienstra OF THE EXAMINER STAFF October 22, 2000

REMEMBER the Wizard of Oz? Remember how the Wizard hid behind a curtain and then created illusion, smoke and bellowing speeches to fool Dorothy and Co. Into meek obedience?

Well, just like the Wizard, a few government spin doctors are doing the same thing right now to the people of California.

When you clear away the smoke, this is what is going on: The biggest fishing shutdown in history along the California coast is about to be rammed down your throat in order to cover up 25 years of failure to restrict commercial netters and long-liners.

The government is proposing to close sportfishing for rockfish for four to six months a year along the central and northern California coast, and to reduce the limit to as low as three rockfish per person (and no higher than nine) and one lingcod.

For 25 years now, fishermen, wildlife lovers and hard-core enviros alike have protested how commercial fishermen have tried to clean out the ocean. The commercial boats often drag nets that are like vacuum cleaners, hang gillnets that are miles long, and set miles-long lines with thousands of hooks. In the process, they have killed marine birds, sea otters, marine mammals, juvenile fish, and non-target fish species in their mission to kill every rockfish they can get their mitts on.

Each year, commercial fishermen take 85 to 90 percent of the catch, leaving sport anglers for the rest. Though fast-growing rockfish are flourishing, others that are slow-growing, such as canary rockfish, cow cod, and bocaccio, are being fished out by the netters and long-liners.

This is what is logical: Since the commercial boats do 90 percent of the damage, they should be shut down 90 percent of the time. And if sport anglers are responsible for 10 percent of the catch, they could stand being reduced 10 percent of the time. From last year's sport limit of 15 and year-round season, that would mean a 13-fish limit and 11-month season.

And doesn't it make sense that the first people who should be pulled off the water are the netters, who have the

Pending Rockfish Closure.. HELP!!!

ability to kill everything in their path? That's not how the Wizard sees it.

Under the proposal, while the sport anglers get shut down, the drag netters would be allowed to continue to try to clean out our coast. The Wizard argues that new commercial quotas will reduce the harvest by 50 percent, and that severe sportfishing cutbacks are necessary in order to "share the pain," the mantra of the Pacific Fisheries Management Council.

Share the pain? Your worst enemy has caused a train wreck, and yet you -- the healthy one -- are scheduled to have your legs amputated. And remember the line from the Wizard of Oz: "Pay no attention to that man behind the curtain."

You have one chance to defeat this. At the end of this month, Oct..31 to Nov..3, the Pacific Fisheries Management Council will hold a hearing in Vancouver, Wash., then review data and options, and make their decision -- a landmark moment.

To make the deadline for public comment, write by Tuesday to: PFMC, 2130 SW Fifth Avenue, Suite 224, Portland, Oregon 97201, fax them at (503) 326-6831, or access their Web site at www.pfcouncil.org, where an e-mail link is available at pfcouncil.comments@noaa.gov. You can copy me at

Tom@Stienstra.com. --

FOR THE LATEST UPCOMING EVENTS VISIT THE B.A.R.F. CALENDAR at <http://www.calfishnet.com/cgi-bin/Loader.cgi?186>

This message has been sent to each Team B.A.R.F. member individually.

If you reply to this message, fishrman@barfonline.com will be the only recipient.

Message sent using WebSend Bulk Emailer
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Unfair!

Michael Faircloth

(925) 682-2137

(925) 609-9243

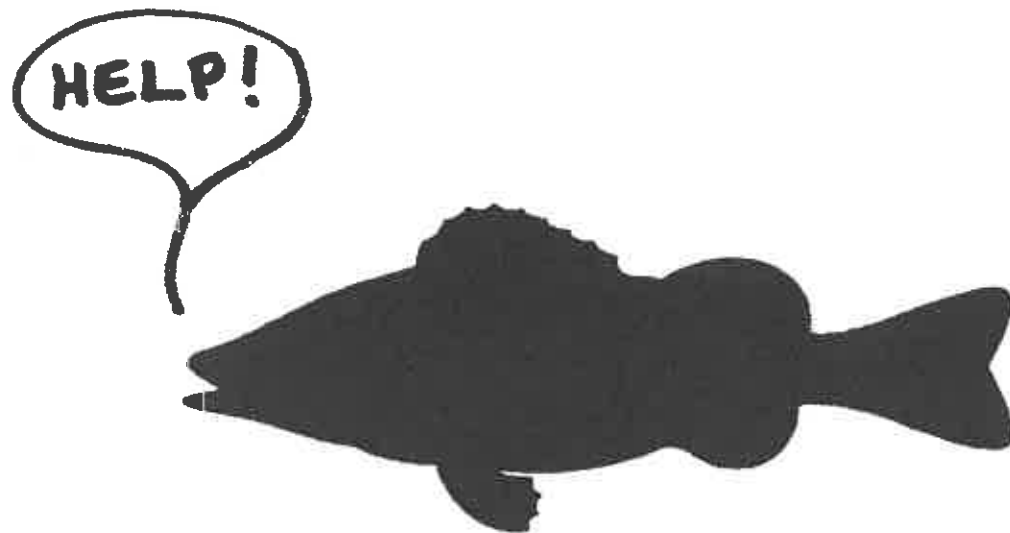
3456 Sanford St

Concord Ca. 94520

STOP THE MADNESS

007 2 4 2000

Don't cut the sport anglers catch way back.
We only catch 10% of the fish.(if we are lucky)
Save the fish by cutting back commercial fish-
ing.REASON , they catch 85% of the fish and
also kill birds,otters and other marine mammals.



LET LOGIC PREVAIL

THANK YOU

ROBERT LONG

TO: PFMC EX # 503 3266831

1 of 2

OCT 24 2000

09:56AM

The government's proposal to limit the sports fishermen is ludicrous. Limits should have been in effect for years, to the commercial fishermen. They are the ones that are vacuum cleaning the ocean. There have always been limits on the sports fishermen. It is now time to put the limits on the people that are causing the devastation to our beautiful sanctuary (including fishing the area clean, killing the marine life and even juvenile fish). There are a couple of results that will come of these new limits. (Probably more)

#1 Limiting catches to less than 10 fish will shut down the fishing tour. Who's going to pay \$50 to go out on a part boat to catch three fish? (Not mentioning the costs and preparation it takes for a single sports fisherman to fish to provide healthy food for his family. Today's limits only feed a family of 4 two meals, if that.)

#2

There are going to be so many fish thrown back because the fishermen are going to be frustrated to catch the max weight for their limit. Most of the "throw-backs" will become "floaters". Another waste of our resources.

Possibly limiting the commercial fishermen

2 of 2

immediate results.

We have lived on the Monterey Peninsula for our 40 or so odd years. We have seen a definite decline in the rock cod over the last 8 years. When my 1st son was born my husband took up fish up. (Imagine that) He would shore fish and bring home from one trip, enough fish to feed us for many meals and even be able to share with our families. Shore fishup died off within 2 years so my husband bought an inflatable and fished the Carmel Bay keep beds. Over the last 5 years we've seen the decline of fish in these keep beds. It now takes longer to hunt + pick for the limit of 10 than when the limit was 20.

Commercial fishup has to be limited and regulated. They are massive vacuum cleaners and murderers of ocean and marine life. They are stripping and not replenishing a valuable resource. They are greedy.

Please have mercy on us little people who want to have a little enjoyment of the sport and feed a few healthy meals to our families.

Thank you for listening ~

Chick + George McCullough
Monterey ~ California
PX 831 373 8037

BATCHELDER

925 484 3024
TEL: 925-484-3024

Oct 24, 00 10:01 AM No. 001 P. 01

OCT 24 2000

DEAD

To whom it may concern:

I would like to register my outrage at your groundfish management proposed measures that will cripple sportfishing operations in the San Francisco Bay Area. Your proposals are punitive to the sector that has least affected stock depletions of several varieties of rockfishes along the coast of California.

For years now, your organization and the California Department of Fish & Game has turned a blind eye to the operating methods of commercial drag boats and long liners. These operations have shoveled more than three times the weight of dead rockfish back into the ocean as incidental catch than has been caught by sport vessels, made up of private and party boats.

The long liners and drag boats have targeted and consequently over-fished bottom dwelling species such as bocaccio, canary rockfish and cow cod in certain areas along the Northern California Coast. Party boats and private boats fishing in the Gulf of the Farallons, Cordell Bank and immediate adjacent areas have mostly targeted school fish, (olive, blue & black sea bass) as well as lingcod and the more common bottom fish.

These sport boats annually catch less than 15% of the commercial catch of groundfish, (not counting the incidental catch). Why then, are the two dozen or so sportfishing party boats in the Bay Area, that regularly offer folks a chance to supplement their diet and pursue their hobby, being shut down?

It would seem that your body has paid no heed to the fact that the rockcod and lingcod fishery is healthier now than it has been in many years. Your own biologists have conceded that the lingcod fishery at Cordell Bank and the Farallon Islands is healthier now than ten or even twenty years ago. Anyone who has been fishing rockfish in the last couple of years can truthfully say that the school fish are larger and more plentiful now than in recent memory.

It would appear that your figures and proposals are coming from sample catches taken from areas that are not fished by sport boats and that the Council is paying no heed to the sport fishing interest, only to that from the large commercial operations. The sportfishers have policed themselves for many years. Why should they bear the brunt of retribution for the excesses of large moneyed interests?

October 24, 2000

007 0 1 2000

To the PFMC,

I am an avid angler who is puzzled by your proposed restrictions on rockfish for recreational anglers. Since recreational anglers take a small percentage of the total harvest (15%), create no bycatch, and contribute much to local coastal economies, it is unfair that we will be the primary victims of past PFMC mismanagement of commercial (and perhaps recreational) fishermen.

The fallout is already upon us. My favorite tackle shore, The Marine Warehouse (in El Granada) went broke soon after the last rockfish closure ended. All of the many boat captains with whom I fish see little future in Northern California should your proposed draconian measures be implemented. How did you let it get to this?

With some forward thinking and creativity you "managers" should have pinpointed the real problem (dragnets and longliners) and addressed it. First off, why weren't recreational bag limits altered slowly, beginning several years back. Going from 15 to possibly 3 fish within two years screams "mismanagement".

As for more creativity, what about more marine sanctuaries off limits to all fishing, all year. Also, why is there not a slot limit on lingcod. Small lingcod taste better and have fewer eggs. Putting a slot limit of 22-30 inches would mean more large egg laying females. FYI, a 30 inch female lays about 60,000 eggs per season vs. 500,000 eggs in a 45 inch female. Why not stagger Salmon (suspended depth), halibut (sandy bottom), and rockfish (rocky bottom/kelp) seasons so party boat captains have at least one season "open" most of the time.

Bottom line, you already know it is the longliners and drag boats that do the most damage. Yet, they would still be operating year round, so a six month or even year round closure on recreational rockfishing would probably prove inadequate. Do your job, do the right thing, address the real problem. Do not spur me to more action with ever more of your mismanagement.

Know that I am thoroughly outraged and currently researching the process of appointing PFMC members, and how can they be removed.

Sincerely



Stephen C. McGruther
Financial Advisor
Morgan Stanley Dean Witter
(650) 853-4063

3364 LaMesa Drive #11
San Carlos, CA 94070

Stephen Dampier
925 Fell Street #5
San Francisco, CA 94117
(415) 863-7575
steveoh@fishyfish.com

PFMC
2130 SW Fifth Avenue
Suite 224
Portland, Oregon 97201
(503) 326-6831

RECEIVED

OCT 24 2000

PFMC

Dear PFMC Commissioners,

Yesterday I got news of the Ling Cod closure in California. To say that I'm disappointed, angry and frustrated would be an understatement.

My fishing buddies and I have always practiced conservation and keep only what we can immediately consume. Most of our rock fishing is in the near shore in 50-100' of water. We keep a very small amount of fish and generally don't even keep a limit since we are concerned about the resource.

All of our conservation efforts are apparently wasted since commercial fishermen are allowed to come into these same waters, set their traps or stick gear and wipe out a very small area.

Also, shrimp, halibut and rock fish drag net commercials are allowed a by-catch that is wanton waste in it's destruction. The number of their discarded by-catch pales in comparison to the total take by recreational fishermen.

The commercials certainly don't have the sense to conserve and so they should be banned from the near shore out to 200 nautical miles.

The answer to protecting the nearshore fishery seems pretty simple to me.

#1 Ban all commercial nearshore fishing to within 3 nautical miles of shore. This includes the live fish industry with their traps and un-manned 150 hook stick gear. If the fishery can not support a recreational take then how in the hell can it support a commercial take?

#2 Ban all methods of fishing that have a high bi-catch rate. It's inexcusable for an industry to exist that destroys so much of juvenile rock fish and ling cod population. Drag nets destroy a fishery as well as the habitat. Ban them now before it is too late.

#3 Reduce the efficiency of both commercial and recreational fleet. Go to a one or two hook per rod requirement, require commercial fishermen to use the same equipment as the recreational fishermen and limit the number of rods being fished to no more than five or ten per boat. Do not allow the use of live bait for catching rock fish and ling cod.

#4 Require all commercial catches to be weighed and examined by an officer of the DFG. Every fish sold on the commercial market should be accounted for.

#5 If a fishery can't support a recreational take then commercial take should be banned. Period.

Sincerely,

Stephen Dampier



C9

SPORT FISHING • CHARTERS • WHALE WATCHING

Tuesday, October 24, 2000

RECEIVED

OCT 24 2000

FISHING

Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Dear Sirs,

I have been actively involved in the recreational fishing industry on the Central California coast for over thirty years now. My grandfather started the company in 1954 that I now run in Morro Bay, CA. With over 30 years experience in, on and around the ocean, I am very knowledgeable about the Central coast fisheries. I have recently been nominated for a seat on the Groundfish Advisory Subpanel and should take that position in January.

Last year we requested the PPMC to include the Central California Coast in the Southern California closure zone and time period. This allowed us to run whale-watching tours during our closure instead of unemployment. We have been planning all year on being closed for these same months. We have spent a huge amount of time, energy and money to promote whale watching this year and explore other alternatives to fishing. Now the California Department of Fish and Game wants to change all that and include us in the northern zone.

Because of the financial impact it would have on so many people, we are adamantly opposed to moving the boundary line from Pt. Lopez to Pt. Conception. It will change our closure season to March - April. On the central coast we are extremely dependant on the rockcod fishery. We do not have a reliable salmon season like the landings from Monterey and north. They also have a longer whale-watching season than we get. The landings to the south can fish other pelagic species and run whale-watching tours during their January and February closure. Moving us into the northern management zone puts us in the March and April closure and leaves us completely unemployed. You need to understand that, unlike the ports to the north and south of us that have other options, if we are shut down in March and April we will have no source of earning an income and will be completely unemployed!

1215 EMBARCADERO • MORRO BAY, CA 93442 • (805) 772-1222**#1 OLD HWY 1 • SAN SIMEON, CA 93452 • (805) 927-4676**

Furthermore, we have planned for and promoted a March 1 season opener all year. Our customers who are now expecting not to fish in January - February will show up to fish in March, only to find us closed for another two months! To change our season on such short notice again is unfair. At least give us a year's notice to adapt. We have businesses to run and families to support. Sudden changes leave us in a state of flux, unable to plan our businesses. Jerking people's livelihoods around like this is criminal. A number of charter boat owners are organizing a class action suit to argue that point even now. This kind of management is driving reasonable people to desperate measures.

I think there is a reasonable and fair solution. This is to add an additional Central management zone from Pt. Conception to Pt. Sur with the January - February closure. A central zone with these boundaries would be very clean. Santa Barbara charter boats fish only as far north as Pt. Conception. Monterey boats fish down to and occasionally just south of Pt. Sur. We fish between Pt. Conception and Pt. Sur so there would be virtually no overlap. We could remain in the January - February closure season.

This also allows each zone to be more specifically managed to most benefit the fishery with the least impact possible to businesses, fishing communities and public service. For example, if further closures are necessary to meet quotas of bocaccio and canary rockfish, we could fish near shore in May and June. March and April are especially significant months of income for us because of the Easter week holidays. After the economically hard winter, Easter vacation tourism gets us through the spring until summer. The shallow water fishing is so poor during these months that even a shelf closure with reduced limits nearshore would be devastating. But during May and June, we can still serve the public interest in fishing but avoid key species by fishing shallower. There are many other options we could consider to reduce our impact on key species that may not work for the other zones. Furthermore, each zone could be allotted a quota for more exact management.

We already have very good catch database established for the Morro Bay and Port San Luis (Avila) harbors from the department of Fish and Game Central California Marine Sportfish Project from 1988 to 1998. The reports generated from this ten year study are very detailed. I know the data is accurate because it is very consistent with our own catch records. Regarding our catch rate this study states, "there has been no steady trend, either positive or negative, since 1988". This tells me that perhaps the Central California fishery has not been "over fished" at all.

There is much more data in this State funded study that would support that theory and warrants a closer look.

I realize it may sound like I am asking for special considerations for the central coast landings. I am. As I have said before, we are extremely dependent on the rockcod fishery. Central California charter boat operators cannot survive on pelagic fisheries and whale watching alone. I have seen people try it. Twenty four other sportfishing operations have come and gone over the last 30 years that I have been here. We are the last remaining landing in Morro Bay. The two-month closures this year proved even more devastating to us than we had expected. Once the doors are closed it is very difficult to open them again. In addition, our business is down over 20% from the year before due to customer dissatisfaction over the ten fish limit.

At this point we are desperate to stay in business. Before the closures began our business was well positioned financially after having to file chapter 11 bankruptcy just a few years ago. Now we are precariously positioned again and additional short notice closures will certainly put us out of business. Our income has gone down and our expenses have gone up dramatically. Additional closures or take restrictions without special considerations and time to adapt our businesses will effectively eliminate all Central Coast public access to the ocean for any purpose altogether. I am not asking for a larger share of the quota, but consideration in how we make our reductions.

An additional Central California fishery management zone will allow us to manage our quotas more closely and stay in business. Smaller zones allow for more special considerations of the fisheries and impact on people. This puts more control and responsibility in the hands of the local sportfishing operators to reduce their catch on specific species if they want to stay in business. Without public service businesses like ours, safe, enjoyable and affordable access to the ocean for public recreational purposes will not exist. Long-term sustainability is a goal we all share. Please support the Central California management zone.

Sincerely,

Darby Neil
Vice President

SENT TO

OCT 24 2000

SENT

DON'T CLOSE DOWN THE COAST OF
CALIFORNIA TO SPORT FISHERIES

Don Oberhel
(805) 650-4999

TO : PHONE NO. : 15033266831
FROM : Benjamin E. Gordon

OCT. 22. 2000 11:50AM P 1
PHONE NO. : 510 233 7244

OCEANIC FISHERIES MANAGEMENT COUNCIL OCT 22,2000
130 SW FIFTH AVE
SUITE 224
PORTLAND, OREGON, 97201
FAX #503-326-6831

RECEIVED

OCT 22 2000

BEMC

GENTLEMEN,

IT HAS COME TO MY ATTENTION THAT YOU WILL BE MEETING SOON TO DETERMINE HOW BEST TO MANAGE THE ROCKFISH FISHERY. SINCE ABOUT 10% OF THE TAKE IS BY SPORT FISHING AND 90% BY COMMERCIAL FISHING, IT TAKES ONLY A FIFTH GRADER TO SEE WHERE THE SIGNIFICANT SAVINGS MUST BE MADE. THE USE OF LONG LINERS AND DRAG BOATS HAVE HAD A CATASTROPHIC EFFECT ON THIS FISHERY. IN MY 50 YEARS OF SPORT FISHING ALONG THE COAST, I OBSERVED, DURING THE EARLY YEARS WHEN I FISHED THE REEFS ALONG MARIN COUNTY, NO CHANGE AT ALL IN THE ABUNDANCE OF ROCKFISH FROM YEAR TO YEAR. THEN ONE YEAR THE LONG LINERS MOVED IN AND MY TAKE OF THE USUAL 5 (MY PERSONAL LIMIT FOR MY FAMILY SIZE) FELL ALMOST TO ZERO AND TOOK NOT ONE HOUR BUT MORE THAN 6 HOURS THE SAME YEAR! AFTER JUST THREE YEARS THE TAKE FELL TO ZERO I HAVE NEVER SEEN SUCH A DRAMATIC EFFECT IN ALL MY YEARS OF FISHING.

IT SEEMS TO ME THAT REDUCTION LIMITS SHOULD BE PROPORTIONAL TO THE SIZE OF THE TAKE. WHATEVER REDUCTION IS IMPOSED ON THE COMMERCIAL TAKE, 10% OF THAT SHOULD BE IMPOSED ON THE SPORT TAKE. HOWEVER, YOU SHOULD KEEP IN MIND THAT ONLY A SUBSTANTIAL REDUCTION IN THE COMMERCIAL TAKE WILL SAVE THE FISHERY. SPORT FISHING HAS NEVER HAD ANY OBSERVABLE EFFECT ON THE ROCKCOD POPULATION.

PERSONALLY I ALWAYS THOUGHT THAT 15 FISH LIMIT WAS TOO HIGH AND A REDUCTION TO TEN WOULD BE APPROPRIATE. I CAN ONLY HOPE THAT YOU WILL KEEP YOUR FOCUS ON SAVING THE FISHERY AND NOT ON THE COMMERCIAL FISHING LOBBY.

