Exhibit C.1
Public Comment
June 2001

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Northwest Fisheries Science Center
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May 18, 2001

Dear West Coast Fishing Community:

An observer program to improve management of groundfish has been discussed in the west coast fisheries community for many years. A primary goal of this program is to improve the estimates of total catch, mainly through the collection of information on discarded catch which will complement current shoreside information on landed catch. Over the past year, NMFS has been working closely with the Pacific States Marine Fisheries Commission (PSFMC) and state fishery agencies to complete the design for this program. In 2001, the NMFS budget was increased to support about 20 at-sea observers and limited program infrastructure. The federal observer regulations to establish this mandatory program went into effect on May 24 **and the program will begin this summer**. The selection process is beginning, and vessels that are selected to carry observers in the first two-month period will be notified soon.

We want to make the fishing community's participation in the observer program as smooth and productive as possible. In order to do so, we will be providing you information on the program via mailings, public meetings, and our web site. In this mailing we are enclosing: Additional Information about the Observer Program; the Federal Observer Regulations; the Federal Safety Regulations; and Dates and Locations of Public Workshops

The enclosed schedule for the public workshops that we will be holding at several ports in Washington, Oregon and California in early June will be of special interest to you. This will be your opportunity to meet members of the observer "team" and ask any questions that you may have about the program. If you are unable to attend the meetings or for updates on the program - visit the link to the West Coast observer program at the NWFSC web site at www.nwfsc.noaa.gov. You also can contact the observer program at (206) 860-3381 (in the near future a 1-800 number will be provided) or send questions to us at our observer email address: nwfsc.observerprogram@noaa.gov. We look forward to hearing from you.

Sincerely,

Elizabeth Clarke, Ph.D.
Director,
Fishery Resource Analysis and Monitoring Division

Additional Information About the Observer Program

Background

Discarded catch occurs for a variety of reasons including size, unmarketable species, prohibited species, and fishery management regulations. For 20 years, the fishery has had regulatory catch limits to slow the pace of landed catch and obtain year-round fishing, processing and marketing opportunities. A result of these trip limits is discarded catch. Accurate information on landed catch and catch that is discarded at sea is necessary to assure accuracy in quota management, stock assessments, and allocations among fishing groups. This observer program is designed to obtain this needed information on the total catch in the west coast groundfish fishery.

What are observers?

Fisheries observers are trained professionals who monitor and record catch data from commercial fishing vessels and processing facilities. The observers may collect data on species composition of the catch, weights and disposition of fish caught, seabird sightings and marine mammal interactions. Observers also collect biological data such as fish lengths, weights and aging structures.

Observer Program Structure

The West Coast groundfish program will have a core NMFS and PSMFC staff in Seattle to manage the program, train the observers, and process the data. In each state, there will be a NMFS field coordinator for the observers and a state liaison to coordinate with their port samplers regarding shoreside fishery data collection. The observer contractor will provide insurance coverage for the observers that is separate from the vessel's own liability insurance coverage. The program will be able to deploy approximately 20 observers stationed along the coast from California through Washington. In addition to deploying observers on vessels, the program will explore alternative means, such as enhanced logbooks and video systems, to collect information.

Who will be selected for observer coverage?

The coverage plan for the first year of operation is to allocate about 75% of the observer time to cover the coastwide trawl fishery. With the prior information collected during the voluntary programs on this fishery, we are best prepared to successfully design the coverage for the trawl fishery. Vessels will be selected from the pool of limited entry trawl vessels so that coverage will be balanced along the coast, will cycle through all the trawl vessels approximately every two years, and will prevent vessels from being drawn in consecutive periods. Selected vessels will have observer coverage for all their trips during a two-month period. Data collection will focus on atsea discards and we will integrate these new data with existing logbook and fish ticket data on retained catch. The remaining 25% observer time will be used in a pilot mode to collect data on the 2001 fixed gear sablefish fishery and other pilot programs.

What to expect and what should you do to prepare

We are beginning to select the first representative sample of limited entry participants for the first two month period of coverage. Selected vessels will be notified via mail in early June. The notification will give a time period during which a vessel will be required to notify NMFS 24

hours in advance of fishing so that an observer may accompany the trip. Vessels that inform NMFS that they did not plan to fish groundfish would be placed in a holding pattern and will be asked to notify NMFS when they next plan to fish groundfish so they can be assigned an observer during that period. Once selected to carry an observer, a vessel must obtain Coast Guard safety inspection through a dockside examination. Many vessels routinely request dockside inspections. If you have a dockside examination safety decal that will still be in good standing for the entire time the observer may be on board your vessel, then an additional inspection is not necessary.

Once you have been notified that your vessel has been selected to carry an observer, the field coordinator will contact the vessel to discuss logistics. Whenever possible, the observer and field coordinator will visit the vessel, meet with captain or crew and familiarize themselves with how to sample on board. The captain must call and inform the observer program 24 hours in advance of departure. The vessel will be responsible for providing accommodations and food for the observer equal to that of the crew.

How do I get a CG safety inspection and decal?

A Commercial Fishing Vessel Safety Exam can be obtained through any Fishing Vessel Safety Coordinator located throughout the Washington, Oregon and California area. Due to the volume of requests that will be received in connection with each fishery season, advanced planning is necessary to ensure you can get your vessel examined and in compliance before you are scheduled to carry the observer. Call the Fishing Vessel Safety Coordinators at least 3 weeks in advance to schedule your examination. You can then arrange a mutually convenient time to have your vessel examined for issuance of a dockside examination decal. The Fishing Vessel Safety Coordinator will discuss the scope of the examination with you in greater detail. Contact information for each Fishing Vessel Safety Coordinator is provided below:

Office	Coordinator	Phone Number
MSO Puget Sound	Dan Hardin	(206) 217-6208
MSO Portland	Ken Lawrenson	(503) 240-7337
MSO San Francisco	Rob Lee	(510) 437-5788
MSO Los Angeles	Fran McClain	(310) 732-2062
MSO San Diego	Mark Walker	(619) 683-6497

Contact Information

The observer program can be contacted at this time at the Fishery Resource Analysis Division of the NMFS Northwest Fisheries Science Center (206) 860-3381. In the near future a 1-800 number will be provided. Our website is www.nwfsc.noaa.gov with links to the West Coast observer program and the program's email address is NWFSC.observerprogram@noaa.gov.

9. Section 73.202(b), the Table of FM Allotments under New Hampshire, is amended by removing Channel 252A and adding Channel 252C3 at Laconia.

10. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 241A and adding Channel 241C3 at Norwood.

11. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 288C2 and adding Channel 288C3 at Coalgate and by removing Channel 292A and adding Channel 292C3 at Durant.

12. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 281C1 and adding Channel 281C2 at Sisters.

13. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 255C and adding Channel 255C1 at Munford.

14. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 228C3 and adding Channel 228A at Greenville, by removing Channel 268C2 and adding Channel 268C1 at Snyder, and by removing Channel 223A and adding Channel 223C3 at Wake Village.

15. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by removing Channel 265C2 and adding Channel 265C3 at Berlin.[1]

16. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 244A and adding Channel 244C3 at Laramie and by removing Channel 300A and adding Channel 299C at Midwest.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–10159 Filed 4–23–01; 8:45 am]

BILLING CODE 6712–01–P

[1] Station WGTK was modified in MM Docket No. 98–72 by substituting Channel 265C2 for Channel 265A. The license was further modified by granting request to reallot Channel 265C2 from Middlebury, Vermont, to Berlin, Vermont, as the new community of license. See 65 FR 3150, January 20, 2000.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 000301054–1054; I.D. 053000D]

RIN 0648–AN27

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Observer Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to amend the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP) to provide for an at-sea observation program on all limited entry and open access catcher vessels. This final rule requires vessels in the groundfish fishery to carry observers when notified by NMFS or its designated agent; establishes notification requirements for vessels that may be required to carry observers; and establishes responsibilities and defines prohibited actions for vessels that are required to carry observers. The at-sea observation program is intended to improve estimates of total catch and fishing mortality.

DATES: Effective May 24, 2001.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/FRFA) may be obtained from the Pacific Fishery Management Council (Council) by writing to the Council at 2130 SW Fifth Avenue, Suite 224, Portland OR 97201, or by contacting Don McIsaac at 503–326–6352, or may be obtained from William L. Robinson, Northwest Region, NMFS, 7600 Sand Point Way N.E., BIN C15700, Bldg. 1, Seattle, WA 98115–0070. Send comments regarding the reporting burden estimate or any other aspect of the collection-of-information requirements in this final rule, including suggestions for reducing the burden, to one of the NMFS addresses and to the Office of Management and Budget (OMB), Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: William L. Robinson, Northwest Region, NMFS, 206–526–6140; fax: 206–526–6736 and e-mail: bill.robinson@noaa.gov or Svein Fougner, Southwest Region, NMFS, 562–980–4000; fax: 562–980–4047 and e-mail: svein.fougner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the Office of the Federal Register's website at *http://www.access.gpo.gov/su—docs/aces/aces140.html.*

Background

The U.S. groundfish fisheries off the Washington, Oregon, and California coasts are managed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801-1883) and the Pacific Coast Groundfish FMP. Regulations implementing the FMP appear at 50 CFR Part 660, Subpart G. The Magnuson-Stevens Act at 16 U.S.C. 1853(b)(8) provides that an FMP may require that one or more observers be carried on-board a vessel of the United States engaged in fishing for species that are subject to the FMP, for the purpose of collecting data necessary for the conservation and management of the fishery. The Pacific Coast Groundfish FMP provides that all fishing vessels operating in the groundfish fishery may be required to accommodate on-board observers for purposes of collecting scientific data. Under the Magnuson-Stevens Act at 16 U.S.C. 1855(d), the Secretary of Commerce, acting through NMFS, has general responsibility to carry out any fishery management plan, and may promulgate such regulations as may be necessary to carry out this responsibility.

With the exception of the mid-water trawl fishery for Pacific whiting, most groundfish vessels sort their catch at sea and discard species that are in excess of cumulative trip limits, unmarketable, in excess of annual allocations, or incidentally caught non-groundfish species. Landed or retained catch is monitored by individual state fish ticket programs in Washington, Oregon, and California. However, because a portion of the catch is discarded at sea, there is no opportunity for NMFS or the states to monitor total catch (retained plus discarded catch) at onshore processing facilities. This lack of information on at-sea discards has resulted in imprecise estimates of total catch and fishing mortality.

Discard information is needed to assess and account for total fishing mortality and to evaluate management measures, including rebuilding plans for overfished stocks. Discard estimates based on limited studies conducted in

the mid-1980's, and information on species compositions in landings, are available for some groundfish species. For other species, there is little or no discard information. During the past decade, there have been significant reductions in cumulative trip limits, and trip limits have been applied to increasing numbers of species. In light of these changes in the regulatory regime, doubt has been raised by the Council, NMFS, and the industry about the old discard estimates, which were based on data collected in the 1980's. Accurate estimates of discards are essential to computing total catch, and thus are an important component of any fishery conservation and management program. If the discard estimates are too high, harvest allocations may be set too low; if discard estimates are too low, then harvest allocations may be set too high, and the long-term health of the stock may be jeopardized.

Observers are a uniformly trained group of qualified technicians. They are stationed aboard vessels to gather conservation and management data that are too burdensome for vessel personnel to collect, and which would otherwise not be available for managing the fisheries or assessing interactions with non-groundfish species. The purposes of this final rulemaking are to establish the obligations of vessels that will be required to carry observers; to safeguard the observers' well-being; and to provide for sampling conditions necessary for an observer to follow scientific sampling protocols and thereby maintain the integrity of observer data collections. Nationwide regulations addressing vessels with conditions that are unsafe or inadequate for purposes of carrying an observer are found at 50 CFR 600.746. Nationwide regulations applicable to observers are also found under "General Prohibitions" at 50 CFR 600.725 (o),(r), (s), (t), and (u).

A proposed rule was published on September 14, 2000 (65 FR 55495). Further background information was presented in the preamble of the proposed rule. Public comment on the proposed rule was invited through October 16, 2000. NMFS received three letters containing comments. Two of the three letters, one from the United States Coast Guard and one from the United States Fish and Wildlife Service, expressed support for the proposed observer program. The third letter expressed support, but also expressed concern about funding mechanisms. At its June 2000 Council meeting, the Council reviewed the observer program and encouraged the public to comment on the proposed rulemaking. One individual provided comment during public hearing at the June Council meeting. The comments are summarized below followed by NMFS' responses to those comments.

Changes to the Final Rule From the Proposed Rule

The final rule includes the following changes from the proposed rule:

1. Section 660.360 (a) was revised for clarity.

2. In Section 660.360 (c)(2) language was added to clarify that vessels using exempted gear types could be required to carry an observer under this rulemaking.

3. Section 660.360 (c)(2)(i) was revised for clarity.

4. Section 660.360 (c)(2)(i)(A), addressing departure reports, is revised from the proposed rule to include language that is intended to provide greater flexibility to vessels that are in port less than 24 hours from the time offloading of catch from one fishing trip begins until the time the vessel departs on the following fishing trip. Because such vessels expect to be on the fishing grounds at the time that they are required to submit the next departure report, the owner, operator, or manager of a vessel is given the option of providing notification to NMFS or its designated agent before departing on the trip prior to that which the observer coverage may be needed and again at the time offloading of the catch from the previous fishing trip begins.

5. Section 660.360 (c)(2)(i)(B), addressing departure reports, is revised from the proposed rule to include language that is intended to provide greater flexibility to vessels that intend to depart on a fishing trip less than 24 hours after weather or sea conditions allow for departure. This change was made in response to comment 3 (below). The West Coast groundfish fleet is composed of many small vessels, whose fishing schedules are heavily influenced by weather and sea conditions. To avoid departure delays, the owner, operator, or manager of a vessel who intends to depart on a fishing trip less than 24 hours after weather or sea conditions become favorable, may choose to inform NMFS or its agent of his/her intentions at least 24 hours before the expected departure time. After the initial notification, only an update 4 hours before the expected departure time would be required.

Comments and Responses

Comment 1: The rulemaking is too narrow; it focuses only on observers as a means for collecting the necessary data at sea.

Response: Other approaches for obtaining total catch data include full retention and data sampling by vessel personnel. NMFS believes that data collected under these approaches would not meet the defined management need without adequate verification, such as video systems for monitoring full retention or observer data to compare to vessel-collected data. Video surveillance systems connected to global positioning systems are useful in tracking activity by area fished, but do not provide the necessary total catch data. New digital camera technology has improved the ability to provide species-specific catch information in particular situations (e.g., fixed gear fisheries with a small variety of species). The technology is still early in development and is generally considered to be supplemental to an observer program.

Comment 2: Some boats may not have the ability to carry an observer. Page 19 of the EA notes that if it is determined that a vessel is simply too small to accommodate an observer alternative methods of sampling may need to be considered. Under these rules, some sectors of the fishery are opted right out of any observer program or any meaningful observation without alternatives such as cameras, or somebody in a zodiac, or full retention, or something like that. Moving forward with an observer program does not preclude further development of other approaches for obtaining the necessary total catch data.

Response: Vessel safety and accommodations are individual vessel issues and are not ones that can be easily addressed. NMFS recognizes that it is likely that some, particularly the smallest groundfish vessels, may not be safe or adequate for carrying observers. Page 19 of the EA notes that if it is determined that a vessel cannot safely accommodate an observer, alternative methods of sampling may need to be considered. This final rulemaking does not preclude further development of alternative sampling methods for vessels that are determined to be unsuitable for observers.

Comment 3: If you are one of those that is required to have an observer and you do not know 24 hours in advance when you are going, because you are looking for the weather to break, that means a lot of times in the winter that you won't go fishing because you cannot get an observer.

Response: A departure report is necessary for NMFS or its designated agent to identify which vessels need to carry observers and to coordinate the placement of observers aboard vessels. It is necessary for vessel owners, operators

or representatives to submit these reports because only they can make statements about their future intent. NMFS recognizes that vessels need to wait for favorable weather and sea conditions before departing on fishing trips. Language has been added to the rule in section 660.360(c)(2)(i)(B) to obtain the necessary information to ensure that an observer is available while allowing for possible delays in vessel schedules as a result of poor weather or sea condition. The initial contact between NMFS and the individual representing the vessel is still necessary to identify that the vessel intends to depart for fishing, when the weather or sea conditions are favorable. As conditions improve, the individual representing the vessel need only provide 4 hours notice before the anticipated departure.

Comment 4: In various places in the EA, it suggests that the program is contingent on Federal funding. If a program is contingent on Federal funding, it would violate the Magnuson Stevens Fishery Conservation and Management Act.

Response: NMFS disagrees with this comment. Nowhere in the rulemaking documents or in the EA does it state that an observer program is contingent on Federal funding. This final rulemaking establishes the framework necessary to support an at-sea observer program. It includes regulations that require vessels to carry observers when notified, provide notification of fishing schedules, provide food and accommodations, and a suitable location for observers to safely collect sample data according to scientific sampling protocols. The analysis examined the impacts resulting from a federally funded program because no additional rulemaking would be required before a program could be implemented if it were federally funded. Therefore, Federal funding was analyzed to facilitate the implementation of an observer program should Federal funding become available. This final rulemaking does not preclude NMFS or the Council from exploring alternative funding options or from providing fishermen with greater compensation for all or a portion of the costs of carrying an observer. Such measures would build upon this final rulemaking and would require additional rulemaking and analysis before implementation.

Classification

NMFS prepared an EA for this final rule and concluded that there will be no significant impact on the human environment as a result of this final rule. This final rulemaking will have no direct biological or physical impacts on the environment. It is NMFS's intention, to provide for observer training and the direct costs of deploying observers including salaries, payroll taxes, employment insurance, medical insurance, pension, and travel costs. The observers' employer will provide protection and indemnity insurance to cover bodily injury or property damage claims that may result from actions of the observer. Vessels will be responsible for providing information regarding their fishing schedule, and food and accommodations, for the observers. Some of the smallest groundfish vessels may find that crew members are displaced because limited bunk space must be allocated to the observer. Vessels will also need to provide adequate sampling facilities and unobstructed access to catch. This may result in increased handling time if sorting of the catch needs to be slowed or centralized to allow an observer to collect samples. Space requirements for analyzing and storing samples may reduce the available work and storage space for vessel activities. It is likely that the smallest groundfish vessels would be most affected by space requirements for analyzing and storing samples. However, without minimal sample space, data quality cannot be assured. The safety, health, and well-being of observers while stationed aboard fishing vessels is of the utmost importance. When this final rule is implemented, observer health and safety provisions at 50 CFR 600.725 and 600.746 will apply. A copy of the EA is available from NMFS (see **ADDRESSES**).

NMFS prepared a FRFA describing the impact of the action on small entities. For the purposes of the analysis, all catcher vessels were considered small entities.

This final rulemaking creates the regulatory framework needed to support an on-board observer program and is not predicated on a particular funding mechanism. Federal funding is available for 2001 and NMFS intends to provide for observer training and the direct costs of deploying observers including: salaries, payroll taxes, employment insurance, medical insurance, and travel costs. Observers would be employed directly by NMFS or through a contractor approved by NMFS. The observer's employer will provide protection and indemnity insurance to cover property damage claims that may result from actions of the observer. The individual vessel will be responsible for observer subsistence costs. Costs to the vessel that are analyzed in conjunction with this final rule are costs other than those that would be paid by NMFS. If NMFS chooses to use other funding mechanisms in the future, including shifting costs to the vessels, additional rulemaking would be required.

The costs to industry to deploy observers will vary depending on the coverage strategy that is selected. Three approaches that could be taken in developing a coverage plan include: random selection of trips from a large pool of vessels; complete sampling of all trips taken by a small number of vessels over a specific period; or sampling a portion of trips by an intermediate number of vessels over a specific period. The FRFA states that the impacts of the rule on individual vessels would depend on the nature and size of the program and the coverage approach that is chosen - all vessels in the groundfish fleet or a small portion of the vessels.

Of the 2,116 vessels in the open access and limited entry (LE) fisheries, the number of vessels that could be required to carry an observer annually ranges from 60 (if each observer samples one LE vessel over an entire cumulative trip limit period) to 967 (if observers sample vessel trips at random, no vessel is sampled more than once, and each vessel requires two observers to have all days sampled), depending on the coverage strategy that is employed. The FRFA indicates that the costs to the individual vessel are expected to range between $157 and $3334, depending on the coverage strategy and the number of days fished per year. An upper value of $11,044 per vessel is an extreme that would only occur if a vessel fished every day of the year and carried an observer at all times.

It is most likely that the open access and limited entry groundfish fleets would be divided into sampling sectors based on criteria such as gear type, fishing period, geographical location, or fishing strategy. Each sector may be required to have a different level of observer coverage. Sectors with the greatest annual catch of groundfish or those that most frequently interact with priority species, for which there is a serious need for information, could be required to have a substantially higher proportion of observer coverage than the other sectors. The analysis assumes that only vessels that carry an observer would bear the burden. Among the 2,116 vessels in the open access and limited entry groundfish fisheries that could be selected to bear the cost to carry an observer, there are substantial differences in terms of the annual ex-vessel value of their catch, and therefore in the burden imposed.

There were two alternatives considered in this final rulemaking:

Status quo, and adoption of regulations to support an observer program. Under the status quo alternative, a program could be designed where vessels carry observers on a voluntary basis. However, this would be a voluntary program with no way to ensure that a specific coverage plan could be followed or the integrity of the data collections maintained. Discard information needed to assess and account for total fishing mortality and to evaluate management measures is considered by NMFS to be deficient under a status quo alternative. Adopting regulations for an at-sea observer program on all limited entry and open access catcher vessels establishes the framework for a mandatory observer program, i.e., obligations of vessels that will be required to carry observers; safeguarding the observers' well-being; and providing for sampling conditions necessary for an observer to follow scientific sampling protocols and thereby maintain the integrity of observer data collections.

The Magnuson-Stevens Act at 16 U.S.C. 1853(b)(8) provides that an FMP may require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery. On March 3, 1999, NMFS determined that the bycatch provisions in Amendment 11 failed to respond meaningfully to the bycatch requirements at Section 303 (a)(11) of the Magnuson-Stevens Act, which state that an FMP must "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." Establishing an observer program to collect total catch data would bring the Pacific coast groundfish FMP closer to the Magnuson-Stevens Act bycatch requirements for a standardized reporting methodology on bycatch. A copy of this analysis is available from NMFS (see **ADDRESSES**).

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). This collection of information requirement has been approved by OMB under control number 0648–0423. Public reporting burden for these collections of information is estimated to average 5 minutes for making a toll-free call to provide either notification of departure on a fishing trip or notification of intent to cease participating in the fishery. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and to OMB, Washington, DC 20503 (ATTN: NOAA Desk Officer).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

NMFS issued Biological Opinions (BOs) under the Endangered Species Act 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 chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal, Oregon coastal), chum salmon (Hood Canal, Columbia River), sockeye salmon (Snake River, Ozette Lake), steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south-central California, southern California), and cutthroat trout (Umpqua River, southwest Washington/Columbia River). NMFS has 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 to result in the destruction or adverse modification of critical habitat.

NMFS has re-initiated consultation on the Pacific whiting fishery associated with the BO issued on December 15, 1999. During the 2000 whiting season, the whiting fisheries exceeded the chinook bycatch amount specified in the BO's incidental take statement's incidental take estimates (11,000 fish) by approximately 500 fish. The re-initiation will focus primarily on additional actions that the whiting fisheries would take to reduce chinook interception, such as time/area management. NMFS expects that the re-initiated BO will be completed by May 2001. During the reinitiation, fishing under the FMP is within the scope of the December 15, 1999, BO, so long as the annual incidental take of chinook stays under the 11,000 fish bycatch limit. NMFS has 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 final rule implements a data collection program and is within the scope of these consultations. Because the impacts of this action fall within the scope of the impacts considered in these BOs, additional consultations on these species are not required for this action.

This action implements a data collection program and is not expected to result in any adverse effects on marine mammals.

This final rule has been determined to be significant for purposes of Executive Order 12866.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: April 18, 2001.

John Oliver,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 to read as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.302, the definitions for "Active sampling unit," and "Vessel manager" are added in alphabetical order to read as follows:

§ 660.302 Definitions.

Active sampling unit means a portion of the groundfish fleet in which an observer coverage plan is being applied.

* * * * *

Vessel manager means a person or group of persons whom the vessel owner has given authority to oversee all or a portion of groundfish fishing activities aboard the vessel.

3. In § 660.306, paragraph (y) is added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(y) *Groundfish observer program.* (1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer.

(2) Interfere with or bias the sampling procedure employed by an observer, including either mechanically or physically sorting or discarding catch before sampling.

(3) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(4) Harass an observer by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the observer's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under § 660.360(c).

(6) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(7) Fail to provide departure or cease fishing reports specified at § 660.360(c)(2).

(8) Fail to meet the vessel responsibilities specified at § 660.360(d).

4. Section 660.360 is added to subpart G to read as follows:

§ 660.360 Groundfish observer program.

(a) *General.* Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with this section.

(b) *Purpose.* The purpose of the Groundfish Observer Program is to allow observers to collect fisheries data deemed by the Northwest Regional Administrator, NMFS, to be necessary and appropriate for management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources and their habitat.

(c) *Observer coverage requirements*—(1) *At-sea processors.* [Reserved]

(2) *Catcher vessels.* For the purposes of this section, catcher vessels include all vessels, using open access or limited entry gear (including exempted gear types) that take and retain, possess or land groundfish at a processor(s) as defined at § 660.302. When NMFS notifies the vessel owner, operator, permit holder, or the vessel manager of any requirement to carry an observer, the vessel may not take and retain, possess, or land any groundfish without carrying an observer.

(i) *Notice of departure—Basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(A) *Optional notice—Weather delays.* A vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (c)(2)(i) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(B) *Optional notice—Back-to-back fishing trips.* A vessel that intends to make back-to-back fishing trips (i.e., trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (c)(2)(i)) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(ii) *Cease fishing report.* Not more than 24 hours after ceasing the taking and retaining of groundfish with limited entry or open access gear in order to leave the fishery management area or to fish for species not managed under the Pacific Coast Groundfish Fishery Management Plan, the owner, operator, or vessel manager of each vessel that is required to carry an observer or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit must provide NMFS or its designated agent with notification as specified by NMFS.

(3) *Vessels engaged in recreational fishing.* [Reserved]

(4) *Waiver.* The Northwest Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(d) *Vessel responsibilities.* An operator of a vessel required to carry one or more observer(s) must provide:

(1) *Accommodations and food.* Provide accommodations and food that are:

(i) *At-sea processors.* [Reserved]

(ii) *Catcher vessels.* Equivalent to those provided to the crew.

(2) *Safe conditions.* Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(3) *Observer communications.* Facilitate observer communications by:

(i) *Observer use of equipment.* Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s) or the United States or designated agent.

(ii) *Communication equipment requirements for at-sea processing vessels.* [Reserved]

(4) *Vessel position.* Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access.* Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification.* Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) *Records.* Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance.* Provide all other reasonable assistance to enable

observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(9) *At-sea transfers to or from processing vessels.* [Reserved]

(e) *Procurement of observers services by at-sea processing vessels.* [Reserved]

(f) *Certification of observers in the at-sea processing vessels.* [Reserved]

(g) *Certification of observer contractors for at-sea processing vessels.* [Reserved]

(h) *Suspension and decertification process for observers and observer contractors in the at-sea processing vessels.* [Reserved]

(i) *Release of observer data in the at-sea processing vessels.* [Reserved]

(j) *Sample station and operational requirements*—(1) *Observer sampling station.* This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(i) *Accessibility.* The observer sampling station must be available to the observer at all times.

(ii) *Location.* The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(iii) *Minimum work space aboard at-sea processing vessels.* [Reserved]

(iv) *Table aboard at-sea processing vessels.* [Reserved]

(v) *Scale hanger aboard at-sea processing vessels.* [Reserved]

(vi) *Diverter board aboard at-sea processing vessels.* [Reserved]

(vii) *Other requirements for at-sea processing vessels.* [Reserved]

(2) *Requirements for bins used to make volumetric estimates on at-sea processing vessels.* [Reserved]

(3) *Operational requirements for at-sea processing vessels.* [Reserved]

[FR Doc. 01–10150 Filed 4–23–01; 8:45 am]

BILLING CODE 3510–22–S

ACTION: Correction to final rule preamble.

SUMMARY: This document contains a correction to the preamble of the final rule on two-way end-of-train telemetry devices (two-way EOTs) and certain passenger train operations, which was published on Friday, May 1, 1998 (63 FR 24130). The final rule specifically addressed and clarified the applicability of the existing two-way EOT requirements to certain passenger train operations where multiple units of freight-type equipment, material handling cars, or express cars are part of a passenger train's consist.

FOR FURTHER INFORMATION CONTACT: James Wilson, Motive Power and Equipment Division, Office of Safety, RRS–14, FRA, 400 Seventh Street, SW, Stop 25, Washington, DC 20590 (telephone 202–632–3367); or Thomas Herrmann, Trial Attorney, Office of the Chief Counsel, RCC–12, FRA, 400 Seventh Street, S.W., Stop 10, Washington, D.C. 20590 (telephone 202–632–3178).

SUPPLEMENTARY INFORMATION:

Background

The "Regulatory Impact" portion of the preamble to the final rule addressing Executive Order 12866 and DOT regulatory policies and procedures stated that because the requirements contained in the final rule clarify the applicability of the two-way EOT regulations to a specific segment of the industry and generally reduce the regulatory burden on these operators, FRA concluded that the final rule did not constitute a significant rule under either Executive Order 12866 or DOT's policies and procedures. However, FRA inadvertently omitted a statement that the impact of the rule would be so minimal that any further analysis was not warranted.

Need for Correction

As published, the "Regulatory Impact" portion of the preamble failed to inform the public of FRA's determination that the impact of the rule would be so minimal that any further analysis was not warranted. Thus, that portion of the preamble is in need of clarification.

Correction

Accordingly, the publication on May 1, 1998 of the final rule on two-way EOTs and certain passenger train operations, which was contained in FR Doc. 98–11408, is corrected as follows:

On page 24134 in the first column, at the end of the paragraph headed "Executive Order 12866 and DOT Regulatory Policies and Procedures," the following sentence is added:

Furthermore, as the final rule is intended to clarify the applicability of the two-way EOT regulations and affects a very limited number of passenger train operations, FRA has determined that the impact of the rule would be so minimal that any further analysis was not warranted.

Issued in Washington, D.C., on May 12, 1998.

S. Mark Lindsey,

Chief Counsel, Federal Railroad Administration.