SINCERELY

BENJAMIN E. GORDON
1330 BREWSTER DRIVE
EL CERRITO, CA 94530
TEL/FAX 510-233-7244

Robert F. Andrews

1864 Castle Oaks CT.
Walnut Creek, CA 94595

925-933-6569

October 22, 2000

PFMC
2130 SW Fifth Avenue
Suite 224
Portland, OR 97201

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OCT 21 2000

PFMC

Rock Cod Regulations

I understand that the PFMC is seriously considering closing the sports fishing of Rock Cod for 4-6 months to compensate for the large damage that is being done by the Commercial Fishermen. Firstly, let me say that something needs to be done to turnaround the decline in the bottom fishing along the coast near San Francisco. I think, however, that you are proposing to do it the wrong way.

I would propose that you close certain area, say the coast from Point Bonita to Point Arena for say three years for both sports and commercial fishermen. This would allow the fish to restore themselves for all. Then close it again for Point Bonita to Pidgeon Point for 3-4 years. Then close the areas around the Island for a similar period.

You are not going to solve the problem by just restricting the sports fishermen. Their take has been historically about 10% of the take. You are going to have to also make a dent in the commercial fishing. I recognize that is painful to those who make their living at fishing, but some conservation now by them should go a long way to preserving their lively hood long term.

Sincerely,

Robert F. Andrews

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OCT 23 2000

PENC

RICHMOND LAB, PHASE II

JOB #9940

FAX TRANSMITTAL



Helix Electric, Inc.

Constructors

Engineers

Date: 10/23/00

Number of pages including cover sheet: 1

To:

PACIFIC FISHONES MGT COUNCIL

Attn: ALL INTERESTED

Subject: ROCKFISH CLOSURES

Fax phone: 503 326 6831

Phone:

CC:

From:

MARK FICHTLER
CALIFORNIA VOTER
AND SPORTSMAN

Fax phone: 510-236-4124

Phone: 510-236-4062

REMARKS:

Urgent

X

For your review

Reply ASAP

Please comment

I AM STRONGLY AGAINST ANY FURTHER ROCKFISH CLOSURES
IMPOSED ON SPORT FISHING. THE SPORT CATCH OF ROCKFISH AMOUNTS
TO ONLY ABOUT 10% OF THE CATCH. COMMERCIAL CATCHES
ARE ABOUT 90% OF THE CATCH.

WHAT NEEDS TO BE DONE IS A BAN IMPOSED ON
INDESCRIMINATE FISHING, IE DRAGNET, GILL NETS AND
LONG LINES.

I HAVE BEEN A LICENSED SPORT FISHERMAN FOR OVER
25 YEARS IN CALIFORNIA. IF SPORT FISHING CATCHES ARE 10%,
CUT OUR ACCESS BY 10%. IF COMMERCIAL CATCHES ARE 90%,
CUT COMMERCIAL ACCESS BY 90%. THANK YOU

Helix Electric, Inc., 850 Marina Bay Pkwy, Richmond, CA 94804

Mark E Fichtler

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OCT 23 2000

KEN STONE
6779 TORY WAY
DUBLIN, CALIF. 94568
Phone: 925-829-5936
Fax: 925-560-1058

PFMC

Fax To: PFMC

From: Ken Stone

Fax:

Date: 10/22/2000

Phone:

Pages: 1

Re:

CC:

☐ Urgent

For Review

☒ Please Comment

Please Reply

☐ Please Recycle

Comments:

I have read, in Tom Stienstra column of the San Francisco Examiner that you are planning to limit even further the sport fishing take of rock cod and lingcod. I believe what I read in the paper that the commercial fisherman takes 90% of the fish and sport fisherman take 10%. Even if these numbers are off, the commercial take is much more than the sport takes. Yet you put the burden on the sport fisherman.

It is governmental acts like this that really upset me. If you are really interested in saving the rock cod limit the draggers, limit the netters and stop the inshore live rock cod commercial fishing. Limit the sport and limit the commercials by the percentage they take. Put the burden where it belongs.

Sincerely,

Ken Stone

RECEIVED

Ken Stone
6779 Tory Way
Dublin, Calif. 94568

OCT 26 2000

PFMC

Oct. 22, 2000

PFMC,

I have read, in Tom Stienstra column of the San Francisco Examiner that you are planning to limit even further the sport fishing take of rock cod and lingcod. I believe what I read in the paper that the commercial fisherman takes 90% of the fish and sport fisherman take 10%. Even if these numbers are off, the commercial take is much more than the sport takes. Yet you put the burden on the sport fisherman.

It is governmental acts like this that really upset me. If you are really interested in saving the rock cod; limit the draggers, limit the netters and stop the inshore live rock cod commercial fishing. Limit the sport and limit the commercials by the percentage they take. Put the burden where it belongs.

Sincerely,



Ken Stone

Subject: Please keep us in mind too

Date: Wed, 25 Oct 2000 20:43:55 EDT

From: DaRoldSign@aol.com

To: donald.mcisaac@noaa.gov

Dear Mr. McIsaac & Co.,

<<I just read in the Sacramento Bee this morning about the big Pacific Fisheries Mgmt. Council meeting in Vancouver, WA Oct 31-Nov.3. I was particularly disturbed to find out the powers-that-be may be putting even more restrictions on the sport fishermen regarding the taking of rockfish and lingcod. I know I speak for a lot of recreational saltwater fishermen when I say ENOUGH IS ENOUGH! You don't have to be a marine biologist or even a mathematician to figure out the decline in rockfish populations over the past 25 years has almost nothing to do with us little pole fishermen. It's been proven time and time again that the big time commercial gillnetters and longliners are the culprits- so PLEASE leave us sport fishermen the heck alone. It was a big enough blow to us last year with the 30% reduction in catch limits not to mention the loss of revenue to the charter boat operators, coastal service businesses, etc. Just give us a break and do the right thing.

Put a few more restrictions on the commercial guys if you have to- they're the bad guys here- and leave things the way they are for us sport anglers.

I've been going on charter boats for quite a few years now and I've noticed the vast majority of patrons are old retired guys who absolutely live for thier little fishing trips out to Cordell Banks or wherever. To tell these old gents that they can only fish 6 months out of the year and keep even less fish a day than last year would be a travesty! These guys have no way to afford their own boats and would be S.O.L. if the restrictions get any worse on the sportfishermen. It would probably kill the entire business of charter boat fishing altogether.

How about setting aside some areas like Cordell Banks, the Farallon Islands, and the reefs off Ft. Ross, CA for sport fishermen only. That would certainly help the fish rebound and cut back on the overfishing by the netters and longliners.

Please pass this message along to all the folks who are making these decisions (many of whom probably have never been rockfishing, I'd bet) to let them know what a huge mistake it would be to penalize us sportfishermen any further. We promise to throw back the little ones.

Thanks,

Dave DaRold & lots of his fishin' buddies
247 Baja Ave, Davis, CA 95616 >>

10-22-00

RECEIVED

OCT 25 2000

PFMC

A.N. KUZMANICH
64 SYLVAN DR.
S.F. CA 94132-1433

REGARDING MR. STIENSTRAS' ARTICLE
IN S.F. EXAMINER OF SUNDAY, 10-22-00.

I CANNOT BEGIN TO UNDERSTAND
HOW YOU PEOPLE MAKE THE BASSACKWARD
DECISIONS THAT YOU DO!

THE ONLY REASON THAT COMES TO
MIND FOR THE ABOVE IS INFLUENCE AND
PERSONAL GAIN! GET REAL, PLEASE, AND
DO WHAT IS RIGHT!

SINCERELY

TONY KUZMANICH
U.S. CITIZEN

PPMC
2130 SW Fifth Ave. Suite 224
Portland OR 97201

RECEIVED

OCT 25 2000

PPMC

Dear Council,

Tom Stienstra's article says it all (copy enclosed). In the event that you should decide on a course of action that would place an inequitable burden on sportfishing let it be known that we will pursue you as a group, and as individuals, with all the influence our money and attorneys can muster. Please don't look at this as a threat, more as a commitment and promise. *We are sportfishermen, we're mad as hell, and we're not going to take it any more.*

Very Sincerely,



Mike Kinslow
PO Box 2651
Fort Bragg, CA 95437

TOM STIENSTRA OUTDOORS



Sports anglers may soon be cast adrift

REMEMBER the Wizard of Oz? Remember how the Wizard hid behind a curtain and then created illusion, smoke and bellowing speeches to fool Dorothy and Co. into meek obedience?

Well, a few government spin doctors are doing the same thing right now to the people of California.

When you clear away the smoke, this is what is going on: The biggest fishing shutdown in history along the California coast is about to be rammed down your throat in order to cover up 25

years of failure to restrict commercial netters and long-liners.

The government is proposing to close sportfishing for rockfish for four to six months a year along the central and northern California coast, and to reduce the limit to as low as three rockfish per person (and no higher than nine) and one lingcod.

For 25 years now, fishermen, wildlife lovers and hard-core enviros alike have protested how commercial fishermen have tried to clean out the ocean. The commercial boats often drag nets that are like vacuum cleaners, hang gillnets that are miles long, and set miles-long lines with thousands of hooks. In the process, they have killed marine birds, sea otters, marine mammals, juvenile fish, and non-target fish species in their mission to kill every rockfish they can get their mitts on.

Each year, commercial fishermen take 85 to 90 percent of the catch, leaving the rest to sport anglers. Though fast-growing rockfish are flourishing, others that are slow-growing, such as canary rockfish, cow cod, and bocaccio, are being fished out by the netters and long-liners.

This is what is logical: Since the commercial boats do 90 percent of the damage, they should be shut down 90 percent of the time. And if sport anglers are responsible for 10 percent of the catch, they could stand being reduced 10 percent of the time. From last year's sport limit of 15

and year-round season, that would mean a 13-fish limit and 11-month season.

Under the proposal, while the sport anglers get shut down, the drag netters would be allowed to continue to try to clean out our coast. The Wizard argues that new commercial quotas will reduce the harvest by 50 percent, and that severe sportfishing cutbacks are necessary in order to "share the pain," the mantra of the Pacific Fisheries Management Council.

Share the pain? Your worst enemy has caused a train wreck, and yet you — the healthy one — are scheduled to have your legs amputated. And remember the line from the Wizard of Oz: "Pay no attention to that man behind the curtain." *we are paying attention!*

You have one chance to defeat this. At the end of this month, Oct. 31 to Nov. 3, the Pacific Fisheries Management Council will hold hearings in Vancouver, Wash., then review data and options, and make their decision — a landmark moment.

To make the deadline for public comment, write by Tuesday to: PFMC, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201, fax them at (503) 326-6831, or access their Web site at www.pcouncil.org, where an e-mail link is available at pfmc.comments@noaa.gov. You can copy me at Tom@Stienstra.com.

HUNTER SMITH
1732 BOLLINGER LN.
SEBSTOPOL, CA. 95472

RECEIVED

OCT 25 2000

OCTOBER 23, 2000

PFMC
2130 SW FIFTH AVENUE, SUITE 224
PORTLAND, OR 97201

PFMC

TO WHOM IT MAY CONCERN,

I AM AN ACTIVE FREE DIVER AND SPEARFISHERMAN LIVING IN SONOMA COUNTY CALIFORNIA. I HAVE TWO SON'S THAT ARE ALSO ACTIVE SPEARFISHERMEN. WE HAVE BEEN INFORMED THAT YOU ARE CONSIDERING A REDUCTION IN SPORT BAG LIMIT AND SEASON LENGTH FOR LINGCOD AND ROCKFISH. ARE YOU AWARE OF THE FAR GREATER ECONOMIC VALUE SPORT FISHING PRESENTS OVER COMMERCIAL FISHING FOR THESE SPECIES?

I BELIEVE THAT WITH THE CONTINUING REDUCTION OF BAG LIMITS FOR OCEAN SALMON AND BOTTOM FISH YOU WILL EVENTUALLY KILL THE SPORT. THIS WILL EFFECT MARINAS, BAIT SHOPS, RESTUARANTS, HOTELS, BOAT SALES, AND FISH AND GAME REVENUE, AS WELL AS THE VERY REASON MANY PEOPLE LIVE IN SMALL COSTAL TOWNS. AND NO ONE WILL PAY PARTY BOATS TO CATCH THREE ROCKFISH!

I DO BELIEVE THERE IS A PROBLEM. YOU NEED TO IDENTIFY IT PROPERLY AND MAKE REDUCTIONS THAT WILL BEST SERVE THE PUBLIC AS WELL AS THE FISHERY. WE HAVE SEEN LIVE MARKET COMMERCIAL FISHING INVADE THE SHALLOW WATER. NEVER BEFORE HAS THIS ZONE BEEN TARGETED BY COMMERCIAL FISHING. THIS WOULD EXPLAIN A NEW SPOT ON THE RADAR OF CONCERN. I BELIEVE THAT WITH ENFORCEMENT OF NO COMMERCIAL CATCH IN THE SHALLOW COSTAL WATERS IT WOULD NOT BE NECESSARY TO RADICALLY ALTER CURRENT LIMITS FOR THE SPORT FISHERMAN. OF COURSE THE RECENT STRIPPING OF THE SHALLOWS WILL TAKE A LITTLE TIME TO RECOVER ONCE THE COMMERCIAL CATCH IS ELIMINATED.

THE ONLY PEOPLE THAT BELIEVE WE CAN CONTINUE THE CURRENT RATE OF COMMERCIAL FISHING ARE THE GUY'S WHO'S LIVELIHOOD'S ARE ON THE LINE. AND YOU CAN'T BLAME THEM FOR WISHING TO CONTINUE A LIFESTYLE FOR WHICH THEY HAVE GREAT PASSION. I AM CONCERNED FOR THE FAMILY OPERATIONS WHO DON'T HAVE THE CLOUT OR LOBBIESTS TO SWAY THEIR INTERESTS TO THE GOVERNING BOARDS. PERHAPS THE FAIREST WAY TO SET COMMERCIAL LIMITS IS TO CONSIDER THE CATCH REQUIRED TO MAINTAIN SMALL OPERATORS.

IN A DEMOCRACY, THE GOVERNMENT MUST LISTEN TO THE MAJORITY, AND THEN MAKE FAIR LAWS. HOW MANY LETTERS LIKE MINE WILL YOU RECEIVE? YOU HAVEN'T SEEN US MAD YET, BUT PEOPLE WILL ORGANIZE TO PROTECT THEIR RECREATION. WITHOUT SPEARFISHING, I FOR ONE, WOULD FEEL TRAPPED AND THAT'S ENOUGH FOR ME TO PICK UP THE TORCH.

YOURS TRULY,


HUNTER SMITH

RECEIVED

OCT 25 2000

PFMC
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

PFMC

Sirs,

I wish to comment on your proposal to close sportfishing for rockfish along the central and northern California coast for four to six months. I vehemently oppose such a closure for sportfishing.

The sportfishermen is not the cause of the problem in the decline of rockfish species. It is the commercial fishermen with the use of dragnets, gillnets and who have set miles-long lines with thousands of hooks that have over harvested rockfish species. It is not the sportfishermen who has created this dilemma. As you are aware California currently has a closure in place for rockfish. The bag limit general rockfish species has decreased to ten per angler. Minimum size limits have been put in place for some rockfish species. The sportfishermen have accepted the challenge to rebuild the stocks of rockfish by making and complying with these changes.

I believe it is now the commercial fisherman's turn to step up to the plate and take responsibility for the decline of rockfish populations. It is the commercial fishermen who should bear the brunt of the solution for this problem. Their season should be drastically limited and quotas set to protect rockfish. The reason for this is obvious. Commercial fishermen take 90 % of rockfish that are harvested.

Please consider this letter as a vote in opposition to the closure that you are considering.

Sincerely,



Pedro A. Contreras
503 Old farm Road
Danville, Ca 94526
(925) 837-4847

RECE

OCT 25

PFML

420 Briarwood Dr.
South San Francisco, Cal. 94080-5827
October 23, 2000

**Pacific Fisheries Management Council
2130 SW Fifth Avenue Suite 224
Portland, OR 97201**

In the late 1930s, I worked for the largest fish and tackle shop in San Francisco and have studied the Marine Life in the San Francisco Bay Area ever since.

Why you have never restricted the commercial netters and long-liners I will never know. Their system of fishing kills: marine mammals, juvenile fish, and non-target fish species in their mission to kill every rockfish they can get their hands on.

The sport anglers are responsible for only 10 percent of the catch, provide more income for the state, and fish for specific types of fish, leaving the juvenile fish to grow up.

To increase any restriction for the sports person and not reduce quotas to the commercial fishermen is poor management.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald B. Nelson", written in dark ink.

Donald B. Nelson

10-22-00

RECEIVED

OCT 25 2000

Dear P.F.M.C.

PFMC

Please restrict COMMERCIAL
FISHING Along our coast, it is
raping our natural resources.

The sports fisherman is NOT
THE PROBLEM.

PLEASE look out for the
interest of all of us including
your future children and grandchildren.

I have HIGH HOPES
that you will act responsibly.

Thank You Very Much.

Thomas J. Keylon

2374 31st AVE.

San Francisco, Ca. 94116

P.S. I am not a fisherman but support
looking out for our future coast and
resources. Lets keep them SUSTAINABLE.

FISH & SALMON
OF CAN:

RECEIVED

OCT 25 2000

PFMC

OCT 22, 20

JOHN E. JONES

2338-32ND AVE

94116

DEAR SIR: OF THE NEW

RULES = YOU'RE OUT OF LINE

YOU MUST BE KIDDING ABOUT
CLOSING THE SEASON FOR ROCK FISH, YOU
HAVE LOWER THE LIMITS TO 10 FOR THE
LITTLE GUY, + KEEP LETTING OUTSIDERS
WITH LONG LINES FISH - THE OUTSIDERS
THAT COME IN AND FISH WITH 2 TO 3 MILES
OF NETS OFF THE COAST IS DIABOLICAL
TO THE E.C.O. SYSTEM (ASIAN - RUSSIA -
+ OTHER COUNTRIES TOO THERE THE ONES, BUT YOU
HAVE NO BALLS. THE LONG LINE + NETTERS
IF AT ALL ALLOWED SHOULD BE 300 MILES
OFF THE COAST. THAT WOULD BE A REALLY HELD!

YOU THE FISH & GAME HAVE
SCREWED UP THE FISHING GROUNDS, LETTING
TANK DIVING SOUTH ^{FOR} AB. YOU WANT TO PUNISH ME THE
LITTLE GUY AGAIN. BECAUSE OF YOUR BLUNDERS.

YOUR NEW PROPOSAL ON
ABALONE^{TOO} ARE JUST AS STUPID, A 10 DAY
CARD - A LIMIT OF 30 A YEAR, YOU HAVE ^{MADE} ME
BUY A STAMP - YOU MAKE ME FORCH
A CARD, NOW YOU PROPOSE THAT I
CAN BUY ANOTHER 10 ABS - THAT'S IF
^{PAY AGAIN} I PAY MORE. HEY - BASS STAMPS - YOU
JUST PESS THE MONEY AWAY - FUNNY
THING THAT THEY ARE MAKING A COME
BACK WITHOUT OUR HELP. DID YOU SHUT
DOWN THE RIVERS FOR THE BASS & SALMON - NO
NOW WHAT ABOUT THE SALMON
IN THE RIVERS - SHUT THEM DOWN BY FISHING
MORE STOCKING OF RIVERS - CUT THE
→ BIL WOOD OUT - BIL SMITH - THE BULL CHIFFERS

THAT KNOW NOTHING ABOUT = NOTHING.
JUST THEIR FOR THE PAY CHECK

I WOULD LIKE TO SEE
PEOPLE THAT ARE IN THE KNOW RUNNING IN
F+G;

YOU (F+G) TAKE! TAKE!
TAKE - CHARGE - CHARGE; MORE, & GIVE
US NOTHING IN RETURN.

NOW YOU HAVE A RULE BOOK'S
AT ARE SO F--- UP WHO KNOWS WHAT
GOING ON.

PLEASE STOP - AND THINK.
THE WHITE GUY DOES NOT HURT ANYTHING
IF HE STAY WITHIN THE LAW. WHITE GUY
DO.

SIZE 2 BASS

SIZE 4 THEN NO SIZE 2 SALMON

SIZE 4 BL ONE

HARD TO TELL SPEAKING TO ROCK FISH

UNDER SIZE DOOR 1 5 FOR 20W

AND YOU MIGHT
NOT GET ANY
ON A GIVEN
DAY

JOHN WALTERS
John Walters

RECEIVED

OCT 25 2000

OCTOBER 22, 2000

PFMC

PACIFIC FISHERIES MANAGEMENT COUNCIL,

I write to express my outrage
at your Council's plan to close
sportfishing for rockfish along central
and northern California.

As a sportfisherman, I know
that there is no way my fishing
and that of my fellow sportfisherman
has the impact that the commercial
fishing industry does on our
coastal fisheries. Commercial fishing
is to our coastal fisheries what
clear cut forestry is to our
forests. You know this to be
true. Most sportfisherman take
what they can eat. Commercial
fishing takes everything and
that is the problem. You now
know the facts but here are
some more. Commercial fishing
accounts for 90% of the
catch of rockfish. They are also
responsible for countless deaths
to marine mammals, birds, sea otters,
juvenile fish, and non-target fish.
Why are sportfishing enthusiasts being
punished for the actions of
an underregulated, lobbyist driven,

UNCARING INDUSTRY. YOU WOULD NOT
BE PROTECTING THEIR INTEREST FOR
SOME HIDDEN BENEFIT TO YOURSELVES
WOULD YOU?

AS A LIFE MEMBER OF
THE NORTH AMERICAN FISHING CLUB AND
AN ACTIVE PARTICIPANT OF OUR
POLITICAL SYSTEM I KNOW I HAVE OTHER
AVENUES TO EXPRESS MY CONCERNS
TAKE THIS INTO ACCOUNT AND DO
WHAT IS RIGHT FOR THE CALIFORNIA
COASTAL ROCK FISH.

THANK YOU
DENNIS WADE
900 SOUTHAMPTON RD #108
BERICIA, CA 94510-1832
707 745 1182

DEAR COUNCIL MEMBERS,

AFTER READING IN THE NEWSPAPER ABOUT YOUR PROPOSAL TO PENALIZE THE SPORTFISHERMEN FOR THE DAMAGE DONE TO ROCK COD, ETC. BY COMMERCIAL FISHING I DECIDED TO WRITE THIS - ASKING THAT YOU JUST USE COMMON SENSE IN MAKING YOUR DECISION.

IT DOESN'T MAKE SENSE TO DRASTICALLY CUT THE SPORT FISHING SEASON & LIMIT WHEN WE ONLY TAKE A VERY SMALL PERCENTAGE OF THE FISH TAKEN - AND WE ARE VERY SELECTIVE WHILE THE COMMERCIAL BOATS LEAVE HUNDREDS OF UNDER SIZE FISH IN THEIR HOLDS.

PLEASE DON'T TAKE AWAY ONE THE FEW FISHERIES THAT I CAN STILL ENJOY.

THANK YOU
Richard Little
24362 PARK ST
HAYWARD CA
94544

RECEIVED

OCT 24 2000

PFMC

298 GRIZZLY PEAK

Kensington, CA 94708

October 24, 2000

Fishery Management Council

Portland, OR

Dear Sirs :

I am writing to register my strong opposition to the proposed groundfish management measures.

If there is a problem with Rockcod and Lingcod populations in Northern California, it is not due to the recreational angler who enjoys catching a few fish a couple times a month. I would point the blame at the continued longlining and dragging that kill an incidental catch alone that is greater than all sport and party boats combined.

Please stop the draggers and long liners from wiping out our groundfish populations, and allow recreational anglers to brighten their lives with a weekend rockcod/lingcod fishing trip.

Thank you,
hyle Ryan

10-23-00

To Whom It May Concern -
P.F.M.C.

RECEIVED

OCT 23 2000

PFMC

I am a sportfisherman in
Central California and am very
concerned about the potential 6 month
moratorium on Rock Cod fishing.

If there is a moratorium, I feel
that it should apply to both
commercial + Sport fish.

If there is a reduction in limits, it
should be an equal percentage, both
for sport and commercial.

Please treat both commercial + Sport
fisherman equal and fair. Thank You!

Tom Allen
Carmel Valley Calif.

FROM : John & Yoko Berry - B. Gucker

RECEIVED

Page 1 of 1

OCT 23 2000

John Berry

PFWO

From: John Berry <johnfberry@email.msn.com>
To: <pfmc.comments@noaa.gov>
Cc: RickyBerry <RICKYBERRY@email.msn.com>; <tom@stienstra.com>
Sent: Monday, October 23, 2000 1:20 PM
Subject: Rockfishing

I understand the Pacific Fisheries Mgmt Council is proposing to close sport fishing for rockfish for four to six months along the central and northern California coast, and to reduce the limit to as low as three rockfish per person (and no higher than nine) and one lingcod.

I further understand that commercial rock fishermen will not be affected.

Can you make these changes more fair so that both sport fishermen and commercial fishermen will be equally affected. Do you have figures to show rockfish taken by each group, and wouldn't this be a fair way to set limits.

Thank you,

John F. Berry

*340 Ambar Way
Menlo Park, California 94025*

October 23, 2000

RECEIVED

OCT 23 2000

PFMC
2130 SW Fifth Avenue, Suite 224
Portland, OR 97201

DEMO

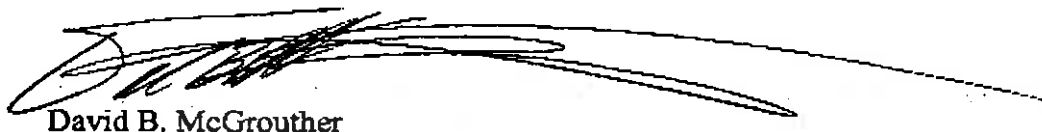
Dear PFMC:

As a recreational sports fisherman, I am horrified of proposed fishing restrictions as they relate to rockcod fishing. Quite obviously, commercial fishermen drain the fishing resources dramatically more than sport fishermen.

If you are interested in protecting the fishery, the restrictions need to be imposed on the commercial fishermen, not the recreational fishermen. The commercial fishermen are responsible for the vast majority of the catch. Sport fisherman's take of rockfish is a small percentage of that of commercial fisherman.

Restricting sportfisher man instead of commercial fisherman is a scam. If needed I will contact both my congresswoman and senator.

Sincerely,



David B. McGrouther

RECEIVED

OCT 23 2000

DEMO

Fax to: PFMC @ 503-326-6831

From: Lloyd Wiborg

Re: Proposed Restrictions on Sportfishing for Rockfish

Date: October 23, 2000

Your proposed restrictions are stupid, unfair, and addressing the wrong side of the problem. I'm a sport-fisherman (almost entirely catch & release for Steelhead from California, Oregon, Washington, B.C., & Alaska) and have seen my favorite fishery devastated by the unbelievably short-sighted lack of management of commercial fishing by your group and others charged with that grave responsibility. Now you're repeating the process for rockfish?

Sport-fishermen aren't the problem, in any fisheries. Control & restrict the Commercial Fishermen and your fishery will rebound very quickly. Allow them to continue unfettered and the fishery will die no matter what draconian measures you take against Sportfishermen. Bite the ~~bullet~~ and accept your responsibility!!!

October 24, 2000

Pacific Fisheries Management Council
2130 SW 5th Street
Portland, OR 97201

RECEIVED

OCT 25 2000

PFMC

Dear Sirs,

I recently read an article about your upcoming meeting (10/31-11/04) to discuss future legislation regarding the fishing off the West coast. I was very concerned and disappointed by what appears to be your intentions for the future of sport fishing for rockfish and lingcod. Apparently the continued over fishing of these species has put their well being in peril. Surely something must be done to conserve this resource for future generations. However, I am not in concurrence with your intentions of severely curtailing sport fishing of these species as a viable means of restoring their health. What I understand is that you are considering putting into place very stringent laws that will significantly reduce the limits and seasons for sport fishermen seeking to catch rockfish and lingcod. This just a short time after another reduction was put into place.

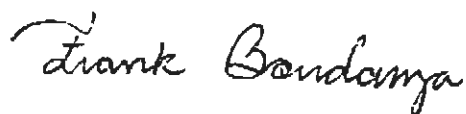
Your statistical data surely reflect that the commercial catch of these species represents 90% of the total catch. With methods such as long-lining, gill-netting, and drag-netting it is no wonder. What doesn't seem to be adding up for me is why these practices are not eliminated and/or the number of commercially caught fish severely reduced in order to effect the same result. I'm also quite sure your data suggest that sport fishing puts significantly more money into the economy than commercially caught fish on a "per pound" basis. Why then do you seek to put a significant reduction in sport seasons and catches?

It simply doesn't make sense. If you truly want to restore the populations of these fish please focus on the reasons for their reductions. You will find that they lie in the commercial fishing practices and limits you are currently allowing. Think about it, a relative few individuals (commercial fisherman) take the vast majority of the resource and the vast majority (sport fisherman) are required to pay for it.

This in light of the fact that on a per pound or per fish basis they return more for that same resource.

Please consider putting more stringent reductions on commercial fisherman and leave the sport fishing regulations alone. It is the most fair and productive method of restoring the populations of the rockfish and lingcod populations. I thank you for your thoughtful consideration.

Sincerely,



Frank Bondanza

11 Lawrence Drive
Novato, CA 94945

wk: (415) 436-7647
hm: (415) 897-3726

P.S.- My annual take of rockfish over the past 20 years has averaged only about 10 per year. However, when I saw the injustice in the proposal and realized the ecologic and economic implications I felt compelled to write. Please do the right thing and correct the problem, not punish the little guys.

RECEIVED

OCT 24 2000

PFMC

MR. Glock,

Would you please pass this on to All voting council members as well as any other GAP or council members you see fit. I will be in Vancouver to explain and answer any questions.

Thank You,

Steve Moore

10-23-00

Agenda Item C-9

To:
Pacific Fisheries Management Council
2130 S.W. 5th Ave. Suite 224
Portland Oregon, 97201
From:
Steve Moore
Patriot Sportfishing
P.O. Box 850
Avila Beach, Ca. 93402

Council Member,

Enclosed is a copy of a proposal that we (Darby Neil of Virg's Landing Morro Bay and Steve Moore of Patriot Sportfishing in Avila Beach, Ca.) submitted to the Calif. Fish and Game Commissioners at their Oct. 19, 20, 2000 meeting in San Diego. After two days of discussion concerning this and other issues the Commission decided that this proposal had merit in their opinion. At that time they decided to pass this request on to your Council.

It is our hope that you will get a chance to study this proposal and will see the merits as the Commission did. I will be at the Council meeting in Vancouver to publicly present this report as well as answer any questions about it.

Thank You,



Steve Moore
Patriot Sportfishing
Avila Beach, Calif.
10-23-00

PROPOSAL FOR YEAR 2001 RECREATION FISH REGULATIONS FOR THE MORRO BAY AND AVILA AREAS OF THE CENTRAL COAST

OPTION A

- * Create a Central Zone that includes the area from Pt. Conception in the South to Pt. Sur as the northern boundary.
- * A 2 month closure (Jan. And Feb.) to protect shelf rockfish
- * During Jan. And Feb. Closure nearshore fishing would remain open
- * 10 fish limit left in place whether nearshore or shelf fishing is taking place
- * Three hook limit allowed per angler
- * Bocaccio and Canary limits changed as commission sees needed
- * Ling Cod 2 fish limit at 26"

OPTION B

- * Create a Central Zone that includes the area from Pt. Conception in the South to Pt. Sur as the northern boundary.
- * A 4 month closure (Jan. And Feb., May and June) to protect shelf rock fish
- * During closures nearshore fishing would remain open
- * 10 fish limit left in place whether nearshore or shelf fishing is taking place
- * Three hook limit allowed per angler
- * Bocaccio and Canary limits changed as commission sees needed
- * Ling Cod 2 fish limit at 26"



REASONS FOR PROPOSED CHANGE

The following is a variety of reasons that we would like to see the commission consider when giving this request their consideration.

- * This section of coast line encompasses one fifth of the total coast line of the State of California, and is served by only two harbors Morro Bay and Port San Luis (San Simeon being closed since 1997).

- * In this report we will give economic and catch records for this area backing our request.

- * We believe that Public access to our fishery year round has to be a commission priority.

- * The Pacific Fishery Management Council Draft Groundfish Fishery Strategic Plan of June 2000 states the following:

Allocations will be structured considering both the north-south geographic and nearshore, shelf and slope distribution of species and their accessibility by various sectors and gears.

A) North-South and Coastwide Distribution Considerations- geographic management areas may be created considering the following factors:

- * Species distribution

- * Traditional reliance on fishing grounds and species

- * State recreational fishery preferences

- * Weather and oceanographic conditions

- * Management and enforcement needs, and legal constraints (such as tribal allocations)

- * Subdivision of groundfish statistical areas to support area allocation of harvest amounts

THE DATA USED TO REGULATE OUR FISHERIES

There has been much said as to the reliability of the data used to regulate both the commercial and recreation fisheries. We would like to expose some of what we consider the pros and cons of the current way data is being collected and used to regulate the recreational fishery on the coast between Pt. Conception and Pt. Sur.

The Pros:

From 1988 to 1998 a Dept. of Fish Game funded observer program headed up by Paul Reilly, Deb Wilson Vandenburg, and Carrie Wilson. This program put observers on the CPFV boats running out of San Simeon (since closed), Morro Bay, and Port San Luis. We believe that out of this program came some the best scientific and actual data available to this as well as any section of the coast today. Unfortunately, this program was terminated in July of 1998 because "the Directorate felt it had low priority." (Reilly, Vandenburg, Wilson July 1998). In this same report we are thanked "for our voluntary cooperation with our on-board sampling program". Any graphs used in this report are from this survey unless otherwise noted.

The Cons:

Almost any proposed regulation changes that we are faced with today are based on basically two things, log book data and MRFSS.

Being that the Fish and Game log books do not have rock fish species break down, many assumptions are made on how to interpret data, i.e. What percentage of logs are actually turned in on a given day, What percentage of species should be credited to each days catch based on overall catches, was the trip made into deep or shallow waters (even with the blocks this is not always easily known). In the Reilly, Vandenburg, Wilson report we find the following:

"We are using the best available data to examine trends in your fishery, and the high quality of these data cannot be obtained by dockside sampling or only compiling logbooks."

"It is impossible for us to determine how many rockfishes and ling cod are in the ocean. If we had this information we could make informed management decisions about our fisheries."

In another Reilly, Vandenburg report dated June 30, 1999 we read:

"Logbook data are of limited use because they are too general and incomplete. The more than 40 species of rockfishes caught by sport anglers are lumped together and recorded as "Rockfish".....

MRFSS DATA

The other data used to regulate our fisheries is a federal funded observation program called The Marine Recreational Fishery Statistics Survey (MRFSS). The commission is given MRFSS data to help it make decisions about our livelihood. Lets look at the reliability of MRFSS. Data in relationship to the supposed over fishing of the bocaccio in the year 2000. All of the following information comes from a letter written to Executive Director Treanor from the Director of Fish and Game Robert Hight and the report attached to this letter.

"Analysis of CDFG logbook data indicates the MRFSS estimates for the first two months of 2000 (36 mt) significantly overestimate the catch of bocaccio in northern Calif. By 32-34 mt and ling cod by about 71 tons. It is apparent from our analysis that the MRFSS program lacks sufficient precision to be used for in-season purposes."

"By copy of this memo. The MRFSS is encouraged to increase the precision of their west coast groundfish for CPFVs which have a major impact on bocaccio, canary, cow cod, and ling cod. The random survey of coastal households appears to be a very inefficient means of estimating angler effort on CPFV and should be replaced with a survey of CPFV landings as soon as possible."

"This is because of uncertainty in the catch estimates to date and our inability to accurately project catch for the remainder of the year."

"The largest discrepancy in the MRFSS and CDFG data are the estimates of angler effort during Jan.-Feb.. The federal survey estimates 17,000 angler days while the CPFV data, adjusted for non-compliance, estimates a total of 1,831 angler days (9.3% of the MRFSS estimate)."

"The estimates of bocaccio total catch are 36 mt from the MRFSS survey and 2.5 and 3.9 mt based on CPFV logbook data for Jan-Feb. The projections of total bocaccio for the year are 900 mt from the MRFSS survey and between 63 and 98 mt based on logbook data."

"During March and April the estimates of effort in the Morro Bay-Avila area were much higher in the MRFSS survey compared to the CPFV logs. The MRFSS survey did not encounter any bocaccio or ling cod in its sampling."

"Analysis of DFG logbook data for northern Calif. Indicate the MRFSS estimate for the first two months of 2000 (36 mt) significantly over estimates the catch of bocaccio by 32-34 mt."

"Specifically, the available time series of 2000 catch data is short, MRFSS was not designed for inseason management, and bias has been found in some estimates for the northern recreational fishery. It is also possible that past seasonal patterns may not hold true for 2000."

"Discussions were held with Mr. Dave Van Vorhees, NMFS statistician and Mr. Russel Porter, PSMFC regarding the MRFSS program as it applies to CPFVs. They indicated the MRFSS program was not designed for use in managing fisheries on an inseason basis."

Our recommendations:

- * Design a log book that breaks down rockfish species
- * Give high priority to logbook analysis after the new logbooks are on-line
- * Enforce fines for those who repeatedly do not turn in logbooks or falsify information in their logbooks
- * Bring back the DFG observer program like the one run by Reilly, Vandenburg, and Wilson. You will have no trouble getting on our boats with a program like this in place.
- * Throw out the MRFSS survey numbers. If they are admittedly not good for in season adjustments, how much more exaggerated are they when used to analyze the whole year

WHAT WE CATCH

It has been our contention that we are given far too much credit for our catches of bocaccio and canary rockfish. With the following quotes and graphs we hope to prove our point.

The following are quotes from the Reilly, Vandenburg, Wilson report:

"Three species, blue rockfish, yellowtail rockfish, and vermilion rockfish comprised more than half of all fishes observed."

" There has been no steady trend, either positive or negative, since 1988. All values were at or above the average values for the 1988-1995 period.

" As biologist we became concerned when we observe both the average length and catch rate of a species decreasing at the same time, because this represents a population under stress."

"None of the 15 species shown here exhibit long-term trends from 1988 to 1995 of declining catch rate and declining mean length" (It must be noted here that bocaccio and canary are included in these 15 species)

" Large bocaccio, yellowtail, and canary rockfishes are frequently caught in deep (>40 fathom) locations. While the graphs indicate that the average lengths of these three species began declining after 1991-1992, this trend is more likely due to the fact that in 1991-1992 we sampled a much higher proportion of trips to deep locations than in the following years."

In the PFMCS Draft Groundfish Fishery Strategic Plan we read:

"About 1976, there was a change in the temperature of the Pacific Ocean; scientist refer to this change as a regime shift. The ocean temperatures increased and, on the average, have remained warmer since 1976. This temperature shift affected ocean productivity, reducing food supplies and causing some species to migrate to new areas. Tropical and subtropical species

such, as marlin, appeared off Washington and Oregon, where they had never been observed before. A series of strong El Ninos occurred along the West Coast. Washington and Oregon salmon stocks began a long decline. Plankton abundance's changed, sometimes declining to very low levels. However, there is growing evidence the ocean may be shifting back to its previous cooler condition. If this proves true, it is likely reproduction of many important groundfish species could respond favorably and the population declines may be halted."

In Director Hight's letter to Director Treanor we read:

"A letter will be written to CPFV operators on the need to avoid bocaccio at all times when fishing such places as the Cordell Banks in the north and the Cherry Bank in the south" (neither of which are located in the areas between Pt. Conception and Pt. Sur)

DIG report no.95-2 states:

" Copper and canary rockfish CPAH peaked simultaneously in Jan.-Feb."

The following graphs show the catches on the central coast that we experienced during 1988 to 1995.

It seems obvious to us that our catches are different enough on the central coast to justify our own regulated zone.

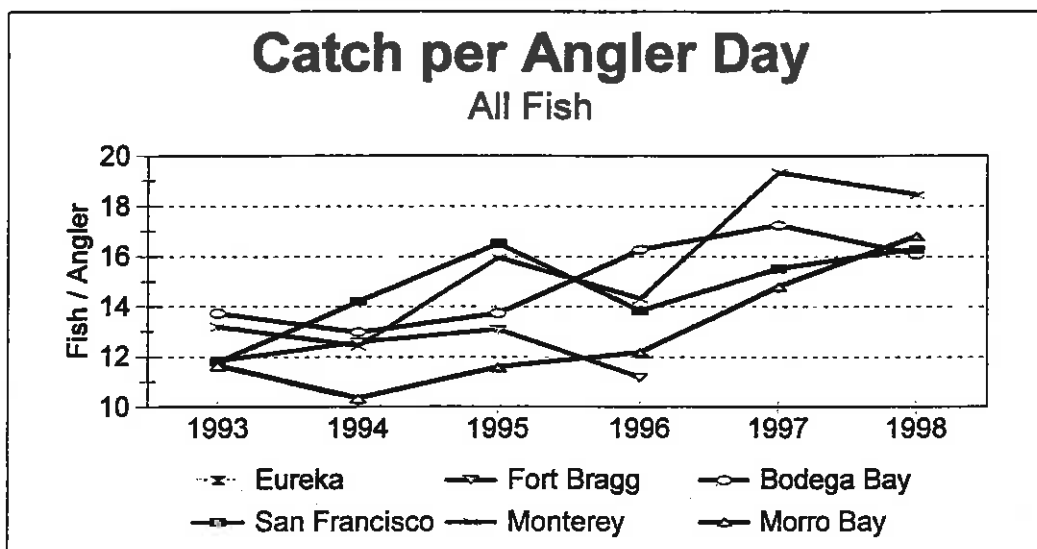


Figure 1. Average catch per angler day for all species by port area from 1993 through 1998.