[FR Doc. 98–13127 Filed 5–15–98; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 970829214–8090–02; I.D. 082097B]

RIN 0648–AJ76

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Observer Health and Safety

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS amends the regulations that pertain to fishery observers and the vessels that carry them. This regulatory amendment implements measures to ensure the adequacy and safety of fishing vessels that carry observers. Owners and operators of fishing vessels that carry observers are required to comply with guidelines, regulations, and conditions in order to ensure that their vessels are adequate and safe for the purposes of carrying an observer and allowing normal observer functions.

DATES: Effective June 17, 1998.

ADDRESSES: Copies of the Regulatory Impact Review prepared for this action may be obtained from NMFS, SF3, 1315 East-West Highway, Silver Spring, MD 20910, Attn: William J. Bellows.

FOR FURTHER INFORMATION CONTACT: William J. Bellows, 301–713–2341.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended (16 U.S.C. 1801 *et seq.*), the Marine Mammal Protection Act, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the Atlantic Tunas Convention Act, as amended (ATCA; 16 U.S.C. 971 *et seq.*) authorize the Secretary of Commerce (Secretary) to station observers aboard commercial fishing vessels to collect scientific data required for fishery and protected species conservation and management, to monitor incidental mortality and serious injury to marine mammals and to other species listed under the Endangered Species Act (ESA), and to monitor compliance with existing Federal regulations. In addition, pursuant to the South Pacific Tuna Act of 1988 (16 U.S.C. 973 *et seq.*) observers may be required in the South Pacific Tuna Fishery.

The Magnuson-Stevens Act directs that—

> ...the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—
>
> (1) when a vessel is not required to carry an observer on board because the facilities of such vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; and
>
> (2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

A proposed rule to implement the required measures was published in the **Federal Register** on September 22, 1997 (62 FR 49463), and invited public comment through October 22, 1997. Several comments were received late in the comment period requesting that the comment period be extended. NMFS extended the comment period 30 days (62 FR 55774, October 28, 1997).

Eleven letters of comment were received concerning the proposed rule. Of these 11, eight expressed opposition to the rule or to specific provisions in the rule, and one letter was signed by eight individuals who represented different industry organizations. Two letters expressed strong support for the rule, one of which was from an observer organization with approximately 200 members. One letter expressed neither opposition nor support but listed many problems that observers face on the job.

Comment 1: The publication of the rule was inadequately advertised/announced. It was not on any of the following notice mediums: NMFS bulletin boards, NMFS press release, NMFS homepage, or Alaska Region homepage. The commenter requested an extension of the 30-day comment period.

Response: The proposed rule was published in the **Federal Register** on September 22, 1997 (62 FR 49463). The comment period was extended for 30 days and was announced by publication in the **Federal Register** on October 28, 1997 (62 FR 55774). In addition to the October 28 publication of the extension of the comment period, both the proposed rule and the extension of the comment period were posted on the NMFS homepage and on the Alaska Region homepage during the extended comment period.

Comment 2: The 30-day extension of the comment period is grossly inadequate.

Response: NMFS disagrees. By extending the public comment period by an additional 30 days, NMFS doubled the length of the original comment period. NMFS believes that a 60-day public comment period is adequate.

Comment 3: Observers are not qualified to make a judgement regarding vessel safety.

Response: It is true that observers do not receive the same vessel safety examination training that U.S. Coast Guard (USCG) personnel do. However, NMFS observers are provided training that addresses vessel safety. For example, in the North Pacific observer training, observers are taught to look for obvious areas of non-compliance that may jeopardize their safety. In addition to viewing several safety videos, the observers are shown a set of "safety tour" slides in which they are asked to look for items on a safety check list. Section 600.746(c)(3) has been added to the rule; this section encourages the observer to check major safety items (as identified by the USCG) and to briefly check the vessel's major spaces for especially hazardous conditions. The intent of this rule is not to empower an observer as a USCG enforcement official. Its purpose is to encourage an observer to check the major safety items identified in § 600.746(c)(3); if these items are absent or unserviceable, the rule empowers the observer not to sail with the vessel until those deficiencies are corrected. The observer's pre-trip safety check will be made in accordance with published USCG guidance on some of the most important items that would be required in the event of an at-sea emergency.

Comment 4: The rule's evaluation that there will be no significant impact on a substantial number of small entities is wrong. If an observer refuses to board a vessel that is safe in accordance with USCG standards, the vessel could be delayed in departing long enough to miss an important part of a short season, resulting in significant lost opportunity to fish. The observer's refusal could be the result of poor judgement, lack of expertise or training, or vindictiveness.

Response: NMFS has added language to the rule in § 600.746(c)(3) that is intended to minimize, if not eliminate, the possibility of an observer making a decision, for whatever reason, regarding a safe vessel that would delay its beginning legal fishing at the optimum time. The above-mentioned section was added to the regulations in order to give the observer detailed guidance regarding the pre-trip safety check. In addition, this document makes it clear that the observer's safety check is to confirm that the USCG safety decal is current and to spot-check other safety items by conducting a brief walk through the vessel's major spaces to check for obviously hazardous conditions. NMFS believes that the training observers now receive is adequate to enable an observer to conduct the pre-trip safety check as discussed in the response to comment 3.

Comment 5: There are no provisions for redress and appeal in the event that a vessel is unnecessarily detained or impacted.

Response: There are no specific procedures for redress or appeal in these regulations. It would be redundant to include those legal procedures here because they are available to anyone who considers that he or she has experienced wrongful negative impact of any regulations. As is suggested in the response to comment 17, when a vessel operator disputes the observer's decision and is unable to reach a resolution, the vessel operator should call the USCG and request reexamination of the issue in dispute.

Comment 6: If the regulations were approved in the absence of USCG regulations, they would be inadequate.

Response: They are not being approved in the absence of USCG regulations. The intent of this rule is to build upon the USCG and other safety regulations. The regulations intend to insure the safety of observers at sea without duplicating USCG regulations, which are designed to insure the safety of all persons on board fishing vessels.

Comment 7: All vessels carrying observers are required to have a current safety decal; consequently, there is no basis for an observer refusing to board a vessel.

Response: If the decal is valid (current) and if no safety equipment has been lost, damaged, or is otherwise unserviceable, there should be no safety-related reasons for an observer to refuse boarding. If, on the other hand, the decal is current, but safety equipment is missing or unserviceable, the observer is authorized not to board the vessel.

Comment 8: The style of referring to other sections of the CFR is difficult to read and understand. Furthermore, some of the sections cited have not been written.

Response: This rule cites other sections of the CFR rather than duplicating those sections in order to make the regulations published in the **Federal Register** as concise as possible. NMFS wants the regulations to refer to the most recent versions of the regulations cited. If other agencies' regulations were repeated in NMFS' regulations, it would be nearly impossible for NMFS to keep the regulations current. By citing the other agencies' regulations, the reference is always to the most recently amended regulation. All cited sections have been written and published before they are incorporated into the CFR except for citations to the rule being enacted through this action. The regulatory text for this rule follows after this preamble. Some changes may have been too recent to appear in the CFR dated October 1996, which was the last-published CFR at the time that the proposed rule was published.

Comment 9: USCG no longer performs no-cost inspections of processor vessels.

Response: The commenter is correct. Processing vessels examined by private organizations comprise the only category of fishing vessels that pays to have inspections done. These for-fee inspections are in lieu of USCG dock-side examinations but do not preclude at-sea examinations by USCG. The inspections of processing vessels are required whether observer safety rules are in effect or not.

Comment 10: This rulemaking is premature; "neither the industry nor NMFS is ready at this time to begin discussions on such rules. Before that discussion can begin, NMFS first needs to develop appropriate rules regarding onboard observers in all the other fisheries in which they have been deemed necessary."

Response: This rule is required by the Magnuson-Stevens Act.

Comment 11: It is unrealistically generous to require that accommodations be equivalent to those of the vessel's officers. Observers do not warrant treatment as officers.

Response: This rule requires nothing specific regarding accommodations for observers. It merely refers to regulations already in place.

Comment 12: Under the regulations that would be put in place by this rule, if all vessels were required to carry

observers, all vessels would have to undergo safety inspections. This would mean the end of uninspected fishing vessels.

Response: Under the assumptions made by the commenter, it is true that if all vessels were required to carry observers, all of them would have to be examined. At the present time, however, not all vessels are required to carry observers. NMFS wants fishing vessels carrying observers to fish safely, and undergoing USCG safety examinations promotes safety.

Comment 13: What is the authority under which regional requirements governing observer accommodations might be developed? It is possible that these regional requirements could have unintended effects. For example, if the regional requirement deals with an issue that is judged subjectively, such as the adequacy of accommodations or food, the observer in applying that subjective judgement could keep a safe vessel from fishing.

Response: The authorities under which regional requirements are developed are the Magnuson-Stevens Act, the Marine Mammal Protection Act, and the ESA. The addition of § 600.746(c)(3) to the rule should eliminate the problem of subjective judgement in conducting the vessel's pre-trip safety check. It is not the intent of this rule to develop regional requirements.

Comment 14: If a vessel has a valid USCG safety decal, there should be no question concerning the vessel's safety. To then have an observer, who has the authority to refuse to board the vessel because of a safety deficiency, is double jeopardy.

Response: If a vessel has passed a USCG dock-side safety examination, the regulations indicate that such vessel would be considered safe with respect to the USCG regulations. However, it is possible that some requirements with which the vessel was in compliance at the time of the USCG safety examination may not be met at the time of boarding by an observer for a specific trip. NMFS has added language at § 600.746(c)(3) that encourages the observer to examine some of the most important items that would be required in the case of an emergency at sea. This approach is consistent with that applied by USCG in recognizing that changes in vessel safety may occur between the time when a USCG safety decal is issued and the beginning of subsequent fishing. NMFS notes that this rule gives an observer authority not to board an unsafe or inadequate vessel. If such a vessel is operating in a fishery with mandatory observer coverage, the result of the observer's refusing to board might be that the vessel would not be authorized to conduct fishing.

Comment 15: This rule cites other regulations already in place, which suggests that regulations to effect safety are already in place. That being the case, this rule will not change anything.

Response: This rule applies safety standards to all fisheries, including those for which no other observer regulations are in place. In fisheries with mandatory observer programs in place now, and for those in which mandatory programs may be established, this rule makes it a violation to fish without an observer aboard. This rule also requires vessels to submit to an otherwise voluntary inspection program to provide evidence of compliance with safety standards.

Comment 16: This rule is an attempt to exceed the authority conveyed by the Magnuson-Stevens Act in that it goes beyond USCG regulations by authorizing an observer to refuse to board an unsafe vessel, thereby keeping the vessel from fishing legally. It goes beyond what is necessary to provide a safe environment for an observer, and it gives an observer authority that Congress gave to USCG.

Response: NMFS believes that the rule does not go beyond what is required to provide a safe environment for observers and for other persons aboard fishing vessels. The intent of the rule is not to empower an observer with USCG enforcement official status; its intent is to provide a safe vessel for an assigned observer. The NMFS rule does not encroach on USCG authority to terminate a voyage. Rather, it conditions a vessel's ability to fish safely by requiring compliance with existing regulations enforced by the USCG. The authority to regulate fishing activities properly rests with NMFS.

Comment 17: If NMFS wants to require more than vessel-provided personal flotation devices (PFDs) and safety briefings, it should specifically identify the requirements that relate to observer safety rather than to such other safety concerns as the environment. NMFS should also consider which safety requirements warrant giving observers "the extraordinary authority to prevent a vessel from undertaking a fishing trip."

Response: NMFS is not giving greater significance to some USCG regulations than to others. NMFS is encouraging observers to check for compliance with existing regulations. A safety decal is considered to be evidence of compliance, but if there is other obvious non-compliance, the observer has the option of not boarding the vessel. If the vessel operator disputes the observer's decision, which should be based upon published USCG guidance on some of the most important items that would be required in the event of an at-sea emergency, and no resolution is reached, the vessel operator should call the USCG to request reexamination of the issue in dispute. The addition of § 600.746(c)(3) clarifies which items the observer should check at the time of boarding. The observer's pre-trip safety check will be made in accordance with published Coast Guard Guidance on some of the most important items that would be required in the event of an at-sea emergency. NMFS recognizes that, in some circumstances, an observer may raise a safety question that requires a vessel to wait for a USCG boarding before fishing. It is true that this could result in a loss of fishing days. In structuring the rule this way, NMFS had to weigh the impacts of this approach versus the impacts of alternative approaches. Just as there is a potential for a vindictive observer declining to board and thereby delaying a vessel's departure, other approaches would have raised the possibility of an observer being coerced into boarding a vessel that he or she believes is unsafe. Given the safety risks at issue and the probability that most safety violations will be easily remedied, e.g., replacing PFDs, NMFS determined that placing the presumptions in the selected manner was preferable.

Whenever possible, vessel owners/operators are encouraged to arrange for the observer to make the pre-trip safety check in advance of the beginning of the planned fishing trip. In that way, there would be time to correct problems without delaying the trip's departure time.

Comment 18: There are alternatives that would accomplish NMFS' objectives that were not considered by NMFS. One alternative is to provide an automatic waiver for those situations in which an observer refused to board a vessel for safety reasons. The waiver would be valid until the vessel had undergone a USCG inspection either at sea or in port. Alternative two would be to require that the safety determination be made by a NMFS enforcement agent who had completed the USCG training program for vessel safety inspections. Alternative three would be to determine which classes of vessels have consistently failed to provide safe working conditions for observers. Only those classes of vessels would be required to comply with the rule. Vessels with proven safety records would be exempt from the provisions of this rule.

Response: Alternative one would void the intent of the rule. It would not make the vessel safe for the observer on the fishing trip that the observer was assigned to observe. Furthermore, it could provide an opportunity for vessel operators to avoid taking observers by incurring safety violations, such as no PFD for the observer. By authorizing an observer to refuse to board an unsafe vessel and by making it illegal to fish without an observer in a mandatory observer fishery, there is a strong incentive for the vessel to meet all USCG safety regulations. Alternative two was considered and rejected. It is equally possible that a NMFS enforcement agent, like an observer, would discover a safety violation that would delay a vessel's fishing trip. This option would also create the risk of an observer having to board a vessel that he or she believes is unsafe. In addition, from a practical standpoint, the current work load for NMFS enforcement agents makes it impossible for them to undertake this responsibility and continue to perform other enforcement functions/duties. Alternative three is not feasible because vessel safety is an individual vessel issue not one that can be addressed by classes of vessels.

Comment 19: The rule does not analyze measures taken by regions.

Response: It is not the intent of this rule to analyze measures taken by regions. That analysis is done at the time those measures are developed and proposed in the rulemaking process.

Comment 20: One commenter believes that, should an observer refuse to board a vessel because of safety deficiencies, there could be legal implications beyond the simple issue of the USCG safety requirement and the vessel's fishing. "After an observer has determined a vessel to be unsafe, a crew member injures themself [sic] in the factory. Considering the Jones Act, the lawyers would have a field day."

Response: NMFS believes this comment refers to the possible use of an observer's safety determinations as evidence in a law suit. As stated in the responses to comments 3 and 16, this rule is not intended to give observers the authority to make actual determinations as to a vessel's compliance with USCG regulations. Rather, it simply requires that a vessel, if its safety has been called into question, rectify the shortcoming or submit to a new USCG safety examination or inspection. If anything, this rule is likely to reduce the number of negligence claims because vessels with questionable safety issues will correct them or be reexamined by USCG before fishing.

Comment 21: The USCG should be consulted.

Response: The USCG was involved at every stage of development of this rule.

Comment 22: One commenter raised specific issues about an observer who was terminated and who subsequently filed suit.

Response: Because the case is before the court, it would be inappropriate for NMFS to respond at this time.

Changes From the Proposed Rule

Four changes were made from the proposed rule. One was made in response to comments: A provision was added at § 600.746(c)(3) to provide guidance on the scope of the observer's pre-trip safety check.

Another change was made to clarify that USCG performs either an inspection or an examination: The words "examination or inspection" replaced "inspection" in §§ 600.725(p), 600.746(c)(1), and 600.746(d)(1) so that it is clear that either an examination or an inspection can be performed.

The word "Examination" was inserted in § 600.746(c)(1) in order to more clearly identify the Commercial Fishing Vessel Safety Examination decal.

The word "examine" replaced "inspect" in § 600.746(c)(2) in order to avoid confusion with USCG inspection.

The observer's pre-trip safety check of a vessel that displays a current Commercial Fishing Vessel Safety Examination decal will normally consist of no more than a spot check of the equipment identified in § 600.746(c)(3), i.e., PFDs/immersion suits; ring buoys; distress signals; fire extinguishing equipment; emergency position indicating radio beacon, when required; survival craft, when required; and a walk through major spaces. This walk-through is not intended to broaden the scope of the safety check. The safety check should be done expeditiously because the decal indicates that the vessel has already undergone an extensive dockside inspection.

Classification

At the proposed rule stage, NMFS certified to the Assistant General Counsel for Legislation and Regulation, Department of Commerce and to the Chief Counsel for Advocacy, Small Business Administration that this action would not result in a significant economic impact on a substantial number of small entities. Comments received on the proposed rule suggested that small entities might experience a significant economic impact as a result of the rule. Based on this new information, NMFS decided to prepare a Final Regulatory Flexibility Analysis (FRFA). The FRFA concludes that the rule's authorization for an observer to refuse to board a vessel that the observer believes to be unsafe and the rule's requirement that a vessel required to carry an observer cannot legally fish without the observer make it possible that implementation of this rule could delay a vessel's departure for a fishing trip. Because of variations in the structures of different fisheries' mandatory observer programs and in the structures of the different fishery management regimes, the fact that an observer refused to board would not necessarily mean that the vessel would lose fishing time as might be the case in those fisheries where vessels are allowed a limited number of days fishing per year. It is not possible to estimate accurately how many, if any, vessels would lose days at sea as a result of this rule. Therefore, there is at least a theoretical possibility that 20 percent of the affected small entities could experience a significant economic impact.

In addition to the preferred alternative, which is the alternative that is implemented by this rule, NMFS considered several other alternatives. One of them would have been to take no action. Under this approach, vessels that carry observers would be required to comply with the same safety standards that would be applicable under the preferred alternative, but there would be no guidance to interested parties as to how to conduct a pre-trip safety check nor would there be any means by which an observer could quickly ascertain whether the vessel was in compliance with applicable USCG regulations. If the agency were to adopt the no-action alternative, the Congressional mandate in the Magnuson-Stevens Act would not be effected. In addition, there would be continued risk of unsafe conditions on board vessels to which observers were assigned.

Another alternative would have prescribed new national standards for a wide range of safety and accommodations issues. Basic standards for determining a vessel's safety and adequacy would be based on USCG safety requirements and NMFS regional observer requirements as is the case in the first alternative. In addition to those basic USCG standards, this alternative would result in new regulations addressing a wide range of accommodation issues, such as quality of food, which, if not met, would authorize an observer not to board a fishing vessel. The observer would be authorized to make the pre-trip safety check to determine whether or not he/

she would board the vessel. In mandatory observer programs, a fishing vessel would not be permitted to fish legally without an observer. This alternative is not the preferred alternative because of the degree to which an observer would be authorized to make subjective, qualitative determinations. Furthermore, because of the variability of working conditions on fishing vessels, some vessels could not reasonably or economically meet the expectations of all observers. Therefore, the risk of this alternative resulting in delays of fishing trips is greater than that of the preferred alternative.

The last alternative that NMFS considered would have prescribed basic standards for determining safety and adequacy as described in the preferred alternative, but either the National Marine Fisheries Service or an authorized observer contractor would have been authorized to make the pre-trip safety check to determine whether or not the observer would board the vessel. In mandatory observer programs, a fishing vessel would not be permitted to fish legally without an observer. This alternative would have used the same evaluation criteria (USCG dockside safety examination, pre-trip safety check, presence of a current Commercial Fishing Vessel Safety Decal, etc.) as the preferred alternative but would give NMFS and/or an authorized observer contractor the authority to decide whether a vessel is safe and adequate. The rationale for this approach is that it would avoid putting the observer into a situation where vessel owner, operator, and crew might exert pressure to coerce the observer to declare the vessel safe despite conditions that the observer believed to be unsafe. It would also avoid the potential for a "vindictive" observer to abuse discretion in making safety checks. The benefit of having NMFS or an authorized observer contractor make the safety and adequacy decision is that it would avoid putting the additional pressure on an observer of potentially having to tell a captain and crew with whom he/she would be spending time at sea that a fishing trip would be delayed. However, this alternative would also have the potential to delay a fishing voyage pending safety resolution. It is just as possible that a NMFS employee or observer contractor would discover safety issues in need of attention as an observer would. In addition, under this alternative, an observer who believes a vessel to be unsafe may be instructed to board because NMFS or the observer contractor believes the vessel to be safe. There would also be costs to NMFS and/or the observer contractor in the form of having a representative on site each time an observer boarded a vessel. NMFS and/or the observer contractor would also experience the cost of training employees to make the pre-trip safety check. This alternative is not preferred because it would put a third party in a position of judging a vessel's safety and perhaps of forcing an observer aboard an unsafe vessel.

In addition to these alternatives, one commenter suggested two additional alternatives: The first would have provided an automatic waiver for those situations in which an observer refused to board a vessel for safety reasons. The waiver would be valid until the vessel had undergone a USCG inspection either at sea or in port. This alternative would have voided the intent of the rule. It would not make the vessel safe for the observer on the fishing trip that the observer was assigned to observe. Furthermore, it could provide an opportunity for vessel operators to avoid taking observers by incurring safety violations, such as no PFD for the observer. The other suggested alternative would be to determine which classes of vessels have consistently failed to provide safe working conditions for observers. Only those classes of vessels would be required to comply with the rule. Vessels with proven safety records would be exempt from the provisions of this rule. This approach is not feasible because vessel safety is an individual vessel issue not one that can be addressed by classes of vessels.

NMFS tried to mitigate the potential impact of the rule by using objective standards for the observer's pre-trip safety check in the form of the published USCG guidance about the most important items that would be required in the event of an at-sea emergency. This particular alternative was chosen because it seemed to be an appropriate balance between the objectives of increasing observer safety and minimizing the risk of negative economic impact on vessels.

This action has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 600

Administrative practice and procedure, Confidential business information, Fisheries, Fishing, Fishing vessels, Foreign relations, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Statistics.

Dated: May 12, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 600 is amended as follows:

PART 600—MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for 50 CFR part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. Section 600.725 is amended by redesignating paragraph (p) as paragraph (t), adding paragraphs (p), (q), (r), (s), and (u), and revising newly redesignated paragraph (t) to read as follows:

§ 600.725 General prohibitions.

* * * * *

(p) Fail to submit to a USCG safety examination when required by NMFS pursuant to § 600.746.

(q) Fail to display a Commercial Fishing Vessel Safety Examination decal or a valid certificate of compliance or inspection pursuant to § 600.746.

(r) Fail to provide to an observer, a NMFS employee, or a designated observer provider information that has been requested pursuant to § 600.746, or fail to allow an observer, a NMFS employee, or a designated observer provider to inspect any item described at § 600.746.

(s) Fish without an observer when the vessel is required to carry an observer.

(t) Assault, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(u) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

3. In subpart H, § 600.746 is added to read as follows:

§ 600.746 Observers.

(a) *Applicability.* This section applies to any fishing vessel required to carry an observer as part of a mandatory observer program or carrying an observer as part of a voluntary observer program under the Magnuson-Stevens Act, MMPA (16 U.S.C. 1361 *et seq.*), the ATCA (16 U.S.C. 971 *et seq.*), the South Pacific Tuna Act of 1988 (16 U.S.C. 973 *et seq.*), or any other U.S. law.

(b) *Observer requirement.* An observer is not required to board, or stay aboard, a vessel that is unsafe or inadequate as described in paragraph (c) of this section.

(c) *Inadequate or unsafe vessels.* (1) A vessel is inadequate or unsafe for

purposes of carrying an observer and allowing operation of normal observer functions if it does not comply with the applicable regulations regarding observer accommodations (see 50 CFR parts 229, 285, 300, 600, 622, 648, 660, 678, and 679) or if it has not passed a USCG safety examination or inspection. A vessel that has passed a USCG safety examination or inspection must display one of the following:

(i) A current Commercial Fishing Vessel Safety Examination decal, issued within the last 2 years, that certifies compliance with regulations found in 33 CFR, chapter I and 46 CFR, chapter I;

(ii) A certificate of compliance issued pursuant to 46 CFR 28.710; or

(iii) A valid certificate of inspection pursuant to 46 U.S.C. 3311.

(2) Upon request by an observer, a NMFS employee, or a designated observer provider, a vessel owner/operator must provide correct information concerning any item relating to any safety or accommodation requirement prescribed by law or regulation. A vessel owner or operator must also allow an observer, a NMFS employee, or a designated observer provider to visually examine any such item.

(3) *Pre-trip safety check.* Prior to each observed trip, the observer is encouraged to briefly walk through the vessel's major spaces to ensure that no obviously hazardous conditions exist. In addition, the observer is encouraged to spot check the following major items for compliance with applicable USCG regulations:

(i) Personal flotation devices/immersion suits;

(ii) Ring buoys;

(iii) Distress signals;

(iv) Fire extinguishing equipment;

(v) Emergency position indicating radio beacon (EPIRB), when required; and

(vi) Survival craft, when required.

(d) *Corrective measures.* If a vessel is inadequate or unsafe for purposes of carrying an observer and allowing operation of normal observer functions, NMFS may require the vessel owner or operator either to:

(1) Submit to and pass a USCG safety examination or inspection; or

(2) Correct the deficiency that is rendering the vessel inadequate or unsafe (e.g., if the vessel is missing one personal flotation device, the owner or operator could be required to obtain an additional one), before the vessel is boarded by the observer.

(e) *Timing.* The requirements of this section apply both at the time of the observer's boarding, at all times the observer is aboard, and at the time the observer is disembarking from the vessel.

(f) *Effect of inadequate or unsafe status.* A vessel that would otherwise be required to carry an observer, but is inadequate or unsafe for purposes of carrying an observer and for allowing operation of normal observer functions, is prohibited from fishing without observer coverage.

[FR Doc. 98-13131 Filed 5-15-98; 8:45 am]

BILLING CODE 3510-22-F

Public Meetings for West Coast Observer Program

Port	Location	Date	Time
Neah Bay, WA	Makah Marina Conference Center	June 1	TBA -please call 206 860-3381 for time
Westport, WA	Westport Maritime Museum Lecture Hall 2201 WestHaven Drive	June 4	8:30- 10:30 AM
Astoria, OR	Seafood Consumer Center East Building Second Floor 2021 Marine Drive	June 4	3:00-5:00 PM
Newport, OR	Guin Library Seminar Room Hatfield Marine Science Center 2030 South Marine Science Drive	June 5	8:30-10:30 AM
Coos Bay, OR	Charleston Marina RV Park Recreation Room 63402 Kingfisher Drive, Charleston	June 5	6:00-8:00 PM
Crescent City, CA	Harbor District Office Meeting Room 101 Citizens Dock Road	June 6	3:00-5:00 PM
Eureka, CA	Humboldt Bay Maritime Museum 1410 Second Street	June 7	9:00-11:00 AM
Fort Bragg, CA	Coast Guard Station (TENTATIVE)	June 7	TBA -please call 206 860-3381 for location and time
Moss Landing, CA	Moss Landing Marine Lab Seminar Room 8272 Moss Landing Rd.	June 8	8:30-10:30 AM
Morro Bay, CA	Morro Bay Community Center 1001 Kennedy Drive	June 8	2:00-5:00 PM

NATIONAL MARINE FISHERIES SERVICE REPORT

Situation: National Marine Fisheries Service (NMFS) will report on its regulatory activities since the April 2001 Council meeting. One item of particular interest is implementation of the permit stacking program for the fixed gear sablefish fishery. At the March 2001 meeting, NMFS informed the Council the full program cannot be implemented in time for this year's primary sablefish season, but the basic permit stacking provision should be in place in time for a fishery beginning no earlier than August 1. NMFS will report the progress on implementing this program, as well as on other regulatory activities. In addition, NMFS will report on miscellaneous research and other ongoing regulatory and nonregulatory activities.

Council Action: Discussion.

Reference Materials:

1. Exhibit C.1, Supplemental NMFS Report (if any).

Groundfish Fishery Strategic Plan Consistency Analysis

This agenda item is not expected to require Council decision making that raises issues of consistency with the Plan.

PFMC
05/21/01

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic an Atmospheric Administration
National Marine Fisheries Service
Sustainable Fisheries Division
7600 Sand Point Way N.E., Building. 1, Bin C15700
Seattle, WA 98115-0070

TO: DISTRIBUTION

FROM: F/NWR2 - Becky Renko

SUBJECT: PRELIMINARY Report #2 -- 2001 Pacific Whiting Fishery

This report consolidates preliminary state, federal, and tribal data for the 2001 Pacific whiting fishery off Washington, Oregon, and California. The catcher/processor and non-tribal mothership fishery started on May 15. Since the beginning of the season, 5 motherships and 4 catcher/processors have participated in the fishery. As of June 7, only 2 of the mothership processors remained in the fishery. The shore-based season in most of the Eureka area (between 42°- 40°30' N. lat.) began on April 1, and the fishery south of 40°30' N. lat. opened April 15. The primary shore-based fishery north of 42° N. lat. will begin June 15.

Incidental catch of chinook salmon has remained above the guideline of 0.05 chinook per metric ton (mt) of whiting. This guideline is specified in the terms and conditions of the section 7 Endangered Species Act consultation on the whiting fishery. In all, 2,265 chinook salmon have been taken in 43,900 mt of whiting, resulting in a bycatch rate of 0.052 chinook per mt of whiting for all sectors combined.

	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 allocation)	3,421	2,098	6/7	CA season started April 1; 5% alloc'n	61.3%
Oregon	--	NA	18	6/3	starts 6/15	
Washington	--	NA	8	6/3	starts 6/15	
WOC shoreside	42% commercial OY	**68,418**	**2,124**			3.1%
Mothership (n. of 42 N. lat.)	24% commercial OY	**39,096**	**27,720**	6/6	started 0001 hrs 5/15/00	70.9%
Catcher/process or (n. of 42 N. lat.)	34% commercial OY	**55,386**	**14,056**	6/6	started 0001 hrs 5/15/00	25.4%
Total nontribal	commercial OY (86% OY)	162,900	43,900	--	--	26.9%
Tribal (Makah)	14% OY	**27,500**	**0**	6/6		0.0%
Total	OY=optimum yield	190,400	43,900	--	--	

* 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-certified observers. Data for shoreside processors also are preliminary and are provided by each State to NMFS for the purpose of monitoring the fishery. Preliminary data for the Makah fishery will be from a NMFS-trained observer. All weights are round weight (the weight of the whole fish before processing) or round-weight equivalents. One metric ton is 2,204.6 pounds.

GROUNDFISH ADVISORY SUBPANEL REPORT ON SABLEFISH THREE-TIER PROGRAM, QUALIFICATION WITH SETNET LANDINGS

The Groundfish Advisory Subpanel (GAP) discussed a proposal to allow vessels using setnet gear under an Exempted Fishing Permit to qualify their landings for the sablefish three-tier system. After thorough review and debate, the GAP was unable to reach a clear consensus on the issue and will present no recommendations. Individual GAP members may provide public testimony on the proposal.

Supporters of the proposal acknowledged it would directly affect only one vessel and believed the vessel owner had made every proper attempt to use the Council process to qualify his landings. Further, there was concern that disallowing landings in this case would provide a disincentive for fishermen to engage in cooperative research activities in the future, since their landings might not qualify under any future permit system.

Opponents believed that allowing this exception would set a bad precedent which could lead to other permit holders seeking exceptions to qualify for a sablefish endorsement or even to obtain a limited entry permit. They believe the individual in question had ample time to accrue qualified landings for a better tier classification and no exception should be made in this case.

During discussion, the GAP heard from the Groundfish Management Team, Council staff, and the individual seeking the exception, so the GAP believes all points of view were well represented, and all available data was presented.

PFMC
06/12/01

Exhibit C.2.b
Supplemental GMT Report
June 2001

GROUNDFISH MANAGEMENT TEAM STATEMENT ON SABLEFISH 3-TIER PROGRAM, QUALIFICATION WITH SETNET LANDINGS

The Groundfish Management Team (GMT) supports allowing sablefish landed under a setnet Exempted Fishing Permit (EFP) during 1984-1985 to count towards the 1984-1994 cumulative poundage history used for making tier assignments in the limited-entry fixed-gear primary season. We believe that a narrow interpretation of the applicability of these landings to tier assignment is fair and reasonable, and we would not support expanding the use of such landings to re-evaluate qualification for a sablefish endorsement or a limited-entry permit; nor should consideration of setnet landings under this EFP bring into consideration other setnet landings not made under the EFP.

The original qualifying window for limited entry continued for 2½ years after the conclusion of the EFP setnet opportunity, allowing ample time for the required six landings to be made. The sablefish endorsement qualifier required that sablefish landings with limited-entry fixed gear exceed 16,000 lb in only one year from 1984-94. These circumstances are different from the tier qualifier, which was based on cumulative landings over the latter 11 year period. Removing two years, which contained extensive sablefish opportunity, from the cumulative landings history, because of participation in a Council-sanctioned EFP, to examine alternative gear usage could send the wrong message to the industry. We are concerned that failure to consider landings made under this EFP may discourage future participation in fishery experiments intended to gather information that could enhance management options in the fishery.

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON SABLEFISH THREE-TIER PROGRAM, QUALIFICATION WITH SETNET LANDINGS

Mr. Jim Seger presented two proposals to the Scientific and Statistical (SSC) regarding the application of setnet landings from exempted fishing permits (EFPs - also called experimental fishing permits) to the current three-tier cumulative limit system for the primary limited entry fixed gear sablefish fishery. Alternative 1 (status quo) keeps vessel limits based on past sablefish landings using fishpots or longlines regardless of vessel participation in experimental setnet fishing for sablefish. Alternative 2 gives vessels credit for setnet landings taken under EFPs from 1984-1987. Credit for EFP setnet landings is primarily an issue of permit allocation with no significant habitat or biological impacts. Under alternative 2, a single vessel would move from tier 2 to tier 1, which would decrease the cumulative limit for tier 1 permit holders by less than 1%. There is an incentive issue involved since the affected vessel incurred costs by participating in the experimental setnet sablefish fishery. Giving credit for landings would encourage participation in other experimental programs.

PFMC
06/12/01

Exhibit C.2.c
Public Comment
June 2001

MAY 2 4 2001

May 24, 2001
05821 Canary Rd
Westlake, Or 97493

Pacific Fishery Management Council
2130 SW 5th Avenue
Portlamd, Or 97201

Dear Council Members:

I am writing in response to the decision whether to include setnet landings of sablefish to determine tier level. I would hope the council would maintain Alternative 1: Status Quo. All regulations to date have been based on landings made with pots or longline, lets keep it that way. What if a shrimper who has a sablefish permit decided if you allow setnet caught sablefish to be counted then why not the sablefish caught while shrimping to count also. There could be other ramifications that might come up if you were to allow setnet landings. Therefore Status Quo is the right choice.

Thank you for your consideration.

Lyle Hartzell
Keltie Fishing, Inc.

USE OF SABLEFISH SETNET LANDINGS TO QUALIFY FOR FIXED GEAR SABLEFISH TIERED CUMULATIVE LIMITS

MAY 15, 2001

NOTICE OF AVAILABILITY OF ANALYSIS, SCHEDULE FOR FINAL DECISION, AND SYNOPSIS OF ANALYSIS

The Pacific Fishery Management Council (Council) announces the availability of a draft environmental assessment/regulatory impact review/initial regulatory flexibility analysis for an amendment to the West Coast groundfish regulations. Specifics of the proposal are outlined below. The document is available from the Council office immediately (503-326-6352) or may be downloaded from the Council website (www.pcouncil.org) in the near future.

Submitting Comment--Written comments on the proposed action and analysis received at the Council office by **June 5, 2001** will be included in the materials distributed to the Council for consideration prior to its final decision. Comments received by **May 29** will be mailed to Council members prior to the meeting. **After June 5,** it is the submitter's responsibility to provide Council staff with an adequate number of copies to assure coverage of the Council (a minimum of 40 copies). There will be an opportunity for verbal testimony on this issue at the Council's June meeting.

Send written testimony to: Pacific Fishery Management Council 2130 SW 5th Ave., Suite 224 Portland, OR 97201 **Deadlines:** see preceding paragraph	Verbal testimony will be taken at: Park Plaza International Hotel 1177 Airport Blvd. Burlingame, CA 94010 **Tuesday, June 12, 2001**

Final Council Decision--The Council is scheduled to make a final decision on this issue Tuesday, June 12, 2001 at the Council meeting in Burlingame, California.

Proposed Action--The Council is considering recommendation of an adjustment to the tier qualifying requirements for the three-tier cumulative limit system for the primary limited entry fixed gear sablefish fishery. The proposed action would add another category of landings that would count toward assignment of a fixed gear sablefish endorsed permit to a cumulative limit tier: sablefish landings from 1984 through 1987 made by vessels using setnet gear under experimental fishing permits (EFP) north of 38° N latitude (Point Reyes, California) to the United States-Canada border.

Regulated Fishery--Pacific Coast groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 nm offshore) off Washington, Oregon, and California are managed under the Council's Pacific Coast groundfish fishery management plan (FMP). The FMP includes the limited entry fixed gear sablefish fishery, a segment of the Pacific Coast groundfish fishery north of 36° N latitude to the United States-Canada border. Only fishpot and longline gear may be used in the limited entry fixed gear sablefish fishery. Setnet gear has been banned north of 38° N latitude in all segments of the groundfish fishery since the inception of the groundfish plan in 1982.

Problem Summary--The Council omitted setnet landings made under EFPs from the qualifying requirements for the three-tier limited entry fixed gear sablefish fishery. It had previously made a preliminary determination that such landings warranted consideration in the allocation of access privileges. Those who participated in the EFPs with setnet gear believed they were investing in the future of the fixed gear fishery and took part in the fishery with Council consent. If, in determining the level of a vessel or permit's qualification for harvest

privileges the Council and NMFS disallow landings taken under the setnet EFPs, it may discourage fishers in the future from taking part in experimental fisheries. A public policy that discourages participation in EFPs may inhibit useful innovation in the fishery.

Legal Basis and Key Objectives--The legal basis for this proposal is the groundfish FMP approved by the Secretary of Commerce under the authority provided by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Key objectives related to this regulatory amendment and the related national standards for the Magnuson-Stevens Act are as follows:

- **Promote Equity.** (This objective relates to National Standard 4 on allocation and FMP Objective 13 on equitable sharing.)

- **Encourage Innovation.** (Innovation may contribute toward progress in achieving National Standard 5 [consider efficiency], 6 [take into account variations and contingencies], 9 [minimize bycatch and bycatch mortality], and 10 [promote safety].)

Main Alternatives--

Alternative 1: **Status Quo** – No change. Vessels that took part in experimental fishing for sablefish with setnet gear in the mid 1980s will continue to fish using the harvest privileges assigned on the basis of their landings with longline or fishpot gear. Setnet landings will not be considered as a basis for upgrading the sablefish tier to which a sablefish endorsed fixed gear groundfish limited entry permit has been assigned.

Alternative 2: **Credit for Setnet Landings Taken Under EFPs from 1984-1987** – The sablefish catch history for vessels fishing with setnet gear north of 38° N latitude under EFPs from 1984 through 1987 will be counted as part of the permit catch history for the purpose of determining qualification for a tier level in the three-tier program used to manage the limited entry fixed gear sablefish fishery. This provision applies only for permits already endorsed for fixed gear sablefish.

Synopsis of Analysis--All 164 holders of fixed gear limited entry permits endorsed for sablefish would be expected to experience some adverse impact if any permits are moved from a lower tier level to a higher tier level as a result of implementing Alternative 2, with the exception of any owner of a permit that is moved to a higher tier. Based on a review of permit catch histories and expected tier changes, the owners of permits that do not change tiers are expected to experience a 0.76% decline in gross sablefish revenues from the primary fixed gear sablefish fishery. When all sources of fishing revenue are taken into account, the percent change in gross revenue is expected to be substantially less than 0.76%. Changes in net revenue will likely be less than change in gross revenue. No adverse effects are identified for the physical or biological environment.

Request for Comment--In addition to comments on the appropriateness of the proposed action and the adequacy of the analysis with respect to the Magnuson-Stevens Act, National Environmental Policy Act, and other applicable laws, comment is sought on issues related to the Regulatory Flexibility Act (RFA).

RFA Issues--The purpose of the RFA is to relieve small businesses, small organizations, and small governmental entities from burdensome regulations and record-keeping requirements. It cannot be determined that the actions considered in this proposal will not have significant impacts on small entities. Public comment is invited on adjustments that would reduce the impacts on small entities while achieving the regulatory objectives and on whether the analysis adequately takes into account impacts on small entities.

Ralph Brown supported the motion agreed w/ GMT Statement
Robinson said he cannot predict how a court would rule. Eileen said → then change to "the permit has a fixed gear sablefish endorsement" maker and seconder agreed as a friendly amendment

Phil's motion(3) – Phil C2.wpd
Seconded by Bob Alverson.
see Eileen C2.wpd

Exhibit C.2
Situation Summary
June 2001

SABLEFISH THREE-TIER PROGRAM, QUALIFICATION WITH SETNET LANDINGS

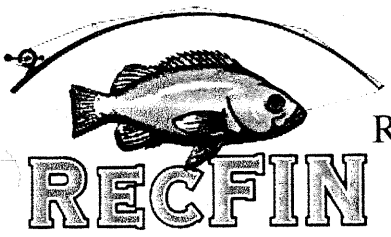
Situation: In June 1999, the Council requested the preparation of a regulatory package on the issue of whether or not to consider setnet landings in the assignment of sablefish-endorsed permits to tiers. However, it was not until April 2001 that the production of the analysis was given a high enough priority to move it forward in the process. The availability of the draft analysis was announced in May, and the announcement and a synopsis of the analysis was distributed to all fixed gear sablefish permit holders (Attachment 1). The attached announcement provides additional background on the issue currently before the Council. Final Council action has been scheduled for this meeting.

Council Action: Final action on whether or not to allow setnet landings to count toward qualifying for a tier level in the fixed gear sablefish three-tier management system. (MOTION MUST BE IN WRITING.)

Reference Materials:

1. Availability Notice: "Use of Sablefish Setnet Landings To Qualify for Fixed Gear Sablefish Tiered Cumulative Limits, May 15, 2001, Notice of Availability of Analysis, Schedule for Final Decision, and Synopsis of Analysis" (Exhibit C.2, Attachment 1).
2. Analysis: *Use of Sablefish Setnet Landings To Qualify for Fixed Gear Sablefish Tiered Cumulative Limits Including Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis.* **PLEASE BRING YOUR COPY WITH YOU.**

PFMC
05/21/01



RECREATIONAL FISHERIES INFORMATION NETWORK
PACIFIC STATES MARINE FISHERIES COMMISSION
45 S.E. 82ND DRIVE, SUITE 100, GLADSTONE, OREGON 97027-2522
PHONE (503) 650-5400 FAX (503) 650-5426

RecFIN Presentation

Pacific Fishery Management Council
June 12, 2001
by
Russell Porter
RecFIN Chairman

I. Introduction

II. RecFIN Budget Review (1998-2001)

III. RecFIN Statistics History (1980-date)

A. Catch Data
B. Discarded Catch
C. Marine Mammal Interactions
D. Area of Catch
E. Economic Data

IV. 2001 MRFSS

A. No. Calif : Humboldt/Del Norte Sampling
B. Wave I Catch/effort
C. 2001 PC Effort Survey
D. 2001 PC Economic Survey
E. Wave VI (Nov-Dec) - No Sampling

V. RecFIN Statistical Subcommittee

A. State/MRFSS data differences
B. Continuing Subcommittee Work

RecFIN Budget History 1997-2001

YEAR	RecFIN Request	Grant Amount	Shortfall	Added	TOTAL	Comments
1997	$1,351,985	$ 914,300	<$437,685>	$0	$ 914,300	Cut Sample Size, CA samplers went to part-time, no benefits
1998	$1,314,700	$ 914,300	<$400,400>	$75,000 & $233,793	$ 989,300	Economic Survey added ($233,793)
1999	$1,249,500	$ 914,300	<$335,200>	$66,000	$ 980,900	
2000	$1,356,685	$1,015,000	<$341,685>	$79,930	$1,094,930	[Plus $230k for PC effort & PC Economic surveys for 16 & 12 mos respectively]
2001	$1,240,815	$1,001,600	<$239,215>	$0	$1,001,600	No sampling from Nov-Feb

2001 MRFSS Party/Charter Boat Effort Survey & Economic Survey - Sample Frame [May-June]

California [561 Boats]	Boats	**Active**	Temporaily Inactive	Not Active	Status Unknown
So. Calif.	287	**159**	22	32	74
No. Calif.	237	**104**	23	56	54
Area Unknown	37	**0**	5	17	15
Totals:	561	**263**	**50**	105	143

2001 NMFS PC Economic Survey (5/01 – 4/02)

Oregon [150 Boats]	150	**113**	0	37	0
Washington [165 Boats]	165	**135**	0	0	30

Cooperation by California Skippers - Mar-April

	Provided Data	Refusals
So. Calif	81%	19%
No. Calif.	82%	18%

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON MARINE RECREATIONAL FISHERIES STATISTICS SURVEY UPDATE

Mr. Russell Porter with Pacific States Marine Fisheries Commission (PSMFC) briefed the Scientific and Statistical Committee (SSC) on the status of the Recreational Fishery Information Network (RecFIN) program that is administered by the PSMFC. Inadequacies in the RecFIN budget could eliminate Marine Recreational Fisheries Statistics Survey (MRFSS) field sampling on a coast-wide basis from November 2001 through February 2002. The RecFIN database provides information essential to stock assessments of some species. A reduction in the data quality and coverage in the RecFIN database due to budget limitations could negatively impact future stock assessments for several recreationally-important species such as black rockfish, bocaccio, lingcod, and cowcod.

Mr. Porter reported there has been continued progress toward integrating the MRFSS data with information collected by the state agencies. This is an important improvement to the RecFIN database and the SSC recommends these efforts continue.

There has also been continued progress toward rectifying differences between state and MRFSS estimates when both are available. The analysis and report for Oregon has been completed. A report examining the state-produced and MRFSS estimates for Washington is expected in August. The SSC looks forward to seeing this report.

PFMC
06/11/01

MARINE RECREATIONAL FISHERIES STATISTICS SURVEY UPDATE

Situation: With reductions in the groundfish fishery in recent years, data collected on recreational harvest of groundfish has become increasingly important. Recreational harvest data is also important for other fisheries of interest to the Council such as those for highly migratory species and salmon.

An update on status and progress of the Recreational Fishery Information Network (RecFIN) program will be provided by Mr. Russell Porter of Pacific States Marine Fisheries Commission (PSMFC). RecFIN is administered by PSMFC. The Marine Recreational Fisheries Statistics Survey (MRFSS) is an integral part of the RecFIN program. Traditionally, there are two primary components of the survey, field intercept surveys (administered under supervision of PSMFC) and a random phone survey of coastal populations (administered by a third party contracted by NMFS). The results of these two efforts are combined in the RecFIN data system maintained by PSMFC and estimates of total effort and fishing mortality are produced along with other data useful for management and stock assessments. Numerous efforts have been undertaken in recent years to increase the efficiency, precision, and public confidence in the estimates produced by this data project. These efforts have included review of differences between state and MRFSS estimates (where the two have overlapped), the development of a party/charter vessel census approach for effort estimation (to replace the sample method currently used to produce estimates for the party/charter fishing mode), and better integration of MRFSS and state sampling programs. While these efforts have been underway, RecFIN has been level funded and the program may have to eliminate sampling for some portions of the coming year. The following are among the topics that Mr. Porter will cover under this agenda item:

(1) Status of the RecFIN budget.
(2) The party/charter vessel effort survey.
(3) New results forthcoming from the review of differences between MRFSS estimates and Oregon and Washington estimates for recreational fishing activities.
(4) Catch numbers to date for 2001.
(5) Economic surveys being conducted in the coming year.

Council Action: Comment and guidance as appropriate.

Reference Materials: None.

PFMC
05/21/01

Exhibit C.4
Situation Summary
June 2001

STATUS OF THE 2001 STOCK ASSESSMENT REVIEW
PANEL MEETINGS (DRAFT STOCK ASSESSMENTS FOR 2002)

Situation: Stock Assessment Review (STAR) Panel information about potential harvest level changes for next year (including potentially overfished stocks) will not be available for preliminary consideration of 2002 acceptable biological catch (ABC) and optimum yield (OY) levels. This is a result of scheduling conflicts which necessitated rescheduling the STAR Panel meeting the week of May 21, 2001 for the week of June 25, 2001.

Ms. Cyreis Schmitt will discuss the revised schedule, preliminary assessment information, and expectations for the STAR process prior to the September Council meeting.

The revised STAR schedule is: June 25-29, 2001 STAR Panel – remaining rockfish species group, including black rockfish (southern area), yelloweye rockfish, and new methods for data poor species; July 9-12, 2001 STAR Panel – Dover sole and shortspine thornyhead; July 13-16, 2001 STAR Panel – sablefish.

Council Action: Council discussion and guidance.

Reference Materials: None.

Groundfish Fishery Strategic Plan Consistency Analysis

This agenda item is consistent with the Strategic Plan goal for science: To provide comprehensive, objective, reproducible, and credible information in an understandable and timely manner to meet our conservation and management objectives.

PFMC
05/21/01

Proposed Species List for Assessments in 2002

The proposed list of species to be assessed in 2002 is:

Whiting (NWFSC lead w/Canadians)
Cabezon (CDFG lead)
Bocaccio (SWFSC lead)
(or Phase 2 of Data-poor Method Development) (SWFSC/NWFSC)

Rationale:

Cabezon. CDFG staff have indicated that they intend to assess cabezon in 2002. Due to concerns about the status of the population, cabezon (off California) had been on the list of species to be assessed in 2001 but workload pressures precluded it from being done.

Whiting. A whiting acoustic/trawl survey is being conducted this summer and a joint Can/US stock assessment team plans to complete a whiting assessment for joint review in late winter 2002.

Bocaccio (or Phase 2 of Data-Poor Method Development). A status review of bocaccio is being conducted for evaluation of extinction risk under ESA and it is expected that a stock assessment may be conducted as part of the status review. Alternatively, progress on the new assessment method for data-poor species currently being developed may continue and be completed for review.

The proposed list of species is shorter than usual because substantial work is underway in evaluating historical fishery and survey data, which may have significant impacts on assessment results. This work is described in items A through D below.

A. Historical triennial survey results for shelf species are under substantial review/revision. Stock assessments for most shelf species are highly sensitive to changes in triennial survey results.

1) High frequency of "water hauls" in early surveys. For many species, especially flatfishes, assessments based on revised results are likely to show that their abundances are lower than current estimates.

2) Potential re-stratification of survey data based on new information about habitat distribution, untrawlable areas and fish-habitat associations. The results of re-stratification are not known.

B. New estimates of foreign catch composition are under review. A very thorough compilation of information on the historical foreign catches off the west coast has just been completed and is under review. In the past, individual assessment authors developed estimates of the foreign catch of a particular species and this has sometimes resulted in inconsistent and incompatible estimates when all species are considered. For some species, the new catch estimates are substantially different from estimates used in past assessments and may significantly affect abundance estimates.

C. New estimates of groundfish trawl discard from the Enhanced Data Collection Program (ECDP) may significantly affect abundance estimates. Discard rates for shelf and slope species are being estimated this summer and fall from the ECDP data collected during the late 1990s.

D. An additional year of data will be available from the 2001 triennial shelf survey. Assessments of most shelf species are tuned to the survey results and new data for 2001 will provide updated abundance estimates.

We expect to complete these retrospective analyses, as well as the analyses of 2001 survey results, during the coming year. The stock assessments and STAR panel process must be completed earlier than in the past, by April rather than July. Thus, it is not feasible to accomplish all the new analyses of survey and fishery data in time for additional assessments in 2002. Alternatively, if additional species were to be assessed in

2002, it is likely that those species would need to be assessed again soon thereafter, to incorporate the delayed analyses of historical survey and fishery data (delayed in order to do these assessments in 2002).

However, we do expect to complete these analyses during 2002 and to propose a much larger list of species for assessment and review in 2003. As an indication of the potential future assessment schedule, a table showing the species, the most recent year they were assessed, and a potential schedule of assessments through 2010 follows.

Table 1. Potential Schedule of Assessments and Rebuilding Analyses (Annual Assessment Cycle).

		Year								
Species	**Assess**	**02**	**03**	**04**	**05**	**06**	**07**	**08**	**09**	**10**
Arrowtooth	1993		X			X			X	
Dover sole	2001			X			X			X
English sole	1993		X			X			X	
Petrale sole	1999			X			X			X
Bank	2000				X			X		
Black	2001				X			X		
Blackgill	1998				X		X			X
Bocaccio*	1999	X			X			X		
Canary*	1999		X			X			X	
Chilipepper	1998		X			X			X	
Cowcod*	1999			X				X		
Darkblotched*	2000		X			X			X	
Longspine	1998			X				X		
POP*	2000		X			X			X	
Shortbelly	1989				X					
Shortspine	2001			X			X			X
Widow*	2000		X			X			X	
Yelloweye	2001				X			X		
Yellowtail	2000			X			X			X
Cabezon	delayed	X					X			
Lingcod*	2000		X			X		X	R	
Sablefish	2001			X			X			X
Whiting	2000	X		X		X		X		X
No. New Species					**2**		**1**		**1**	**1**
Other Info.		**02**	**03**	**04**	**05**	**06**	**07**	**08**	**09**	**10**
Assessment Capacity-annual		8	8	8	8	8	8	8	8	8
Number of Assessments		3	8	8	8	9	8	8	8	8
Shelf Survey		?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

* = overfished species
R= Rebuilt (required)

Assessment Capacity is an assumed number (8) of assessments or rebuilding analyses that the combined resources of the NWFSC, SWFSC, and states can complete in a year. This is based on the existing complement of assessment scientists.

GROUNDFISH ADVISORY SUBPANEL REPORT ON STOCK ASSESSMENT PRIORITIES FOR 2002

The Groundfish Advisory Subpanel (GAP) discussed stock assessment priorities with NMFS staff and generally agreed to the list that had been developed.

The GAP notes that NMFS intends to analyze foreign catch figures for red rockfish, a step urged by the GAP last year. This analysis is crucial in determining the virgin biomass of several rockfish species and needs to be concluded.

The GAP reluctantly agreed to the one-year delay in assessment of canary rockfish. Because so many fishery management decisions are driven by the "overfished" status of canary, the GAP was concerned that a delay in the assessment would only exacerbate current problems. However, the GAP notes that moving the assessment to 2003 will allow consideration of the most current shelf survey data and would bring the assessment schedule in line with the 2-year monitoring requirement for rebuilding plans specified in the law.

PFMC
06/12/01

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON STOCK ASSESSMENT PRIORITIES FOR 2002

Ms. Cyreis Schmitt (National Marine Fisheries Service) presented an overview of the proposed stock assessment process for the 2002 cycle. Only three assessment projects were selected – whiting, cabezon, and either bocaccio or continued development of methods for assessing data poor species. The proposed list is short because of the substantial ongoing review of historical fishery and survey data, a review which may affect future stock assessments. Changes include:

- Adjustments to historical triennial survey data by taking account of "water hauls."
- Potential restratification of survey data based on new habitat information.
- Revised estimates of historical foreign catch.
- New estimates of groundfish trawl discard rates.

In response to last year's Scientific and Statistical Committee (SSC) request for a longer stock assessment planning horizon, NMFS developed a draft proposal for assessments and rebuilding analyses for the 2002 through 2010 cycles. The SSC suggests the following changes to that proposal:

- Conduct yellowtail rockfish assessments on a 3-year cycle. The next assessment would be in the 2003 rather than the 2004 cycle.
- Conduct a canary rockfish assessment in the 2002 cycle, contingent on having age data from the 2001 triennial survey in time to meet the earlier stock assessment schedule.

PFMC
06/12/01

STOCK ASSESSMENT PRIORITIES FOR 2002

Situation: As per the Council's stock assessment and review procedures, stock assessment priorities are to be set in June to allow sufficient time for assessment authors to obtain relevant data for next year's assessments. Ms. Cyreis Schmitt, NMFS Stock Assessment Coordinator, will present a list of proposed species for assessment in 2002 and issues to consider in setting assessment priorities for 2002. In addition, in line with recent changes in the groundfish management process, Ms. Schmitt will also provide information to help the Council think about long-range planning for stock assessments and the stock assessment review (STAR) process.

Council Action: Discuss priorities for groundfish stock assessments in 2002.

Reference Materials:

1. Proposed list of assessments for the year 2002 (Supplemental Attachment C.5.a).

Groundfish Fishery Strategic Plan Consistency Analysis

This agenda item is consistent with the Strategic Plan goal for science: To provide comprehensive, objective, reproducible, and credible information in an understandable and timely manner to meet our conservation and management objectives.

PFMC
05/21/01

PROPOSED CHANGES TO THE EFP APPLICATION CO-SPONSORED BY THE PACIFIC MARINE CONSERVATION COUNCIL AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME.

1. Effective dates for the EFP: August – October 2001, June – October 2002

2. Maximum number of trips: Approximately four trips per month per vessel to prosecute fishing for yellowtail rockfish under the EFP.

3. Number of observers to participate in the project: CDFG has identified funding that would allow for up to 5 trained observers to participate in the at-sea data collection portion of this project.

4. The number of fishermen participating in the project is constrained by the number of available observers as the EFP will only be in effect with an observer on-board. The EFP will be open to OA vessels in the state of California that meet the landing history criteria set for yellowtail (to be analyzed).

5. Full retention of all rockfish species will be required, with some level of the amount of yellowtail rockfish in excess of the current OA trip limit to be retained by the vessel to cover expenses incurred as a result of participation in the project. The current OA limit is 100 pounds per trip, the EFP applicants are requesting a limit of 1000 pounds per month with the vessels permitted to retain 500 pounds per month. As noted in the EFP application fish caught in excess of 500 pounds per month will be forfeited to the state.

6. A cap of 30 pounds of canary rockfish per observed trip under the EFP is proposed. Upon reaching this cap the fisherman would no longer be allowed to target yellowtail rockfish and would have to target other species. Upon reaching the 50-pound limit on canary rockfish the vessel would be required to retain all canary rockfish caught however, all fish caught above the 50-pound limit would be forfeited to the state.

7. Data to be collected includes: length and weight of all species captured, species composition, soak time, location, depth fishing, gear, and logistical information on the vessel. These data will be analyzed and a report written Jennifer Bloeser of PMCC or a specified biologist at CDFG and provided to the Council at the conclusion of the project.

June 6, 2001

Mr. Bill Robinson
Deputy Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE, Bin 15700
Seattle, Washington 98115-0070

Dear Mr. Robinson:

Attached please find an application for an Experimental Fishing Permit (EFP) for Council consideration at its June 2001 meeting. The primary purpose of the EFP is to measure catch rates of bocaccio rockfish taken incidentally during trawling operations targeting chilipepper rockfish. For vessels participating in the program, observer coverage would be required during all trips during which small footrope is used ~~to target chilipepper rockfish~~, and the trip limit for chilipepper rockfish would be increased from 7500 pounds per two-month period to 25,000 pounds per month. During these trips, all rockfish must be landed and any rockfish overages forfeited to the state. When a vessel has landed 400 lbs of bocaccio or 25,000 pounds of chilipepper in a month, that vessel would no longer be allowed to land chilipepper <u>for sale</u>. ~~and observer coverage would be discontinued until the next open fishing period.~~ The EFP would be valid during 2001 and 2002, but only during those periods specified in the application. We propose to limit the program to no more than five permits, with no more than two permits issued per port group. Regarding canary and widow rockfish, we are receptive to considering threshold limits for those species.

Sincerely,

DRAFT

LB Boydstun
Intergovernmental Affairs Office

Attachment

cc: Pacific Fishery Management Council
National Marine Fisheries Service, Southwest Region

bc: Marine Region, Department of Fish and Game
Patty Wolf
Dave Thomas
Tom Barnes

APPLICATION FOR AN EXPERIMENTAL FISHING PERMIT

A. Date of application: June 6, 2001

B. Applicants' names, mailing addresses, and telephone numbers:

California Department of Fish and Game
1416 9th Street
Sacramento, CA 95814

Contact: LB Boydstun (916) 653-6281

C. A statement of the purpose and goals of the experiment, for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

Pacific Coast groundfish are managed by the Pacific Fishery Management Council under a federal fishery management plan (FMP). The management goals of the FMP are to:

- Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.
- Maximize the value of the groundfish resource as a whole.
- 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.

The specific goals of the experiment are:

- To measure bycatch rates of bocaccio and other rockfish associated with the small footrope trawl fishery when targeting chilipepper rockfish, and other shelf species, through an at-sea observer program.
- To provide fishermen with an incentive to participate in the observer program by giving them the opportunity to land chilipepper in excess of the current bi-monthly trip limit for vessels using small footrope trawl, while protecting depressed rockfish species.
- Augment the National Marine Fisheries Service groundfish observer program

With regard to the disposition of the species harvested under the EFP:

- The vessel may retain and sell species caught within current trip limits.