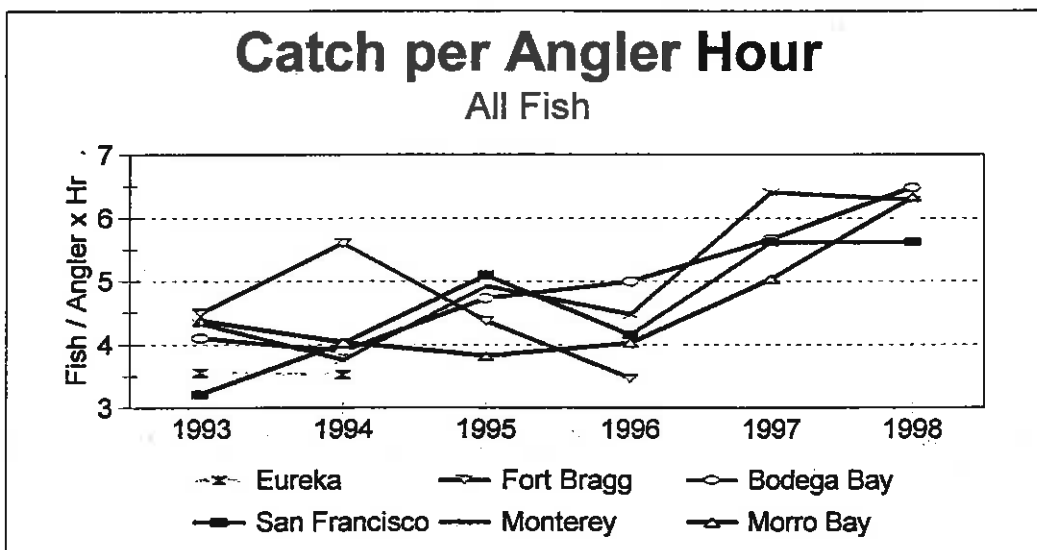


Figure 2. Average catch per angler hour for all species by port area from 1993 through 1998.

Table 2. Species composition by port area for the species comprising at least 1% of the total observed catch from 1993 through 1998. (Bold indicates top five at that port area; * 1993 - 1994 only, ** 1993 - 1996 only)

| Species | Percent of Total Catch By Port Area | | | | | | |
|-----------------------|-------------------------------------|--------------|------------|---------------|----------|-----------|-----------|
| | Eureka* | Fort Bragg** | Bodega Bay | San Francisco | Monterey | Morro Bay | All Ports |
| Blue rockfish | 8.1 | 46.9 | 25.7 | 27.2 | 35.4 | 35.9 | 32.3 |
| Yellowtail rockfish | 9.7 | 12.0 | 26.6 | 23.2 | 15.2 | 15.8 | 18.8 |
| Rosy rockfish | | 4.5 | 2.0 | 8.8 | 4.5 | 4.7 | 4.9 |
| Olive rockfish | 2.1 | 1.4 | 3.1 | 5.7 | 3.6 | 4.1 | 4.0 |
| Lingcod | 6.9 | 2.6 | 3.4 | 5.5 | 2.9 | 4.3 | 3.9 |
| Canary rockfish | 16.0 | 9.8 | 5.3 | 5.8 | 2.4 | 2.1 | 3.6 |
| Widow rockfish | < 1 | 3.6 | 6.1 | 2.7 | 3.3 | 2.6 | 3.4 |
| Chilipepper | | | 7.0 | < 1 | 6.2 | < 1 | 3.2 |
| Gopher rockfish | | 1.2 | < 1 | < 1 | 1.6 | 7.9 | 3.1 |
| Black rockfish | 34.9 | 6.9 | 5.7 | 4.4 | < 1 | < 1 | 2.6 |
| Starry rockfish | | < 1 | < 1 | 2.6 | 2.6 | 3.7 | 2.4 |
| Vermillion rockfish | < 1 | 1.7 | < 1 | 1.3 | 1.2 | 5.6 | 2.4 |
| Bocaccio | < 1 | < 1 | 3.7 | < 1 | 2.5 | 1.7 | 2.1 |
| Greenspotted rockfish | | | 2.8 | 1.7 | 3.2 | < 1 | 1.9 |
| Copper rockfish | 10.7 | 1.9 | < 1 | 1.7 | 1.3 | 2.3 | 1.6 |
| Brown rockfish | | | < 1 | 1.3 | < 1 | 3.6 | 1.6 |
| Chub mackerel | | < 1 | 1.1 | 1.3 | 3.3 | < 1 | 1.5 |
| Pacific sanddab | | < 1 | < 1 | < 1 | 2.0 | < 1 | 1.0 |

Table 3. List of catch rates (as Catch Per Angler Hour = CPAH) by port area for the most common species observed caught from 1993 through 1998. (Bold indicates top five at that port area; * 1993 - 1996 only; ** Includes Eureka data from 1993 and 1994.)

| Species | CPAH By Port Area | | | | | |
|-----------------------|-------------------|-------------|---------------|-------------|-------------|-------------|
| | Fort Bragg* | Bodega Bay | San Francisco | Monterey | Morro Bay | All Ports** |
| All Fishes | 4.56 | 5.10 | 4.49 | 4.85 | 4.51 | 4.69 |
| Blue rockfish | 2.14 | 1.31 | 1.22 | 1.72 | 1.62 | 1.51 |
| Yellowtail rockfish | 0.55 | 1.36 | 1.04 | 0.74 | 0.71 | 0.88 |
| Rosy rockfish | 0.20 | 0.10 | 0.39 | 0.22 | 0.21 | 0.23 |
| Olive rockfish | 0.06 | 0.16 | 0.25 | 0.17 | 0.18 | 0.19 |
| Lingcod | 0.12 | 0.17 | 0.24 | 0.14 | 0.19 | 0.18 |
| Canary rockfish | 0.45 | 0.27 | 0.26 | 0.12 | 0.09 | 0.17 |
| Widow rockfish | 0.16 | 0.31 | 0.12 | 0.16 | 0.12 | 0.16 |
| Chilipepper | None observed | 0.36 | <0.001 | 0.30 | 0.02 | 0.15 |
| Gopher rockfish | 0.06 | 0.03 | 0.04 | 0.08 | 0.36 | 0.15 |
| Black rockfish | 0.32 | 0.29 | 0.20 | 0.05 | 0.03 | 0.12 |
| Starry rockfish | <0.01 | 0.02 | 0.12 | 0.13 | 0.17 | 0.12 |
| Vermilion rockfish | 0.08 | 0.04 | 0.06 | 0.06 | 0.25 | 0.12 |
| Bocaccio | <0.01 | 0.19 | 0.04 | 0.12 | 0.07 | 0.10 |
| Greenspotted rockfish | None observed | 0.14 | 0.08 | 0.16 | 0.03 | 0.09 |
| Copper rockfish | 0.09 | 0.02 | 0.08 | 0.07 | 0.10 | 0.08 |
| Brown rockfish | None observed | 0.04 | 0.06 | 0.03 | 0.16 | 0.07 |
| Chub mackerel | <0.01 | 0.06 | 0.06 | 0.16 | 0.01 | 0.07 |
| Pacific sanddab | <0.01 | <0.01 | 0.04 | 0.10 | 0.03 | 0.05 |
| Greenstriped rockfish | <0.01 | 0.06 | 0.01 | 0.08 | 0.02 | 0.04 |
| China rockfish | 0.13 | 0.04 | 0.04 | 0.01 | 0.02 | 0.03 |
| Speckled rockfish | None observed | 0.04 | <0.01 | 0.03 | 0.02 | 0.02 |
| Jack mackerel | None observed | 0.01 | <0.01 | 0.06 | <0.001 | 0.02 |
| Squarespot rockfish | None observed | <0.01 | <0.01 | 0.05 | <0.01 | 0.02 |
| Yelloweye rockfish | 0.05 | 0.02 | 0.02 | 0.01 | <0.01 | 0.02 |
| Flag rockfish | None observed | <0.001 | <0.01 | 0.01 | 0.01 | <0.01 |

ECONOMICS

It amazes us how economics has not been a factor in the decision making process that we have experienced over the last year concerning rock cod regulations. On the central coast we are rock cod dependent. 85% to 95% of our businesses income is generated through rock cod fishing. We do not have the choices as landings to the north and south of us do at fishing for other species during the times when we are not allowed to fish for rockfish. Further reduction in season and bag limits will seriously jeopardize our businesses survival. Closures cause us to lay-off employees. Some who play an important role in the safety of our operation. It is economically unfeasible to start and stop a business as rock fish closures do. In light of the weak scientific evidence being used against us and the availability of strong science that seems to support us, we wonder how in good conscience we can be so boldly put out of business.

In Title 14 Fish and Game Commission Notice of Proposed Changes in Regulations we read:

" For recreational fisheries, adoption of the proposed reduced bag limits and hook limits are expected to have its greatest initial economic impacts on owners and operators of CPFVs that fish for rock fish and nearshore finfishes."

" Based on CPFV catches reported to the Department in 1997, the average number of rock fish per angler ranges from 3.6 rockfish per angler in San Diego County ports, to a high of 14 rockfish per angler at the San Luis Obispo County ports." (That is us)

" Therefore, vessels that target only rockfish and associated fishes, and that carry fisherman conditioned to catching limits of rockfish, will likely experience a greater reduction in passengers. However the actual and total severity of losses too individual businesses with respect to their continued viability is unknown."

" If a vessel is unable to meet the cost of operation with a reasonable profit due to the extended seasonal closure (cannot find alternative profitable uses for the vessel), then the CPFV may not be able to continue operations and the business fails."

The PFMC's Management Fishery Strategic Plan calls for:

"... a long standing goal to maintain fishing opportunities 12 months a year."

" Community economic impacts and the benefits and cost of allocation should be fairly distributed coast-wide. Allocations should attempt to avoid concentration and assure reasonable access to nearby resources. The diversity of local and regional fisheries, community dependency on marine resources and in

processing capacity, and infrastructure will be considered in council allocation decisions."

NEARSHORE FISHERIES

When looking at nearshore fisheries it seems that there are three possible ways of approaching what it actually is. One approach is to regulate it to one mile offshore. Another would be to regulate it by the depth that a person could fish. (40 fathoms is the number that we have heard) Our hope is that it be regulated by species in possession. We would like to see Blue, Olive, Yellowtail, Brown, Gopher, Black and Yellow, Calico, China, Copper, and Vermilion rockfish as well as Ling Cod be included on the nearshore list. We have no problem with whatever the commission decides with Sheepshead, Cabazon, Kelp Greenling, or any other nearshore species under consideration as they do not make up any part of our catches. It seems to us that this would be the most easily enforced way of fishing nearshore.

SUMMARY

It is our hope that you have seen merit in our plan. The reason that you see us at every meeting is that we really do care what happens to the ocean as well as our businesses. We are rockfish dependent, but we have proven that we can fish year round with less impact to the species reportedly in trouble than it would seem that our one-fifth of the coastline encompasses. Our plan does not take quotas out of another area to selfishly support us. We are asking for decisions that are based on sound scientific analysis and a open and fair commission process. We believe that socio-economic data must be brought into the decision making process. We believe that the public has a right to year round access to the ocean. We believe that better research needs to be used in making better decisions for recreational fisheries (including a research vessel that is used for this). We believe that environmental changes need to be better addressed and not assume that all species reportedly in trouble are overfished. We believe that if information is shared between us that spend countless hours on the ocean and those that make the regulations concerning our livelihood, we will all have a better understanding of what needs to be done, and will achieve these goals.

Prepared by Steve Moore
Patriot Sportfishing
Avila Beach, Ca.
10-18-00

09

From Akestrl@gateway.net

Date Tuesday, October 24, 2000 3:19 pm

To sandra.krause@noaa.gov

Cc Tom@stienstra.com

Subject Fishing season cut-back

Since commercial fishermen do 90% of the damage to sea-life along the California coast, with their drag nets & long lines, they should be shut down 90% of the time. Why should the sports fisherpersons take the bigger cut-back? I don't see how the current proposed plan will help save the marine life, many of whom are already on the brink of extinction. Sincerely, Joan Ferguson, Vallejo, CA

503-326-6831

Fax Transmittal Form



RECEIVED

OCT 25 2000

DEAD

Cal/North
Boating--Fishing--Diving
Directory**(415) 243-0426**Cal/North Marine Publishing Company, Inc.
PO Box 410483, San Francisco, CA 94141-0483

email - calnorth@pacbell.net --- www.cal-northdir.com

10/25/00

From John SuperTo: Pacific Fisheries Management CouncilSubject Rock fish Closure of Season
in Rock Fish. due to decline
in fish population

of pages FAXED (Including this one) _____

Comments Please, even a beginner can see
-that the commercial fishing is the
major threat to this fishery - See Tom Stenstrom
in SF Examiner Oct 22 - Please limit
them and give the fish a chance to
come back. Remember, the sport fishing
industry overall is quite large - it represents
many jobs. Thanks

Fax # for Cal/North is
(415)243-0535

BEVERLY NOLL
President

SANDIE CROCKETT
Secretary

MONTY GONSALVES
Commissioner

CHRIS VAN HOOK
Commissioner

BONNIE WILLIAMS
Commissioner

Board of Harbor Commissioners
of the

Crescent City Harbor District
Phone (707) 464-6174 Fax (707) 465-3535
101 Citizens Dock Road
Crescent City, California 95531

RICHARD D. TAYLOR
Interim
CEO/Harbormaster

ALAN TROMBLE
Maintenance Supervisor



October 5, 2000

RECEIVED

OCT 18 2000

PFMC

Jim Lone, Chairman
Pacific Fishery Management Council
2130 SW 5th Avenue, Suite 224
Portland, OR 97201

Dear Mr. Lone,

The Crescent City City Council, Del Norte County Board of Supervisors, and Crescent City Harbor District Board of Commissioners are jointly petitioning the PFMC to continue the present Groundfish regulations through next year. This year's regulations caused hardship among our fishing fleet. The new proposals would compound this hardship and cause even greater financial insecurity to our community. The benefits of this year's cuts have not been fully documented, so more cuts may not even be necessary. The evaluation of this year's effort to avoid Canary Rockfish should be recorded and compared with other ways of achieving the Council's goals before more stringent measures are adopted. The economic costs to our area far outweigh the impact on future stocks of Canary Rockfish if the present measures remain in place for another year. Our local fishing fleet is an integral part of our economic infrastructure. Please do all that you can to help it survive.

Sincerely,

Beverly R. Noll
President, Board of Harbor Commissioners

KH:kb

cc: Kenyon Hensel, Crescent City Hook & Line Group

RECEIVED

OCT 25 2000

PEMAC

October 25, 2000

Pacific Fishery Management Council

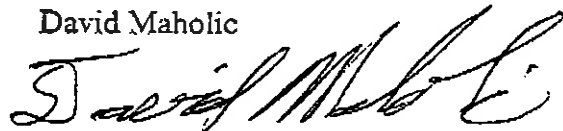
Dear Members:

I am writing to you as a concerned sport fisherman from Central California. I understand that more closures and further catch restrictions for sport fishing are being considered in this area. I do not understand why this is being considered when the quotas for the commercial fleet are being increased. I wonder if you are trying to drive the sport fishing charters out of business. I have been fishing this area for @ 20 years and have seen the average fish size decline, but I am convinced this has more to do with over-fishing by commercials than sport fisherman. Recently we have been seeing the amount and size of Lingcod increase dramatically, but I understand you are considering a closure on them?.

I hope that you will consider my concerns in your upcoming meeting

Sincerely,

David Maholic



To: Pacific Fisheries Management Council

RECEIVED

OCT 25 2000

From: Dale Myer
P.O. Box 153
Clayton, CA 94517

DEMO

Stop this Sham!

No more closures and no more reductions in limits until you shutdown the LARGE commercial boats that rape the ocean!

If the LingCod situation is a true "emergency", then shutdown down the LARGE commercial fishing as well.

Blaming and penalizing sportfisherman while the LARGE commercial interests continue to wipe out the fish is a SHAM. Their one-day bycatch kills more fish in a day than 100's of us will catch in a lifetime. Do the math and you'll see why all the sportfishing take-aways haven't helped. When the gillnetters were forced away from the coast, the San Francisco Bay halibut population bounced back. Eliminate the LARGE commercial boats if you are serious about saving the fish stocks. We sportfishers won't be the scapegoats for your lack of sensible fisheries management!

DO THE RIGHT THING BY STOPPING THE COMMERCIAL INTERESTS THAT ONLY WISH TO PROFIT. THEY ADD LITTLE OR NOTHING TO THE LOCAL ECONOMIES AND DON'T GIVE A RIP ABOUT THE FISHERIES LONGTERM HEALTH AS WE SPORTFISHERS DO.

Dale Myer

Member United Anglers
Member Bay Area Regional Fisherman

STOP THE MADNESS

RECEIVED

OCT 26 2000

DEMO

Don't cut the sport anglers catch way back.
We only catch 10% of the fish.(if we are lucky)
Save the fish by cutting back commercial fish-
ing.REASON , they catch 85% of the fish and
also kill birds,otters and other marine mammals.

Arturo Ramirez
(408) 363-0420

LET LOGIC PREVAIL

STOP THE MADNESS

RECEIVED

OCT 26 2000

Don't cut the sport anglers catch way back. ^{PERRY}
We only catch 10% of the fish.(if we are lucky)
Save the fish by cutting back commercial fishing. REASON , they catch 85% of the fish and also kill birds,otters and other marine mammals.

PERRY LONG
(408)781-4296

Thank you For your time!!

LET LOGIC PREVAIL

October 30, 2000

TO: PFMC Council and Groundfish Advisory Panel members
RE: Alternative management system

Gentlemen:

I have spoken with over 35 fisherman in Bodega Bay and they think they can live with this.

Initiate a "one to two" or "odd week-even week" type fishery system.

We commercial fisherman have 52 weeks per year to fish. If half of the fleet is assigned an even number and half is given an odd number, then each boat can fish only 6 months per year. That accomplishes the PFMC's desire to cut this fishing by 50%. Plus it allows the California coastal cities at least half their normal income made by serving these fisherman.

Also, there should be NO shut-down of any sport fishing or diving on the California coast north of San Francisco as this will "kill" the coastal communities who depend on them for their livelihood.

Thank you.

Jim Hie
Fisherman and biologist
Bodega Bay
jnahie@interx.net

C.9.d

Date: October 28, 2000

To: Pacific Fisheries Management Council

From: Capt. William E. Smith
Riptide Sportfishing

Reference: ~ CPFV Proposed Recommendations for the PFMC Groundfish Meetings
Vancouver WA October 31-November 2, 2000

The commercial passenger fishing vessels (CPFV) working the Central Coast of California want to express our collective concern for the health of the fisheries and publicly acknowledge it is our desire to preserve our marine environment. We are the stewards of this valuable resource and the preservation of the marine environment for our children and future generations is the concern of us all.

We have reviewed the options presented by PFMC for the year 2001 recreational fishing season along the California coast. The individuals below are expressing our support for specific options as follows.

- **On-Board Observers:** We support on-board observers. We feel that the accurate reporting of the fish we catch is very important and on-board observers will improve the quality of data available for analysis.
- **Log Books:** We agree with the need for more detailed log books. This will ensure more accurate data collection and although this will require additional time on our part, we are confident that more detailed logs will provide the governing agencies with the ability to make a more thorough analysis of the situation.

The MRFSS data collection process does not provide a clear analysis of the coastal waters. The MRFSS data collection needs to be reviewed as there is evidence of significant deficits in this process. The data provided by the new log books will provide a new data source to balance against what MRFSS provides.

- **Bag Limit:** We support the option of maintaining the bag limit of 10 rock fish (of which 2 bocaccio, 1 canary) plus 2 ling cod (ling cod 26 in. minimum size). The savings of the amounts of bocaccio from the closures in the south for the "cow cod" should help with the amount of total catch. It is important to note that recreational fishery came in under the total tonnage for bocaccio in 2000.
- **Hooks:** A status quo of three hooks is our first choice. If there has to be a reduction of hooks then our recommendation is 2 hooks as the use of only one hook will actually increase the pressure on the specific species we are trying to avoid. With multiple hooks, anglers will fish within the school fish above the bottom, thereby avoiding the affected species dwelling on the bottom. Further economic impact on CPFV is that fishing in deep water with only one hook will likely decimate our clientele as the productivity will be severely limited for the amount of work involved.
- **Weather:** As we are certain the governing agencies are aware, weather is a significant factor in this fishery. Winter and spring storms often force cancellation of trips. For a

CPFV, once a day is lost, it is never reclaimed. When considering the actual closure periods, we are asking that the agencies take into account the weather impact on the fishery. Rare is the season when fishing is consistent throughout the winter and spring months due to good weather.

- **Closures:** Given that there has to be any closure, it is our preference to retain a status quo of the year 2000 two (2) month closure (March and April).

These recommendations come from the CPFV representatives listed below and also represent concerns that have been expressed to us by both our customers and private recreational anglers. We believe these recommendations represent a "go slow" approach to further limitations on the recreational regulations. This approach is important because an accurate assessment of the effects of the changes that were made during the year 2000 has not yet taken place. That assessment is essential before significant additional impact is forced upon the recreational fishing community. Also, the recruitment cycles of the fish cannot be accurately assessed until further data collection (i.e. triannual trawl survey and Cal Cofy Survey combined with the new log data and on-board observers) has been analyzed.

Finally, we wish to emphasize to the Council that the recreational fishery has the ability to easily move to another fishing area to lessen impact on the species of concern.