- The vessel must land all rockfish caught in excess of current trip limits ~~on trips when an observer is on board~~. These overages will be forfeited to the state consistent with the current process for forfeiture of overages in the shoreside-whiting fishery.

D. Valid justification explaining why issuance of an EFP is warranted.

Chilipepper rockfish is an important species in the California groundfish fisheries. The 2001 ABC (2,700 MT) for the Monterey and Conception areas is based on a 1998 assessment and application of the F 50% harvest policy. The stock is estimated to be above the 40% precautionary threshold so the default OY would normally be equal to ABC. However, the 2000 and 2001 OYs were set below ABC at 2000 MT, in part to reduce the bocaccio bycatch potential.

Because of bocaccio bycatch concerns, vessels using small footrope have had relatively small chilipepper trip limits (currently 7,500 lbs per two month cumulative period) ~~when using a small footrope trawl~~. Considerably larger trip limits were established for vessels using mid-water trawl, but that gear has proved to be unsuccessful in capturing chilipepper. With the small footrope constraints that were in place for 2000, only 403 MT of chilipepper were landed. Also, in 2000 only 25 MT of bocaccio were landed by all commercial vessels, about one half of the commercial OY.

Fishermen currently using small footrope to catch chilipepper have indicated they are not impacting bocaccio. These fishermen believe that they can prosecute the chilipepper fishery with a low bocaccio bycatch rate, thereby allowing a higher chilipepper catch.

E. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

The applicant of this EFP believes that the information collected during this experiment will have broader significance than the applicant's individual goals by:

- Producing data on the amount and location of bocaccio rockfish bycatch in the chilipepper fishery and providing valuable and accurate data on the species composition of the small footrope trawl fishery off the California coast.

- These data could allow the Council to establish trip limits in the future that maximize fishing opportunities while meeting conservation goals.

F. Vessels covered under the EFP:

Vessels covered under the EFP will include those which have historically participated in the targeted trawl chilipepper fishery off California. These vessels must have:

- A two-year cumulative total of at least 20,000 lbs of chilipepper landed into

California ports during 1999 and 2000.

- At least one landing of chilipepper in each of the qualifying years (1999 and 2000).

- A valid California delivery permit.

A list of vessels that meets these criteria will be provided as part of the final EFP application. No more than five (5) permits will be issued. The first 5 vessels to apply will be given first priority for final permit issuance with no more than two (2) permits issued per California port group: 1) Fort Bragg 2) Bodega Bay / San Francisco / Halfmoon Bay 3) Monterey / Moss Landing 4) Morro Bay/ Avila).

Any EFP may be canceled and made available to another vessel if the permitted vessel: 1) does not follow the terms and conditions of the permit, 2) fails to follow federal or state fishing regulations, 3) does not prosecute chilipepper rockfish using small footrope as provided in the EFP, or 4) does not reasonably accommodate the observer or cooperate with the applicant.

A permitted vessel can withdraw once from the EFP program.

G. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment:

The targeted species is chilipepper rockfish which would be subject to a 25,000 pound small footrope monthly trip limit. However, the vessel would be constrained by the measured bycatch allowance of bocaccio rockfish. Vessels are currently allowed 7,500 lbs of chilipepper per 2-month cumulative period and 500 lbs of bocaccio per month. Under the EFP, the bycatch allowance for bocaccio rockfish would be divided as follows:

- Once 400 lbs of bocaccio are landed in a month, and the vessel has landed the current small footrope trip limits for chilipepper published in the Federal Register, the vessel may not fish for and land for sale chilipepper rockfish for the remainder of the month. ~~In this situation, no further observer coverage is required for the month and rockfish landings are limited by current trip limits (no overage retention requirement).~~

- The balance of the bocaccio monthly limit would be used to accommodate bocaccio bycatch while targeting other groundfish species.

- Catches of all rockfish species taken with small footrope on board during the EFP period ~~when an observer in on board~~ must be retained. Those in excess of trip ~~limits when an observer is on board~~ will be forfeited to the state.

- Other species may be landed under current trip limit levels.

- ~~Observer coverage is not required after 25,000 pounds of chilipepper is landed in a month.~~

H. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used:

- The EFP will be valid in those Pacific Ocean waters adjacent to California south of Cape Mendocino and outside 3 miles.

- Approximate time for the fishery is August – October of 2001 and May – September 2002.

I. All vessels fishing under the authority of the EFP must:

- Carry a National Marine Fisheries Service-approved observer onboard all groundfish trips when small footrope is being used ~~to target chilipepper rockfish~~ and give the observer reasonable notice of impending fishing trips.

- Land all fish caught under the authority of the EFP into the State of California.

- Employ legal trawl gear as defined in current federal regulation. Vessels fishing under the EFP may experiment with selective gears as long as such gears comply with current footrope restrictions.

J. The signature of the applicant:

_____

California Department of Fish and Game

GROUNDFISH ADVISORY SUBPANEL REPORT ON EXEMPTED FISHING PERMIT (EFP) APPLICATIONS

The Groundfish Advisory Subpanel (GAP) reviewed three exempted fishing permit (EFP) applications and provides the following comments.

In regard to the EFP for the Washington Department of Fish and Wildlife (WDFW), the GAP supports granting the permit with two stipulations:

* The EFP should be modified so a vessel carrying an observer under the EFP gets "credit" for having carried a NMFS observer during that period. This will prevent placing vessels in a situation where they will be required to carry an observer longer than similar vessels.
* In carrying out the EFP, WDFW should maximize coordination with the NMFS observer program, including the coordination of observer coverage and sharing of data. This will ensure that we do not lose data generated by the EFP fishery.

In regard to the EFP for Mr. Kenyon Hensel and the Pacific Marine Conservation Council (PMCC), the GAP supports granting the permit and notes favorably that one of the ancillary goals, as expressed by Mr. Hensel, will be to determine the logistics of providing observer coverage on small vessels.

In regard to the EFP for the California Department of Fish and Game, the GAP supports granting the permit with several stipulations:

* Vessels fishing under the EFP should be granted "credit" for having carried a NMFS observer during the EFP fishing period, as noted above in the discussion of the WDFW permit.
* The permit should make clear that it applies to the area south of the Mendocino line to the Mexican border (i.e., the area where a trip limit for chilipepper rockfish is in effect).
* The permit should make clear that vessels in the EFP fishery will have to carry an observer whenever using a small footrope.
* The permit should make clear the requirements for full retention of rockfish.
* The permit process should potentially allow for participation by more than 2 boats in a California statistical area in the event that insufficient numbers of permit applications are received.
* As noted above, CDFG should maximize coordination with the NMFS observer program.

PFMC
06/12/01

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON EXEMPTED FISHING PERMIT APPLICATIONS

Two applications for exempted fishing permits (EFPs) - one dated April 3, 2001 and the other dated May 16, 2001 - were presented to the Scientific and Statistical Committee (SSC). A third proposal from the California Department of Fish and Game (CDFG) was not reviewed due to late submission.

The April 3 application, which was submitted by the Washington Department of Fish and Wildlife, is designed to measure the bycatch rates of canary and other rockfish in the arrowtooth flounder fishery. The proposal requires vessels covered by the EFP to conduct their arrowtooth tows north of 48° N latitude, where it is expected that fishers would achieve lower canary rockfish bycatch rates. The SSC raised questions regarding potential confounding of gear and area effects, due to lack of a control study in the area south of 48° . The applicants indicated that it would be possible to use the federal observer program to estimate the area effect. However, it is not clear to the SSC whether the combination of EFP and federal observer data would be adequate for this purpose. The SSC recommends that information be included in the EFP application regarding estimated quantities of catch by species expected for the duration of the study.

The May 16 proposal is designed to be a collaborative project among CDFG, vessel owner Mr. Kenyan Hensel and the Pacific Marine Conservation Council to test the feasibility of using vertical hook-and-line gear to selectively catch yellowtail rockfish without significantly increasing the incidental bycatch of canary rockfish. The SSC notes that this is not a statistical study to measure selectivity, but represents an opportunity for one vessel to test the feasibility of selective vertical hook-and-line gear. The results of this study could not be extrapolated to the rest of the fleet. The SSC recommends the following information be included in the EFP application: (1) the end point of the EFP, such as maximum number of trips under the EFP or an ending date, (2) a provision to end the study if allowable canary bycatch limits are prematurely exceeded, (3) a provision that an observer be onboard for all trips, and (4) estimates of the quantities of catch by species expected for the duration of the study.

For future reference, the SSC requests guidance from the Council regarding how rigorously EFP applications should be reviewed on a scientific basis. On the one hand, EFPs are not research permits. On the other hand, in cases where the results of studies conducted under EFPs are used as a basis for changes in fishery regulations, it will be important that adequate justification be provided for such changes.

PFMC
06/13/01

APPLICATION FOR ISSUANCE OF AN EXPERIMENTAL FISHING PERMIT

A. Date of application: 16 May 2001

B. Applicant's names, mailing addresses, and telephone numbers:
Jennifer Bloeser – Scientist, Pacific Marine Conservation Council
P.O. Box 327, Arcata, CA 95518
(707) 822-4494

Kenyan Hensel – Commercial Fisherman
871 Elk Valley Road, Crescent City, CA 95531
(707) 465-6857

Jonathan Ramsey – Marine Biologist, California Department of Fish and Game
619 Second Street, Eureka, CA 95501
(707) 441-5757

C. A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP.

The primary purpose of this experiment is utilization of an opportunity to develop a small-scale collaborative project between the California Department of Fish and Game (CDFG), Kenyan Hensel, and the Pacific Marine Conservation Council (PMCC) to collect gear selectivity and species co-occurrence data. The applicants of this EFP propose to collect data on the co-occurrence of yellowtail rockfish and canary rockfish by the gear-type listed in the application and at a trip limit level for yellowtail rockfish considered by the applicants to be economically viable.

The Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) could utilize the logistical information and data collected during this project as a template for collecting gear selectivity information, placing observers on small vessels, and developing collaborative research projects with fishermen. Additionally, the catch data could be used as information in decisions on allowing for differential trip limits to be developed (once a standard for gear performance has been set) for yellowtail rockfish in specific areas and with specific gears.

This project will also be a step towards meeting the strategic plan goal for "Science, Data Collection, Monitoring, and Analysis by helping to fulfill the "Science Recommendation(s)" of "2. Create cooperative partnerships between state, federal, private foundations, and other private entities to collect and analyze the scientific data needed to manage groundfish." And "3. Promote improved mutual understanding, communication, and credibility between the fishing industry and scientists through increased communication and collaboration, including at-sea ride-alongs."

The applicants of this EFP do recognize the limited nature of the experiment and its potential application. Additional personnel and funding in the future would have the effect of greatly expanding and diversifying the experiment. Constraints on staff time prevent the participation of more than one vessel in the project. Favorable results from this project could be used to support expanding this project in terms of staff time and vessel participation in the future.

Data will be collected by an on-board observer trained and employed by the California Department of Fish and Game (CDFG) and will consist of individual lengths and total weights for all species caught. The data will be housed at the CDFG office in Eureka, CA and will be provided to the Council and NMFS at the conclusion of the project. See attached Appendix A for a detailed description and example of data to be collected.

Species caught within current trip limits will be retained by the vessel, species caught in excess of current trip limits, but permitted within the EFP, will be forfeited to the state to be distributed to a food bank.

D. Valid justification explaining why issuance of an EFP is warranted:

Current monthly trip limits for canary and yellowtail rockfish are set at 50 lbs./month and 100 lbs./month respectively. The applicants are requesting co-occurrence information between yellowtail rockfish and canary rockfish at a catch limit for yellowtail rockfish that is considered to be economically viable for fishermen. Given this, the amount of yellowtail rockfish allowed under the current monthly limit would not permit adequate data collection on selectivity of the fishing gear for yellowtail rockfish and against canary rockfish. Therefore, the applicants are requesting an EFP to allow for 500-1000 lbs./month of yellowtail rockfish to be taken.

E. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals:

The applicants of this EFP believe that the information collected during this experiment will have broader significance than the applicants individual goals as it can:

1) Provide some quantitative information on the performance and selectivity of the gear utilized during this experiment.
2) Produce data on the location and behavior of yellowtail and canary rockfish in the area of the experiment.
3) Act as a catalyst for the collection and application of gear selectivity information within the Council process.

Information collected during this project that will contribute to the Council's ability to manage this portion of the rockfish fishery includes important logistical information on placement of observers on small vessels and collaboration with CDFG and increased communication to fishermen on the value of collecting total catch and selectivity data. This information will be particularly valuable given the number and proposed dispersal of observers for the observer program expected to be in place this summer. Data collection for fixed-gear vessels will need to be augmented and the precedent set by the collaborative nature of this project will be a good one.

F. For each vessel covered by the EFP:

1) Vessel name – Rosy Dawn.
2) Name, address, and telephone number of owner and master – Kenyan Hensel, 871 Elk Valley Road, Crescent City, CA 95531, (707) 465-6857.
3) U.S. Coast Guard documentation, state license, or registration number – CF number 6658KR, and CA Fish and Game boat license number 42528.
4) Home port – Crescent City, CA.
5) Length of vessel – 24 feet.
6) Net tonnage – the vessel has the capacity to carry one ton of fish.
7) Gross tonnage – total vessel tonnage is three tons.

G. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment:

The species to be harvested under this EFP include blue rockfish, widow rockfish, yellowtail rockfish, canary rockfish, and some nearshore rockfish species. The harvest levels for all species will be within current trip limits with the exception of yellowtail rockfish. Applicants of this EFP are requesting 500-1000 lbs./month of yellowtail rockfish for the purpose of conducting this experiment.

Previously collected information on the species impacted by this vessel and gear indicate that there will be no impact on marine mammals or ESA listed species.

The applicants of this EFP do not anticipate any enforcement issues primarily because of the nature of the project (catch constrained by current trip limits with the exception of one species) and method of data collection (on-board observation).

H. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size and amount of gear to be used:

Fishing during this experiment is proposed to take place off of Crescent City, CA, 2.5 miles northwest of Point Saint George lighthouse at a depth of 19-55 fathoms. The gear to be used is vertical hook and line on rod and reel, continuously attached to the vessel. There will be 2 sets of gear with 9-15 hooks each.

I. The signature of the applicants:

Jennifer Bloeser _____

Kenyan Hensel _____

Jonathan Ramsey _____

Appendix A:
Observer information on yellowtail rockfish association with canary rockfish:

Date: 8-10-00	**Observer:** Jonathan Ramsey (CDFG)
Boat: Rosey Dawn	**Start time:** 8:35 am
Operator: Kenyan Hensel	**End time:** 3:30 pm
Gear: Rod and reel – 2 poles with 9 shrimp flies	**Fish ticket number:** ******** (available)
Location start: NW of Pt. St. George lighthouse	**Location end:**
Lat.: ******* (available) Long: ****** (available)	Lat.: ******* (available) Long.: ***** (available)
Fishing depth: 190 ft – 32 fathoms	**Discards:** 1 – canary rockfish 286 mm

Yellowtail rockfish (mm)

37 Total weight (lb)

50

264	370
272	394
280	397
296	404
295	415
300	
310	
316	
318	
319	
323	
323	
326	
327	
328	
331	
331	
334	
334	
335	
338	
345	
349	
351	
353	
353	
354	
360	
361	
363	
363	
370	

Widow rockfish (mm)

76 Total weight (lb)

101

231	319	357
260	320	358
279	320	358
280	320	359
283	320	362
287	322	375
289	322	377
290	323	379
290	322	383
290	323	403
294	326	406
295	326	432
295	329	
296	330	
298	333	
299	334	
303	335	
304	336	
306	336	
306	338	
307	341	
308	343	
309	343	
312	343	
313	344	
314	345	
315	346	
315	348	
316	348	
318	348	
319	349	
319	352	

Blue rockfish (mm)

114 Total weight (lb)

123

239	310	287
257	311	290
258	312	293
259	312	294
263	322	295
265	322	298
264	325	299
267	325	302
268	327	302
271	328	306
274	330	306
275	337	308
275	338	311
276	339	314
278	340	315
283	341	316
283	342	317
284	346	319
286	349	319
286	353	320
288	355	322
288	425	323
288	260	327
293	266	329
293	266	332
295	267	333
298	275	334
302	278	337
305	282	337
307	284	338
308	284	340
308	286	342

Yellowey rockfish (mm)

1

Total weight (lb)

345	280	1
354		
355		
357		
360		
364		
291		
267		
269		
275		
282		
290		
301		
314		
316		
323		
341		
348		
351		

Rosethorn rockfish (mm)

1

Total weight (lb)

291	228	1
267		
269		
275		
282		
290		
301		
314		
316		
323		
341		
348		
351		

Canary rockfish (mm)

2

Total weight (lb)

301	302	4
314	429	
316		
323		
341		
348		
351		

Yellowtail	37
Widow	76
Blue	114
Yelloweye	1
Canary	2
Rosethorn	1

EXEMPTED FISHING PERMIT APPLICATIONS

Situation: Two draft exempted fishing permit (EFP) proposals addressing gear selectivity were presented to the Council at the March 2001 meeting. The primary purpose of the first application is to quantify the capacity for vertical hook-and-line gear to selectively catch yellowtail rockfish without incidental catch of canary rockfish. Observers would be onboard participating vessels. The goals of the second EFP, proposed by Washington Department of Fish and Wildlife, are to measure bycatch rates of canary and other rockfish associated with the arrowtooth flounder fishery through an at-sea observer program. As an incentive to participate in the observer program, fishers would be offered the opportunity to land arrowtooth flounder in excess of the current monthly trip limit, as long as they stay within acceptable bycatch limits of other species.

In April, NMFS asked the Council to consider whether proposals such as these are an appropriate use for EFPs. There was concern about providing a financial advantage to participants, which could be at the expense of non-participants. An additional concern was the need for canary rockfish incidental catch limits.

Council Action:

1. Consider permit recommendations to NMFS.

Reference Materials:

1. Application for issuance of an EFP for vertical hook-and-line gear (Exhibit C.6, Attachment 1).
2. Application for issuance of an EFP for arrowtooth flounder fishery (Exhibit C.6, Attachment 2).

Groundfish Fishery Strategic Plan Consistency Analysis

The Plan supports bycatch reduction efforts and development of selective fishing techniques. The two proposed EFPs are intended to gather information on methods to selectively harvest abundant species and determine bycatch rates of canary rockfish and other species.

PFMC
05/24/01

Exhibit C.6
Supplemental Replacement Attachment 2
June 2001

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

June 11, 2001

Mr. Bill Robinson
National Marine Fisheries Service, Northwest Region
7600 Sand Point Way N.E., BIN C15700
Seattle, Washington 98115

Dear Mr. ~~Robinson~~ Bill:

The Washington Department of Fish and Wildlife (WDFW) is applying for an experimental fishing permit (EFP) for its targeted arrowtooth flounder fishery. Enclosed is our completed application.

As you know, in January 2000, the Secretary of Commerce declared a commercial fishery failure in the West Coast groundfish fishery. In response, Congress appropriated federal assistance to the affected states, including Washington. The overarching goal of Washington's Disaster Relief Program is to prevent similar failures in the future by maximizing the harvest opportunities on healthy stocks while meeting the rebuilding targets for overfished species, and to assist fishing communities affected by the failure. To that end, WDFW has proposed to use a portion of the grant to implement a cooperative at-sea observer program for the arrowtooth flounder fishery.

Arrowtooth flounder is an extremely important species to the Washington groundfish fishery. The stock is healthy and Washington fishers and processors have worked aggressively to develop strong markets for this species. The trip limits for flatfish other than Dover sole are currently constrained by the assumed bycatch rate of canary rockfish. Fishers who have historically targeted arrowtooth have indicated that their bycatch rate for canary rockfish is much lower than the assumed rate. The experimental fishery will allow us to determine a more accurate estimate of the canary bycatch rate.

The purpose of the experiment is to assist the Pacific Fishery Management Council in achieving the goals of the groundfish fishery management plan by collecting bycatch data on overfished stocks to allow for informed management decisions in setting appropriate trip limits to maximize safe harvest levels of healthy stocks. To measure bycatch rates for canary and other rockfish associated with the arrowtooth fishery, fishers would be required to carry WDFW-provided observers onboard their vessels for all of their groundfish trips in August and September 2001.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Sincerely,

Philip Anderson
Special Assistant
Intergovernmental Policy

APPLICATION FOR ISSUANCE OF AN EXEMPTED (EXPERIMENTAL) FISHING PERMIT

A. Date of application: June 11, 2001

B. Applicant's names, mailing addresses, and telephone numbers:

Washington Department of Fish and Wildlife (WDFW)
600 Capitol Way North, Olympia, WA 98501-1091
Contacts: Philip Anderson (360) 902-2720
Brian Culver (360) 249-1205
Michele Robinson (360) 249-1211

C. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP.

Pacific Coast groundfish are managed by the Pacific Fishery Management Council under a federal fishery management plan (FMP). The management goals of the FMP are to:

1. Prevent overfishing by managing for appropriate harvest levels and prevent any net loss of the habitat of living marine resources.
2. Maximize the value of the groundfish resource as a whole.
3. 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.

The purpose of the experiment is to assist the Pacific Fishery Management Council in achieving the goals of the FMP by collecting bycatch data on overfished stocks to allow for informed management decisions in setting appropriate trip limits to maximize safe harvest levels of healthy stocks.

Specifically, the goals of the experiment are to:

1. Measure bycatch rates for canary and other rockfish associated with the arrowtooth flounder fishery through an at-sea observer program, and
2. Augment the National Marine Fisheries Service groundfish observer program.

WDFW staff will analyze and summarize the results of the experimental fishery which will be submitted to the National Marine Fisheries Service and the Pacific Council. Specifically, WDFW staff will analyze and summarize:

1. The amount and location of canary rockfish associated with the arrowtooth flounder fishery north of 48 degrees north latitude.
2. Total catch composition of fish taken in the two-month experimental fishery.
3. Results of the rockfish retention pilot program.

A preliminary update will be presented to the Pacific Council at its September meeting and a more complete report will be given at the November Council meeting.

With regard to the disposition of the species harvested under the EFP:

- Species caught within current trip limits may be retained by the vessel.
- Species caught in excess of current trip limits, but permitted within the EFP (i.e., arrowtooth flounder and petrale sole), will be retained by the vessel.
- Rockfish species caught in excess of current trip limits, but required to be retained under the EFP, will be forfeited to the state consistent with the current forfeiture of overages in the shoreside whiting fishery.

D. Valid justification explaining why issuance of an EFP is warranted:

In recent years, the Pacific Fishery Management Council has been presented with new scientific information which suggests that productivity of Pacific Coast groundfish is unusually low. As a result, more restrictive management measures have been adopted since 1998. During the 1983-1999 period, coastwide non-whiting landings have decreased 65 percent from 107,000 metric tons to 38,000 metric tons. In terms of revenue for the same period, non-whiting revenues have declined by 54 percent from $99.9 million to $46 million. The decline in abundance has been particularly severe for rockfish and flatfishes which account for about half of the non-whiting revenue.

Since 1998, the Pacific Council has initiated rebuilding plans for canary rockfish, Pacific ocean perch, lingcod, cowcod, and bocaccio. Critical to these rebuilding plans and to the overall improvement of groundfish management is the need for more and better scientific data. There are 82 species covered under the Pacific coast groundfish FMP, and at present, there is little or no data on a large number of these species. There is a need for comprehensive, timely and credible data for priority species to aid in the conservation and rebuilding efforts for these stocks.

Arrowtooth flounder are an extremely important species in Washington groundfish fisheries. The stock is healthy and Washington fishers and processors have worked aggressively to develop strong markets for this species. A large component of the Washington trawl fleet, and at least two major processors, are heavily dependent upon arrowtooth flounder.

Fishers targeting arrowtooth are currently constrained by their limit of canary rockfish. As such, fishers are limited to 30,000 lbs/month for all flatfish which includes arrowtooth. This trip limit is based upon the assumed bycatch rate of canary rockfish. Fishers who have historically targeted arrowtooth have indicated that under this monthly trip limit, targeting arrowtooth will not be economically feasible. Further, these fishers believe that they can prosecute an arrowtooth fishery with a much lower canary bycatch rate, thereby allowing a higher arrowtooth catch.

E. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals.

The applicant of this EFP believes that the information collected during this experiment will have broader significance than the applicant's individual goals by:

- Producing data on the amount and location of canary rockfish bycatch in the arrowtooth flounder fishery,
- Providing valuable and accurate data on the species composition of the trawl flatfish fishery off the Washington coast, and
- Providing a pilot program for the retention of rockfish overages.

These data could allow the Council to establish trip limits in the future that maximize fishing opportunities on healthy stocks while meeting conservation goals for depleted stocks.

F. Vessels covered under the EFP:

Fishers covered under the EFP will include those who have historically participated in the targeted arrowtooth fishery off Washington. These fishers must have:

- 3-year cumulative total of at least 400,000 lbs of arrowtooth flounder landed into Washington in the following calendar years: 1998, 1999, and 2000,

- Landings of arrowtooth flounder into Washington in all three consecutive years (1998, 1999, and 2000), and

- A valid Washington delivery permit

A list of the fishers (and their designated vessels) that meet these criteria are attached.

G. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment:

- The targeted species is arrowtooth flounder which would not be subject to a monthly trip limit, but which would be constrained by the measured bycatch allowance of canary rockfish for the flatfish fishery. Fishers are currently allowed 300 lbs per month of canary rockfish with an assumed 16% discard rate (when applied, this equals 348 lbs total). Under the EFP, the bycatch allowance for canary rockfish would be divided as follows:

- 200 lbs of canary rockfish would be allocated to tows that are identified as directed arrowtooth tows by the skipper of the vessel (in advance). Once the 200 lbs of canary rockfish are caught, and if the vessel has already reached the current monthly trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.

- Once 200 lbs of canary rockfish are caught, and if the vessel has **not** reached the current monthly trip limits for arrowtooth and petrale sole published in the Federal Register, then the vessel can continue to conduct directed arrowtooth tows until the current monthly trip limits for arrowtooth and petrale have been reached. Once those trip limits have been reached, the vessel cannot have any directed arrowtooth tows for the rest of the month and cannot retain any more arrowtooth or petrale.

- The balance of the canary rockfish would be used to accommodate the bycatch of canary while targeting other groundfish species.

- Petrale sole caught in a directed arrowtooth tow would not be subject to a monthly trip limit.

- Other species could be landed under current trip limit levels and fishers could land up to the current limit of other flatfish in addition to their arrowtooth flounder landings.

- Incidental catches of rockfish in excess of the trip limit must be retained.

- A minimum amount of four vessels must participate under the EFP to conduct the experiment.

H. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used:

- The EFP will be valid in Pacific Ocean waters adjacent to Washington, outside three miles; vessels must fish north of 48 degrees north latitude for their directed arrowtooth tows. Other fishing strategies can be used south of 48 degrees north.

- Approximate time for the experimental fishery is August 1-September 30, 2001 and June 1-September 30, 2002.

- Vessels covered by the EFP would be allowed to have more than one type of legal gear onboard (i.e., midwater trawl and small footrope trawl).

- All vessels fishing under the authority of the EFP must:

- Carry a Washington Department of Fish and Wildlife-provided observer onboard all fishing trips.

- Employ legal trawl gear as defined in current federal regulations. Vessels fishing under the EFP may experiment with flatfish selective gears (including excluders) as long as such gears comply with current footrope restrictions.

- Land all fish caught under the authority of the EFP into the State of Washington to a processor designated to participate in this program by the Washington Department of Fish and Wildlife. In order for a processor to be able to participate in this program, it must hold a contract with the Washington Department of Fish and Wildlife and abide by the conditions

listed in the contract. Failure to abide by the conditions in the contract will result in revocation of the contract by the Director of the Washington Department of Fish and Wildlife.

- Hold a contract with the Washington Department of Fish and Wildlife and abide by the conditions listed in the contract. Failure to abide by the conditions in the contract and/or to follow the provisions in the EFP will result in revocation of the contract by the Director of the Department of Fish and Wildlife. The Director of the Department of Fish and Wildlife may modify the terms of the contract based on the status of the stocks which are caught incidentally in the experimental fishery.

I. The signature of the applicant:

_____

Washington Department of Fish and Wildlife

Yvonne

Exhibit C.7.b
Supplemental NMFS Report
June 2001

AMENDMENT 14 (PERMIT STACKING) REGULATORY SCHEDULE FOR 2001, IMPLEMENTATION ISSUES FOR 2002 AND BEYOND

Amendment 14 Regulatory Schedule for 2001

On May 9, NMFS published a Notice of Availability for Amendment 14 in the *Federal Register*. This notice announced the start of a 60-day public comment period on Amendment 14, ending on July 9. NOAA has 30 days from the end of the comment period to approve, disapprove, or partially approve the amendment. On June 8, NMFS published a proposed rule (attached) to implement the Amendment 14 permit stacking program for 2001, with the public comment period ending on July 9. If NOAA approves or partially approves Amendment 14, we will publish a final rule for the 2001 season as soon as possible after the end of the comment period. The most optimistic schedule would not allow the extended season with permit stacking until August 15, but much of the publication scheduling is now out of the hands of the Region. As discussed at past Council meetings, some portions of Amendment 14 are too complex and time-consuming to implement in time for the 2001 season. These provisions will be implemented in 2002 through a second proposed rulemaking. The table on page 5 provides details on when NMFS expects to implement each of the Amendment 14 provisions.

Amendment 14 Implementation for 2002 and Beyond – Issues for Council Guidance

Requirements for Permit Owners During the Primary Season

Amendment 14 provides three specific requirements for participants in the primary sablefish season. NMFS needs Council guidance on the following requirements:

- Absent specific exceptions, the permit owner must be on board the vessel during fishing operations.
- Stacked permits may only be used for sablefish harvest during the primary season and only to harvest the tiered sablefish cumulative limits.
- Limited entry, fixed gear sablefish fishery participants must provide six hours' notice before making landings during the primary sablefish season.

Amendment 14 is structured so that once the primary season begins, all of a vessel's sablefish landings count toward the tier limits associated with its permit(s). If a vessel harvests all of its tier limit(s) before the end of the primary season, it may then participate in the daily trip limit (DTL) fishery, subject to DTL regulations. Some permit holders may opt to fish for rockfish or other species at the start of the season, with plans to harvest the bulk of their sablefish later in the season. If a vessel does fish for rockfish early in the season, it may also catch sablefish incidentally during rockfish-targeted trips.