We thank you for the opportunity to provide these recommendations on behalf of the CPFV recreational fishing companies listed below.

| | | |
|--|--|--|
| New Aggressor
Mike Harbarth
707-829-4728
3044 Gravenstein Hwy South
Sebastopol CA 95472 | Golden Eye
Trung Vo
510-232-0640 - home
1810 Alfreda Blvd.
San Pablo CA 94806 | Golden Eye 2000
Quang Vo
2235 Tenth Street
Berkeley CA 94701 |
| PROFISH'NT
Bodega Charters
Bill Parducci
707-463-3618
www.bodegacharters.com
270 View Drive
Ukiah CA 95482 | Rumblefish
Don Akin
707-463,1430
707-964-3000
1601 Gielow Lane
Ukiah CA 95482 | Lady Irma II
Brandon Van Dine
707-964-2816
707-964-2867
PO Box 2451
Fort Bragg CA 95437 |
| Sea Stag III
Ken Stagnaro
831-427-0230
831-427-0764
PO Box 1340
Santa Cruz CA 95061 | Huli Cat
Tom Mattusch
650-726-2926
723 San Carlos Avenue,
PO Box 957
El Granada CA 94018-0957 | Emeryville Sportfishing
Craig Stone
510-654-6040
3310 Powell Street
Emeryville CA 94608 |

| | | |
|---|--|---|
| Berkeley Marina Sport Center
Dennis Deaver
510-849-2727
225 University Avenue
Berkeley CA 94710 | Play'n Hooky
Art Roby
510-654-6040
3310 Powell Street
Emeryville CA 94608 | Captain
Donald Webb
510-724-9103
2350 Shawn Drive
San Pablo CA 94806 |
| F/V Telstar
Randy Thornton
707-964-8770
PO Box 767
Fort Bragg CA 95437 | Captain
Donald Wong
510-654-6040
3310 Powell Street
Emeryville CA 94608 | Owner
Phat Vo
1112 Allston Way, Apt C
Berkeley CA 94702 |
| New Sea Angler, Predator,
Bodega Bay Sportfishing Center
Richard Powers
707-875-9879 | New Sea Angler
Dick Powers
510-582-8514
510-582-8514 | Riptide Sportfishing
William E. Smith
549 Grafton Avenue
San Francisco CA 94112-2237
415-469-8433
capt.smitty@juno.com |
| Shamrock Charters
Steve Scurfield
2210 East Cliff Drive
Santa Cruz, Ca 95062
(831)476-2648 | F/V Ankeny Street
Captain Chris Chang,
owner/operator
26065 Bentley Court
Los Altos, CA 94022
(650) 941-2038.
Berthed in Half Moon Bay, CA. | Capt. Jim Cox
Jim Cox Sportfishing Charters
"Touch of Gray"
3537 Hoover St
Redwood City, Ca 94063
650-369-3807 |
| Richard J. Oba
Owner, SYDNEY MAE II
Vice-President, United Anglers of
California | Santa Cruz Sportfishing Inc.
P.O. Box 5235
Santa Cruz, Ca. 95063
c/v MAKAIRA
Capt. Tim Zolinskiak
owner Ed Zolinskiak
831-426-4690
ed@santacruzsportfishing.com | Philip A. Bentivegna
Butchie B Sportfishing
60 Rollingwood Drive
San Rafael, CA. 94901-1421
Pass member PFMC Salmon
Advisory Group |
| Stagnaro Fishing Trips
p.o. box 1340 Santa Cruz, Ca 95061
831-427-0230/fax 831-427-0764 | Tom's Sportfishing
PO box 742
Moss Landing, Ca 95039
831-633-2564 | Sam's Fishing Fleet
84 Fisherman' Wharf No1
Monterey, Ca
800-427-2675 |
| Randy's Fishing Trips
66 Fisherman' s Wharf No1
Monterey, Ca
831-372-7440 | Reelin Sportfishing
831-901-2357 | |
| | | |

MONTEREY BAY SPORTFISHING ASSOCIATION
PO BOX 742
MOSS LANDING CA 95039

Subject: Letter for PFMC
Date: Sunday, 29 Oct 2000 22:28:36 EST
From: Tkahuna @aol.com
To: Info@stagnaros.com

The Monterey Bay Sportfishing Association was formed two years ago by the area charter boat businesses. Together we own and operate 15 vessels for charter fishing year round. This is our livelihood and we felt the need to defend our right to and have a voice in our fishery.

The newest proposed restrictions on recreational ground fish season and catches will no doubt have a profound effect on all of our livelihoods. At the risk of sounding redundant, we require sound, accurate data taken locally, not out of state, that will be used to manage the resource. The Magnuson-Stephenson Act of using "best available data" is ludicrous. To keep on restricting the people's right to fish when we have no sound, informative data that is being used is a crime against the people you are supposed to protect.

As everyone knows, the rebuilding of the rockfish stocks won't happen in just a few years. We have already lost 33% of our rockfish catch limit, 60% of lingcod and 20% plus of our season. Again, the losers are the people of California, especially California anglers. Give these new restrictions time to work.

As fisherman, we have and always will be conversationalists. We are not extremists and do not believe in the extremists that are running the show. We fully recognize the consequences of mismanagement and have and will continue to make conscience efforts to avoid canary and bocaccio rockfish.

In regard to 2001 proposals, ours is:

- 10 fish bag limit of which can be 2 bocaccio, 1 canary rockfish
- The one cow code per bag and 2 on any vessel should remain
(We need to keep away from creating by-catch for sportfisherman!)
- 3 hooks per angler
- Status-quo on ling cod

16 October 2000

Noyo Harbor Charter Fishing Association
P O Box 2596
Fort Bragg, CA 95437
707-964-0669

California Dept. of Fish and Game
National Marine Fisheries Service
Pacific Fishery Management Council

Dear Distinguished Members,

On October 10, 2000, a meeting of the above named groups was held in Sacramento, California. This meeting was also attended by a number of Commercial Vessel Operators. This letter is in response to the panel that requested input from all on how to address the issue of ground and Nearshore fishery management.

Those of us in the Fort Bragg area of California have met and herein submit our recommendations for fishery management based on both the information provided us at the meeting and experience with our particular fishery.

While we agree that fishery management is crucial to our business endeavors and the endeavors to preserve the marine environment, we do not agree with the methods that are currently under consideration. It is imperative that each area be considered on its own merits and not all areas judged as one. Our recommendations are as follows:

1. Release for immediate use the new logbooks that are species specific.
2. Disregard the MRFS surveys and gather accurate data on which to base decisions.
3. Engage observers on vessels in the Fort Bragg area in order to obtain accurate information.
4. Maintain status quo for 3 years and allow current regulations and limitations to work while accurate data is being gathered, then re-assess regulations.

If the only options are what were presented at the Sacramento, California meeting, then we offer the following:

- Ling-cod
 1. Status-quo – 26 inches, 2 fish limit
 2. 28 inches, 2 fish limit
 3. 2 hooks, 2 fish limit
- Rock fish (3 Canary limit is okay)
 1. Status-quo, not less than 10 fish limit, 2 month closure
 2. Fewer hooks, 15 fish limit, 2 month closure January-February
 3. Fewer hooks, 15 fish limit, 4 month closure December-March (in keeping with the ling-cod spawning season)
- Nearshore defined as 20 fathoms limit, not 40 fathoms

An important factor in all of this is to at minimum, maintain the status quo until reliable data is gathered. It was admitted in the meeting that data was actually being extrapolated without any sound information for basis. All charter vessels in our area have agreed to allow observers in order to gather accurate data. Our area should be designated as being from Point Arena north to Cape Mendocino, though no one from the Noyo Harbor fishes further south than the Navarro River.

In closing, we would appreciate being on record as highly supportive of fishery management with the qualification that when regulations are mandated, they are based on accurate data responsibly gathered, not by hypothetical figures. We thank you for the time to review our comments and suggestions and look forward to a cooperative effort to appropriately manage our area fishery.

Respectfully Submitted,

Capt. Randy Thornton, Telstar Charters, 707-964-8770

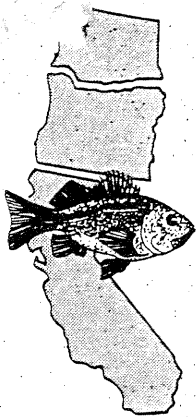
Capt. Rick Thornton, Anchor Charters (Trek II), 707-964-4550

Capt. Jeffrey K. Kroemer, Patty-C Charter Fishing, 707-964-0669

Capt. Brandon Van Dine, Anchor Charters (Lady Irma II) 707-964-2816

Capt. Tim Gillespie, All Aboard Adventures, 707-964-1881

Jeremiah Waller, Deckhand, Trek II, 707- 964-1290



Pacific Marine Conservation Council

*"Dedicated to the health and diversity
of our marine life and habitat"*

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October 27, 2000

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Chairman Lone and Council members,

The Pacific Marine Conservation Council (PMCC) respectfully submits these comments on agenda item C. 9. Management Measures for 2001.

PMCC's mission is dual and focuses on maintaining the health of the resource as well as the economies of coastal communities. It is this mission, combined with concerns for the state of the canary rockfish resource, the maintenance of fleet diversity, and sustainability of the groundfish fishery, that is the catalyst for these comments.

We believe that the Council is unable to prosecute a fishery on the shelf that will not negatively impact canary rockfish. Our recommendations for allowing a groundfish fishery on the shelf in 2001 focus on the need for bycatch quantification. The mandates for bycatch reduction quantification are clear in the Magnuson-Stevens Act. They are as follows:

16 U.S.C. 1853 Magnuson-Stevens Act § 303 (a)

REQUIRED PROVISIONS – Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall –

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable, and in the following priority –

- (A) minimize bycatch; and
- (B) minimize the mortality of bycatch which cannot be avoided;

We have, on a number of occasions, sought Council action to require a mandatory observer program so that the data needed to support such a fishery were available. This has not happened. Total mortality data is not available and will not be until the Council supports its own strategic plan by expecting observer program implementation for 2001. We understand

that funding for a 2001 observer program is immanent. The Council should direct state and federal agencies to implement an observer program in 2001.

The mandates for quantifying bycatch are clear in the Magnuson-Stevens Act and assessing the validity of the rebuilding plans depends on the ability to monitor total mortality. There is virtually no monitoring of total mortality that relates to overfished species and there is no way to determine whether or not the mechanisms the Council has chosen to facilitate rebuilding are appropriate. We have heard, anecdotally, that large numbers of canary rockfish are being caught but not landed. We will not know the truth about these anecdotes until there is an observer program in place, but it is difficult to believe that a 93% reduction in canary landings in one year is due solely to avoidance of that species. It is also likely a function of an avoidance of landings, a conundrum facing fishers who know landing information may be used to further curtail their fisheries.

The requirement of the Council to consider the bycatch effects of existing and planned conservation and management measures is clear in the national standard guidelines 50 C.F.R. § 600.350 (b). More specifically in relation to National Standard 9, NMFS regulations provide:

To evaluate conservation and management measures relative to this and other national standards, as well as to evaluate total fishing mortality, Councils must ..., [f]or each management measure, assess the effects on the amount and type of bycatch and bycatch mortality in the fishery.

Therefore, PMCC feels that the need to quantify bycatch and total mortality is so severe and necessary for the prosecution of any fishery on the shelf impacting canary rockfish, that we recommend fisheries on the shelf be closed unless and until a mechanism for measuring total mortality can be implemented.

In closing, PMCC does not take this proposal lightly and recognizes the magnitude and potential impacts of the management recommendation we are making. We would like to express our deep concern regarding the potential impacts our proposal would have on the fishermen and communities on the West Coast and request the Council, NMFS, and the states, act immediately to access every option for economic relief.

A lack of data, and an unwillingness to collect that data has contributed in the current situation in the groundfish fishery. Continuing to prosecute the fishery without this information severely jeopardizes the long-term sustainability of the industry and of the resource itself. The time has come for the Council to make those tough decisions it has acknowledged not making in the past.

Thank you for your time and attention to this proposal.

Sincerely,

Leesa Cobb, President

Bob Eaton, Executive Director

October 30, 2000

TO: PFMC Council and Groundfish Advisory Panel members

RE: Opposing the recommended cowcod closure; support for option #1

Gentlemen,

An important item is on the agenda for the meeting in Vancouver, Washington. It is the cowcod closure for Southern California, to rebuild the so-called threatened stocks of cowcod. This is a huge area closure and will devastate the fishermen who work there.

CDF&G says only 7% of cowcod stocks remain, this based only on landing tickets from commercial fishing boats.

Cowcod once was a fish with some demand in the Southern California market, but has now lost that demand and no boats target them. Fish tickets show declines starting in late 60's and going down up to now. The fisherman who caught these fish are no longer alive and the few boats that do fish rock cod try to stay away from cowcod. The spot prawn trawlers also know where these fish live and avoid them. Therefore, landings are low.

This closure would close this area to all fishing for an indecent time. We in Santa Barbara supported Option #1 which said no target fishery and no retention of cowcod below Cape Mendicino, which we recommend be changed to below Point Conception. This was done at a CDF&G informational meeting in San Louis Obispo.

At another such meeting in San Diego this option was never mentioned. Hook and line fishermen with years of experience testified as to the large amount of cowcod seen in the closure area. We can fish this area for spot prawns and not catch cowcod.

To close fisheries on fish ticket data only is not good science. CDF&G admits that's all they have but disregard good information from fishermen.

These should be at sea surveys done by people experienced with the fish. Most people know nothing about the habits of cowcod which are very different from other rockfish.

We support No Take, No Retention and studies being done by QUALIFIED people on the status of the stocks.

I myself, a life-long commercial fisherman (45yrs), have seen in the past huge amounts of a single species of fish (white sea bass), and never landed a single one due to conditions at the time. This shows no fish in the ocean because none were landed. When we tell people about these fish, they don't believe us as CDF&G says there are very few.

If this fish (cowcod) is closed because of fish tickets, this will be only the start of more fisheries being closed the same way. This is not good science and should not be accepted.

Mike McCorkle, President
Southern California Trawlers Association
fish4u1@msn.com

Issue 1 – Definition of the regulatory term, “transfer.” For purposes of the one-transfer rule, should the Council/NMFS modify the regulations to change the definition of the term “transfer”?

Option 1: No Action, Status Quo. At present, a transfer is defined as any change in ownership or change in vessel registration to the permit.

Option 2: Under the one transfer rule, exempt any change in permit ownership that involves conveyance of the permit to a member of the immediate family (spouse, child, sibling, parent).

Option 3: **[Proposed Action]** As it relates to the one transfer rule, define a transfer as occurring only when there is a change in the vessel registered to the permit, not when there is a change in permit holder/owner status

Limited entry permits may not be transferred more than once every 12 months. These transfers include:

- Transferring the permit to a new permit holder, without changing the vessel registered with that permit
- Transferring the permit to a new vessel

Proposed action under Issue 1 would restrict timing of permit transfers ONLY when the permit is transferred to a new VESSEL. This change would end complications when:

- Permit owner adds a spouse or other family member's name to permit ownership
- Permit owner incorporates his/her fishing operation and permit owner name changes from personal name to corporation name
- Permit owning corporation re-organizes without moving the permit to a new vessel

Issue 2 – Change the “one transfer” restriction from limiting permit owners to one transfer every 12 months to one transfer every calendar year.

Option 1: No Action, status quo. Presently, permit owners may transfer only once every 12 months.

Option 2: **[Proposed Action]** Restrict a change in vessel registration on a limited entry permit to once every calendar year.

Option 3: No restriction on the number of transfers in a 12-month period.

Limited entry permits may not be transferred more than once every 12 months. Proposed action would give permit holders more business flexibility without losing the effort constraining effects of original rule. Permit holders would benefit from this action by:

- Starting each fishing year with a “clean slate” on allowed permit transfers
- Having more permit transfer flexibility in a fishery management regime that changes annually
- Having more permit transfer flexibility for unexpected emergencies (i.e. vessel repairs, illness, family issues)

Issue 3 – Clarify, update and streamline existing permit regulations [housekeeping measure]: Add new regulatory language that specifies the documents required for a permit transfer application and clarify when an application must be submitted to assure timely reissuance of the permit.

Option 1: No action, status quo. Current regulations do not provide guidance on when to apply for a vessel change to participate in the desired cumulative limit period and what documentation must be provided to NMFS.

Option 2: **[Proposed Action]** Provide in regulation those items required in a complete application for a change in vessel registration and indicate that complete documentation should be submitted at least 5 working days prior to the first day of the cumulative limit period in which the fisher wishes to participate.

At a minimum, a permit owner who desires a transfer to be effective during the next cumulative limit period, would be required to submit a signed transfer application form and their existing permit prior to the first day of the desired cumulative limit period. The owner may subsequently submit the remaining documentation after the start of the cumulative start date. The reissued permit will be effective on the date it is issued.

Option 3: Require permit owners to submit all documentation required by NMFS prior to the desired effective date (cumulative limit period).

Proposed action would provide more clarity in the permit regulations for permit holders and for NMFS staff. A complete permit transfer application includes:

- Original permit
- NMFS transfer request form (provided by NMFS)
- US Coast Guard 1270 (proof of vessel ownership)
- Marine survey for vessel length

Regulations would also clarify that:

- A permit holder who wishes to participate in a particular cumulative limit period, will be able to do so on the first day of that period if he/she submits a complete transfer application 5 working days before that period.
- To participate in a particular cumulative limit period, the permit holder would need to submit at least the original permit and the transfer request before the start of the cumulative limit period.
- If the original permit and transfer request are received before the start of a cumulative period, NMFS will process that request as quickly as possible. Once NMFS receives all four required documents, the permit will be re-issued for participation in the desired cumulative limit period.
- Permit transfer applications received just after the start of a particular cumulative limit period will not be processed for that cumulative limit period.

PERMIT TRANSFER REGULATORY AMENDMENT

Situation: At its June meeting, the Council stated its intention to reconsider its original recommendation regarding limits on the transfer of limited entry permits. The current regulations state permits may not be transferred more than once in any 12-month period, and transferred permits do not take effect until the beginning of the next cumulative limit period. The Council made its final recommendation on the current regulations in October 1996, adopting a proposal put forward by members of the commercial fishing industry. The restriction on frequency of transfers was intended as a step towards stabilizing and ultimately reducing capacity in the industry. The provision that delays the "effective date" of transfers was to avoid "double dipping" by two vessels taking the same trip limit. Both the frequency restriction and the effective date provisions may be modified. The northwest regional office of National Marine Fisheries Service (NMFS) has taken the lead in preparing the necessary analysis for the regulatory amendment to make the proposed changes; the analysis will be available at the Council meeting as a supplemental report.

The Council will need to consider how any transfer provisions interact with the management measures proposed for 2001. For example, the fixed gear fishery may transition to a longer primary season, or earlier season, which would affect vessels planning to participate. Also, any change from the current 2-month cumulative limits to longer cumulative periods would reduce the number of opportunities to transfer permits.

Council Action: *(Motion must be visible in writing prior to vote).*

1. **Adopt final recommendations on regulatory amendment relating to how often limited entry permits may be transferred.**

Reference Materials:

1. Analysis of proposed regulatory amendment (Exhibit C.10.b, Supplemental Impact Analysis).

PFMC
10/17/00

**Environmental Assessment and
Regulatory Impact Review**

**Revise Groundfish Regulations on: the Definition of Limited
Entry Permit Transfers, Revising the Interval for Limited
Entry Permit Transfers, and to Clarifying Permit Regulations**

**Pacific Coast Groundfish
Fishery Management Plan**

**Environmental Assessment/Regulatory Impact Review to Revise Groundfish Regulations on: the
Definition of Limited Entry Permit Transfers, Revising the Interval for Limited Entry Permit
Transfers, and to Clarifying Permit Regulations**

**Prepared by
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region**

October 2000

Environmental Assessment/Regulatory Impact Review to Revise Groundfish Regulations on: the Definition of Limited Entry Permit Transfers, Revising the Interval for Limited Entry Permit Transfers, and to Clarifying Permit Regulations

1.0 PURPOSE AND NEED FOR ACTION

Vessel participation in West Coast groundfish fisheries is constrained in part by a limited entry permit program, initially implemented in 1994. This program was intended to separate groundfish fleet participants into those with a historical dependence on and participation in directed groundfish fisheries from those making groundfish landings incidentally to their primary fishing activities. Limited entry permits were issued to vessels meeting minimum groundfish landings requirements with trawl, longline, or pot gear during a 1984 through 1988 window period. Each permit received a length endorsement as well, indicating the length of the vessel that could be associated with the permit.

Since the implementation of the limited entry program, the Council has made several program changes to further constrain effort in the fleet, including permit combination requirements for larger vessels participating in the fishery and further access limitation for fixed gear vessels targeting sablefish. For 1998, the Council introduced another measure designed to restrict the broad use of permits, a limitation on the frequency of permit transfers to once every 12 months. The Council additionally recommended restricting permit transfers to the first day of a cumulative limit period, to prevent more than one vessel from using that permit during a single period.

Groundfish cumulative limits are linked to the vessel making the landings. Council rationale for restricting permit transfers to once every 12 months was to prevent more than one vessel per year from using a permit to make groundfish landings. Restricting the transfer of permits to the first day of a cumulative limit period was intended to prevent more than one vessel from using a permit to achieve groundfish cumulative limits during a single cumulative limit period. Prior to these restrictions, permit holders could transfer their permits at any time. Council recommendations for the restriction on transfers to once per year rule provided for hardship exemptions in the case of death of the permit holder or total loss of the permitted vessel.