NMFS needs clarification on whether a permit owner is required to be on board a vessel during the primary season when the vessel is fishing for sablefish daily trip limits or for species other than sablefish. A vessel may have up to three permits with different gear endorsements and only one permit must match the size of the vessel. When fishing for its primary season, tiered sablefish limits, a vessel may use any of the fixed gears endorsed on any of the permits associated with that vessel. Stacked permits may not be used for additional non-sablefish limits or for additional DTLs. This structure raises some questions:

Issue 1 (Owner on Board)

(a) Must the owner be on board the vessel for all fishing operations during the primary season, even if the vessel takes its tiered sablefish limit(s) during the first few weeks or months? OR

(b) Must the owner be on board during the entire primary season until the primary season sablefish limit has been taken? OR

(c) Must the owner be on board only when sablefish are being harvested toward the primary season limit(s)?

While Option (c) allows the most flexibility for a permit owner who might wish to hire a skipper to operate his boat when fishing for species other than sablefish, it could also result in sablefish discard if the skipper were to catch sablefish incidentally to other fishing operations during times when the permit owner is not on board.

Issue 2 (Gear Use for Permits with Different Size Endorsements)

(a) If a vessel carries a pot permit that matches the length of the vessel and a longline permit that is endorsed for a shorter length than the vessel and the vessel fishes with longline gear for either the sablefish DTLs or for rockfish, may the vessel keep amounts of non-sablefish species up to the limited entry limits for those species? OR

(b) Under the scenario described in (a), would the vessel be allowed to retain non-sablefish species up to the open access limits? (Under limited entry regulations, a pot-endorsed vessel fishing with longline gear is considered a participant in the open access fishery.)

Option (b) would be difficult to enforce. Enforcement agents would not necessarily know what gear was used during fishing operations, and would probably not know the permit that the vessel was fishing against on any particular trip. Enforcement would be more clear under (a), which would allow the vessel to use either gear during the primary season to take its tiered sablefish limits and per vessel rockfish limits. Outside of the primary season, the vessel would be restricted to using only the gear designated on its length-appropriate permit when participating in the limited entry fishery.

Issue 3 (Advance Notice of Landings) Amendment 14 would require vessels to "provide six hours' notice when making landings during the primary season."

(a) Must a vessel provide six hours notice on every trip (regardless of target species) during the primary season, even after it has reached its primary season sablefish limit(s)? OR

(b) Must a vessel provide six hours notice on every trip (regardless of target species) during the primary season until it has harvested its primary season limit(s)? OR

(c) Must a vessel provide six hours notice for every trip in which it harvests sablefish during the primary season? (Including DTLs)

Option (b) would ensure that all primary season sablefish trips are noted by enforcement, regardless of how much sablefish a vessel is landing and whether the vessel catches sablefish through targeting fishing or incidentally to other fisheries. While Option (a) would also ensure enforcement notice of primary season landings, it would be unnecessarily burdensome for vessel to continue to hail in their landings after they have reached their primary season tier limits. Option (c) would be most flexible for the vessels, but would weaken enforcement of the limits because vessels might make small and incidental sablefish landings without hailing in.

Related Question: The required six hours notice is a *minimum* time requirement. What is the *maximum* time before landing that a vessel may provide notice of landing? For example, may a vessel hail in to say that it will be making a sablefish landing 12 hours or 24 hours from the hail-in?

Base Permits and Gear Designation – Under Section 14.2.4, paragraph 3, of the FMP, "If the Council authorizes a limited entry permit stacking program, in which a vessel could use more than one permit simultaneously, each limited entry fishery participant would be required to hold at least one 'base' permit. A limited entry base permit is the initial permit necessary to participate in the limited entry fishery, and subject to all of the requirements described herein for limited entry 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."

According to Amendment 14, vessels may stack permits with different gear endorsements. To implement Amendment 14 in keeping with section 14.2.4 of the FMP, permit holders would be required to designate one of their permits as a base permit. That base permit would carry the vessel's appropriate length and gear endorsements. Outside of the primary season, the vessel would operate under the per vessel cumulative limit restrictions appropriate to the gear of the base permit.

Owner-On-Board Exemption – Amendment 14 allows an emergency exemption to the owner-on-board requirement "for medical and personal emergencies beyond the control of the permit owner."

(a) Should NMFS implement this provision using language in its regulations that would allow an emergency exemption to the owner-on-board requirement in cases of "medical and personal emergencies?" OR

(b) Should NMFS implement this provision using similar exemption language to the limited entry program application process, which would allow an emergency exemption to the owner-on-board requirement in cases of "either death, or illness, or injury of the permit owner that prevents the permit owner from participating in the fishery for at least one-half of the duration of the primary season?" OR

(c) Should NMFS implement this provision using the language used by NMFS's Alaska Region for a similar emergency exemption to the owner-on-board requirement in the Alaska sablefish/halibut IQ program, which would allow an emergency exemption "in the event of extreme personal emergency involving the [permit owner] during a fishing trip?"

Option (b) is the most clear of the three options and leaves less discretion to the NMFS Regional Administrator. Providing a time constraint on "illness or injury" limits potential for frivolous use of the exemption. Phrases like "medical and personal emergencies" or "extreme personal emergency" are vague and provide broad opportunities for abuse. Option (b) is in keeping with the level of discretion that this Council has traditionally granted to the Regional Administrator.

Defining Ownership in Sablefish-Endorsed Permits

- No person, partnership, or corporation may own more than 3 sablefish-endorsed permits unless that person, partnership or corporation owned more than 3 permits as of 11/1/00.
- No partnership or corporation may own a sablefish-endorsed permit unless that partnership or corporation owned that sablefish-endorsed permit as of 11/1/00.
- For any permit purchased after 11/1/00, the permit owner must be on board the vessel while the vessel is fishing against its primary sablefish fishery limits.

Although there are some public records available to NMFS to determine the individual persons who own shares in a partnership or corporations, NMFS cannot guarantee that it will always be able to know the identities of all persons involved in a corportion. Neither can NMFS guarantee that it will be able to know whether a permit is in fact owned by an individual person, as opposed to being owned by a corporation that is contracting a particular individual to serve as an "owner" on NMFS paperwork. These ownership provisions were modeled after the Alaska halibut/sablefish IFQ program. In implementing that program, NMFS asks quota share owners to self-certify the names of the person(s) owning the quota shares. For example:

"I, Bob Jones, certify that I am the sole owner of this limited entry permit #GF0XXX, ___(sign here)__ "

or, "We, Bob Jones and Shirley Jones, certify that we are the only persons with ownership interest in Jones, Inc., which owns this limited entry permit #GF0XXX, _____(sign here)____, _____(sign here__ "

NMFS would be unable to verify the truth of these statements through normally-accessible public records. A criminal investigation into activities counter to the Magnuson-Stevens Act might lead enforcement agents to take a closer look at corporate ownership structure, but the NMFS permits office would not undertake that level of investigation.

Ownership Limits Versus "Holdership" Limits – In the Amendment 14 EA/RIR (page 8 of 3/01 draft), under Provision 3, no more than three sablefish-endorsed permits that may be owned by an individual, unless that person held more than three permits as of November 1, 2000. Under the current groundfish regulations, at 50 CFR 660.302, "permit owner" and "permit holder" are defined as follows:

"*Permit holder* means a permit owner or a permit lessee."
"*Permit owner* means a person who owns a limited entry permit."

NMFS needs clarification from the Council on the following questions:

(a) Is a person restricted to *owning* no more than three permits, or is a person restricted to *holding* no more than three permits? For example, may a person own three permits and then lease additional permits beyond those three owned permits? If a person owns no permits, is there a restriction on the number of permits he/she may *hold*?

(b) If a person *held* more than three permits as of November 1, 2000, but did not *own* more than three permits as of November 1, 2000, is that person grandfathered for the privilege of *holding* more than three permits? In other words, are we grandfathering the privilege of *ownership* or of *holdership*?

Mid-Season Permit Transfers – If a permit owner wishes to transfer a permit from one vessel to another vessel during the primary sablefish season, NMFS may not be able to verify the amount of sablefish landed against that permit by the first vessel until after the end of the season. For 2001, NMFS will only be able to caution the owner of the second vessel that he needs to be aware of the first vessel's sablefish landings before fishing against the received permit. NMFS and appropriate state enforcement officers will receive lists of vessel names connected with permits via a mid-season transfer for post-season investigations. For 2002 and beyond, NMFS would require submission of fish tickets for a mid-season transfer of a sablefish endorsed permit. Even with fish tickets, however, preventing "double-dipping" on a permit will be difficult and enforcement will most likely occur post-season. If double-dipping occurs, both the permit transferor and transferee could be prosecuted for exceeding the sablefish trip limit.

Allowing At-Sea Processing – Amendment 14 includes a provision to allow at-sea processing for permit owners who can demonstrate the landing of at least 2,000 lb of frozen sablefish in 1998, 1999, or 2000. Sablefish cumulative limits are given in round weight, while landings are made both dressed and round. Frozen, processed sablefish is usually sold dressed.

Should the freezing-at-sea landings qualification apply to dressed or round weight sablefish?

Fish tickets do not usually specify whether a product has been landed frozen. A vessel that has purchased a freezer may or may not be using that freezer for sablefish, thus shipyard receipts of freezer installation may not be useful evidence of a history of freezing sablefish.

What evidence should NMFS accept in trying to verify that the at-sea freezing qualification requirements have been met?

Implementation Schedule for 2001 and 2002 Seasons

Amendment 14 has many detailed provisions for managing the limited entry, fixed gear sablefish permit stacking program. If NOAA approves Amendment 14, NMFS will implement some of those provisions in time for the 2001 fishery and the remainder for the 2002 fishery. Implementing some aspects of Amendment 14 would require a six-month Paperwork Reduction Act (PRA) authorization process followed by a three- to four-month application and permitting process with NMFS. The agency plans to implement the provisions most desired by the public in time for an extended 2001 fishery. A second set of amending proposed and final rules would be needed for the 2002 season.

2001	2002
Permit Stacking – A single vessel may carry up to three permits during the 2001 season. Permits may be unstacked and transferred within the restrictions of the permit transfer regulations.	No change.
Season Length – If NMFS encounters no unanticipated problems, the agency anticipates an August 15 through October 31 season.	April 1 through October 31.
Gear Used – Vessel may use any fixed gear type specified on at least one of the permits associated with the vessel.	No change.
# of Permits per Person – No more than 3 permits per person, although persons who owned more than 3 permits as of 11/01/00 may continue to own those particular permits. However, permit owners will not need to submit detailed ownership information until 2002, so individual ownership within corporations and partnerships may be difficult to track.	No more than 3 permits per person, although persons who owned more than 3 permits as of 11/01/00 may continue to own those particular permits. Permit owners will be required to provide ownership information to ensure that no single individual human has ownership interest in more than 3 permits.
Permits owned by Partnerships/Corporations – No partnership or corporation may own or hold a sablefish-endorsed permit unless it owned a permit before 11/01/00. (NMFS will only transfer permits to individuals, or to corporations or partnerships that owned permits as of 11/01/00.)	Partnerships and corporations will be required to provide the details of their ownership structures to NMFS, as they existed on 11/01/00.
At-Sea Processing – No prohibition.	Vessel owners who provide proof to NMFS that their vessels landed at least 2,000 lb frozen, Council-managed sablefish in 1998, 1999, or 2000 will be allowed to process (freeze) sablefish at sea. Otherwise, at-sea processing will be prohibited.
Owner-on-Board – No requirement.	Persons with no ownership interest in a sablefish-endorsed permit as of 11/01/00 who now own permits must be on board their vessels during primary sablefish fishery.
Limits for Species Other Than Sablefish – Cumulative limits for species other than sablefish remain per-vessel limits and may not be stacked.	No change.
Daily Trip Limit Fishery – DTL fishery for sablefish will be open during the primary season. Vessels with stacked permits that have already taken their cumulative limits for the primary season will be subject to per-vessel limits in the DTL fishery.	No change.
Advance Notice of Landing – No requirement	Vessels landing sablefish against their primary fishery cumulative limits will be required to "hail in" at least 6 hours before making a landing.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010108006–1136–02; I.D. 050101D]

RIN 0648–AO97

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 14

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a rule to implement portions of Amendment 14 to the Pacific Coast Groundfish Fishery Management Plan (FMP). Amendment 14 would create a permit stacking program for limited entry permits with sablefish endorsements. This permit stacking program would lengthen the duration of the limited entry, fixed gear primary sablefish fishery. It is intended to increase safety in that fishery and provide flexibility to participants. Amendment 14 would allow a single vessel to carry up to three permits and fish the sablefish cumulative limits with those permits during the primary sablefish fishery.

DATES: Comments must be submitted in writing by July 9, 2001.

ADDRESSES: Comments on Amendment 14 or supporting documents should be sent to Donna Darm, Acting Administrator, Northwest Region, NMFS, Sand Point Way NE., Seattle, WA 98115–0070; or to Rebecca Lent, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213. Copies of Amendment 14 and the environmental assessment/regulatory impact review (EA/RIR) are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council (Council), 2130 SW Fifth Ave., Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier or Becky Renko (Northwest Region, NMFS), phone: 206–526–6140; fax: 206–526–6736 and; e-mail: *yvonne.dereynier@noaa.gov, becky.renko@noaa.gov* or Svein Fougner (Southwest Region, NMFS) phone: 562–980–4000; fax: 562–980–4047 and; e-mail: svein.fougner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Access

This **Federal Register** document is also accessible via the Internet at the website of the Office of the Federal Register: http://www.access.gpo.gov/su–docs/aces/aces140.html.

NMFS is proposing this rule to implement Amendment 14 to the FMP, a permit stacking program for limited entry permits with sablefish endorsements. These regulations would lengthen the duration of the major limited entry, fixed gear season for sablefish and provide participation requirements for that season. This proposed rule is based on recommendations of the Council, under the authority of the Pacific Coast Groundfish FMP and the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Implementing Amendment 14 would significantly increase safety in the fishery, allow individual fishery participants to more fully use their existing vessel capacity, and reduce overall capacity in the primary fixed gear sablefish fishery. The background and rationale for the Council's recommendations are summarized here. Further detail appears in the EA/RIR prepared by the Council for Amendment 14.

Background

For many years, sablefish harvested by the limited entry, fixed gear fleet has been separated into a small, year-round daily trip limit fishery and a two-part "primary" fishery. Annually, about 85 percent of the limited entry fixed gear sablefish allocation is taken in the primary fishery. The two parts of the primary fishery have been the "regular" season, which was a derby fishery until 1997, and the "mop-up" season to take any primary season sablefish not taken in the regular season. Prior to 1997, the Council managed harvest in the regular season by setting the season length short enough to ensure that the fishery would not exceed its quota. During the regular season, there were no cumulative sablefish limits for participating vessels. The mop-up season was commonly 2 weeks in duration, with each participant allowed to fish against a small, vessel-specific cumulative limit. Over time, sablefish fleet capitalization increased and the Council needed to set ever shorter regular seasons to control catch levels. By 1996, the regular season was just 5 days long.

Concern for the safety of participants in the sablefish derby led the Council to develop Amendment 9 to the FMP, a sablefish endorsement program for limited entry permit holders. Amendment 9, implemented in 1997, limited the number of vessels allowed to participate in the primary (regular + mop-up) fixed gear sablefish fishery. Limited entry permit holders with at least 16,000 lb (7,257 kg) of sablefish landed in any one year from 1984 through 1994 received sablefish endorsements. This program was intended to restrict primary fishery participation to those permit holders with historical participation in and dependence upon the sablefish fishery. Today, 164 limited entry permit holders have sablefish endorsements.

The Council saw the sablefish endorsement as a first step in improving management of the limited entry, fixed gear primary sablefish fishery. In 1998, NMFS implemented the Council's next step, which was to manage the season with a three-tiered cumulative limit regime (63 FR 38101, July 15, 1998.) For the three-tier system, the Council divided sablefish endorsement holders into three tiers based on historical landings associated with their permits. During the limited entry fixed gear regular season, a participant has been allowed to land an amount of sablefish up to the cumulative limit associated with his/her permit's tier.

To qualify for the highest tier, Tier 1, a permit had to be associated with at least 898,000 lb (407.33 mt) of sablefish landings made from 1984 through 1994. To qualify for the middle tier, Tier 2, a permit had to be associated with between 380,000 lb (172.36 mt) and 897,999 lb (407.33 mt) of sablefish landings made from 1984 through 1994. Permits with sablefish endorsements that were associated with less than 380,000 lb (172.36 mt) of sablefish landings from 1984 through 1994 qualified for the lowest tier, Tier 3. The three-tier system also set a between-tier ratio to describe the relationship between the cumulative limits that would be available to each tier during the regular season. That ratio is 1 (Tier 3): 1.75 (Tier 2):3.85 (Tier 1). For example, if Tier 3 had a cumulative limit of 10,000 lb (4,536 kg), Tier 2 would have a corresponding cumulative limit of 17,500 lb (7,938 kg), and Tier 1 would have a corresponding cumulative limit of 38,500 lb (17,463 kg).

The three-tier system has been in place since the 1998 season and has somewhat slowed the pace of the fishery and the rate of capitalization in the fishery. Vessels owners no longer have an incentive to increase their fishing speed because they are limited in how much sablefish they can catch by the tiered cumulative limits. Even under the three-tier system, however, the Council continued to constrain regular season

harvest by setting a short duration season, followed by the longer mop-up season. Three-tier system regulations set the regular fishery at no more than 10 days in duration.

A fishery where all participants have the opportunity to catch a cumulative limit and are all able to catch that limit is an Individual Fishing Quota (IFQ) fishery as defined by the Magnuson-Stevens Act. The Magnuson-Stevens Act includes a moratorium on the implementation of new IFQ programs. To avoid having its three-tier management program classified as an IFQ program, the Council set short season lengths intended to prevent all participants from catching their cumulative limits. Cumulative limits were also set high, to ensure that some participants would not attain those limits during the short season. To provide a resource conservation buffer against the possibility that more vessels than expected would meet their cumulative limits in the regular season, the Council set season lengths and cumulative limits to take 80–87 percent of the primary season quota. Any quota not taken in the regular season as a result of this buffer was available during the mop-up season as an equal cumulative limit for all participating vessels. This conservative management provision successfully kept the primary season within its quota for the 1998–2000 three-tier seasons.

The moratorium on new IFQ programs has been extended to October 1, 2002 (Pub. L. 106-553.) However, Congress exempted from the moratorium a Pacific Council IFQ program for the fixed gear sablefish fishery that: (1) allows the use of more than one limited entry groundfish permit per vessel; and/or (2) sets cumulative trip limit periods, up to 12 months in any calendar year, that allow fishing vessels a reasonable opportunity to harvest the full amount of the associated trip limits. At its November 2000 meeting, the Council recommended a permit stacking program that met the moratorium exemption requirements.

Permit Stacking and Amendment 14

Amendment 14 to the FMP, which the Council adopted at its November 2000 meeting, would introduce a permit stacking program to the limited entry, fixed gear primary season. Under this permit stacking program, a vessel owner would be allowed to register more than one sablefish-endorsed permit for use with his/her vessel to harvest the cumulative limits associated with each of the stacked permits. This is referred to as stacking permits. Current groundfish regulations associate cumulative limits with vessels, so that no vessel may take more than one cumulative limit of a particular species during a single cumulative limit period. Amendment 14 would associate the sablefish cumulative limits of the three-tier system with permits. A vessel carrying more than one permit could harvest more than one sablefish cumulative limit per cumulative limit period.

By exempting the Pacific Coast fixed gear permit stacking program from the IFQ moratorium, Congress removed the need to set short seasons designed to prevent participants from catching their full cumulative limits. The initial season recommendation is for an April through October season, which would allow participants ample time to catch their full sablefish cumulative limits. In 2001, the season would run from August 15 through October 31, a significant improvement over the brief seasons of past years. Under Amendment 14, the primary season would no longer be separated into regular and mop-up sub-seasons because the Council would simply divide the overall quota available to the fishery among the participants with the expectation that each vessel would be able to take its cumulative limits. With this increased harvest control, the Council would not need to use the traditional buffer of a mop-up season to prevent over-harvest in a regular season. Amendment 14 would also eliminate the need for the pre- and post-season closure periods that the Council used to control regular season sablefish harvest rates. The 48-hour pre-season closure requires that all participating vessels keep their gear out of the water, to prevent vessels from fishing in advance of the start time. The 36-hour post-season closure allows vessels to fish up until the last minute of the season end time, and then unload their catch during the closure period without penalty.

Beyond the basic provisions of allowing vessels to harvest more than one sablefish cumulative limit during the season and lengthening the season, Amendment 14 includes numerous provisions for managing the permit stacking program. There is not enough time to implement all of these provisions for the 2001 season. The provisions not included in this proposed rule will be implemented for the 2002 season by another rule.

Gear Endorsements

Each limited entry permit has a gear endorsement for trawl, longline, or pot. Most permits have only one gear endorsement, although there are a few with more than one gear endorsement. A permit's gear endorsement indicates the gear that a vessel registered to the permit may use to participate in the limited entry fishery. Of the 164 permits with sablefish endorsements, 131 permits have longline endorsements, 1 has both a longline and trawl endorsement, 27 have pot endorsements, 1 has both a pot and trawl endorsement, and 4 have both longline and pot endorsements. The relatively small number of pot permits limits the permit market for vessels that fish with pot gear. In developing Amendment 14, the Council decided that it wanted to provide flexibility for vessel owners wishing to stack permits, regardless of whether they use longline or pot gear.

Amendment 14 would allow a vessel owner to stack permits with different gear endorsements together, allowing the vessel to fish for sablefish with any of the fixed gears endorsed on at least one of the stacked permit. For example, a pot vessel could own a pot permit with a sablefish endorsement and a longline permit with a sablefish endorsement, and then fish against the cumulative limits associated with each permit using pot gear. A vessel could not participate in the primary sablefish fishery using any gear other than the fixed gear indicated on at least one of the permits associated with that vessel. If one of the permits registered for use with a vessel includes a trawl endorsement in addition to the required fixed gear endorsement, and if that permit's 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 registered for use with a vessel more than 5 ft (1.52 m) shorter than the length endorsement on the trawl endorsed permit, the trawl endorsed permit would not be subject to trawl permit size reduction requirements at § 660.333 (h)(2). These provisions would be implemented for the 2001 fishery via this action.

Separating and "Unstacking" Permits

Under Amendment 14, a permit owner who has stacked multiple permits on a single vessel may separate, or "unstack," those permits from each other and transfer those permits individually to another vessel. That is, once two or more permits have been stacked together, they are not required to remain permanently stacked. The Council supported this provision because it will allow permit holders flexibility for moving permits within the fleet. If Amendment 14 had required stacked permits to remain permanently

stacked, it would have been more effective at permanently removing effort from the sablefish fishery. However, Council members felt that a requirement for permanent stacking would have been a disincentive to stack permits, particularly because there is uncertainty whether permits will include other species endorsements or IFQs in the future. Thus, this provision of Amendment 14 is intended to provide an incentive for vessels to stack permits to decrease the number of vessels in the fishery, while allowing permit holders flexibility for the future.

As discussed earlier, the permit stacking program would associate sablefish cumulative limits in the primary fishery with permits rather than with vessels. This means that if a vessel owner unstacks and transfers a permit associated with his/her vessel during the primary season, the next vessel using that permit would only have access to that portion of the sablefish cumulative limit not caught by the first vessel. Provisions to allow unstacking and to require association of cumulative limits with permits for purposes of transferring permits with sablefish endorsements would be implemented for the 2001 season via this action.

Ownership Controls

One of the Council's concerns in developing Amendment 14 was that, without controls, a permit stacking program could allow a few permit owners to control most of the sablefish catch and landings in the primary fishery. In IFQ programs where percentage of ownership has not been restricted, like the Atlantic surf clam fishery, a few large corporations own most of the access privileges for the fishery. The Council wanted to maintain the traditional character of the primary sablefish fishery, which has historically consisted of small business owners operating vessels throughout the length of the West Coast.

In 2000, approximately 139 vessels participated in the primary fishery. During the 2000 primary season, 136 people owned sablefish endorsed permits, which meant that some persons owned more than one of the 164 sablefish endorsed permits. As of November 1, 2000, 2 people owned 5 permits, 3 people owned 3 permits, and 14 people owned 2 permits. The Council included several provisions in Amendment 14 intended to prevent a small number of permit owners from controlling access to the primary sablefish fishery.

First, Amendment 14 would allow permit holders to stack no more than three permits on any one vessel. As there are 164 permits with sablefish endorsements, the restriction to no more than three permits per vessel would make the minimum fleet size 55 vessels. Permit transfers must be made through the NMFS Northwest Region Fisheries Permits Office, so the agency will be able to track the number of permits registered for use with each vessel participating in the fishery. This provision would be implemented for the 2001 season through this proposed action.

Second, no person would be allowed to have ownership interest in more than three permits with sablefish endorsements. Both persons owning a whole permit outright and persons owning a portion of a corporation or partnership where the corporation or partnership is the permit-owning entity would be subject to this provision. When the Council finalized Amendment 14, there were some permit owners who already owned more than three permits. People (including partnerships and corporations) who had an ownership interest in more than three permits with sablefish endorsements on November 1, 2000, would not be allowed to accumulate more permits, but neither would they be required to sell their excess permits. NMFS announced this restriction in an Advance Notice of Proposed Rulemaking on April 3, 2001 (66 FR 17681). This "grandfathering" of the privilege to own more than three permits would last only for as long as a permit holder owns the particular permits that he/she owned as of November 1, 2000. This provision would be implemented for the 2001 season in that the Fisheries Permits Office will monitor ownership levels with information that it can obtain from public records. NMFS will collect ownership information on permit-owning partnerships and corporations during the 2002 season.

Third, only individual (human) persons would be allowed to own limited entry permits with sablefish endorsements. Corporations and partnerships that owned permits with sablefish endorsements as of November 1, 2000, could continue to own the permits as corporations and partnerships. Exemptions for a particular corporation or partnership that owned permits on November 1, 2000, would cease with a change in the identity of that corporation or partnership. Amendment 14 requires that permits be owned by individuals to increase the probability that harvest privileges would remain under the ownership of fishers within local fishing communities. Requiring that permits 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. This provision would be implemented for the 2001 season in that the Fisheries Permits Office would not transfer a permit to a partnership or corporation that did not own a permit as of November 1, 2000. This provision will be fully implemented for the 2002 season by another rule.

Fourth, Amendment 14 would require that permit owners be on board the vessel when the vessel is participating in the primary sablefish fishery. Persons, partnerships or corporations who were owners of permits with sablefish endorsements as of November 1, 2000, would again have the grandfathered privilege to be exempt from this requirement. During the primary fishery, grandfathered permit owners would not have to be on board the vessel during the primary fishery. However, permit owners acquiring permits after November 1, 2000, would be required to be on board the vessel while participating in the primary fishery. This provision is intended to ensure that permits are owned by persons within the fishing community who will fish their permits, rather than leasing them out to others. Like the requirement that permit owners be individual human persons, the owner-on-board requirement is designed to retain the character of the fishery as one populated by small businessmen who work their own vessels, rather than allow absentee owners to control the fishery. Amendment 14 allows NMFS to grant exemptions from the owner-on-board requirement for medical and personal emergencies beyond the control of the permit owner. NMFS does not have time to implement the owner-on-board requirement for the 2001 season. This requirement will be implemented for the 2002 season by another rule.

Cumulative Limits for Groundfish Fisheries Outside of the Primary Sablefish Fishery

Under Amendment 14, only the tiered sablefish cumulative limits for the primary fishery would be associated with permits rather than with vessels. This means that a vessel with more than one permit will still be allowed only one cumulative limit per cumulative limit period of any species except sablefish taken in the primary fishery. Vessels participating in the daily trip limit fishery for sablefish will also be subject to a single daily trip limit and a single monthly or two-month cumulative limit per vessel. These provisions are intended to allow the

permit stacking program to consolidate some of the effort in the groundfish fishery. A vessel owner who wishes to carry more than one permit on his/her vessel will have to buy or lease a permit from another vessel owner. The vessel owner who sells or leases his permit would be removing his/her vessel from the entire groundfish fishery while the recipient vessel owner will only be able to harvest multiple cumulative limits in the primary sablefish fishery. Thus, permit stacking will result in fewer limited entry vessels participating in groundfish fisheries for species other than sablefish. This provision would be implemented for the 2001 season.

Daily Trip Limit Fishery for Sablefish

Under Amendment 9 to the FMP, the limited entry sablefish daily trip limit fishery may not occur during either the regular or mop-up seasons that make up the limited entry, fixed gear primary sablefish fishery. This provision was essentially an enforcement measure intended to prevent permit holders without sablefish endorsements from trying to access the larger sablefish cumulative limits associated with the regular and mop-up fisheries. However, the effect of that provision has mainly been to eliminate some of the confusion of having multiple unendorsed vessels on the water during the rapid pace derby. Most enforcement activities occur after the fact, when investigators check landings records and processor receipts to ensure that vessels are landing amounts appropriate to their permits. At-dock enforcement efforts would include checking permits for sablefish endorsements and any suspected forgery would be investigated after the landing.

Restricting unendorsed vessels to participating in the daily trip limit fishery only outside of the regular and mop-up seasons is not overly burdensome when those fisheries together take up 3–4 weeks per year. Under Amendment 14, however, the primary season would be 3 months duration in 2001 and 6 months duration in 2002 and beyond. To ensure that the limited entry daily trip limit fishery could continue throughout the longer primary season, Amendment 14 removed the Amendment 9 prohibition. This change is not expected to significantly affect enforcement practices and will relieve a burden for permit holders wishing to participate in the daily trip limit fishery. This provision would be implemented for the 2001 season.

Processing Sablefish At Sea

Amendment 14 would prohibit participants in the primary sablefish fishery from processing their sablefish at sea. A longer sablefish season would give vessels the opportunity to slow their fishing operations and have more time to dress their catch. Many sablefish fishers dress their catch at sea, removing the head and entrails from the sablefish before landing it at processing plants. Most West Coast sablefish is sold frozen in headed-and-gutted form to Japanese markets. Processing a sablefish involves either receiving a whole fish and heading and gutting it or receiving a headed-and-gutted fish, and then further cleaning and bleeding the headed-and-gutted fish. These headed-and-gutted, cleaned fish are glazed with an ice-water wash and then frozen for market. Although processing sablefish that is already headed-and-gutted is not as demanding as processing species that require filleting, processors ensure that West Coast marketed sablefish meets the high standards of Japanese fish buyers.

In prohibiting primary fishery participants from landing processed sablefish, the Council wished to ensure that allowing a longer sablefish primary season would not deprive processing plants of a traditional income opportunity. The Council also wanted to discourage the large longlining catcher-processors that operate off Alaska from entering into the West Coast sablefish fishery. In addition to changing the character of the fishery and eliminating an income opportunity for shore-based processors, allowing at-sea processing could complicate efforts to monitor sablefish landings. A vessel that processes its catch at sea could also sell that fish at sea, which could make enforcement of individual vessel quotas difficult. This prohibition would not preclude a primary fishery participant from processing his/her sablefish catch once that catch has been landed on shore, and then marketing that catch without the aid of a processing plant.