At its September 2000 meeting, the Council began reconsidering the "one transfer" rule and the need to make other revision in order to clarify existing permit regulations. Overall permit regulations have been in place for a number of years and certain provisions may need modification. In general, the Council continues to support the restriction on the frequency of permit transfers. However, the Council has indicated its interest in changing permit regulations to increase flexibility for permit holders without losing the limitations on the number of vessels that may be attached to a permit in any one year or cumulative limit period. Council interest in refining the "one transfer" rule also offers an opportunity for a review and update of the regulations on basic permit registration activities. Permit holder and NMFS experience with the permit regulations over the past six years has revealed several areas where permit regulations could be clarified for users. Revisions to the "one transfer" rule and outlining the process for submitting an application to change vessel registration will eliminate unnecessary restrictions, provide greater flexibility for permit owners, and help NMFS provide timely approvals of requests for changes in vessel registration.

Since the initial implementation of the "one transfer" rule, there have been instances of adverse effects on some permit-owning corporations and partnerships. In recent years, some entities owning limited entry permits have merged, reorganized, added a partner, or incorporated, but have kept the permit on the same vessel. Such transactions occur in the normal course of business but are counted against the one time transfer rule. A change in permit ownership limits that entity from making additional changes for a period of 12 months, such as adding a new vessel to the permit and/or leasing the permit to another person or entity. This reduces permit owner flexibility in business activities. In an increasingly uncertain and depressed fisheries business environment, permit holders need greater latitude in using their permits.

A 1999-2000 complication arising from the "one transfer" rule involved certain vessels participating in the

primary sablefish fishery. Approximately 20 permit holders with sablefish endorsements, who had transferred their permits effective August 1, 1999, could not request a transfer again until after August 1, 2000. Because of changes in the timing of cumulative limit periods between 1999 and 2000, some vessels were not eligible to fish with the permit until September 1, 2000, which was after the start of the sablefish fishery. At its June 2000 meeting, the Council recommended the addition of a major cumulative limit period starting August 1, 2000, to accommodate these permit owners. This recommendation was subsequently approved and implemented by NMFS through an inseason action. At that time, Council also stated its intention to consider revising the restriction on transfers from once every 12 months to once every calendar year, to provide the flexibility that would eliminate the need for future last-minute changes to cumulative limit period start dates.

Another area in need of clarification is the process for review and approval of a transfer request. Current regulations do not state clearly what documentation is required by NMFS to ensure timely approval of a vessel registration change. Since the initial implementation of the "one transfer" rule, some permit owners have submitted transfer applications either shortly before or just after the beginning date of the cumulative limit period in which they want to participate. NMFS is unable to provide immediate approvals of transfer applications, and must obtain and review all supporting documents before reissuing the transferred permit, often working with permit holders to ensure that they submit all of the documents necessary for a transfer. After all documentation is received and reviewed by NMFS staff for approval on reissuance, the beginning date of the cumulative limit period may have passed. These situations are frustrating for the permit buyer or lessee who may want to begin fishing immediately. Clarifying permit registration regulations would be helpful for both permit holders and NMFS, and would provide more flexibility for permit holders who may not be familiar with the permit transfer process.

2.0 SUMMARY OF ALTERNATIVES

2.1 **Issue 1 – Definition of the regulatory term, "transfer."** For purposes of the one-transfer rule, should the Council/NMFS modify the regulations to change the definition of the term "transfer"?

- Option 1: No Action, Status Quo. At present, a transfer is defined as any change in ownership or change in vessel registration to the permit.
- Option 2: Under the one transfer rule, exempt any change in permit ownership that involves conveyance of the permit to a member of the immediate family (spouse, child, sibling, parent).
- Option 3: **[Proposed Action]** As it relates to the one transfer rule, define a transfer as occurring only when there is a change in the vessel registered to the permit, not when there is a change in permit holder/owner status

2.2 **Issue 2 – Change the "one transfer" restriction from limiting permit owners to one transfer every 12 months to one transfer every calendar year.** Should the Council/NMFS modify the current restriction limiting permit owners to make one change in vessel registration on a limited entry permit every 12 months to a restriction limiting permit owners to one change in vessel registration during a calendar year?

- Option 1: No Action, status quo. Presently, permit owners may transfer only once every 12 months.
- Option 2: **[Proposed Action]** Restrict a change in vessel registration on a limited entry permit to once every calendar year.
- Option 3: No restriction on the number of transfers in a 12-month period.

2.3 Issue 3 – Clarify and streamline existing permit regulations [housekeeping measure]: This action would update current permit regulations. Also, it would include adding new language that outlines what documents are required in a permit transfer application and clarify when an application must be submitted to assure timely reissuance of the permit.

- Option 1: No action, status quo. Current regulations do not provide guidance on when to apply for a vessel change to participate in the desired cumulative limit period and what documentation must be provided to NMFS.
- Option 2: **[Proposed Action]** Provide in regulation those items required in a complete application for a change in vessel registration and indicate that complete documentation should be submitted at least 5 working days prior to the first day of the cumulative limit period, in which the fisher wishes to participate. At a minimum, a permit owner who desires a transfer to be effective during the next cumulative limit period, would be required to submit a signed transfer application form and their existing permit prior to the first day of the desired cumulative limit period. The owner may subsequently submit the remaining documentation after the start of the cumulative start date. The reissued permit will be effective on the date it is issued.
- Option 3: Require permit owners to submit all documentation required by NMFS prior to the desired effective date (cumulative limit period).

3.0 AFFECTED ENVIRONMENT

3.1 Physical and Biological Characteristics of the Pacific Coast Groundfish Environment

The Pacific Coast Groundfish FMP manages 82 species over a large and ecologically diverse area, from the U.S.-Canada border to the U.S.-Mexico border, and extending westward from the coast out to the 200 nautical mile limit of the Exclusive Economic Zone (EEZ). Marine habitat for Pacific coast groundfish includes estuaries, rocky sub-surface pinnacles, sandy plains of the continental shelf, deep ocean canyons, and other habitat types. A thorough description of the habitat used by Pacific coast groundfish is provided in the 1998 Essential Fish Habitat appendix to the FMP (NMFS, 1998.)

In the FMP, the 82 managed species are divided as follows: sharks (3 spp.), skates (3 spp.), ratfish (1 sp.), morids (1 sp.), grenadiers (1 sp.), roundfish (6 spp.), rockfish (55 spp.), and flatfish (12 spp.) Of these, fewer than 20 species have ever had comprehensive stock assessments. Each year, assessments are conducted on 5-10 species, typically as part of a three-year rotation. Most of the available information about life histories and distribution of groundfish species is included or referenced in the 1998 Essential Fish Habitat appendix.

Stock assessments for Pacific Coast groundfish are conducted by staff scientists of the California Department of Fish and Game (CDFG), Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), Oregon State University (OSU), and the Southwest, Northwest, and Alaska Fisheries Science Centers of NMFS. These stock assessments are published annually as appendices to the Council's Stock Assessment and Fishery Evaluation (SAFE) document. [Annual SAFE documents and appendices are available from the Council office.]

Eight species are believed to be above their precautionary thresholds of stock size (at least 40% of its unfished biomass level): Dover sole (increasing abundance trend), English sole (trend unknown), Petrale sole (trend unknown), shortbelly rockfish (trend unknown), longspine thornyhead (declining), black rockfish (declining), chilipepper rockfish (declining if recent recruitment is low), and blackgill rockfish

(declining).

Species near target biomass levels include Pacific whiting, yellowtail rockfish (39% of unfished level,) and sablefish (37%). There are seven species below their target biomass levels: widow rockfish (29%), shortspine thornyhead (32%), canary rockfish (7% in the south and 20% in the north), cowcod (less than 10%), bocaccio (about 2%), POP (13%), and lingcod (8.8%, north; 7.5%, south.) Darkblotched rockfish is also thought to be below the target biomass level. Of these, POP, bocaccio, lingcod, canary rockfish, and cowcod have been declared overfished. The relative abundance and trends of Pacific cod, other flatfish, other rockfish, and other species categories are unknown; relative abundance of arrowtooth flounder is unknown but believed to be declining (PFMC, December 1999.)

More detailed information on the stock status of each of these species is available in the stock assessments associated with the annual SAFE document process, as well as in the Environmental Assessment and Regulatory Impact Review for the 2000 groundfish ABC and OY specifications and implementing management measures for the Pacific coast groundfish fishery, which are available from the Council office (PFMC, December 1999.) Rebuilding plans for the three species that were designated as overfished in March 1999 (POP, bocaccio, lingcod) are also available from the Council office.

3.2 Characteristics of the Groundfish Industry and Fishery

The Pacific coast commercial groundfish fishery is a year-round, multi-species fishery that takes place off the coasts of Washington, Oregon, and California. Most of the Pacific coast non-tribal, commercial groundfish harvest is taken by the limited entry fleet. The groundfish limited entry program was established in 1994 for trawl, longline, and trap (or pot) gears. There are also several open access fisheries that take groundfish incidentally or in small amounts; participants in those fisheries may use, but are not limited to, longline, vertical hook-and-line, troll, pot, setnet, trammel net, shrimp and prawn trawl, California halibut trawl, and sea cucumber trawl. In addition to these non-tribal commercial fisheries, members of the Makah, Quileute, Hoh, and Quinault tribes participate in commercial, and ceremonial and subsistence fisheries for groundfish off the Washington coast. Participants in the tribal commercial fishery use similar gear to non-tribal fishers who operate off Washington, and groundfish caught in the tribal commercial fishery is sold through the same markets as non-tribal commercial groundfish catch. The regulatory proposal addressed in this EA/RIR would affect only the limited entry fishery.

One of the primary goals of the Pacific coast groundfish FMP is to keep the fishery open throughout the entire year for most segments of the fishery (See FMP goals and objectives at section 2.0). It has become increasingly difficult to meet this goal as species have neared or fallen below their target biomass levels. Harvest rates in the limited entry fishery are now constrained by annual harvest guidelines, two-month or one-month cumulative period landings limits, individual trip limits, size limits, species-to-species ratio restrictions, and other measures, all designed to control effort so that the allowable catch is taken at a slow rate that will stretch the season out as much as possible. Cumulative period catch limits are set by comparing current or previous landings rates with the year's total available catch; they represent targets and not guaranteed catch levels.

There are about 500 vessels with Pacific coast groundfish limited entry permits, of which approximately 55% are trawl vessels, 40% are longline vessels, and 5% are trap vessels. Each permit is endorsed for a particular gear type and that gear endorsement cannot be changed, so the distribution of permits between gear types is fairly stable. The number of total permits will only change if multiple permits are combined to create a new permit with a longer length endorsement, or if a permit is not renewed. Limited entry permits can be sold and leased out by their owners, so the distribution of permits between the three West Coast states often shifts. At the beginning of 2000, roughly 39% of the limited entry permits were assigned to vessels making landings in California, 37% to vessels making landings in Oregon, and 23% to vessels making landings in Washington.

Limited entry fishers who use bottom trawl, longline, and pot gears target on many different species, with

the largest landings by volume (other than Pacific whiting) from these species: Dover sole, sablefish, thornyheads, widow rockfish, and yellowtail rockfish. There are 55 rockfish species managed by the Pacific coast groundfish FMP and, taken as a whole, rockfish landings represent the highest volume of non-whiting landings in the Pacific coast commercial groundfish fishery.

In addition to these mixed-species fisheries, there is a distinct mid-water trawl fishery that targets Pacific whiting (*Merluccius productus*). Pacific whiting landings are significantly higher in volume than any other Pacific coast groundfish species. In 1998, whiting accounted for approximately 66% of all Pacific coast commercial groundfish shoreside landings by weight. The Pacific whiting fleet includes catcher boats that deliver to shore-based processing plants and to at-sea processor ships, as well as catcher-processor ships. Whiting is a high volume species, but it commands a relatively low price per pound, so it accounts for only about 9% of all Pacific coast commercial groundfish shoreside landings by value. [For more specific information on distribution of groundfish catch by volume and by value see the 1999 SAFE (PFMC, October 1999.)

With the exception of the portion of Pacific whiting catch that is processed at sea, all other Pacific coast groundfish catch is processed in shore-based processing plants along the Pacific coast. By weight, 1998 commercial groundfish landings were distributed among the three states as follows: Washington, 13%; Oregon, 69%; California, 18%. By value, commercial groundfish landings are distributed among the three states as follows: Washington, 15%; Oregon, 43%; California, 41% (PFMC, October 1999.) The discrepancies between the Oregon and California portions of the landings are expected because Oregon processors handle a relatively high percent of the shore-based whiting landings. Conversely, California fishers land more of the low volume, high value species as a proportion of the total state-wide catch than Oregon fishers.

Catcher vessel owners and captains employ a variety of strategies to fill out a year of fishing. Fishers from the northern ports may fish in waters off of Alaska, as well as in the West Coast groundfish fishery. Others may change their operations throughout the year, targeting on salmon, shrimp, crab, or albacore, in addition to various high-value groundfish species, so as to spend more time in waters close to their home communities. Factory trawlers and motherships fishing for or processing Pacific whiting off of the West Coast usually also participate in the Alaska pollock seasons, allowing the vessels and crews to spend a greater percentage of the year at work on the ocean. Commercial fisheries landings for species other than groundfish vary along the length of the coast. Dungeness crab landings are particularly high in Washington state, squid, anchovies, and other coastal pelagics figure heavily in California commercial landings, with salmon, shrimp, and highly migratory species like albacore more widely distributed, and varying from year to year.

Whiting has been processed into surimi, sold in headed and gutted form, filleted, and converted to meal and oil. Other, higher quality fish like Petrale sole are dressed and rushed to fresh, local markets as quickly as possible, while most sablefish is frozen and sent to foreign markets. The quantity of groundfish caught off of the West Coast is just a small percent of the amount of groundfish caught in federal waters off Alaska, so West Coast groundfish moves through many of the same markets as Alaska groundfish, taking prices set by the northern fleet.

4.0 ANALYSIS OF THE ISSUES

4.1. Issue 1 – Definition of the regulatory term, “transfer.” For purposes of the one-transfer rule, should the Council/NMFS modify the regulations to change the definition of the term “transfer”?

4.1.1. Option 1: No Action, Status Quo. At present, a transfer is defined as any change in ownership or change in vessel registration to the permit.

Two separate acts are deemed a “transfer” for purposes of the so called “one-transfer rule.” Under the Federal groundfish regulations at Section 660.333 (f), these two acts are defined as: 1) the conveyance

(sale, assignment, lease, bequest, trade, gift, and other form of conveyance) of the permit from one person to a different person; or 2) registration of a permit with a different vessel under the same ownership. The regulations further stipulate that a permit owner is limited to one "transfer" every 12 months and that permit transfers take effect on the first day of the next cumulative limit period following the date of the transfer.

NMFS receives transfer requests that vary widely in their nature. The transfer regulations do not provide clear guidance on how various transfer requests should be considered in relation to the one transfer rule. NMFS staff have been required to interpret the intent of the regulation in considering transfer requests. Such interpretations of various transfer requests as they apply to the one transfer rule have not always been apparent to the fishing community, and in some instances have created misunderstandings and confusion.

NMFS has consistently treated any request to change vessel registration on a permit as a transfer. Changes in vessel registrations are effective in the next cumulative period and no additional transfer is allowed for the next 12 months. The current definition of a vessel registration transfer in conjunction of the one-transfer rule fulfills the intended conservation purposes initially envisioned by the Council.

A number of transfer requests involve only a change in permit ownership structure or a conveyance of the permit from one person to another without a change in vessel associated with the permit. Changes in ownership can involve the addition of a partner(s), individual owners forming a corporation, existing corporations reorganizing and changing an entity's name, or permit owners leasing to a corporation that they own. A conveyance can involve a permit and vessel being assigned in divorce or estate settlement. Those individuals who make a change in permit ownership (but no change in vessel registration) exhaust their one transfer, and limit their options for the succeeding 12 month period. Such situations can be particularly onerous for individuals and companies that undertake substantial changes in fishing strategies and ownership structure.

By contrast, a single request may involve multiple conveyances and a change in vessel registration. For example, a limited entry permit may be sold to an individual who in turn, leases it to another individual for use on the lessee's boat. NMFS has construed such requests as a single transfer for purposes of the one transfer rule. A literal interpretation of the regulations would allow for a single conveyance (sale or lease) or the registration of the vessel, but not all three. For purposes of the one transfer rule, NMFS processes a request that simultaneously adds a lessee and registers a different vessel to the permit as one transfer.

Conversely, a permit owner who requests only the addition of a lessee to the permit, but does not change the vessel registration, exhausts his/her one transfer on the conveyance to the lessee. A request to register a different vessel to the permit some time in the following 12-month period would be considered a second transfer, and would have to be rejected by NMFS.

Another variation occurs when a permit is sold to an individual but the owner does not register a vessel on the permit (vessel is shown as unidentified) at the time of the change in ownership. The change in ownership is not counted as a transfer under the one time rule. However, when the new permit owner later requests adding a vessel to the permit, NMFS then deems the registration of the vessel a transfer for purposes of the one-time rule.

In terms of administrative burden, the number of transfers in a calendar year is relatively small. The restriction of one transfer every 12 months has reduced the number of transfer requests submitted to NMFS. In 1999, NMFS processed about 60 transfer requests. By comparison, in 1996 there were about 100 transfer requests involving the sales and leases of permits. A large percentage of the 1999 requests were submitted prior to either the whiting season or the primary sablefish fishery.

A current permit must be on board the vessel in order for it to participate in the fishery. Agents routinely

request proof of identification from the permit owner or holder (lessee).

4.1.2. Option 2: Under the one transfer rule, exempt any change in permit ownership that involves conveyance of the permit to a member of the immediate family (spouse, child, sibling, parent).

Option 2 would allow permits to be conveyed between individuals within the immediate family (spouse, child, parent, sibling) more than once every 12 months or once during a calendar year. Other conveyances of a permit between non-family persons would count as a transfer under the one transfer rule. This option would support family owned operations by providing flexibility in transferring a permit from one family member to a different family member and still preserve the ability to add either a new vessel or a non-family lessee during once during the 12 month period.

The conservation benefit associated with Option 2 would remain the same as that provided by the status quo option. Restrictions on change in vessel registration would be the same as those presented in all options. While a family may choose to add family members as owners of the permit, or sell or lease the permit to a particular family member, any change in vessel would be restricted to one change per 12 months and such change would be effective in the next cumulative period.

Option 2 would not create a significantly greater administrative burden. Conveyances of permits between family members would still require the permit owner to submit changes in the owner name or lessee name to NMFS, so that the permit accurately reflects the family member as owner or lessee. The level of documentation required for such changes would be basically the same. However, NMFS may want to require proof that the individual being added to the permit is in fact an immediate family member. Such documentation could include either a self certification or copies of marriage licenses, birth certificate or other legal documentation. The Council would need to clarify specifically what constitutes an immediate family member to avoid confusion on the part of staff and permit owners.

Under this option, it is anticipated that the number of requests to add a family member as lessee or permit owner would not increase over the current level. Many permit owners have held their permits since the inception of the limited entry program and already include family members as partners. Other permit owners list the owner as a corporation which allows the family the flexibility to add and delete family members without requesting a change in permit ownership.

The enforcement burden would not change under this option.

4.1.3. Option 3: [Proposed Action] As it relates to the one transfer rule, define a transfer as occurring only when there is a change in the vessel registered to the permit, not when there is a change in permit holder/owner status

The proposed action (Option 3) would revise the "one transfer" rule such that only a change in vessel registration restriction could occur once in 12 months. Changes in vessel registrations would continue to be effective at the start of the next cumulative limit period. Conveyances of the permit (sale, lease) and changes in ownership that do not involve a change in vessel would not be limited by regulation. However, in order to keep the information on the permit current, the permit owners would still be required to report such changes to NMFS.

The proposed action would not increase harvest effort in the groundfish fishery. Under the proposed action, any change in vessel registration (adding a different vessel) would continue to be effective only at the beginning of the next cumulative limit period and prevent more than one vessel from using the same permit in a given cumulative limit period. The 12-month restriction limits opportunities to maximize fishing effort. The original restriction was intended to restrict multiple short term leases with various open access vessels during a year. The proposed action would allow the permit to have multiple owners or lessees in a year, however, the permit would be registered for use the same boat for a year at a time.

The proposed action would provide greater flexibility to the permit owners by narrowing what actions that constitute a transfer under the one transfer rule. Permit owners could change ownership structures or lessees multiple times, but the vessel on the permit could change only once in the 12- month period. For example, a permit owner might request the addition of a spouse to the permit. Under the current regulations, this request could be deemed a transfer because the permit is being conveyed to a different person. Under the proposed action, this would not constitute a "transfer" for purposes of the one transfer rule because the vessel remained the same on the permit. The permit owners would have the latitude to register a different vessel on the permit at a later time.

Another example would be if a corporation that owns a permit is sold to a new corporation and the new corporation wants to register the same vessel on the permit, this request would be deemed a transfer under the one transfer rule. The proposed action would not consider such a change as a transfer under the "one transfer" rule because the request involves only a change in the ownership entity. As such, the new permit owners preserve future options to lease the permit to a new vessel or add a new vessel to the permit.

Changes in ownership structure are commonplace in the fishing industry. Various ownership structures reflect different business arrangements or legal considerations employed by their owners. The original intent of the Council was to restrain harvest capacity that is directly tied to the number of vessels participating in the fishery. However, the same result can be achieved without the need to limit changes in ownership structures, conveyances, lease assignments as transfers when there is no change in the vessel registered to the permit.

The proposed action would not likely result in a substantive increase in the administrative or enforcement burden. Under the proposed action, NMFS would continue to require that permit owners notify the Agency of a transfer of a permit from one person to a different person. It is essential that permit owners continue to report ownership changes or the addition of lessees (with no change of vessel) for enforcement and administrative record keeping purposes. The amount of documentation required of permit owners would not change for such transactions and the time required to record such changes is relatively small. However, the proposed change in definition would eliminate current confusion where multiple changes are requested (i.e.; adding a partner, leasing to a new entity, registering the permit to a different vessel) at one time and eliminate the need to treat a simple conveyance or ownership change (with no change in vessel) as a transfer.

Sales and lease arrangements account for most transfers involving the permit. Many sales involve both permit and the registered vessel. NMFS does not anticipate a large increase in the number of sales because many key groundfish stocks are at depressed levels and recovery is expected to take some years. Permit sales typically require certain costs and actions (survey, change in Coast Guard documentation) which may serve as a disincentive to make multiple transactions in a given year. The depressed state of the fishery has limited demand for and reduced the value of permits. However, if there is a relaxation of the Individual Fishing Quota (IFQ) moratorium, there may be an increase in the sales of sablefish endorsed permits.

Any request to change ownership listing on a permit would still require that NMFS Permit staff check for possible permit sanctions and outstanding fines with enforcement and legal staff. Such checks are routine and involve a minimal amount of time. As such, agents will have current ownership/holder information to reference for enforcement purposes. Enforcement agents frequently request NMFS Permit Staff to confirm permit information.

4.2. Issue 2 –

Change the "one transfer" restriction from limiting permit owners to one transfer every 12 months to one transfer every calendar year. Should the Council/NMFS modify the current restriction limiting permit owners to make one change in vessel registration on a limited entry permit every 12 months to a restriction limiting permit owners to one change in vessel registration once every

calendar year?

4.2.1 Option 1: No Action, status quo. Presently, permit owners may transfer only once every 12 months. A transfer is effective on the first day of next cumulative limit period.

As discussed previously, in an effort to provide stability to the fishery and curtail opportunities to involve multiple vessels on a single permit, the Council limited transfers to one every 12 months. The 12 month clock starts when a transfer is effective, or the first day of the next cumulative limit period after receipt of the transfer application. NMFS routinely records all transfer effective dates and checks these dates for all transfer requests. The number of transfers requested in recent years have decreased from the level prior to the enactment of this regulation.

However, in 2000, some sablefish endorsed permit owners faced a situation where they would be have been prevented from participating in the fishery due to timing of the prior year's transfer. In August 1999, about 20 sablefish endorsed limited entry permit holders transferred their permits prior to the primary sablefish fishery. Most of these transfers involved leasing the permit. As a result, these permit owners were prohibited from transferring their permits again until August 1, 2000. The Council changed the length of cumulative limit periods in 2000 such that transfer requests made in July and August would be effective September 1, 2000 or after the August start date for the primary sablefish fishery. The Council, recognizing this problem, recommended adding a cumulative limit period starting August 1, 2000, which allowed these permit holders to make transfers effective August 1, 2000.

4.2.2. Option 2: [Proposed Action] Restrict a change in vessel registration on a limited entry permit to once every calendar year.

The proposed action (Option 2) is not expected to have negative effects on the resource, as long as the Council retains the restriction that allows transfers to be effective only at the start of the cumulative limit period. This proposed action would not change the basic restrictions in place to protect the resource from excessive harvest. Any request for a change in vessel registration would not go into effect until the next cumulative limit period. Once a vessel change had been made in the calendar year, no other vessel could be added to the permit until the next calendar year.

The proposed action would provide permit owners greater flexibility in making business decisions involving their permits. At present, a decision to transfer made in one fishing season limits business options in the succeeding fishing season. A permit owner who decides to lease a permit late in one year cannot make another such change for a number of months in the succeeding calendar year. The fishing business, like many others, is subject to a variety of changes. Some events can be anticipated and are within the control on the permit owner, while others occur spontaneously and are outside their control.

At the beginning of each calendar year, NMFS specifies fishery management measures for the groundfish fishery. Specifications of harvest levels, cumulative limit periods, trip limits, gear, and other factors figure into the considerations of a permit owner and potential buyers and lessees in making key decision regarding their business for the coming year. Currently, individuals transferring a permit in one year do not have the specifications for the coming year's fishery, and as such decisions made in one year may have adverse impacts in the subsequent year. Under the proposed action, permit owners would have key information about the specifications of the fishing season and would begin the calendar year with the flexibility to choose an optimum time to make a transfer. Clearly, the situation involving the above referenced sablefish endorsed permit owners would be ameliorated by this proposed change.

For example, a permit owner might choose to lease his/her permit for use on a different boat effective August 1, 2000. In developing the specifications for the 2001, the Council may decide change the length of cumulative limit periods from 2 month to 3 month intervals. For many individuals this may impact their business and fishing strategies. Under the proposed action, the permit owner who last leased his/her

permit effective August 1, 2000 would be able to take into the consideration the changes for the upcoming fishing season and choose when a subsequent transfer would be appropriate. The permit owner would still be constrained however, to one change during the calendar year.

From an administrative perspective, both NMFS and the industry would benefit somewhat by the proposed action. The status quo option and proposed action would require that NMFS continue to record the effective date of the transfer and check any transfer request to ensure that the applicant has not transferred more than once during the allotted period. The practical effect of the proposed action is that the permit owner would not need to refer to records or contact NMFS to confirm the effective date of the last transfer in order to calculate the timing of the next transfer request.

4.2.3 Option 3: No restriction on the number of transfers in a 12-month period. A transfer is effective on the first day of next cumulative limit period.

Option 3 would remove the restriction of one transfer every 12 months but would maintain the restriction that a requested transfer would not be effective until the next cumulative limit period. This option would be more liberal than either the status quo option or proposed action. Efforts to conserve the resource would be adversely affected by this option because it would negate most of the effort constraining effects of the Council's initial action. Multiple vessels could use a single permit during a 12 month period, but only one vessel could use the permit during a single cumulative limit period. The Council intended in its original restriction of permit transfers that minimal number of vessels participate in the fishery in a one year period. The 12-month restriction was specifically targeted to reduce effort when a vessel may have "down time" and to bring some stability to the fishery. It was anticipated that allowing multiple vessels use a single permit would maximize catch effort and contribute to increased discards.

Similarly, this option is contrary to the Council's Groundfish Strategic Plan. In the Plan, the Council states clearly that reducing overcapacity in the fishery is imperative in order to reduce overfishing, minimizing bycatch and improving economic condition of the groundfish industry. The limited entry program restrictions were a starting point in reducing overcapacity. To eliminate the transfer restriction in a 12 month period would seriously undercut attempts to limit harvest effort.

Further, Option 3 would increase the number of vessel transfers requested and might also increase the administrative burden on NMFS. If cumulative limit periods were at two month intervals, it is possible for six different vessels to operate on a single permit in a year. While it is unlikely that a large number of permit owners would lease or sell a permit in one year, certainly some increase could be anticipated. A repeal of the 12 month restriction would allow open access fishers an opportunity to participate more frequently in the limited entry fishery.

Option 3 would provide a broader latitude to permit owners to benefit from their permit. Prices for certain species may be such that a large number of individuals would seek opportunity to fish in a lease arrangement. Additionally, some individuals who participate in other fisheries, could lease their permit more freely than they are allowed under current regulation and as such, present an opportunity to gain some revenue from the limited entry permit while they fish for other than groundfish species.

From an enforcement perspective there may be some potential complications. If numerous vessels use a single permit during a 12-month, some may be participating in a more transitory basis. Because these participants are involved in the limited entry fishery on short term basis, they may seek to maximize their catch and in doing so exceed catch limits. Enforcement would need to increase efforts to curtail such activities.

4.3 Issue 3 – Clarify and streamline existing permit regulations [housekeeping measure]: This action would update current permit regulations. Also, it would include adding new language that outlines what documents are required in a permit transfer application and clarify when an application must be submitted to assure timely reissuance of the permit.

4.3.1 Option 1: No action, status quo. Current regulations do not provide guidance on when to apply for a vessel change to participate in the desired cumulative limit period and what documentation must be provided to NMFS.

The current permit regulations reflect many of the original qualification requirements for the limited entry program. Since 1994, the program has evolved to a point where certain regulations are no longer relevant. Specifically, permit transfer provisions have been presented in two subsections to address the needs of permit endorsements that no longer exist ("B", Designated "B" and Provisional "A"; removed by Amendment 13). Further, provisions for issuance of sablefish endorsements are given in the regulations even though the deadline date has passed. The present regulations do not provide a current and clear reflection of requirements for both NMFS staff and the public.

Also, the current regulations do not specify when an application for transfer should be submitted to NMFS to ensure timely action or what documents are required in a complete transfer application. In many instances, transfer applications are submitted either just before the desired cumulative limit period. In a few cases, applications were received either on or shortly after the first day of the cumulative limit period. Frequently permit owners are using their permit late into a current cumulative period and then submitting their transfer application a few days prior to the next cumulative limit period. Some permit owners have been under the impression that NMFS can reissue a permit immediately. Late applicants have requested that staff provide verbal approval to fish until such time NMFS staff can reissue the permit, which cannot be done.

Further compounding this problem is that a number of transfer applications received by NMFS are incomplete. In these situations, staff is required to contact the permit owner and obtain a completed form and/or missing documents. In 1999, about 50% of the transfer applications were incomplete. The time required to obtain these documents frequently results in substantive delays in reissuing the permit to the permit owner and causes frustration for both NMFS staff and the applicant. In all of these cases, the permits were issued after the start of the cumulative limit period, and only when complete documentation was received.

NMFS currently provides a transfer application that indicates what additional documents are required to make a transfer. Specifically, for a change in vessel registration, a permit owner must provide a completed transfer form, including the notarized signature of the owner; return of the existing limited entry permit; a copy of the new USCG Form 1270, Certificate of Documentation, indicating proof of vessel ownership; and a marine survey, conducted by a professional surveyor in accordance with USCG regulations indicating the length overall. If the owner is a corporation, a corporate resolution must be submitted indicating that the person signing the document is authorized to request this change on behalf of the corporation.

NMFS requires some minimum time to review and process transfer applications. Staff routinely checks with enforcement and legal personnel for outstanding fines and sanctions associated with either the permit owner and/or vessel listed in each transfer request. The USCG Form 1270 is checked for proof of ownership and to ensure that the limited entry permit and Certificate of Documentation are consistent. If a new vessel will be registered to the permit, staff reviews the length overall (LOA) given on the marine survey to ensure it is consistent with the LOA endorsement provisions. Also, the office workload varies during the year and a particular transfer may not be able to be reviewed on a same day basis. Without clear regulatory policy on transfers, these delays become problematic for permit owners.

4.3.2 Option 2: [Proposed Action] Provide in regulation those items required in a complete application for a change in vessel registration and indicate that complete documentation should be submitted at least 5 working days prior to the first day of the cumulative limit period, in which the fisher wishes to participate. At a minimum, a permit owner who desires a transfer to be effective

during the next cumulative limit period, would be required to submit a signed transfer application form and their existing permit prior to the first day of the desired cumulative limit period. The owner may subsequently submit the remaining documentation after the start of the cumulative start date. The reissued permit will be effective on the date it is issued.

Two areas the proposed action would address are: what is required in a complete transfer application, and the timing of such a request. The proposed action would require a permit owner to provide a signed transfer application and the existing permit prior to the first day of the desired cumulative limit period. Failure to provide both the signed transfer application and existing permit by this deadline would mean forgoing fishing in that particular cumulative limit period. Additional documentation needed to complete the transfer could be submitted after the start date of the cumulative limit period, but the permit transfer would be effective on the day it is approved.

For example, permit owner A submits both transfer application and existing permit on October 31 in hopes of having the transfer effective November 1. However, missing from the application are other required documentation (USCG 1270, etc.). Subsequently, the permit owner provides all additional documentation on November 10. NMFS reviews and approves the transfer on November 13 and the permit will reflect an effective date of November 13. Conversely, permit owner B submits a transfer application and existing permit on November 1 and wants the permit to be effective in the cumulative limit period starting November 1. In this situation, NMFS would not reissue the permit effective November 1 because the application and permit were not received by October 31. The transfer would be made effective January 1 or the next cumulative limit period.

This proposed action would have no effect on the conservation of the resource or impact the current transfer restrictions. Requiring individuals to provide a transfer application and existing permit prior to the desired cumulative limit period ensures that requesting permit owner cannot continue to fish into next cumulative limit period and then have another vessel fish on the reissued permit during the same cumulative limit period. Although the current regulations are clear that transferred permits will be effective at the start of the next cumulative limit period, they do not specifically reference a deadline for submitting a transfer application. In some rare instances, we have had applications arrive on or just after the desired cumulative limit period with a request to make it effective immediately. This proposed language would more clearly establish the requirement.

The proposed action is intended to reduce the administrative burden for both the fishing public and NMFS staff. The proposed change would clarify what is required in a complete application to change vessel registration on a limited entry permit. Although the application package currently outlines what is required for a transfer, these standards are not set in regulation. NMFS staff encounters a few situations each year where permit owners ask for either a verbal approval of their transfer application or immediate approval reissuance of permit. The proposed language would reinforce the requirement for complete documentation to make a formal change to the permit.

The absence of specific guidelines can create misunderstandings and can require a large amount of staff time to resolve. Even if the proposed action is implemented, it is acknowledged that a few permit owners may not familiarize themselves with the requirements prior to making an application. Staff time will be required to follow up with such applicants to get the missing documents. However, the regulation will provide a basis to avoid future misunderstandings and provide clear guidance on delinquent submissions.

The proposed action may provide some benefit to enforcement efforts. Current regulations are clear that a valid permit must be registered to the vessel operating in fishing operations and the original permit must be on board the vessel. The fisher has a number of reasons to start fishing on the first day of the cumulative limit period (weather considerations, maximizing number of days at sea, schedule conflicts). The proposed language will further emphasize the importance that permit owners anticipate the need for change in vessel registration and submit a vessel registration application in advance of the desired

cumulative limit period.

4.3.3 Option 3: Require permit owners to submit all documentation required by NMFS prior to the desired effective date (cumulative limit period).

Option 3 would require a permit owner seeking to change vessel registration to continue to submit a complete application, including all supporting documents prior to the first day of the desired cumulative limit period. Failure to provide a complete application with all supporting documents would preclude the applicant from participating in the upcoming cumulative limit period. This is the most restrictive of the options presented and would create a hardship for those individuals who are unable to conclude business transactions prior to the cumulative limit period. For a variety of reasons, the details required to conclude the sale or lease of a permit can take more time than expected. In many cases, permit owners and permit buyers/lessees will be motivated to obtain the reissued permit prior to the cumulative limit period to maximize fishing opportunities. With catch limits already severely reduced, this proposed measure would preclude any opportunity to catch fish during some part of the cumulative limit period. The opportunity to realize some catch and revenues in a partial cumulative limit period may be crucial to the viability of some fishing operations.

Option 3 would provide some minor advantages in terms of administrative burden. Some permit owners might respond to the possibility of not participating in a desired cumulative limit period by ensuring their initial application is complete. This would reduce the amount of time required by NMFS staff to follow up with permit owners. Permit owners might submit applications earlier, so if the documentation was incomplete or missing, adequate time would be available to supplement the request.

5.0 GOALS AND OBJECTIVES OF THE FMP

The limited entry program and the restrictions limiting permit transfers supports the Council's management Goal 1 of the FMP to "prevent overfishing by managing for appropriate harvest levels and prevent any net loss of habitat of living marine resources." Since the inception of the limited entry permit program, the number of permits has been reduced from approximately 640 to 499 in 2000. Despite these reductions in permits, the fishery is still overcapitalized and in need of further capacity reduction, as acknowledged in the recent Groundfish Strategic Plan.

The proposed actions recommended for each of the three issues does not change the fundamental restriction that requires a permit transfer to be effective on the first day of the next cumulative period. This restriction directs that only one vessel shall fish the permit in a given cumulative period. Additionally, the current restriction limiting transfers to once every 12 months would be altered only slightly under the proposed action to one transfer in a calendar year. The proposed action for this issue continues to provide an interval between transfers to limit harvest capacity, while still introducing new flexibility for permit owners.

Generally, the proposed actions for each of the issues outlined above attempts to provide greater flexibility to the permit owner and serves to make the regulations less onerous for fishers and Agency staff. These actions support two of the social factors, Objective 15: "When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and environment" and Objective 16: "Avoid unnecessary adverse impacts on small entities."

Narrowing the definition of the term "transfer" to mean any change in vessel registration to a different vessel will provide greater flexibility to the permit owner and clarify the use of the term. At present, some individuals may experience adverse impacts on their operations when they change their ownership or lease arrangements on their permit. Such a change exhausts their one transfer and limits their ability to make other changes (i.e.; leasing the permit to another individual for use on the lessee's vessel; adding a

newly constructed vessel, buying another vessel) in the succeeding 12 months. Given the highly dynamic conditions in the fishery and the wide variation in business relations, there is a need to afford permit owners this flexibility in conducting their operations. Changes in ownership or leasing arrangements that do not involve a change in vessel have little or no impact on the conservation of the resource. While individuals will still need to provide NMFS with ownership/lease changes, it will not preclude a subsequent transfer involving a change in vessel registration.

Similarly, the proposed change from a one transfer every 12 months to once every calendar year provides the permit owner with the flexibility to start each calendar year with the ability to make one transfer request and to plan in a way that best supports his/her operation. This change would eliminate the situation faced by certain sablefish endorsed permit owners in 2000 who had made decisions to lease their permit in one year only to find themselves precluded from making a change in subsequent year's fishery. The current regulations would continue to pose complications that are potentially disruptive to a portion of the fleet. The proposed action allows for the original intent of the 12 month limitation to be achieved but reduces the impact on business operations of individual fishers.

Revisions to permit regulations attempt to provide greater clarity on the process for requesting a transfer and more generally, update and streamline these provisions. Current permit regulations do not provide specific guidance on submission of transfer requests. The proposed action would add language that details what is required in a complete transfer application and clarify the need to submit applications in a timely manner. These revisions would hopefully reduce instances of reissuing permits after the start of a cumulative limit period and thus allow the permit holder the maximum opportunity to fish during the cumulative limit period.

6.0 POTENTIAL EFFECTS ON OTHER COUNCIL ACTION

This action is strongly linked to several other issues that are currently under Council consideration. At its November 2000 meeting, the Council will consider whether to allow limited entry permit holders with sablefish endorsements to stack multiple permits on a single vessel. This action would give permit holders wishing to stack permits a better opportunity to do so in advance of the 2001 primary sablefish season. Also in November, the Council will consider 2001 management measures. Some of the Council's options for 2001 call for either closed seasons or for concentrating fishing opportunity for particular species in limited seasons. These more restrictive scenarios are needed to protect overfished and depleted stocks, but this action could provide permit holders flexibility in preparing for their desired fishing seasons.

7.0 SUMMARY OF ENVIRONMENTAL IMPACTS AND OTHER APPLICABLE LAW

An EA is required by the National Environmental Policy Act (NEPA) to determine whether the action considered will result in significant impact on the human environment. If the action is determined not to be significant based on an analysis of relevant considerations, the EA and resulting finding of no significant impact would be the final environmental documents required by NEPA. An environmental impact statement (EIS) need only be prepared for major federal actions significantly affecting the human environment. An EA must include a brief discussion of the need for the proposal, the alternatives considered, a list of document preparers, and the impacts of the alternatives on the human environment. The purpose and need for the proposed action was discussed in section 1.0 of this document, the management alternatives and the potential environmental and socio-economic effects of those alternatives were discussed in section 4.0, and the list of preparers is provided in section 8.0. In addition to testing a proposed action for compatibility with the laws discussed below, determining whether a proposed action will have a significant impact on the human environment requires testing against the following factors:

Table 2: NEPA Tests of Significance

| "Significant" Impact Factor | Proposed Actions |
|--|---|
| Beneficial and adverse effects of action | Expected beneficial and adverse effects of the proposed actions are discussed above in section 4.0. In general, this action would provide increased business flexibility for limited entry fleet participants without negatively affecting the environment. |
| Degree to which public health or safety is affected? | Proposed actions are not expected to adversely affect public health or safety. |
| Effects on unique characteristics of area? | Proposed actions are not expected to adversely affect unique characteristics of the managed area, such as historic or cultural resources, park lands, wetlands, or ecologically critical areas. |
| Degree to which effects are likely to be controversial? | This action and its effects are not expected to be controversial. |
| Degree to which effects are highly uncertain or involve unknown risks? | This action is not expected to have significant effects on the environment that are highly uncertain or involve unknown risks. |
| Establishment of a precedent for future actions? | This action is not expected to establish precedents for future actions, or otherwise constrain future actions. |
| Individually insignificant but cumulatively significant impacts of action? | This action is not expected to have cumulatively significant adverse effects on the fishery or other related resource. |
| Adverse effects on historic, scientific or cultural resources? | No significant effects on historic, scientific, or cultural resources. |
| Degree to which endangered or threatened species or their habitat is affected? | No change in degree to which endangered or threatened species or their habitats are affected. See discussion below under Endangered Species Act. |
| Violation of a Federal, State, or local law for environmental protection? | This action is not expected to violate Federal, State, or local laws or requirements imposed for environmental protection. |

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)

On the whole, the proposed action is intended to provide business flexibility and regulatory clarity for the limited entry fleet. The proposed action is not expected to have any effect on the environment, so many of the standards of the Magnuson-Stevens Act would not apply to this action. However, the Magnuson-Stevens Act does provide guidance to ensure that fishery regulations are not unnecessarily complex.