In past primary fisheries, very few vessels have landed fully processed sablefish. Because there are some permit owners that have done so, however, the Council wished to also provide grandfathering privileges to exempt those permit owners from the prohibition on at-sea sablefish processing. Amendment 14 would allow permit owners who can prove that they landed at least 2,000 lb (907 kg) of frozen sablefish in one year of 1998, 1999, or 2000 to continue to land processed or frozen sablefish in future primary fisheries. NMFS does not have enough time to determine a permit owner's qualification for the grandfathered privilege to land frozen sablefish for the 2001 season. Thus, for 2001, primary fishery vessels would not be prohibited from processing their sablefish catch at sea. This prohibition and the associated grandfathering allowance will be implemented for the 2002 season by another rule.

Fees

NMFS is required under Section 304(d)(2) of the Magnuson-Stevens Act to collect fees from participants in an IFQ program to recover the actual costs directly related to the management and enforcement of the program. These fees shall not exceed 3 percent of the ex-vessel value of sablefish harvested under this IFQ program, to be collected as landings fees. NMFS has not yet analyzed the cost of managing and enforcing this program and will be better able to predict this cost with data from the 2001 primary season. This required fee system will be implemented for the 2002 season by another rule.

Classification

At this time, NMFS has not determined whether Amendment 14, which this proposed rule would implement, is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Council prepared an initial regulatory flexibility analysis that describes the effect this proposed rule, if adopted, would have on small entities as follows:

This proposed rule would primarily affect the owners of the 164 limited entry permits with sablefish endorsements, with some minor positive effects on the 66 permit holders without sablefish endorsements. These permit holders use longline or pot gear to participate in the limited entry, primary sablefish fishery. Most sablefish endorsed longline vessels are under 50 ft(15.24 m) in length while most sablefish endorsed pot vessels are over 50 ft (15.24 m) in length. While there is a statistical relationship between size of vessel and amount of sablefish harvest, there are smaller sablefish vessels (under 40 ft) (12.192 m) that catch as much and more than larger vessels each year. All of the permit owners and vessels in the Pacific Coast, limited entry, fixed gear fleet are considered

small entities under Small Business Administration (SBA) standards.

Amendment 14 would significantly improve the safety of the primary fishery for participating vessels. Under the current management system, the primary fishery is less than 10 days long- a brief and intense fishery. This proposed rule would lengthen the fishery to 3 months duration in 2001 and a rule to be implemented in 2002 would extend the season to 6 months duration for the future. Participants would have the opportunity to fish against their tiered cumulative limits at a more safe and rational pace than in past years. Changes to expenses associated with participating in the fishery could be both positive and negative. Vessel owners would likely hire fewer crew members if they do not have to fish in the same rapid-pace manner. Similarly, participants would have fewer gear costs, because they would not be trying to maximize catch over a brief period. However, if these vessel owners catch their cumulative limits over a longer period of time, they may take more trips to do so and thereby use more fuel to catch the same amount of fish. The major financial benefit to fishery participants would be that they would have more flexibility in deciding where and how to distribute operating expenses.

Permit owners who decide to purchase additional permits to have access to more sablefish within the primary season will have to contend with the initial cost of those additional permits. Some of the permit owners who have not participated in the primary season in past years may decide to sell their permits and will receive compensation for leaving the fishery.

In the past, limited entry permit holders without sablefish endorsements have been prohibited from participating in the daily trip limit fishery during the primary (regular + mop-up) season. Amendment 14 would revise the FMP to allow the daily trip limit fishery to occur during the primary season. This change would relieve a burden for limited entry permit holders without sablefish endorsements and allow them to schedule their sablefish fishing at their convenience.

On the whole, Amendment 14 is expected to bring greater operational safety and more business planning flexibility to the participants in both the primary sablefish fishery and the daily trip limit fishery for sablefish. A copy of the RFA analysis for this action is available from the Council (see **ADDRESSES**).

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: June 4, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.302, a new definition for "Ownership interest" is added to read as follows:

§ 660.302 Definitions.

* * * * *

Ownership interest, with respect to a sablefish endorsed permit, means participation in ownership of a corporation, partnership or other entity that owns a sablefish endorsed permit. Participation in ownership does not mean owning stock in a publicly owned corporation.

* * * * *

3. In § 660.306, paragraphs (s) and (t) are revised to read as follows:

§ 660.306 Prohibitions.

* * * * *

(s) Take, retain, possess or land sablefish under the cumulative limits provided for the "primary" limited entry, fixed gear sablefish season, described in § 660.323(a)(2), from a vessel that is not registered to a limited entry permit with a sablefish endorsement.

(t) Take, retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the "primary" limited entry, fixed gear sablefish season from a vessel authorized under § 660.323 (a)(2)(i) to participate in that season, as described at § 660.323(a)(2)(ii)(C).

* * * * *

4. In § 660.323, paragraph (a)(2) is revised to read as follows:

§ 660.323 Catch restrictions.

(a) * * *

(2) *Fixed gear sablefish.* This paragraph (a)(2) applies to the primary season for the fixed gear limited entry sablefish fishery north of 36° N. lat., except for paragraph (a)(2)(iii) of this section, which also applies to the open access fishery north of 36° N. lat. Limited entry and open access fixed gear sablefish fishing south of 36° N. lat. is governed by routine management measures imposed under paragraph (b) of this section.

(i) *Sablefish endorsement.* A vessel may not participate in the primary season for the fixed gear limited entry fishery, unless the vessel's owner holds (by ownership or otherwise) at least one limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. Permits with sablefish endorsements are assigned to one of three tiers, as described at § 660.336.

(ii) *Primary season—limited entry, fixed gear sablefish fishery.* (A) *Season dates.* North of 36° N. lat., the primary sablefish season for limited entry, fixed gear vessels will begin on August 1 and end on October 31. Unless otherwise announced, the primary season will begin and end at 12 noon, l.t.

(B) *Gear type.* During the primary season and when fishing against primary season cumulative limits, each vessel authorized to participate in that season under paragraph (a)(2)(i) of this section may fish for sablefish with any of the gear types, except trawl gear, endorsed on at least one of the permits registered for use with that vessel.

(C) *Cumulative limits.* (*1*) A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. The Regional Administrator will annually calculate the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3: Tier 2: and Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in the **Federal Register** each year before the fishery opens.

(2) During the primary season, each vessel authorized to participate in that season under paragraph (a)(2)(i) of this section may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel. If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up

to the total of all cumulative limits announced in the **Federal Register** for the tiers for those permits, except as limited by paragraph (a)(2)(ii)(c)(*3*) of this section. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under paragraph (a)(2)(iii) of this section.

(3) If a permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has not been harvested by the first vessel to which the permit is registered. The combined primary season sablefish landings for all vessels registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

(4) A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

(iii) *Limited entry daily trip limit fishery.* (A) Before the start of the primary season, all sablefish landings made by a vessel authorized under paragraph (a)(2)(i) of this section to participate in the primary season will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish, which is governed by routine management measures imposed under paragraph (b) of this section.

(B) Following the start of the primary season, all landings made by a vessel authorized under paragraph (a)(2)(i) of this section to participate in the primary season will count against the primary season cumulative limit(s) associated with the permit(s) registered for use with that vessel. Once a vessel has reached its total cumulative allowable sablefish landings for the primary season under paragraph (a)(2)(ii)(C) of this section, any subsequent sablefish landings by that vessel will be subject to the restrictions and limits of the limited entry daily trip limit fishery for sablefish for the remainder of the calendar year.

(C) Vessels registered for use with a limited entry, fixed gear permit that does not have a sablefish endorsement may participate in the limited entry, daily trip limit fishery for as long as that fishery is open during the year, subject to routine management measures imposed under paragraph (b) of this section.

(D) Open access vessels may participate in the limited entry, daily trip limit fishery for as long as that fishery is open during the year, subject to the routine management measures imposed under paragraph (b) of this section.

(iv) *Trip limits.* Trip and/or frequency limits may be imposed in the limited entry fishery on vessels that are not participating in the primary season, under paragraph (b) of this section. Trip and/or size limits to protect juvenile sablefish in the limited entry or open-access fisheries also may be imposed at any time under paragraph (b) of this section. Trip limits may be imposed in the open-access fishery at any time under paragraph (b) of this section.

* * * * *

5. In § 660.333, paragraphs (a), (f)(1), and (h)(1)(i) are revised, and new paragraphs (h)(3) and (j) are added to read as follows:

§ 660.333 Limited entry fishery—general.

(a) *General.* Participation in the limited entry fishery requires that the owner of a vessel hold (by ownership or otherwise) a limited entry permit affixed with a gear endorsement registered for use with that vessel for the gear being fished. A sablefish endorsement is also required for a vessel to participate in the primary seasons for the nontrawl, limited entry sablefish fishery, north of 36° N. lat. There are three types of gear endorsements: trawl, longline, and pot (or trap.) More than one type of gear endorsement may be affixed to a limited entry permit. While participating in the limited entry fishery, the vessel registered to the limited entry permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, primary fixed gear fishery for sablefish described at § 660.323(a)(2), a vessel registered to more than one limited entry permit is authorized to fish with any gear, except trawl gear, endorsed on at least one of the permits registered for use with that vessel. During the limited entry fishery, permit holders may also fish with open access gear; except that vessels fishing against primary sablefish season cumulative limits described at § 660.323(a)(2)(ii)(C) may not fish for sablefish with open access gear.

* * * * *

(f) *Transfers.* * * *

(1) The permit owner may convey (by sale, assignment, lease, bequest, intestate succession, barter, trade, gift, or other form of conveyance) the limited entry permit to a different person. The new permit owner will not be authorized to use the permit until the change in permit ownership has been registered with and approved by the SFD. The SFD will not approve a change in permit ownership for limited entry permits with sablefish endorsements that does not meet the ownership requirements for those permits described at § 660.336(e).

* * * * *

(h) *Vessel size endorsements*—(1) *General.* (i) If the permit is registered for use with a trawl vessel that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel. This requirement does not apply to a permit with a sablefish endorsement that is endorsed for both trawl and either longline or pot gear and which is registered for use with a longline or pot gear vessel for purposes of participating in the limited entry primary fixed gear sablefish fishery described at § 660.323(a)(2).

* * * * *

(3) *Size endorsement requirements for sablefish endorsed permits.* Notwithstanding paragraphs (h)(1) and (2) of this section, when multiple permits are "stacked" on a vessel as described in paragraph (j) of this section, only one of the permits must meet the size requirements of those sections. Any additional permits that are stacked for use with a vessel participating in the limited entry primary fixed gear sablefish fishery may be registered for use with a vessel more than 5 ft (1.52 m) longer or shorter than the size endorsed on the permit.

* * * * *

(j) *"Stacking" Limited Entry Permits.* "Stacking" limited entry permits, refers to registering more than one permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be "stacked." Up to three limited entry permits with sablefish endorsements may be registered for use with a single vessel during the primary sablefish season described at § 660.323(a)(2)(ii). Privileges, responsibilities, and restrictions associated with stacking permits to participate in the primary sablefish fishery are described at § 660.323(a)(2) and at § 660.336(e).

6. In § 660.336, paragraphs (a) and (e) are revised to read as follows:

§ 660.336 Limited entry permits—sablefish endorsement and tier assignment.

(a) *General.* Participation in the limited entry fixed gear sablefish fishery during the primary season described in

§ 660.323 (a)(2) north of 36° N. lat., requires that an owner of a vessel hold (by ownership or lease) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

* * * * *

(e) *Ownership requirements and limitations.* (1) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(2) No person, partnership, or corporation may have ownership interest in more than three permits with sablefish endorsements, except for persons, partnerships, or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the same permits that were owned on November 1, 2000. Persons, partnerships or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000, may not acquire additional permits beyond those owned on November 1, 2000, until they own fewer than 3 permits; at that time they may not exceed the ownership cap of 3 permits.

(3) A partnership or corporation will lose the exemptions provided in paragraphs (e)(1) and (2) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A "change" in the partnership or corporation means a change in the corporate or partnership membership, except a change caused by the death of a member providing the death did not result in any new members. A change in membership is not considered to have occurred if a member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor if the ownership of shares among existing members changes, nor 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.

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ENFORCEMENT CONSULTANTS COMMENTS ON LIMITED ENTRY FIXED GEAR SABLEFISH PERMIT STACKING AND SEASON FOR 2001 AND BEYOND

The Enforcement Consultants (EC) discussed the issues outlined in Exhibit C.7.b, Supplemental NMFS Report.

Issue 1 - Owner on Board
The three options are policy decisions and language could be adopted to enforce all three.

The EC spoke with the Groundfish Advisory Subpanel (GAP), and they have an option that states:

> ...a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

The EC supports that option.

The EC would ask that the permits, when issued, simply state whether owner on board is required.

Issue 2 - Gear Use for Permits with Different Size Endorsements
The EC sees this again as a policy issue. The EC does not have the capability to monitor the fishing activities of the fleet for six months at sea as well as dockside (on a trip-by-trip basis). Our recommendation is that as the permits are stacked, the vessel would be endorsed for both gears and would be limited only by the limited entry limits when using any of the listed gears.

If the boat then went to another fishery using open access gear (hook-and-line), the boat would be required to abide by the most restrictive limit.

Issue 3 - Advance Notice of Landings
The EC had a short discussion with the GAP and NMFS on this issue. We need to look at the logistics of maintaining a call-in system for six months.

In the past, call-in systems have been used for short durations or for small numbers of vessels, rather than for a longer season with many vessels. We would like to explore what is being done in Alaska.

Owner on Board Exemption
The EC asks that NMFS look at requiring documentation from a doctor in the event of an illness, or possibly limiting the ability to use an exemption to once in a three-year period.

PFMC
06/12/01

GROUNDFISH ADVISORY SUBPANEL REPORT ON LIMITED ENTRY FIXED GEAR SABLEFISH PERMIT STACKING AND SEASON FOR 2001 AND BEYOND

The Groundfish Advisory Subpanel (GAP) met with NMFS staff to discuss implementation issues for nontrawl sablefish permit stacking. The GAP used Exhibit C.7.b, "Supplemental NMFS Report" as the basis for its discussions, and this statement reflects comments made on that document.

Requirements for Permit Holders

Issue 1 (Owner on Board) - the GAP believes a modified option (b) should be used, which would require the owner to be on board during the entire primary season until the primary season limit has been taken, but only when the vessel is fishing for groundfish. Since some vessels fish for nongroundfish species such as crab, retaining the owner on board requirement for these fisheries seems excessive.

Issue 2 (Gear Use for Permits with Different Size Endorsements) - the GAP believes option (a) makes the most sense, and notes NMFS's concerns with enforceability of other options.

Issue 3 (Advance Notice of Landings) - the GAP agrees with NMFS that option (b) is the best choice, again citing the problems with enforcement. The GAP further suggests a maximum time for notification of 24 hours be established. The GAP appreciates the input provided by the Enforcement Consultants in resolving this issue.

Owner on Board Exemption

The GAP believes a modified option (b) would be the best choice. The modification consists of removing the language regarding "for at least one half of the primary season." GAP members note that vessels are engaged in a variety of fisheries and permit holders may choose to conduct their sablefish fishery late in the season. If an injury occurs just before a vessel begins fishing in September, for example, most of the primary season will have been exhausted and an exemption would not be allowed.

Ownership versus "Holdership"

The GAP believes the intent of this language was to grandfather ownership of permits, but a person cannot hold more than 3 permits for the purposes of stacking.

Mid-Season Transfers

The GAP notes that both the Alaska individual transferable quota longline fishery and the Canadian groundfish fishery have moved to use of a "card-swipe" system to track landings. The GAP believes a similar system would have benefits for management of all groundfish fisheries in this region and urges NMFS to invest the necessary funds to establish such a system. Given the work now being done on electronic logbooks by NMFS Northwest Fisheries Science Center, such a system might have even greater benefits for enforcement and data collection.

At-sea Processing

In supporting an exemption window, the GAP intended to recognize investments in freezing equipment made by fishermen prior to approval of Amendment 14. The GAP believes evidence of such investments can be clearly demonstrated through receipts from buyers or exporters purchasing frozen product, receipts from equipment and packaging suppliers, and invoices from shipyards where freezer equipment has been installed.

PFMC
06/13/01

LIMITED ENTRY FIXED GEAR SABLEFISH
PERMIT STACKING AND SEASON FOR 2001 AND BEYOND

Situation: The NMFS report under this agenda item will cover three areas: (1) progress on the implementation of Amendment 14 (fixed gear sablefish permit stacking and season extension), (2) season opening date and cumulative limits for the 2001 fishery, and (3) aspects of Amendment 14 requiring clarification with respect to Council intent.

At its November 2001 meeting, the Council adopted permit stacking and a lengthened season for the primary fixed gear sablefish fishery. For 2001, the fishery is to open as soon as possible after April 1 and close on October 31. The Council's November 2001 newsletter announced an intent to open the season by August 1, 2001 but warned the need to address numerous other matters of higher priority could delay implementation. The first day of the NMFS process for considering Amendment 14 was April 30, 2001. This process generally takes a minimum of just over 90 days. Based on the required minimum times necessary to implement a plan amendment, an August 1 opening may be difficult.

Under the new management system, cumulative limits for the fishery are a straight forward calculation based on the number of permits in each tier and the total sablefish available for harvest. At the November Council meeting, the Groundfish Management Team advised the Council that if the primary fixed gear sablefish season were to be extended the assumed discard mortality rate should be raised to 8% of landed catch. As a consequence, landed catch will be reduced to keep the fishery within the total fishing mortality target. The cumulative limits developed by NMFS will be based on the 8% discard mortality rate.

NMFS will be asking for guidance on Council intent with respect to a number of Amendment 14 provisions. One area that will require careful consideration is determining what constitutes participation in the primary fixed gear sablefish fishery. This interpretation is key for the application of at least three provisions: (1) allowing vessels with stacked permits for different gears to switch freely between gears even if the permit for one of the fixed gears has a size endorsement too small for the vessel (Provision 2 in Amendment 14); (2) requiring vessels owners to be on board during sablefish operations (Provision 5); and (3) requiring advance declaration of intent to land (Provision 11).

Options for specifying when the provisions apply include: (1) to apply for any landing of sablefish during the primary season (regardless of how few pounds are landed); (2) to apply for any landing of sablefish made against the vessels cumulative limit (this would include landings of only a few pounds, if the landing is made prior to the time the vessel exhausts its cumulative limit); (3) to apply for any landing made in excess of the allowance for small directed and incidental harvest (under the proposed regulatory scheme this would be the daily-trip-limit regulations). Selection of any one of these options will have advantages and disadvantages for vessel operations. For example, defining participation to occur any time sablefish are landed during the primary sablefish season (April 1-October 1) would allow vessels with permits for longline and fishpot gear to switch freely between gears regardless of the groundfish species targeted, so long as the vessel took at least a few pounds of sablefish. However, under this definition of participation, any time a few pounds of sablefish were harvested, the permit owner would have to be on board the vessel, otherwise the sablefish would have to be discarded; and any landing with sablefish in it would require the fisher provide advance notice of landing.

The specification of when requirements apply need not be the same for each provision and there are likely more options than are listed here. For example, provisions allowing the switching of gears might apply only when more than half the fish on board are sablefish. The owner-on-board and advance notice requirements might apply for any landing in excess of that allowed under the daily-trip-limit provisions. Additional information on this and other issues requiring clarification will be provided in the NMFS report.

Council Action:

1. **Provide additional comment on regulations for the 2001 season, if needed.**
2. **Provide guidance on interpretation of Council intent with respect to provisions of Amendment 14.**

Reference Materials:

1. Exhibit C.7.b, Supplemental NMFS Report.

PFMC
05/25/01

EXCERPTS FROM THE DECISION PACKAGE FOR AMENDMENT 14 TO GROUNDFISH FMP

2.2.2 Permit-Stacking Regime Alternatives [ADOPTED]

The following are the provisions and options considered by the Council for inclusion in the limited entry fixed gear permit-stacking alternative adopted in its final action in November 2000. Where an FMP amendment is required, the related amendment language is provided in Appendix B. For many of the provisions, options have been listed. Provisions/options adopted by the Council are indicated. The permit-stacking alternatives considered by the Council comprise mixes of options that fall under the following major topics.

The Permit-Stacking alternative	
Topic	**Provision**
Permit Stacking	1–Basic Provision: Allow permit stacking 2–Gear Usage: Specify the fixed gear a vessel may use 4–Unstacking Permits: Determine whether, once stacked, permits can be unstacked 8–Stacking Non-sablefish Limits and Sablefish DTLs: Determine whether nonsablefish cumulative limits and/or sablefish DTL limits can be stacked
Accumulation	3–Cumulation Limits: Determine whether there should be limits on the number of permits a person owns and/or limits on the number of permits associated with a vessel, and if so, determine the limits
Season Length	5–Season Duration: Determine the appropriate season length 9–Opportunities for Unendorsed Vessels: Determine whether, given other aspects of the stacking alternatives, adjustments are needed to the regulations specifying fishing opportunities for limited entry vessels not endorsed for sablefish 11–Advance Notice of Landings: Determine whether, given other aspects of the stacking alternatives, advance notice of landings should be required 12–Stacking Deadline: Determine whether a deadline for stacking should be imposed and, if so, specify the deadline
At-Sea Processing	6–Processing Prohibition and Freezer Vessel Endorsement: Determine whether, given other aspects of the stacking alternatives, there should be a prohibition on at-sea processing
Permit-Ownership/Owner-on-Board	7–Individual Ownership Only and Owner-on-Board Requirement: Determine whether, given other aspects of the stacking alternatives, permit ownership should be restricted to individuals and whether the owner should be required to be on-board the vessel during fishing operations
Foreign Control	10–US Citizenship Requirement: Determine whether, given other aspects of the stacking alternatives, additional constraints should be recommended on foreign ownership of permits

Provision 1: Basic Stacking [ADOPTED]

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 primary season 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 of 55 feet or greater, then the vessel could use either longline or fishpot gear.

2c. **[ADOPTED]** 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.

[ADOPTED] 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 five feet shorter 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.

Note: If Option 4a is adopted, there would be no need to designate a base permit under Options 2b or 2c.

Provision 3: Limits on Stacking and Ownership

Stacking: [ADOPTED] No more than three permits may be stacked on a single vessel.

The analysis includes discussion of other permutations such as limits on stacking two and four permits..

Ownership: The number of fixed gear sablefish permits owned by an individual will be restricted to the following options:

Ownership Options:

(a) two permits
(b) **[ADOPTED]** three permits
(c) four 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. *The possibility of not limiting ownership is discussed in the analysis.* An individual's ownership would be calculated by either

Calculation Suboption (a): **[ADOPTED]** Summing the total permits ~~(or, for ownership option (d), percent harvest represented by a permit)~~ for which an individual holds some ownership interest, regardless of how small, or

Calculation Suboption (b): Summing the individual's percent interest in each permit to determine the number of permits held (or percentage harvest held).

For the purpose of grandfathering in concentrations in excess of proposed limits, the Council ADOPTED November 1, 2000, as the date for determining maximum ownership concentration.

Provision 4: Unstacking Permits

Options:

4a. **Permits May Be Unstacked. [ADOPTED]** 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., when unstacked 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); 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 through Oct. 31). [ADOPTED]** For 2001, the fishery would start as soon as possible after April 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).* ***When transfers occur midseason, the seller (lessor, etc) will be responsible for providing copies of all sablefish fish tickets landed for the year, to date; and the buyer (lessee, etc.) 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. **Prohibit at-sea processing.** 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.

6b. **Current Situation: Allow at-sea processing.** 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.)

6c. **Prohibit at-sea processing but include grandfather provision. [ADOPTED]** Same as Option 6a except provide that the temporary exemption for vessels able to demonstrate frozen sablefish landings would expire with the transfer of the permit to a different owner. For corporations and partnerships, changes in ownership are defined as a change in the identity of a corporation or partnership, as specified in Provision 7.

Provision 7: Permit Ownership and Permit-Owner-on-Board Provisions

Options:

7a. **Permit ownership. [ADOPTED]** Fixed gear sablefish permits could be transferred only to individual human beings (corporations and partnerships and other such business entities would not be allowed to acquire permits unless they already owned permits as of November 1, 2000). 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, as defined below.

Permit owner on board. [ADOPTED] 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 endorsed permits as of November 1, 2000 will not be required to be onboard the vessel on which the permit will be used **[THE FOLLOWING WAS STRUCK FROM THE OPTION AT TIME OF FINAL ADOPTION]** ~~, 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 exemption from the owner on board provision. ***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 defined below.***

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.

Definition: 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: Any business entity eligible to own a US fishing vessel may own a limited entry permit and the permit owner would not be required to be on board the vessel during fishing operations.

7c. ~~Same as 7a, except that the onboard requirement would apply only when permits are stacked.~~ (NOTE: At its September 2000 meting, 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 final document.)

Provision 8: Nonsablefish Cumulative Limits and Sablefish Daily Trip Limits

Options:

8a. **[ADOPTED]** The stacking of permits with sablefish endorsements would not allow vessels to harvest more than one cumulative limit for nonsablefish groundfish species. Under the following suboptions for the limited entry sablefish DTL fishery, stacked permits would not convey any harvest opportunity in excess of the DTLs provided for vessels that do not stack permits. Suboptions: (1) Fixed gear sablefish DTL harvest opportunities would run concurrent with and be in addition to the sablefish cumulative limits associated with sablefish endorsed permits. (2) **[ADOPTED]** A vessel with a sablefish-endorsed permit would not be allowed to fish under the fixed gear sablefish DTL regulations until after its tier cumulative limit is exhausted. (3) A vessel with a sablefish-endorsed permit would not be allowed to fish under the fixed gear sablefish DTL regulations except when the primary fishing season is closed (prior to April 1 and after October 31, under Option 5a).

8b. When permits are stacked, some credit would be provided to allow the landing of additional nonsablefish groundfish species. The suboptions for the sablefish DTL fishery are the same as for Option 8a, except that under the 8b DTL suboptions vessels with stacked sablefish permits would be entitled to additional sablefish under the DTL regulations in some proportion to the number of permits stacked.

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. **[ADOPTED]** The limited entry daily-trip-limit fishery (or other sablefish harvest opportunities) for vessels without sablefish endorsements would be allowed to run at the same time as the primary fixed gear sablefish fishery.

Provision 10: US Citizenship Requirement

Options:

10a. Only individual US citizens would be allowed to acquire fixed gear sablefish permits.

10b. **[ADOPTED]** Current situation: Individual human beings and other legal entities eligible to own a US fishing vessel may acquire fixed gear sablefish limited entry permits.

Provision 11: Advance Notice of Landing

Options:

11a. When making landings under stacked permits, fishers would be required to provide six hours' prior notice.

11b. Current situation. No advance notice is required.

11c. **[ADOPTED]** All limited entry fixed gear sablefish fishers would be required to

provide six hours' notice when making landings during the primary season. As part of this advance notice, fishers may be asked to provide hail weights and location of landing.

Provision 12: Stacking Deadline (Required Only in Conjunction with Option 5b)

At its November 2000 meeting, the Council adopted Option 12b as a fall back in case an extended season (Option 5a) could not be implemented due to the IFQ moratorium. In December 2000, Congress exempted the West Coast fixed gear sablefish fishery from the IFQ moratorium. Provision 12 would not be needed under the Council recommended option.

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.

APPENDIX B: PROPOSED CHANGES TO GROUNDFISH FMP LANGUAGE (AMENDMENT 14)

This Appendix outlines changes to the FMP text that would constitute Amendment 14 to the groundfish FMP and implement those aspects of the stacking alternative that would require an FMP amendment (see Section 2.3). 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 US 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 US 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 [ADOPTED]

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 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 US 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 US 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 [NOT ADOPTED]

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:

14.2.6 Fixed Gear Sablefish Endorsements

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 [OPTION 7A ADOPTED]

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 [ADOPTED]

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.***

Option 10a of the Stacking Alternative [NOT ADOPTED]

14.2.4 Ownership Restriction and Changes in Ownership

1. Only entities (human beings, corporations, etc.) qualified to own a US 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.)

PFMC
06/05/01

The International Pacific Halibut Commission (IPHC) requires that fishers apply for licenses in advance of participating in commercial halibut fisheries in area 2A. This year, IPHC added a provision that fishers also indicate on their license application whether they intended to fish north of Point Chehalis, Washington during the primary sablefish fishery and retain incidental halibut as provided for in the Council's halibut catch sharing plan. The deadline for IPHC licenses has passed and the results of the applications are contained in the table below.

Halibut Quota Pounds	47,946			
Dressed Sablefish/Tier	35,444	16,111	9,206	60,761
	Tier 1	**Tier 2**	**Tier 3**	**Total**
IPHC Licenses Sablefish Pounds	354,440	193,331	322,218	869,989
Halibut Allowance Pounds	27,969	12,713	7,265	47,946
Pounds Halibut per 1,000 Pounds Sablefish				**55**
Pounds Halibut/Tier	1,949	886	506	
IPHC Licenses (WA only) Sablefish Pounds	177,220	144,998	128,887	451,105
Halibut Allowance pounds	27,969	12,713	7,265	47,946
Pounds Halibut per 1,000 Pounds Sablefish				**106**
Lbs Halibut/Tier	3,757	1,708	976	

This information can be used to calculate a ratio of pounds of incidental halibut to anticipated catch of sablefish. If we are to assume that all fishers who indicated on their IPHC license an intent to participate in the sablefish fishery north of Point Chehalis do indeed take all their sablefish in that area, then the ratio of halibut to sablefish would be 55 pounds of halibut per every 1,000 pounds of dressed sablefish. Since there is no cost or penalty associated with indicating an intent to retain incidental halibut north of Point Chehalis on the IPHC license, it is possible some fishers may have obtained the license merely to keep their options open. The above table also presents the anticipated sablefish catch for only Washington fishers obtaining an IPHC license to provide some insight into what might be expected in a traditional primary sablefish fishery; however, the extended period of the season this year will provide fishers with more opportunity to fish further from their home port.

The range between using either source of license information varies from 55 pounds to 106 pounds of halibut per 1,000 pounds of dressed sablefish. Additionally, the table shows for both license groups the amount of halibut that could be retained, by tier, if vessels were to land all of the incidental halibut their sablefish tier would allow.

Another issue that could possibly affect estimates of anticipated incidental halibut is the provision for permit stacking. For example, if a vessel licensed to land halibut north of Point Chehalis were to stack a permit from a vessel which was not licensed, the catch of the latter vessel would not be included in the above calculations.

In setting an appropriate ratio of halibut to sablefish, we are attempting to meet three goals: achieving the halibut allocation; avoid exceeding that allocation; and implementing a ratio that will result in the fishery

occurring at a pace that would allow us to monitor the catch and close the incidental halibut fishery with adequate notification to the fleet.