National Standard 6 reads, "Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches." This action is intended in part to allow permit holders some flexibility in using their permits, so that they can better plan for their participation in various fisheries throughout the year. West Coast groundfish management is becoming increasingly restrictive to provide better protection for overfished and depleted stocks. Fishers are subject to ever-decreasing landing limits for groundfish and must carefully plan their participation in groundfish and other fisheries to maximize their income opportunities. The proposed action would ensure that permit holders are able to begin each fishing year with an opportunity to move their permits between

vessels, providing them with a better ability to account for variations among and contingencies in the fisheries.

National Standard 7 reads, "Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication." As discussed under National Standard 6, this action will improve the ability of permit holders to maximize their income opportunities without negatively affecting the resource. This increased flexibility is expected to minimize costs for permit holders by allowing them to better plan how to use their permits under an increasingly uncertain management regime.

Essential Fish Habitat (EFH) The Magnuson-Stevens Act requires that "each Federal agency shall consult with the Secretary of Commerce with respect to any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act." EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." EFH for Pacific coast groundfish is further defined in Amendment 11 as "the entire EEZ and marine coastal waters inshore of the EEZ." NMFS guidelines (62 FR 66553, December 19, 1997) state that "adverse effects from fishing may include physical, chemical, or biological alternations of the substrate, and loss of, or injury to, benthic organisms, prey species and their habitat, and other components of the ecosystem. . ." Because the action is not expected to change fishing behavior from the existing circumstances, no adverse effects on EFH are expected.

Executive Orders 12866 and 13132

The proposed action would not be a significant action according to E.O. 12866. This action will not have a cumulative effect on the economy of \$100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

None of the proposed changes to the FMP would have federalism implications subject to E.O. 13132.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires government agencies to assess the effects that various regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. A fish-harvesting business is considered a "small" business by the Small Business Administration (SBA) if it has annual receipts not in excess of \$3.0 million. It is the limited entry fleet that would be affected by this action, and almost all limited entry permit holders are considered small businesses under SBA standards. Overall, this is a minor action that increases business flexibility for limited entry permit holders. This action is not expected to have any negative effect, and would positively benefit limited entry permit holders by: allowing them the flexibility to plan permit transfers in accordance with changes in seasonal management; improving the clarity and usability of limited entry permit regulations; and improving their flexibility in making small changes and corrections in permit ownership documentation.

Paperwork Reduction Act (PRA)

There is no collection of information requirement subject at the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Endangered Species Act

NMFS issued Biological Opinions under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999, pertaining to the effects of the groundfish fishery on Sacramento River winter chinook, Snake River fall chinook, Snake River

spring/summer chinook, Central Valley spring chinook, California coastal chinook, Puget Sound chinook, lower Columbia River chinook, upper Willamette River chinook, Upper Columbia River Spring chinook, Hood Canal summer run chum, Columbia River Chum, Central California coastal coho, Oregon coastal coho, Snake River sockeye, Ozette Lake sockeye, southern California steelhead, south-central California steelhead, central California coast steelhead, upper Columbia River steelhead, Snake River Basin steelhead, lower Columbia River steelhead, California Central Valley steelhead, upper Willamette River steelhead, middle Columbia River steelhead, Umpqua river cutthroat trout, and the southwest Washington/ Columbia cutthroat trout. The opinions concluded that implementation of the FMP for the Pacific Coast Groundfish Fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This action would not have no effects that fall outside of the scope of effects considered in these Biological Opinions; therefore, additional consultations on these species are not required for this action.

Marine Mammal Protection Act (MMPA)

Section 118 of the MMPA requires that NMFS publish, at least annually, a list of fisheries placing all U.S. commercial fisheries into one of three categories describing the level of incidental serious injury and mortality of marine mammals in each fishery. Definitions of the fishery classification criteria for Categories I, II, and III fisheries are found in the implementing regulations for section 118 of the MMPA (50 CFR part 229.) Pacific Coast groundfish fisheries are considered Category III fisheries, where the annual mortality and serious injury of a stock by the fishery is less than or equal to 1 percent of the PBR level.

Under the MMPA, marine mammals whose abundance falls below the optimum sustainable population level (usually regarded as 60% of carrying capacity or maximum population size) can be listed as "depleted". Populations listed as threatened or endangered under the ESA are automatically depleted under the terms of the MMPA. Currently the Stellar sea lion population off Washington, Oregon, and California is listed as threatened under the ESA and the fur seal population is listed as depleted under the MMPA. Incidental takes of these species in the Pacific coast fisheries are well under their annual Potential Biological Removal (PBR) levels. This action would not affect the incidental mortality levels of species protected under the MMPA.

Coastal Zone Management Act

All of the adopted alternatives for each of the issues are consistent to the maximum extent practicable with applicable State coastal zone management programs. NMFS will correspond with the responsible state agencies under Section 307 of the Coastal Zone Management Act to obtain their concurrence in this finding.

8.0 LIST OF PREPARERS

This EAVRIR was prepared by or received contribution from the following:

Mr. Kevin Ford National Marine Fisheries Service
Ms. Yvonne deReynier National Marine Fisheries Service

9.0 FINDING OF NO SIGNIFICANT IMPACT

This preferred alternatives for action would: 1) modify the regulatory definition of the term "transfer" to include only changes in the vessel registered to the permit under the restriction of a once-per-year transfer; 2) revise the once-per-year transfer restriction to once per calendar year, rather than once every 12 months; and 3) clarify and update regulatory requirements for submitting a request to NMFS to transfer a limited entry permit. The Council has initially determined that the proposed alternative would not

Penelope Dalton Date
Assistant Administrator for Fisheries, NOAA

10.0 REFERENCES

NMFS, 1998 (includes 1999 updates to maps.) "Essential Fish Habitat West Coast Groundfish Appendix." <http://www.nwr.noaa.gov/1sustfsh/efhappendix/page1.html>

PFMC, December 1999. "Environmental Assessment/Regulatory Impact review for Proposed 2000 Groundfish Acceptable Biological Catch and Optimum Yield Specifications for the Pacific Coast Groundfish Fishery."

PFMC, October 1999. "Status of the Pacific Coast Groundfish Fishery through 1999 and Recommended Acceptable Biological Catches for 2000: Stock Assessment and Fishery Evaluation."

PFMC, October 1996. "Environmental Assessment/Regulatory Impact Review for a Proposed Amendment to the West Coast Groundfish Regulations to Limit Frequency of Limited Entry Permit Transfers

GROUND FISH ADVISORY SUBPANEL COMMENTS ON
PERMIT TRANSFER REGULATORY AMENDMENT

The Groundfish Advisory Subpanel (GAP) received a presentation from NMFS staff on options for transferring limited entry permits and streamlining existing regulatory language. The GAP supports the options identified by NMFS as preferred options and wishes to congratulate NMFS staff for their efforts to clean up existing regulations.

PFMC
11/01/00

STATUS OF FISHERIES AND INSEASON ADJUSTMENTS

Situation: The Council will consider whether additional adjustments to trip limits are appropriate for the remainder of 2000. When the Groundfish Management Team (GMT) reviewed landings data at its early October meeting, it appeared unlikely that further adjustments would be necessary. The GMT will discuss its final projections with the Groundfish Advisory Subpanel October 30-31. If the Council recommends any changes, they would probably not take effect until December.

Council Action:

- 1. Consider adjustments to trip limits or other routine measures.**

Reference Materials:

None.

PFMC
10/17/00

IMMEDIATE RELEASE October 23, 2000

CONTACT: Robert Treanor Fish and Game Commission (916) 653-4899
 L.B. Boydstun, Marine Region, (916) 653-6281

Fish and Game Commission Adopts Emergency Closure for Lingcod in Ocean Waters

SAN DIEGO - Responding to concerns that the harvest of a popular West Coast favorite will exceed its allowable catch for 2000, the California Fish and Game Commission took emergency action to close all ocean-based fishing for lingcod statewide during the final two months of the year. The National Marine Fisheries Service (NMFS) has indicated they will compliment the state action by restricting fishing for lingcod from three to 200 miles offshore.

Lingcod has been declared "overfished" by the NMFS and a rebuilding plan has been developed by the Pacific Fishery Management Council (PFMC). Fishing for lingcod was closed this year in Southern California during January and February and in central California during March and April to protect this highly prized bottom fish species, which grow to over 30 pounds in weight. Restrictions have been applied to fisheries from Cape Flattery in northern Washington, to the California/Mexico border with the aim of recovering the population to a maximum level of sustainable harvest.

The emergency regulation goes into effect as soon as it is reviewed by the Office of Administrative Law and filed with the Secretary of State. The process normally takes 10 days. The regulation will remain in effect only through December, however. After this, new regulations aimed at protecting lingcod and other important marine bottom feeding species are expected to be in place.

In a related matter, the Commission decided against closing fishing for rockfish in Southern California during the same period as the lingcod closure.

The projected overage in catch of bocaccio rockfish - the object of the rockfish closure - was not so compelling as it was for lingcod, according to Robert Treanor, the Commission's Executive Director. For bocaccio, the final harvest could easily be less than projected if anglers continued to concentrate on other marine finfish species during the final months of the year. For lingcod, the harvest would still be over the target if catches are even half the DFG prediction, said Treanor.

Both closure recommendations were made by the Department of Fish and Game (DFG) and follow multi-year rebuilding plans that have been developed for lingcod and bocaccio rockfish by PFMC, said LB Boydstun of the DFG's Intergovernmental Affairs Office. Boydstun estimated optimum yield for both species will be exceeded before the end of the year based on recent years' landing patterns, and places both species at less than 10 percent of their unfished population levels.

This is a very critical time for both species and we need to get started on the right foot in our efforts to restore the populations to healthy levels, Boydstun said.

The Commission's decision to close the lingcod fishery is expected to have a minor economic impact on the state's ocean recreational fishery because lingcod are usually caught when fishing for rockfish, and are only occasionally the object of individual fishing trips. The proposed rockfish closure would have been more severe, said Boydstun.

The Commission's action on Oct. 20 was not its first effort to help restore numbers to the failing fisheries. In addition to two-month closure periods for both species in the southern and central portions of the state, the Commission also lowered the number of rockfish and lingcod individual anglers and divers may catch and keep each day and increased the minimum size limit for lingcod. The decision followed a similar action in November 1999 by the PFMC, which includes representatives from Washington, Oregon, California, Idaho, the Coastal Tribes and the NMFS. The reductions were in response to state and federal fisheries scientists'

concerns for the overall health of lingcod and rockfish stocks and the continued declines in West Coast population numbers.

In 1999, assessments of bocaccio off California and lingcod off Washington, Oregon, and California determined that the stocks in those waters had declined by more than 90 percent from their unfished population levels. The declines occurred during the past two decades and have resulted in major fishery reductions in the affected areas, both recreational and commercial.

C.11

Pacific Whiting Conservation Cooperative

4039 21st Ave W., Suite 400
Seattle, Wa. 98199

November 02, 2000

Mr. Jim Lone, Chairman
Pacific Fisheries Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Re: Inseason Adjustments, Agenda item C.11

Dear Mr. Lone:

I am writing on behalf of the Pacific Whiting Conservation Cooperative to comment about a unique situation in this year's Pacific whiting fishery. For the first time in many years, the fishery caught more than 11,000 chinook salmon, obligating NMFS to reinstate consultation on the groundfish biological opinion. A few weeks ago, the Makah Tribe released 10,000 MT of unharvested whiting quota, for reallocation to the non-tribal fishery sectors, and there is a possibility that another 15,000 MT of whiting could also become available for harvest by the non-tribal fishery before the end of this year. But because the 11,000 chinook level had been reached, NMFS was not able to reallocate the Makah quota.

As a sector, the catcher-processor chinook salmon bycatch rate this year is .028 chinook/metric ton of whiting harvested, almost one-half of the recommended industry guideline of .05 chinook/MT. But even more remarkable than this is what has occurred over the last four months. Only one catcher-processor, the American Dynasty, has been fishing since July and in four months has harvested over 16,000 MT of Pacific whiting, 0 chinook salmon, 0 yellowtail rockfish, and 1.6 MT of widow rockfish (a rate of .0001 MT widow/MT whiting) which is a fraction of the overall fishery rate. These bycatch amounts are most likely the lowest levels of bycatch ever recorded in the long history of the whiting fishery.

Under these current conditions, the risk of additional chinook salmon (or rockfish) bycatch is minimal at best but NMFS is not able to allow continued harvesting. We have even proposed to NMFS that when one additional chinook is reported by any of the whiting fishery sectors, fishing for that sector is prohibited for the balance of this year. Apparently even these protections are not sufficient to allow the fishery to continue.

To shut down a fishery this clean is an astonishing contradiction of fundamental fishery management policies to encourage responsible fishing. It is hard to believe that there is no way to allow this type of fishing to continue, and instead, in essence penalize fishermen when they should be encouraged and rewarded. The impact of closing the whiting fishery before the 2000 total ABC is reached will total in the millions of dollars in lost revenues.

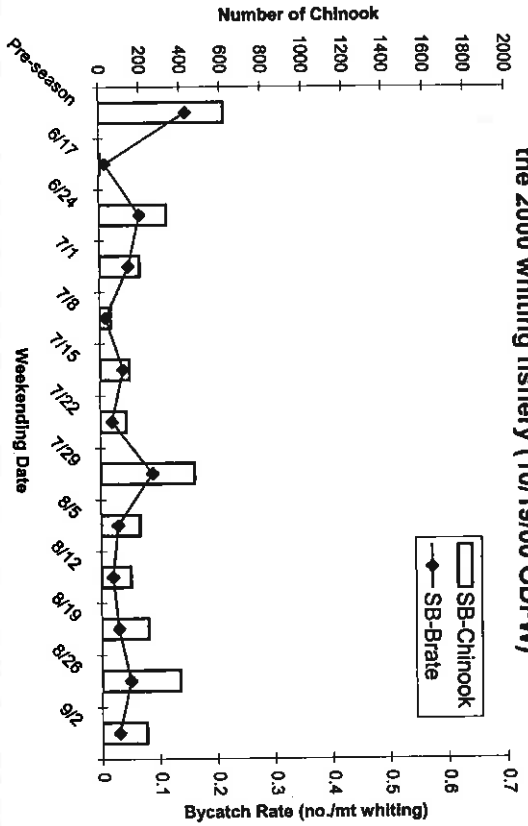
It should be a high priority of NMFS, the whiting fishing industry, and the Council to ensure that a situation such as this does not occur next year.

Sincerely,

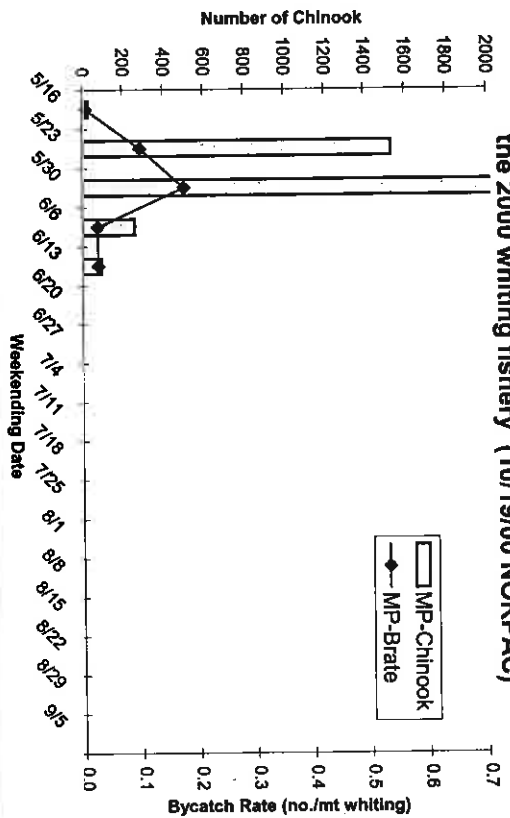


Jan Jacobs

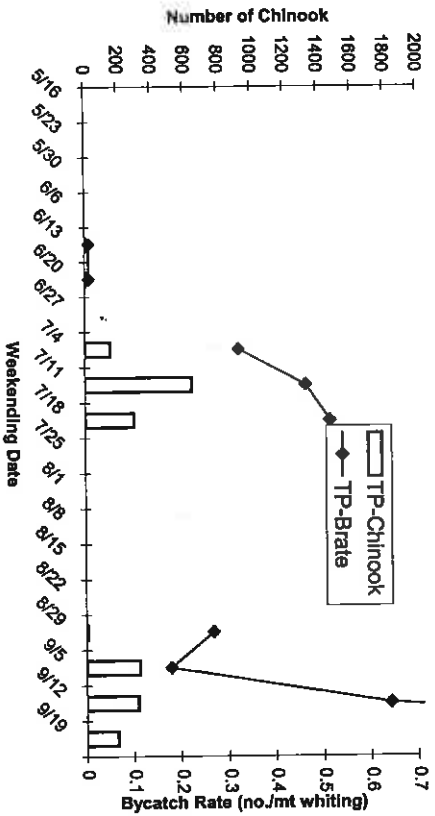
Chinook salmon bycatch in the shore-based sector of the 2000 whiting fishery (10/19/00 ODFW)



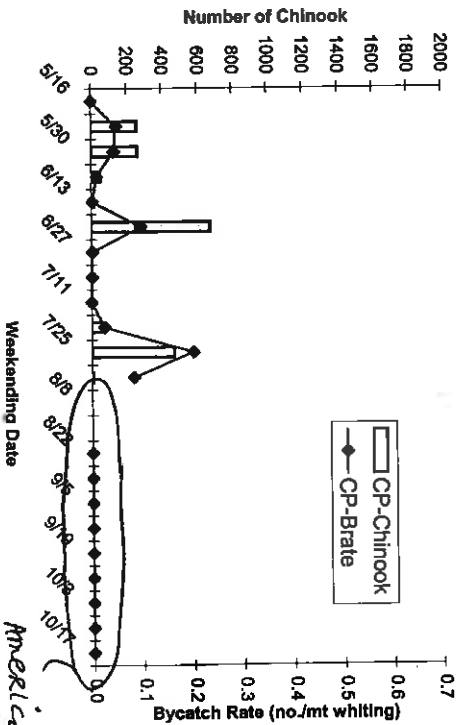
Chinook salmon bycatch in the mothership sector of the 2000 whiting fishery (10/19/00 NORPAC)



Chinook salmon bycatch in the tribal sector of the 2000 whiting fishery (10/19/00 NORPAC)



Chinook salmon bycatch in the catcher/processor sector of the 2000 whiting fishery (10/19/00 NORPAC)



2000 PACIFIC WHITING FISHERY
ALL SECTORS

TABLE 1 - Comparison of Catches of Yellowtail Rockfish, Widow rockfish, Salmon, Halibut and Miscellaneous Groundfish in the Pacific Whiting Fishery, through October 19, 2000.

| SPECIES | MOTHERSHIPS PROCESSORS | | | | | | CATCHER/
PROCESSORS | | SHORE-BASED
PROCESSORS | | TOTAL
WOC | |
|--|-----------------------------|-------|---------------------------------|-------|----------------------------|-------|------------------------|-------|---------------------------|-------|--------------|-------|
| | TRIBAL
MOTHERSHIPS
mt | Rate | NON-TRIBAL
MOTHERSHIPS
mt | Rate | ALL *
MOTHERSHIPS
mt | Rate | | | | | | |
| Whiting Allocation | 32,500 | | 47,900 | | 80,400 | | 67,800 | | 83,800 | | 232,000 | |
| WHITING | 6,251 | | 46,840 | | 53,091 | | 63,871 | | 85,565 | | 202,527 | |
| Yellowtail Rockfish | 100 | 0.016 | 286 | 0.006 | 386 | 0.007 | 270 | 0.004 | | | | |
| Widow Rockfish | 10 | 0.002 | 151 | 0.003 | 161 | 0.003 | 69 | 0.001 | | | | |
| All other
groundfish | 66 | | 102 | | 168 | | 193 | | | | | |
| TOTAL GROUNDFISH | 6,427 | | 47,379 | | 53,806 | | 64,403 | | | | | |
| Percent over/under
Whiting Allocation | -80.8% | | -2.2% | | -34.0% | | -5.8% | | 2.1% | | -12.7% | |
| | | | | | | | | | | | | |
| | Number | Rate | Number | Rate | Number | Rate | Number | Rate | Number | Rate | Number | Rate |
| Chinook | 1,947 | 0.311 | 4,421 | 0.094 | 6,368 | 0.120 | 1,828 | 0.029 | 3,320 | 0.039 | 11,516 | 0.057 |
| Non-Chinook (including
salmon unidentified) | 0 | | 27 | | 27 | | 88 | | 24 | | 139 | |
| Total Salmon | 1,947 | | 4,448 | | 6,395 | | 1,916 | | 3,344 | | 11,655 | |

Data sources: Catcher/processor and motherhip data is total catch data (retained plus discard) from Alaska Fisheries Science Center Observer Program.
Shore-based data from Oregon Department of Fish and Wildlife.
* Sum of tribal and non-tribal data.