The State of Washington proposes the following landing restrictions for incidentally caught halibut in the 2001 primary limited entry longline sablefish fishery north of Point Chehalis, Washington:

Properly licensed vessels may return and land 80 pounds (round weight) of halibut for every 1,000 pounds (round weight) of sablefish landed and up to two additional halibut in excess of the 80 pounds per 1,000 pound ratio per landing. Each properly licensed vessel is restricted to a season cumulative landing limit of :

Tier 1: 2,850 pounds (round weight) of halibut
Tier 2: 1,300 pounds (round weight) of halibut
Tier 3: 750 pounds (round weight) of halibut

PFMC
06/13/01

GROUNDFISH ADVISORY SUBPANEL COMMENTS ON INCIDENTAL PACIFIC HALIBUT HARVEST RESTRICTIONS FOR THE PRIMARY, LIMITED ENTRY LONGLINE SABLEFISH FISHERY NORTH OF POINT CHEHALIS, WASHINGTON

The Groundfish Advisory Subpanel (GAP) reviewed the option paper presented by Council staff. The GAP believes a modified Approach 3 makes the most sense. The modification consists of using a ratio of halibut pounds to sablefish pounds rather than halibut numbers to sablefish pounds, and establishing a cumulative limit on total halibut pounds retained. This approach will better prevent highgrading and discarding.

GAP members expressed concern that fisheries be monitored carefully so that the incidental harvest amount is not exceeded. Excess harvest could result in reductions to the directed commercial halibut fishery in area 2A, which is of significant economic importance to the communities in that area.

Finally, the GAP had a lengthy discussion on the issue of incidental halibut take by all fisheries. Addressing incidental take, accounting for discards, and allowing retention of fish that would otherwise be discarded are all topics that need to be considered by the Council and the International Pacific Halibut Commission. The GAP urges the Council to include these issues on the next halibut management cycle.

PFMC
06/13/01

FROM APRIL 2001 BRIEFING BOOK, EXHIBIT G.1.d, SUPPLEMENTAL WDFW REPORT

WDFW COMMENTS ON PROPOSED 2001 MANAGEMENT RESTRICTIONS
FOR THE INCIDENTAL HALIBUT CATCH IN THE SABLEFISH FISHERY

	Regulatory Approach	Concerns/Advantages
1	Pounds of halibut per pound of sablefish	• It may be difficult to accurately estimate the weight of halibut • Fishers may highgrade to obtain larger halibut • Enforcement will have to be at-sea or dockside
2	Number of halibut per pounds of sablefish (ratio)	• Regulation has to be based on an assumed average weight of halibut in the commercial fishery • If ratios are set too conservatively, fishers may not be able to take full amount of harvest allowed • Fishers may highgrade to obtain larger halibut • Enforcement will have to be at-sea or dockside
3	Number of halibut per pounds of sablefish plus a cumulative limit for the season (based on the amount of sablefish a vessel can land)	• May more equitably distribute the opportunity for all fishers to access the available incidental harvest allowed • Individual cumulative limits must be enforced after the season by auditing fish tickets in the same manner as will likely occur for the directed sablefish fishery (number of halibut are also recorded in the IPHC required logbook) • Fishers may highgrade to obtain larger halibut • Enforcement have to be at-sea or dockside

NOTE: WDFW will have to monitor the fishery inseason to ensure that the overall harvest allocation (47,946 pounds) is not exceeded under any of the regulatory approaches identified above.

INCIDENTAL PACIFIC HALIBUT HARVEST RESTRICTIONS FOR THE PRIMARY, LIMITED ENTRY LONGLINE SABLEFISH FISHERY NORTH OF POINT CHEHALIS, WASHINGTON

Situation: For the first time, the total Area 2A halibut quota is large enough this year (over 900,000 pounds) to provide for an incidental halibut harvest in the commercial, longline sablefish fishery north of Point Chehalis, Washington. This incidental fishery is allocated that portion of the Washington sport allocation in excess of 214,110 pounds, provided a minimum of 10,000 pounds is available. For 2001, the available incidental harvest amounts to 47,946 pounds.

At the April meeting, the Council adopted framework regulations that allow annual landing restrictions to be implemented. The intent of the framework regulations was to ensure the halibut landings are incidental and reflect a halibut-to-sablefish retention ratio similar to an expected encounter ratio in the fishery.

For 2001, the Council adopted three proposed regulatory approaches at its April meeting and solicited public review:

Approach 1: Halibut retention limit based on a ratio of halibut pounds to sablefish pounds.

Approach 2: Halibut retention limit based on a ratio of the number of halibut per pounds of sablefish.

Approach 3: The same as Approach 2 with the addition of a season cumulative limit on the total halibut retained. The season cumulative limit for halibut would be based on the total pounds of sablefish a vessel may land under the tier limits of associated permits.

The objectives for the annual landing restrictions are to reach the halibut allocation at about the same time as the sablefish season ends, and to ensure an equitable sharing of the halibut landings among the fishers. Some issues relevant to the Councils decision are: incentives to highgrade for large halibut, ability to accurately estimate the weight of halibut and sablefish at sea, choosing total pounds or number of halibut for the season cumulative limit under Approach 3, and the relative difficulty of inseason and postseason enforcement.

The Council will hear comments from the states, advisory bodies and the public.

Council Action:

1. **Adopt for implementation by the National Marine Fisheries Service, incidental halibut landing restrictions for the 2001, primary, limited entry longline sablefish fishery north of Point Chehalis, Washington. (*MOTIONS MUST BE VISIBLE IN WRITING PRIOR TO VOTE*.)**

Reference Materials:

1. Washington Department of Fish and Wildlife Comments on the Proposed 2001 Management Restrictions for the Incidental Halibut Catch in the Sablefish Fishery, from April 2001 briefing book (Exhibit C.8, Attachment 1, June 2001).

PFMC
05/24/01

GROUNDFISH ADVISORY SUBPANEL COMMENTS ON STRATEGIC PLAN IMPLEMENTATION

The Groundfish Advisory Subpanel (GAP) met with Council staff to review the minutes and recommendations of the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC).

Trawl Permit Stacking

1. The GAP agreed with the SPOC that we should move forward on analyzing and addressing trawl permit stacking.
2. The GAP agreed with the proposed composition of a permit stacking committee, with two additions: the GAP recommended Mr. Tom Ancona, GAP California Trawl Representative, for the California seat on the committee; and the GAP recommended adding an additional seat for a whiting trawler. The GAP notes that no whiting trawlers are currently proposed for membership, and stacking options could have substantial effects on the unique whiting fishery.
3. The GAP found both the list of issues to be addressed and the time frame acceptable, though some GAP members questioned whether work could be completed in the short amount of time involved, given the other issues (such as annual management measures) that need to be addressed by the Council between now and the end of the year. A minority of the GAP suggested that consultation with a fixed gear representative might be helpful, particularly in response with the issue of transferability of permits among gear groups.

Limitations on Open Access

The GAP has consistently expressed concern about the amount of time and effort that will be required to establish limitations on the open access fisheries. At the same time, the GAP recognizes the fishery is growing with few restraints and notes both of the open access representatives on the GAP support limitations.

The GAP, therefore, urges the states to continue their efforts on limiting capacity in the open access fisheries, with the Council providing oversight and resources as such resources are available.

Marine Reserves

As noted in our comments under agenda item E.1 earlier this week, the GAP believes the Council needs to take a lead coordinating role in marine reserve issues affecting fisheries under the Council's jurisdiction. While the GAP defers to other advisory subpanels for comments on their fisheries, the GAP notes marine reserves can have a significant impact on a number of fisheries under the Council's jurisdiction. For example, the proposed Channel Islands marine reserve could seriously affect the coastal pelagic fishery.

In order to best coordinate Council marine reserve efforts, the GAP again strongly recommends a separate committee be formed which would include representation from the GAP, the GMT, the SSC, and other advisory bodies as the Council deems appropriate. This will allow scientific, management, and industry expertise to be brought to bear on marine reserves issues in a focused manner without the cost of involving the full complement of the advisory entities. This approach was used effectively in establishing a marine reserves development team, and we should build on that success.

Finally, the GAP notes the Council budget needs to reflect the great degree in which marine reserves establishment will affect the Pacific groundfish fishery. Although the Council's Budget Committee is comprised of Council members, we request a member of the GAP be allowed to participate as an ad hoc member or as a member of the public in order that the significant budget requirements for groundfish management be recognized.

PFMC
06/12/01

Exhibit C.9.d
Supplemental HSG Report
June 2001

HABITAT STEERING GROUP COMMENTS ON STRATEGIC PLAN IMPLEMENTATION

After reviewing the Marine Reserve Phase II Process document (Exhibit C.9 Attachment 3), the Habitat Steering Group (HSG) would like to commend Council staff for the thoroughness of the document and proposed options and make the following comments.

The HSG recommends that, contingent upon funding, the Council proceed with implementation of Phase II as the lead agency, and as the responding agency if funding cannot be identified. It is important that the Council, and its advisory bodies, continue to have the ability to comment on marine reserves proposals developed external to the Council process.

The HSG preferred alternative is that Council effort focus on the EFH for any FMP species that may benefit from marine reserves. In the event the Council chooses another alternative the focus on habitat, rather than individual species, should remain.

The HSG recommends establishing a "main new committee" to address marine reserves issues associated with the Council as lead agency and a new subcommittee to function in the role of responding to external marine reserves proposals (2nd option, p. 2). The "main new committee" should have diverse stakeholder representation (to include groundfish, salmon, coastal pelagic species, and highly migratory species, and commercial and recreational fishers) by state and include members of the original Marine Reserves Phase I committee to take advantage of the expertise developed during Phase I. The HSG requests membership on this committee.

The subcommittee could have adaptive stakeholder membership to address regional proposals. The initial task of the subcommittee should be to identify criteria to evaluate marine reserves developed external to the Council process.

PFMC
06/13/01

Exhibit C.9.e
Public Comment
June 2001

SKIPANON BRAND
OF
OREGON OCEAN SEAFOODS
225 S.E. GALENA
WARRENTON, OR 97146

May 3, 2001

Peter Leipzig, Executive Director
Fishermen's Marketing Association
320 Second Street, Suite 2B
Eureka, CA 95501

Dear Sir:

My wife and I own a 50' drag boat which I fished for twenty years near the mouth of the Columbia River. My son has been fishing it the past three years.

My son tells me most of the local small beach draggers do not want to sell out; they would just like to be allowed to catch more of the species that are abundant.

I am vehemently opposed to any buy-back program whereby the fishermen that want to continue fishing have to pay for any part of the buy-back. I can't think of any resource-related industry in recent years whose businesses have shut down, and those continuing in business have had to pay those that closed their doors. For example, many saw-mills, logging companies, and associated businesses have shut down, but Willamette Industries, for instance, has not been paying them to quit logging or quit making lumber.

Around twenty years ago the National Marine Fisheries was encouraging increased harvesting of ocean species with the Capital Construction Fund. When a fisherman had a good year, instead of paying income taxes, he could save money to build a bigger boat. This increased the size of the fleet, with some owners having two or three big boats.

Now the NMFS has reversed itself, and wants the fishermen that will continue fishing to pay for those that quit. Further, under the Endangered Species Act, those that remain fishing will still be tightly restricted in catch, even of abundant species. Similarly, the Columbia River Gillnetters were allowed only a tiny fraction of the record-breaking spring run of Chinook this year because so-called "wild runs" are threatened.

We urge you to support commercial fishermen with opportunity to fish, and with freedom from additional burden of a buy-back program.

Sincerely,

Norman F. Kujala

c: Mr. Dan Waldeck
Pacific Fishery Management Council
2130 SW 5th Av, Ste 224
Portland OR 97201

Mr. Don McIsaac, Executive Director
Pacific Fishery Managment Council
2130 SW Fifth Avenue, Suite 224
Portland, Or 97201

This letter is about Rockfish management and the tension that is building between commercial and recreational fisherman.

going back about 30 years, I remember when Rock fish were plentiful. There was not much of a market for Rockfish , commercial , recreational pressure were at low levels.

The first blow to the Rockfish population were the Russian factory trawlers dragging nets that were miles long, working Cordell banks, Farralon Islands and the Deep Reef off of Half Moon bay. the damage to the resource was hard to ignore. Large schools of Widow rock fish, Yellow tail rock fish took the biggest hit, Not to mention Salmon, Halibut and Pacific whiting.
Local fisherman were outraged. Shortly after this event the 200 mile limit was put in to place.

The second blow to the rock cod fishery were the mid water trawlers that were built for the Pacific whiting and the pollock fisheries. Your average mid water trwaler was 80 to 150 feet in length and had state of the art sonar systems making these vessels very effective fishing machines.

the owners of these vessels had big boat payments to make and the market for Pacific whiting and Pollock had yet been developed , Rock fish became the target for this fleet and the damage was wide spread, There was so much rock fish being off loaded by mid water trawlers that it drove down the price of hook and line rock fish to new lows.

The third blow to the rock fish population was a byproduct of the Viet Nam war. Hundreds of thousands of south Vietnamese fled to the U.S.A. for political protection. Low interest government loans were given out to help these people get started in the U.S. and a new fleet was developed using Gill nets.
Gill nets were fished with out discretion, in San Francisco bay, along the coast and offshore.
Many of these landings going unrecorded by the California department of fish and game.
Spots were we have fished rockfish for years were wiped out.

Recreational fisherman have also had their share of impact on rock fish, from 1970 to 1985 out of Half Moon bay, San Francisco bay and Bodega bay , There were 15 to 20 rock fish charter boats , Fishing year round weather permitting. Rock cod fishing at that time was incredible along the coast and off shore.We had no idea how slow these fish grew and we thought the supply of fish would never run out.

As a result of aggressive cut backs in the bag limit and loss of time on the water there are now only 2 or 3 full time rock fish charter vessels left and if the trend continues with more cut backs to come there days are numbered.

Open access hook and line rockfish has also been hard hit, Reduced from no quota to 500 lbs, per month and loss of time on the water forcing fisherman to target shallow water live rockfish in order to make a living. Many fisherman that fished rockfish for decades have moved on to other fisheries in order to survive.

Are problem now is how to rebuild the rockfish population with out shutting down or impact opportunity in other sustainable fisheries. Right now there is a big push for the implementation of Marine Reserves or Marine Protected Areas. The organizations behind this movement are the National Resource Defense Council or N.R.D.C. and the Environmental Defense Fund or E.F.D. A Marine Reserve would be a no take zone and once in place it will stay for ever. Areas proposed for Marine Reserves would be the Channel Islands, Cordell banks, Bolinas, Dubble point, just to name a few.

The N.R.D.C. was going to sue the Pacific Fishery Management Council or P.F.M.C. if an emergency rockfish rebuilding plan was not implemented right away. Since then aggressive cut back have been put in place for both recreational and commercial fisherman with more cut backs to come.

In my letter to Jim Lone who at the time was chairman of the P.F.M.C. I stated that because of the impact of current cut backs in the rockfishery , rockfishing effort will drop to a point were Marine Reserves would not be nessary. We should stay focused on cleaning up fishing methods and gear types that damage habitat and juvenile rockfish such as Roller gear , gill nets , spot prawn trawl gear.

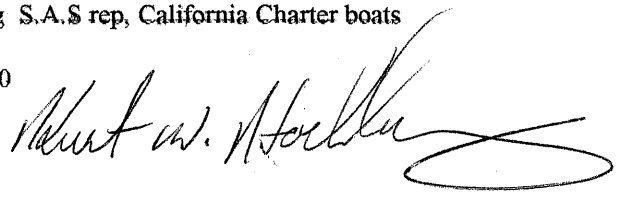
What caused the decline of the rockfish population? I do not lay the blame on commercail or recreational fisherman, it is a result of poor data, bad managment and lack of enforcment.

This is a time for commercail and recreational fisherman to join together and lobby for your fishing rights instead of fighting each other. the N.R.D.C. and the E.F.D. will not be happy until Marine Reserves are in place for 25 % of the coast regardless how it impacts the fishing industry.

Marine Reserves or Marine Protected Areas in my opinion have the potential to capsize the fishing industry on the west coast. I feel that regulations at this time should be left at status quo for a 3 to 5 year period in order to get more current data on the rock fish biomass and time for a economic impact study can be conducted to see how the fishing industry will be impacted by not only current regulations but that of wide spread Marine Reserves.

In closing I would to add that on this matter I do represent the California Charter boats on the Salmon Advisory Subpanel with the P.F.M.C. and the S.A.S. has gone on recored with the P.F.M.C. for the last 2 years in opostion of any regulations that will affect opportunity in the Salmon fishery. Marine Reserves if implemented will affect opportunity in the salmon fishery not mention crab,striped bass, anchovic,sardinc fisheries.

Kurt W Hochberg S.A.S rep, California Charter boats
2 Buena Vista
Benicia, Ca 94510



DRAFT SUMMARY MINUTES
Ad-Hoc Groundfish Strategic Plan Implementation Oversight Committee

Pacific Fishery Management Council
Teleconference

May 14, 2001

Call to Order

The Strategic Plan Implementation Oversight Committee (SPOC) meeting was called to order by Dr. Don McIsaac. He provided introductory comments, reviewed agenda topics, and discussed the ground rules for public comment.

Agenda topics included: trawl permit stacking, conversion of the open access fishery to limited entry, and marine reserves.

Members in Attendance
Mr. Robert Alverson, Fishing Vessel Owners Association
Mr. Phil Anderson, Washington Department of Fish and Wildlife
Mr. LB Boydstun, California Department of Fish and Game
Mr. Ralph Brown, Pacific Fishery Management Council
Mr. Jim Caito, Pacific Fishery Management Council
Mr. Jim Golden, Oregon Department of Fish and Wildlife
Mr. Bill Robinson, National Marine Fisheries Service

Others in Attendance
Mr. Steve Bodnar, Coos Bay Trawler's Association
Mr. Burnell Bohn, Oregon Department of Fish and Wildlife
Ms. Eileen Cooney, National Oceanographic and Atmospheric Administration - General Counsel
Lt. Brian Corrigan, US Coast Guard
Mr. Brian Culver, Washington Department of Fish and Wildlife
Mr. Bob Eaton, Pacific Marine Conservation Council
Mr. Steve Freese, National Marine Fisheries Service
Mr. Gerald Gunneri, Coos Bay Trawler's Association
Dr. Jim Hastie, National Marine Fisheries Service
Cmdr. Ted Lindstrom, US Coast Guard
Mr. Jim Lone, Chair, Pacific Fishery Management Council
Mr. Mitch Lesoing, Quileute Natural Resources
Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council
Mr. Rod Moore, West Coast Seafood Processors
Ms. Michele Robinson, Washington Department of Fish and Wildlife
Mr. Jim Seger, staff, Pacific Fishery Management Council
Ms. Cyreis Schmitt, National Marine Fisheries Service
Mr. Bob Strickland, United Anglers of Souther California
Mr. Chuck Tracy, staff, Pacific Fishery Management Council
Mr. Dan Waldeck, staff, Pacific Fishery Management Council
Mr. Frank Warrens, Groundfish Advisory Panel

Meeting Summary

Trawl Permit Stacking

A primary reason for going forward with development of a trawl permit stacking program is to ensure

Strategic Plan capacity reduction goals are realized. It was suggested that even if a buyback program is funded by Congress, the buyback program may not achieve a sufficient reduction in capacity. Therefore, *the committee believes it is prudent to go forward with developing a trawl permit stacking program.*

Dr. McIsaac informed the SPOC that there was money in the Council budget for implementation of the Strategic Plan ($10,000), but this money is not earmarked for specific Strategic Plan initiatives.

The SPOC discussed the limited amount of time available and the resources required for other Council workload items, both of which will constrain the development team. It was suggested that at this meeting the SPOC could settle on the composition of the development team, describe a set of issues for the team to grapple with, and choose a time line for development of the trawl permit stacking program.

The SPOC discussed the composition of the development team, notably whether agency representatives, General Counsel, or SPOC representatives would be formal committee members. It was decided that a smaller development team was likely to be more efficient. Agency staff and General Counsel will work with the development team, but will not be formal members of the team. The Groundfish Management Team (GMT) will provide technical support as needed. The SPOC will monitor progress of development team to ensure the team is on track and addressing the issues raised by the SPOC. The SPOC also developed a framework of issues to be addressed by the development team and a time line.

> **Public Comment relative to permit stacking**: Members of the public expressed interest in serving on the development team if appointed by the SPOC. The public echoed the views of the SPOC regarding the need for both buyback and permit stacking to achieve capacity reduction goals. The public supported the development team composition, noting similarities to the Council's Ad-Hoc Buyback Committee. The need for processor representation was stressed.

The SPOC recommends formation of a development team composed of:

- *Three trawlers (one each from Washington, Oregon, California)*
  – Marion Larkin, Kelly Smotherman, TBD
- *Two at-large trawl representatives*
  – Steve Bodnar, Pete Leipzig
- *One processor representative*
  – Rod Moore
- *Two GMT representatives*
  – Jim Hastie, Brian Culver

The SPOC also discussed the need to include a representative from the "small trawler" segment of the groundfish fishery as one of the trawler representatives on the development team.

The SPOC recommends several issues to frame the work of the development team:

- *What are the goals and objectives of a stacking program?*
- *Voluntary versus mandatory stacking?*
- *Unstacking allowed?*
- *Review fixed gear permit stacking program for use as a framework.*
- *Inter-relationship of the buyback program to trawl permit stacking.*
- *Technical issues, e.g., length endorsements, full additional limit.*
- *Would current trip limits be treated equally or weighted?*
- *Develop several options, including individual fishing quota.*

The SPOC stresses the importance of NMFS and state involvement in the development process, agencies should prioritize attendance at development team meetings. This is critical because whatever the development team comes up will have to be implemented by NMFS and the states, therefore involvement during development should ensure a workable program.

The SPOC recommends the following time line for development of the trawl permit stacking program:

- *June 2001, Council confirms recommendations of the SPOC;*
- *July 2001, Development team meets;*
- *September 2001, Development team provides progress report to SPOC;*
- *September 2001, Council reviews progress;*
- *November 2001, Council considers adoption of goals, objectives, and options;*
- *Winter 2001-2002, Options analyzed.*
- *April 2002, Council considers action on trawl permit stacking options.*

Open Access to Limited Entry

Mr. Boydstun reviewed the work produced by the SPOC subcommittee, which includes a history of the open access fishery, an analysis of the fishery from 1994-1999, and a problem statement (see attachments). The subcommittee also posed several questions in their meeting summary for consideration by the Council and groundfish advisory bodies, which are detailed in the subcommittee meeting summary (see attachment).

The SPOC discussed the importance of getting this information to the advisory bodies for review prior to the June 2001 Council meeting. It was decided the information should be provided in the Council briefing book.

Public comment on conversion of open access to limited entry: Mr. Moore stressed the importance of notifying the Groundfish Advisory Subpanel (GAP) of what they are expected to review at the June 2001, which allows the GAP to prioritize their agenda.

The SPOC recommends that the materials developed by the subcommittee be included in the Council's June briefing book for review by the groundfish advisory bodies.

Marine Reserves

There were two items under this agenda topic (1) status report on West Coast marine reserve efforts, and (2) the need for a marine reserves development team.

Mr. Seger described the status report he is working on for the June 2001 Council meeting. He is also working on an outline of long-term issues the Council will face regarding marine reserves. There will be a need to integrate external marine reserve initiatives into the Council process. He intends to outline points to consider in developing a process to accomplish this integration (see attachment). Mr. Seger also noted responses from the Channel Islands National Marine Sanctuary Program to the questions raised by the Council and its advisors will be provided at the June 2001 Council meeting.

The SPOC discussed appointing a development team for marine reserves. It was noted that money for marine reserves was not allotted in the Council budget for 2001.

Mr. Anderson noted that at the April 2001 Council meeting the GAP and Habitat Steering Group recommended the Council appoint a marine reserves committee with broad representation from the Council advisory bodies. He noted that the team appointed by the SPOC to develop a plan design for marine reserves had broad representation. He suggested that at the June Council meeting, after the Council receives the marine reserves status report, the Council could formalize a marine reserves committee and task them with scoping alternatives for dealing with marine reserve issues.

Dr. McIsaac noted that under the current funding level there is no money earmarked for a marine reserves committee.

It was suggested that Mr. Seger coordinate a meeting of the interested advisory bodies to determine if the marine reserves plan design team was the appropriate committee to continue as a development team under the SPOC. It was stressed that, while consideration of team structure would occur, a marine

reserves development team would not be able to meet unless money were made available.

Public comment on marine reserves issue: there was no comment.

Adjournment

The SPOC meeting adjourned at approximately 12:00 P.M., Monday, May 14, 2001.

PFMC
05/21/2001

Exhibit C.9
Attachment 2(a)
June 2001

Analysis of Open Access Fishery

Description of the tables included in this file.

This file revises and expands the previously distributed tables which focused on landed catch, both in describing participation and in evaluating the implications of alternative qualifying criteria. It also includes parallel tables that focus on criteria which are revenue-based.

As with the previous tables, the determination of whether a trip "targeted" groundfish was made using a combination of gear and revenue information from the trip. Only gears that can legitimately target groundfish in open access were included, and of those, only trips where groundfish revenue exceeded the revenue from all other species.

Tables 1a-b provide an overview of the minimum number of vessels that would have been required to land 80%, 90%, or 95% of the total open-access targeted groundfish landings/revenue during each year, and the geographic distribution of those vessels, based on the principal groundfish revenue state in the last year of participation. These may be helpful in identifying an appropriate range of fleet sizes to serve as evenutal program targets.

Tables 2a-d describe the nature of participation in the fishery, in terms of years fished, entry and exit patterns, and annual participants operating above selected tonnage and revenue thresholds.

Tables 3a-3b describe participation over the 1994-99 period, by placing vessels in categories reflecting their best year/2-year average of tonnage and revenue in the fishery, and the number of years fished, with progressively more restrictive recent participation standards. Tables 4a-b summarize the Table 3a-b results, leaving out categories for number of years fished.

In contrast to placing each vessel in a unique best-year category, Tables 5a-b through 7a-b aggregate all vessels exceeding selected tonnages or revenues in their best year/2-year average into non-exclusive groupings, again with information on the number also exceeding certain recent participation threshholds. An individual vessel will appear in all rows whose threshold it exceeds. For instance, a vessel's best year exceeds 25 mt, it will appear in every cell of the first column in the upper panel of table 5a (as do 75 vessels). If it also had at least 5 mt in either 1998 or 1999, it will appear in every cell in the upper panel of that table (as do 38 vessels). The later two tables in each series provide state breakdowns of vessels exceeding each set of thresholds.

Tables 8a-b through 10a-b are intended to provide insight into the effects of combining different criteria in the form of primary and secondary (either/or) sub-criteria. Primary criteria are shown down the left side of each table, with two supplemental criteria under each recent landing requirement. In Tables 8a-b, the primary criteria are based on the best year's performance in tonnage (a) or revenue (b). The secondary criteria are based on minimum amounts in each year, using the same metric (tonnage or revenue) as the primary criteria. The number of qualifiers that would be added by implementing the secondary criteria can be identified by looking in the adjacent row for those not meeting the primary criterion, and moving across to the appropriate column for the recent landing requirement and secondary criterion. For instance, a primary criterion of a best year of at least 5 mt, with a recent landing standard of at least 0.5 mt in either 1998 or 1999 would qualify 214 vessels. And additional 7 vessels would be added using a supplemental criterion of at least 1 mt landed in each year. (It can also be observed that 46 of those meeting the primary criterion would also meet this secondary criterion. Tables 9a-b have the same format, except that the primary criterion reflects the best 2-year average of each vessel. In Tables 10a-b, the primary focus is on duration of participation. The primary criteria reflect the lowest performance in the best 5 of 6 years, while the supplemental criteria reflect the best year or average of 2 years.

From these tables, eight sets of hypothetical qualifying criteria are identified, with four based on tonnage (Q1-4) and four on revenue (Q5-8). Within each of these groups, two have primary criteria best on the best year (Q1-2, Q5-6), with the remainder based on the lowest performance in the best 5 of 6 years (Q3-4, Q7-8). The eight alternative cluster around one of two target fleet sizes: 220 (Q1, Q3, Q5, Q7) or 138 (Q2, Q4, Q6, Q8). The specific criteria used are identified below Tables 11-18.

Tables 11a-b describe the participation and average tonnage of those meeting and not meeting each of the eight qualifying criteria, during each year and for the 6-year period as a whole. Tables 12a-b address differences in groundfish and total revenue between qualifiers and non-qualifiers, annually and overall.

Tables 13a-b and 14a-b describe the degree to which qualifiers under one criteria would meet the alternative qualifiers based on the same metric (tonnage or revenue). Table 15 extends this cross-criteria qualifying comparison to all eight alternatives, grouping them according to the resulting fleet size.

Table 16 expands on this comparison, summarizing the average targeted groundfish revenue, tonnage, trips, and years fished for each cell of the cross-qualification matrix for alternative with similar numbers of qualifiers.

Table 17 summarizes the annual combined participation of all open-access targeting vessels and those meeting the eight sample criteria, in terms of the number of participants, fleet revenue and tonnage. The second page of the table identifies the number earning more than two thresholds of revenue in each year, and the total amount of revenue attributable to those sub-groups. Table 18 shows the percentage contribution of each qualifying group to the total open-access targeting fleet amounts included in each part of Table 17.

Some of the vessels which do not meet the recent participation requirements or landing/revenue criteria using the best 5 of 6 years, leased, but did not own, permits during one or more of the latter years of the window. Others owned a permit at some point, but no longer do so, and a third group currently own permits. While those who currently own permits would no need of a new 'B' permit to continue in the fishery, it is reasonable to consider whether, for the others who are not permit owners, fishing as part of the limited-entry fleet during a portion of the window might be considered in evaluating whether a vessel meets recent participation or other criteria.

Table 19 displays the extent to which vessels leased or owned permits during 1998 or 1999, and identifies how many of them would meet or not meet criterias Q1-4.

The intent of summarizing this set of sample qualifying criteria is not to suggest that any one of these approaches or target fleet sizes should be selected for use, or even seriously considered by the development committee or the Council. These examples are intended to illustrate: 1) the general magnitude of requirements (for certain metrics of participation) that would be necessary in order to achieve a particular fleet size, 2) the sorts of tradeoffs involved in using different metrics of participation, 3) the implications of creating complex combinations of criteria. While perhaps exhausting, the range of individual metrics and their potential combinations are certainly not exhausted by this collection of tables. However, it is hoped that they may serve to focus committee discussion at an early stage upon the most productive avenues for further exploration.

Table 1a.--Minimum numbers of vessels needed to account for specified percentages of the coastwide targeted groundfish tonnage by open-access vessels in each year, 1994-99, and the distribution of their numbers and tonnage by state designation, based on plurality of total revenue in the most recent year with groundfish landings.

% of annual "target" GF tonnage	Principal state for most recent year																	
	California					Oregon					Washington					Total		
	Vessels			Tonnage		Vessels			Tonnage		Vessels			Tonnage		Vessels		metric
	#	% of col.	% of row	mts	% of row	#	% of col.	% of row	mts	% of row	#	% of col.	% of row	mts	% of row	#	% of col.	tons
1994																		
80%	136	14%	73%	2,455	77%	29	12%	16%	402	13%	21	17%	11%	328	10%	186	14%	3,185
90%	221	22%	70%	2,707	76%	57	24%	18%	490	14%	38	31%	12%	387	11%	316	23%	3,584
95%	329	33%	71%	2,854	75%	88	37%	19%	530	14%	48	40%	10%	400	11%	465	34%	3,784
100%	1,000	100%	74%	2,998	75%	236	100%	17%	563	14%	121	100%	9%	423	11%	1,357	100%	3,984
1995																		
80%	158	16%	83%	2,575	89%	17	8%	9%	172	6%	15	20%	8%	156	5%	190	15%	2,903
90%	250	26%	79%	2,846	87%	40	18%	13%	237	7%	26	34%	8%	187	6%	316	25%	3,270
95%	348	36%	79%	2,987	87%	63	29%	14%	269	8%	32	42%	7%	195	6%	443	35%	3,451
100%	977	100%	77%	3,121	86%	219	100%	17%	307	8%	76	100%	6%	206	6%	1,272	100%	3,633
1996																		
80%	167	17%	77%	2,129	81%	31	16%	14%	304	12%	20	31%	9%	196	7%	218	17%	2,629
90%	274	27%	77%	2,382	81%	56	29%	16%	361	12%	28	43%	8%	215	7%	358	28%	2,959
95%	364	36%	74%	2,490	80%	91	47%	18%	404	13%	39	60%	8%	228	7%	494	39%	3,123
100%	1,009	100%	80%	2,625	80%	194	100%	15%	428	13%	65	100%	5%	236	7%	1,268	100%	3,288
1997																		
80%	156	16%	67%	1,743	70%	56	22%	24%	479	19%	22	28%	9%	276	11%	234	18%	2,498
90%	254	25%	66%	1,946	69%	97	38%	25%	561	20%	36	45%	9%	305	11%	387	29%	2,812
95%	374	37%	69%	2,066	70%	125	49%	23%	588	20%	46	58%	8%	315	11%	545	41%	2,969
100%	999	100%	75%	2,192	70%	254	100%	19%	611	20%	80	100%	6%	322	10%	1,333	100%	3,125
1998																		
80%	124	16%	71%	1,510	78%	40	17%	23%	329	17%	11	21%	6%	103	5%	175	16%	1,941
90%	209	27%	69%	1,671	77%	72	31%	24%	393	18%	21	40%	7%	121	6%	302	28%	2,185
95%	302	39%	71%	1,763	76%	97	42%	23%	416	18%	27	51%	6%	127	6%	426	40%	2,306
100%	776	100%	73%	1,852	76%	233	100%	22%	442	18%	53	100%	5%	133	5%	1,062	100%	2,428
1999																		
80%	159	20%	69%	811	72%	55	28%	24%	257	23%	17	30%	7%	60	5%	231	22%	1,128
90%	246	32%	71%	916	72%	77	39%	22%	286	22%	24	42%	7%	68	5%	347	34%	1,270
95%	340	44%	73%	972	73%	95	48%	20%	297	22%	29	51%	6%	72	5%	464	45%	1,340
100%	779	100%	75%	1,026	73%	196	100%	19%	309	22%	57	100%	6%	76	5%	1,032	100%	1,411

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 1b.--Minimum numbers of vessels needed to account for specified percentages of the coastwide targeted groundfish revenue by open-access vessels in each year, 1994-99, and the distribution of their numbers and tonnage by state designation, based on plurality of total revenue in the most recent year with groundfish landings.

% of annual "target" GF revenue	Principal state for most recent year																	
	California					Oregon					Washington					Total		
	Vessels			Revenue		Vessels			Revenue		Vessels			Revenue		Vessels		Revenue
	#	% of col.	% of row	$ mil.	% of row	#	% of col.	% of row	$ mil.	% of row	#	% of col.	% of row	$ mil.	% of row	#	% of col.	$ mil.
1994																		
80%	182	18%	82%	4.32	84%	23	10%	10%	0.53	10%	18	15%	8%	0.26	5%	223	16%	5.12
90%	282	28%	78%	4.78	83%	47	20%	13%	0.65	11%	32	26%	9%	0.33	6%	361	27%	5.76
95%	394	39%	77%	5.02	83%	77	33%	15%	0.71	12%	41	34%	8%	0.35	6%	512	38%	6.08
100%	1,000	100%	74%	5.25	82%	236	100%	17%	0.77	12%	121	100%	9%	0.39	6%	1,357	100%	6.41
1995																		
80%	197	20%	89%	5.55	92%	12	5%	5%	0.23	4%	13	17%	6%	0.24	4%	222	17%	6.02
90%	293	30%	86%	6.15	91%	28	13%	8%	0.34	5%	21	28%	6%	0.29	4%	342	27%	6.77
95%	387	40%	82%	6.42	90%	53	24%	11%	0.41	6%	31	41%	7%	0.32	4%	471	37%	7.15
100%	977	100%	77%	6.70	89%	219	100%	17%	0.49	7%	76	100%	6%	0.34	4%	1,272	100%	7.53
1996																		
80%	219	22%	83%	5.07	86%	25	13%	10%	0.43	7%	19	29%	7%	0.36	6%	263	21%	5.86
90%	331	33%	82%	5.66	86%	43	22%	11%	0.53	8%	28	43%	7%	0.41	6%	402	32%	6.60
95%	432	43%	80%	5.93	85%	76	39%	14%	0.61	9%	34	52%	6%	0.43	6%	542	43%	6.97
100%	1,009	100%	80%	6.21	85%	194	100%	15%	0.67	9%	65	100%	5%	0.45	6%	1,268	100%	7.34
1997																		
80%	218	22%	74%	4.33	75%	49	19%	17%	0.82	14%	28	35%	9%	0.58	10%	295	22%	5.73
90%	330	33%	74%	4.87	76%	78	31%	18%	0.96	15%	36	45%	8%	0.62	10%	444	33%	6.45
95%	437	44%	74%	5.13	75%	108	43%	18%	1.04	15%	46	58%	8%	0.64	9%	591	44%	6.81
100%	999	100%	75%	5.41	75%	254	100%	19%	1.10	15%	80	100%	6%	0.66	9%	1,333	100%	7.17
1998																		
80%	162	21%	80%	3.88	85%	31	13%	15%	0.49	11%	10	19%	5%	0.17	4%	203	19%	4.54
90%	251	32%	78%	4.31	84%	54	23%	17%	0.60	12%	18	34%	6%	0.21	4%	323	30%	5.12
95%	335	43%	77%	4.52	84%	79	34%	18%	0.66	12%	23	43%	5%	0.22	4%	437	41%	5.40
100%	776	100%	73%	4.72	83%	233	100%	22%	0.73	13%	53	100%	5%	0.24	4%	1,062	100%	5.68
1999																		
80%	173	22%	79%	3.46	84%	36	18%	16%	0.57	14%	10	18%	5%	0.11	3%	219	21%	4.13
90%	259	33%	77%	3.84	83%	60	31%	18%	0.67	14%	16	28%	5%	0.14	3%	335	32%	4.65
95%	351	45%	78%	4.04	82%	80	41%	18%	0.72	15%	21	37%	5%	0.15	3%	452	44%	4.91
100%	779	100%	75%	4.24	82%	196	100%	19%	0.76	15%	57	100%	6%	0.16	3%	1,032	100%	5.17

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 2a.--Number of annual open-access vessels with targeted landings of groundfish, 1994-99, grouped by first and last year of participation, 1994-99.

	Last year with targeted GF ldgs >0						
1st yr w/ targeted GF ldgs >0	1994	1995	1996	1997	1998	1999	Total
1994	483	199	131	130	113	301	1,357
1995		256	90	75	38	106	565
1996			241	99	64	99	503
1997				262	76	125	463
1998					217	95	312
1999						306	306
Total	483	455	462	566	508	1,032	3,506

Table 2b.--Number of annual open-access vessels with targeted landings of groundfish, 1994-99, grouped by first year and number of years of participation, 1994-99.

	Number of years targeted GF ldgs >0, 1994-99						
1st yr w/ targeted GF ldgs >0	1	2	3	4	5	6	Total
1994	483	278	176	132	133	155	1,357
1995	256	125	87	47	49		565
1996	242	127	71	64			503
1997	262	109	92				463
1998	217	95					312
1999	306						306
Total	1,766	734	426	243	182	155	3,506

Table 2c.--Number of annual open-access vessels with targeted landings of groundfish, 1994-99, grouped by last year and number of years of participation, 1994-99.

	Number of years targeted GF ldgs >0, 1994-99						
Last yr w/ targeted GF ldgs >0	1	2	3	4	5	6	Total
1994	483						483
1995	256	199					455
1996	242	124	96				462
1997	262	146	87	71			566
1998	217	107	80	42	62		508
1999	306	158	163	130	120	155	1,032
Total	1,766	734	426	243	182	155	3,506

Table 3a.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of landings during 1994-99, along with the number of years during this period in which targeted groundfish landings were made, for a range of recent participation qualifying criteria.

"Recent" criterion / Groundfish mts landed in the best year(s), 1994 - 99	Number of years with some targeted groundfish landings, 1994-99						
	1	2	3	4	5	6	Total
	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.
No recent landing criteria							
Best year							
>0 and <=0.1	857	131	34	8	4	2	1,036
>0.1 and <=0.5	507	246	100	41	16	4	914
>0.5 and <=1.0	138	118	59	44	18	11	388
>1 and <=5	206	171	157	86	77	61	758
>5 and <=10	34	28	41	37	32	28	200
>10 and <=20	15	26	16	13	21	23	114
>20	9	14	19	14	14	26	96
Average of best 2 years							
>0 and <=0.1	1,094	165	45	11	4	2	1,321
>0.1 and <=0.5	408	286	114	49	20	9	886
>0.5 and <=1.0	126	95	66	46	22	13	368
>1 and <=5	114	142	150	91	77	62	636
>5 and <=10	15	22	24	25	33	27	146
>10 and <=20	4	15	12	9	13	20	73
>20	5	9	15	12	13	22	76
Total	1,766	734	426	243	182	155	3,506
Max(1998,1999) > 0 mt							
Best year							
>0 and <=0.1	251	43	16	7	4	2	323
>0.1 and <=0.5	145	87	62	29	16	4	343
>0.5 and <=1.0	40	46	36	30	18	11	181
>1 and <=5	72	76	96	66	77	61	448
>5 and <=10	9	6	19	27	32	28	121
>10 and <=20	5	6	7	4	21	23	66
>20	1	1	7	9	14	26	58
Average of best 2 years							
>0 and <=0.1	322	53	22	10	4	2	413
>0.1 and <=0.5	114	105	71	33	20	9	352
>0.5 and <=1.0	50	38	40	34	22	13	197
>1 and <=5	31	62	89	71	77	62	392
>5 and <=10	5	3	13	12	33	27	93
>10 and <=20	1	4	3	5	13	20	46
>20			5	7	13	22	47
Total	523	265	243	172	182	155	1,540

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 3a.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of landings during 1994-99, along with the number of years during this period in which targeted groundfish landings were made, for a range of recent participation qualifying criteria (cont.).

"Recent" criterion / Groundfish mts landed in the best year(s), 1994 - 99	Number of years with some targeted groundfish landings, 1994-99						
	1	2	3	4	5	6	Total
	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.
Max(1998,1999) > 0.5 mt							
Best year							
>0.5 and <=1.0	40	33	17	13	6	4	113
>1 and <=5	72	60	77	42	45	42	338
>5 and <=10	9	4	14	22	22	25	96
>10 and <=20	5	6	7	4	18	23	63
>20	1	1	7	9	12	25	55
Average of best 2 years							
>0.1 and <=0.5	40	20	7	1		1	69
>0.5 and <=1.0	50	26	21	18	9	6	130
>1 and <=5	31	51	75	49	48	46	300
>5 and <=10	5	3	11	10	25	25	79
>10 and <=20	1	4	3	5	9	19	41
>20			5	7	12	22	46
Total	127	104	122	90	103	119	665
Max(1998,1999) > 1 mt							
Best year							
>1 and <=5	72	56	70	32	36	28	294
>5 and <=10	9	4	12	21	22	21	89
>10 and <=20	5	6	7	4	16	23	61
>20	1	1	7	9	10	24	52
Average of best 2 years							
>0.5 and <=1.0	50	12	10	3	2	1	78
>1 and <=5	31	48	67	41	40	31	258
>5 and <=10	5	3	11	10	24	24	77
>10 and <=20	1	4	3	5	8	19	40
>20			5	7	10	21	43
Total	87	67	96	66	84	96	496
Max(1998,1999) > 5 mt							
Best year							
>5 and <=10	9	3	7	12	9	7	47
>10 and <=20	5	6	6	3	9	14	43
>20	1	1	7	7	9	22	47
Average of best 2 years							
>1 and <=5	9	3	5	6		2	25
>5 and <=10	5	3	7	6	13	9	43
>10 and <=20	1	4	3	4	5	13	30
>20			5	6	9	19	39
Total	15	10	20	22	27	43	137

Table 2d.--Number of annual open-access vessels with targeted landings of groundfish, 1994-99, and the number meeting other participation criteria.

	1994	1995	1996	1997	1998	1999	Total
Total OA vessels with targeted groundfish landings	**1,357**	**1,272**	**1,268**	**1,333**	**1,062**	**1,032**	**3,506**
Tonnage criteria							
Those exceeding tonnage thresholds within a year							
>= 1 mt	**449**	**440**	**450**	**453**	**364**	**327**	**3,506**
	(33%)	(35%)	(35%)	(34%)	(34%)	(32%)	(100%)
>= 5 mt	**188**	**168**	**163**	**142**	**111**	**68**	**3,506**
	(14%)	(13%)	(13%)	(11%)	(10%)	(7%)	(100%)
>= 10 mt	**99**	**100**	**79**	**68**	**58**	**23**	**3,506**
	(7%)	(8%)	(6%)	(5%)	(5%)	(2%)	(100%)
Those with a best year (1994-99) exceeding							
>= 5 mt	**253**	**275**	**284**	**264**	**213**	**187**	**3,506**
	(19%)	(22%)	(22%)	(20%)	(20%)	(18%)	(100%)
>= 10 mt	**139**	**152**	**150**	**140**	**109**	**97**	**3,506**
	(10%)	(12%)	(12%)	(11%)	(10%)	(9%)	(100%)
Those with a best year (1998-99) exceeding							
>= 0 mt	**414**	**470**	**565**	**767**	**1,062**	**1,032**	**1,540**
	(31%)	(37%)	(45%)	(58%)	(100%)	(100%)	(44%)
>= 0.5 mt	**231**	**263**	**314**	**426**	**532**	**524**	**665**
	(17%)	(21%)	(25%)	(32%)	(50%)	(51%)	(19%)
>= 1 mt	**179**	**209**	**246**	**328**	**406**	**401**	**496**
	(13%)	(16%)	(19%)	(25%)	(38%)	(39%)	(14%)
>= 5 mt	**68**	**76**	**92**	**107**	**121**	**112**	**137**
	(5%)	(6%)	(7%)	(8%)	(11%)	(11%)	(4%)
Revenue criteria							
Those exceeding revenue thresholds within a year							
>= $1,000	**604**	**600**	**669**	**715**	**521**	**539**	**1,734**
	(45%)	(47%)	(53%)	(54%)	(49%)	(52%)	(49%)
>= $5,000	**171**	**207**	**219**	**208**	**145**	**154**	**545**
	(13%)	(16%)	(17%)	(16%)	(14%)	(15%)	(16%)
>= $10,000	**76**	**113**	**103**	**89**	**76**	**61**	**261**
	(6%)	(9%)	(8%)	(7%)	(7%)	(6%)	(7%)
Those with a best year (1994-99) exceeding							
>= $5,000	**281**	**338**	**365**	**366**	**294**	**273**	**545**
	(21%)	(27%)	(29%)	(27%)	(28%)	(26%)	(16%)
>= $10,000	**147**	**184**	**187**	**185**	**145**	**143**	**261**
	(11%)	(14%)	(15%)	(14%)	(14%)	(14%)	(7%)
Those with a best year (1998-99) exceeding							
>= $1,000	**255**	**291**	**352**	**481**	**586**	**614**	**780**
	(19%)	(23%)	(28%)	(36%)	(55%)	(59%)	(22%)
>= $2,000	**200**	**234**	**284**	**380**	**472**	**483**	**596**
	(15%)	(18%)	(22%)	(29%)	(44%)	(47%)	(17%)
>= $5,000	**131**	**157**	**181**	**243**	**299**	**311**	**370**
	(10%)	(12%)	(14%)	(18%)	(28%)	(30%)	(11%)

Table 3b.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of revenue during 1994-99, along with the number of years during this period in which targeted groundfish revenue were made, for a range of recent participation qualifying criteria.

"Recent" criterion / Groundfish mts landed in the best year(s), 1994 - 99	Number of years with some targeted groundfish landings, 1994-99						
	1	2	3	4	5	6	Total
	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.
No recent landing criteria							
Best year							
<=$500	1,065	210	65	20	10	2	1,372
>$500 and <=$2,000	388	224	95	55	26	13	801
>$2,000 and <=$5000	159	138	77	44	26	33	477
>$5,000 and <=$10,000	80	72	66	42	30	21	311
>$10,000 and <=$20,000	44	55	69	46	39	31	284
>$20,000 and <=$30,000	14	13	21	13	27	13	101
>$30,000	16	22	33	23	24	42	160
Average of best two years							
<=$500	1,273	279	91	29	11	2	1,685
>$500 and <=$2,000	306	220	102	59	34	19	740
>$2,000 and <=$5000	113	119	73	46	24	36	411
>$5,000 and <=$10,000	44	62	75	41	34	22	278
>$10,000 and <=$20,000	19	32	49	40	40	27	207
>$20,000 and <=$30,000	4	10	11	10	20	12	67
>$30,000	7	12	25	18	19	37	118
Total	1,766	734	426	243	182	155	3,506
Max(1998, 1999) > $0							
Best year							
<=$500	299	64	32	14	10	2	421
>$500 and <=$2,000	112	81	56	38	26	13	326
>$2,000 and <=$5000	43	62	47	36	26	33	247
>$5,000 and <=$10,000	40	32	43	32	30	21	198
>$10,000 and <=$20,000	17	19	37	30	39	31	173
>$20,000 and <=$30,000	5	3	11	6	27	13	65
>$30,000	7	4	17	15	24	42	109
Average of best two years							
<=$500	355	81	47	21	11	2	517
>$500 and <=$2,000	91	93	60	41	34	19	338
>$2,000 and <=$5000	48	55	47	37	24	36	247
>$5,000 and <=$10,000	17	24	46	33	34	22	176
>$10,000 and <=$20,000	7	8	26	21	40	27	129
>$20,000 and <=$30,000	1	2	7	6	20	12	48
>$30,000	4	2	10	12	19	37	84
Total	523	265	243	171	182	155	1,539

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 3b.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of revenue during 1994-99, along with the number of years during this period in which targeted groundfish revenue were made, for a range of recent participation qualifying criteria. (cont.)

"Recent" criterion / Groundfish mts landed in the best year(s), 1994 - 99	Number of years with some targeted groundfish landings, 1994-99						
	1	2	3	4	5	6	Total
	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.	# of ves.
Max (1998, 1999) > $1,000							
Best year							
>$500 and <=$2,000	56	32	14	10	8	3	123
>$2,000 and <=$5000	43	50	30	23	11	27	184
>$5,000 and <=$10,000	40	29	36	23	20	17	165
>$10,000 and <=$20,000	17	16	30	24	35	26	148
>$20,000 and <=$30,000	5	3	10	5	19	13	55
>$30,000	7	4	17	15	21	41	105
Average of best two years							
>$500 and <=$2,000	91	52	20	17	9	7	196
>$2,000 and <=$5000	48	49	38	22	13	29	199
>$5,000 and <=$10,000	17	21	40	25	26	18	147
>$10,000 and <=$20,000	7	8	22	18	36	25	116
>$20,000 and <=$30,000	1	2	7	6	13	11	40
>$30,000	4	2	10	12	17	37	82
Total	168	134	137	100	114	127	780
Max (1998, 1999) > $2,000							
Best year							
>$2,000 and <=$5000	43	46	24	19	4	14	150
>$5,000 and <=$10,000	40	27	34	19	17	14	151
>$10,000 and <=$20,000	17	15	26	24	34	25	141
>$20,000 and <=$30,000	5	3	9	5	17	13	52
>$30,000	7	4	17	14	19	41	102
Average of best two years							
>$500 and <=$2,000	35	20	4	7	1	2	69
>$2,000 and <=$5000	48	43	32	17	4	17	161
>$5,000 and <=$10,000	17	20	37	22	24	15	135
>$10,000 and <=$20,000	7	8	20	18	35	25	113
>$20,000 and <=$30,000	1	2	7	6	12	11	39
>$30,000	4	2	10	11	15	37	79
Total	112	95	110	81	91	107	596
Max(1998, 1999) > $5,000							
Best year							
>$5,000 and <=$10,000	40	23	24	11	13	4	115
>$10,000 and <=$20,000	17	14	25	17	24	19	116
>$20,000 and <=$30,000	5	3	7	5	12	11	43
>$30,000	7	4	17	13	17	38	96
Average of best two years							
>$2,000 and <=$5000	40	16	11	2	1		70
>$5,000 and <=$10,000	17	16	27	14	15	8	97
>$10,000 and <=$20,000	7	8	18	14	26	20	93
>$20,000 and <=$30,000	1	2	7	6	11	9	36
>$30,000	4	2	10	10	13	35	74
Total	69	44	73	46	66	72	370

Table 4a.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of revenue during 1994-99, along with the effect of imposing one of 4 hypothetical recent participation qualifier on the number remaining in each category.

Period / Groundfish mts landed in best year(s), 1994 - 99	Recent landings qualifier (best year of 1998,1999)								
	None	> 0 mt		> 0.5 mt		> 1 mt		> 5 mt	
	# of ves.	# of ves.	% of max	# of ves.	% of max	# of ves.	% of max	# of ves.	% of max
Best year									
>0 and <=0.1 mt	1,036	323	31%						
>0.1 and <=0.5	914	343	38%						
>0.5 and <=1.0	388	181	47%	113	29%				
>1 and <=5	758	448	59%	338	45%	294	39%		
>5 and <=10	200	121	61%	96	48%	89	45%	47	24%
>10 and <=20	114	66	58%	63	55%	61	54%	43	38%
>20 mt	96	58	60%	55	57%	52	54%	47	49%
Average of best 2 years									
>0 and <=0.1 mt	1,321	413	31%						
>0.1 and <=0.5	886	352	40%	69	8%				
>0.5 and <=1.0	368	197	54%	130	35%	78	21%		
>1 and <=5	636	392	62%	300	47%	258	41%	25	4%
>5 and <=10	146	93	64%	79	54%	77	53%	43	29%
>10 and <=20	73	46	63%	41	56%	40	55%	30	41%
>20 mt	76	47	62%	46	61%	43	57%	39	51%
Total	3,506	1,540	44%	665	19%	496	14%	137	4%

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 4b.--Distribution of of open-access vessels targeting groundfish among categories reflecting their best single year and best 2 years of revenue during 1994-99, along with the effect of imposing one of 4 hypothetical recent participation qualifier on the number remaining in each category.

Period / Groundfish rev. landed in best year(s), 1994 - 99	Recent revenue qualifier (best year of 1998,1999)								
	None	> $0		> $1,000		> $2,000		> $5,000	
	# of ves.	# of ves.	% of max	# of ves.	% of max	# of ves.	% of max	# of ves.	% of max
Best year									
<=$500	1372	421	31%						
>$500 and <=$2,000	801	326	41%	123	15%				
>$2,000 and <=$5000	477	247	52%	184	39%	150	31%		
>$5,000 and <=$10,000	311	198	64%	165	53%	151	49%	115	37%
>$10,000 and <=$20,000	284	173	61%	148	52%	141	50%	116	41%
>$20,000 and <=$30,000	101	65	64%	55	54%	52	51%	43	43%
>$30,000	160	109	68%	105	66%	102	64%	96	60%
Average of best two years									
<=$500	1685	517	31%		0%		0%		0%
>$500 and <=$2,000	740	338	46%	196	26%	69	9%		0%
>$2,000 and <=$5000	411	247	60%	199	48%	161	39%	70	17%
>$5,000 and <=$10,000	278	176	63%	147	53%	135	49%	97	35%
>$10,000 and <=$20,000	207	129	62%	116	56%	113	55%	93	45%
>$20,000 and <=$30,000	67	48	72%	40	60%	39	58%	36	54%
>$30,000	118	84	71%	82	69%	79	67%	74	63%
Total	3506	1539	44%	780	22%	596	17%	370	11%

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 5a.--Number of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish landings, over a range of amounts for the best year (or 2-year average) during 1994-99 from 1 lb to 25 mt, and during 1998-99 (recent participation) from none to 5 mt.

Qualifier based on best year(s) 1994-99	Recent landings qualifier (best year of 1998,1999)									
	None		> 0 mt		> 0.5 mt		> 1 mt		> 5 mt	
	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.
Best year greater than:										
0 mt	3,506	100%	1,540	44%	665	19%	496	14%	137	4%
0.5 mt	1,556	44%	874	25%	665	19%	496	14%	137	4%
1 mt	1,168	33%	693	20%	552	16%	496	14%	137	4%
3 mt	590	17%	353	10%	303	9%	286	8%	137	4%
5 mt	410	12%	245	7%	214	6%	202	6%	137	4%
10 mt	210	6%	124	4%	118	3%	113	3%	90	3%
15 mt	132	4%	79	2%	74	2%	70	2%	62	2%
20 mt	96	3%	58	2%	55	2%	52	1%	47	1%
25 mt	75	2%	45	1%	45	1%	42	1%	38	1%
Average of best 2 years greater than:										
0 mt	3,506	100%	1,540	44%	665	19%	496	14%	137	4%
0.5 mt	1,300	37%	775	22%	596	17%	496	14%	137	4%
1 mt	932	27%	578	16%	466	13%	418	12%	137	4%
3 mt	457	13%	277	8%	246	7%	231	7%	132	4%
5 mt	296	8%	186	5%	166	5%	160	5%	112	3%
10 mt	150	4%	93	3%	87	2%	83	2%	69	2%
15 mt	106	3%	69	2%	64	2%	61	2%	56	2%
20 mt	77	2%	47	1%	46	1%	43	1%	39	1%
25 mt	51	1%	28	1%	28	1%	26	1%	25	1%

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 6a.--State distribution of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish landings, over a range of amounts for the best year during 1994-99 from 1 lb to 25 mt, and during 1998-99 (recent participation) from none to 5 mt.

State / Qualifier: best year 1994-99	Recent landings qualifier (best year of 1998,1999)									
	None		> 0 mt		> 0.5 mt		> 1 mt		> 5 mt	
	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs
California										
0 mt	2,607	74%	1,135	74%	475	71%	345	70%	93	68%
0.5 mt	1,115	72%	631	72%	475	71%	345	70%	93	68%
1 mt	818	70%	491	71%	389	70%	345	70%	93	68%
3 mt	413	70%	250	71%	209	69%	196	69%	93	68%
5 mt	284	69%	168	69%	143	67%	135	67%	93	68%
10 mt	153	73%	92	74%	87	74%	82	73%	65	72%
15 mt	103	78%	64	81%	60	81%	56	80%	48	77%
20 mt	78	81%	48	83%	46	84%	43	83%	38	81%
25 mt	65	87%	40	89%	40	89%	37	88%	33	87%
Oregon										
0 mt	654	19%	322	21%	144	22%	114	23%	32	23%
0.5 mt	304	20%	187	21%	144	22%	114	23%	32	23%
1 mt	241	21%	156	23%	123	22%	114	23%	32	23%
3 mt	113	19%	79	22%	72	24%	68	24%	32	23%
5 mt	80	20%	59	24%	55	26%	51	25%	32	23%
10 mt	32	15%	24	19%	23	19%	23	20%	18	20%
15 mt	18	14%	13	16%	12	16%	12	17%	12	19%
20 mt	9	9%	8	14%	7	13%	7	13%	7	15%
25 mt	6	8%	5	11%	5	11%	5	12%	5	13%
Washington										
0 mt	245	7%	83	5%	46	7%	37	7%	12	9%
0.5 mt	137	9%	56	6%	46	7%	37	7%	12	9%
1 mt	109	9%	46	7%	40	7%	37	7%	12	9%
3 mt	64	11%	24	7%	22	7%	22	8%	12	9%
5 mt	46	11%	18	7%	16	7%	16	8%	12	9%
10 mt	25	12%	8	6%	8	7%	8	7%	7	8%
15 mt	11	8%	2	3%	2	3%	2	3%	2	3%
20 mt	9	9%	2	3%	2	4%	2	4%	2	4%
25 mt	4	5%		0%		0%		0%		0%

Notes: State designations are based on plurality of total vessel revenue in the most recent year with groundfish landings.
"% of Qs" indicates the percentage of all vessels meeting the criteria that have been associated with that state.
All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 7a.--State distribution of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish landings, over a range of amounts for the best year during 1994-99 from 1 lb to 25 mt, and during 1998-99 (recent participation) from none to 5 mt.

State / Qualifier: best 2-year avg.,1994-99	Recent landings qualifier (best year of 1998,1999)									
	None		> 0 mt		> 0.5 mt		> 1 mt		> 5 mt	
	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs
California										
0 mt	2,607	74%	1,135	74%	475	71%	345	70%	93	68%
0.5 mt	925	71%	557	72%	426	71%	345	70%	93	68%
1 mt	651	70%	405	70%	324	70%	288	69%	93	68%
3 mt	321	70%	196	71%	170	69%	159	69%	93	70%
5 mt	213	72%	133	72%	116	70%	111	69%	79	71%
10 mt	118	79%	74	80%	69	79%	65	78%	52	75%
15 mt	87	82%	58	84%	54	84%	51	84%	46	82%
20 mt	63	82%	39	83%	38	83%	35	81%	31	79%
25 mt	44	86%	26	93%	26	93%	24	92%	23	92%
Oregon										
0 mt	654	19%	322	21%	144	22%	114	23%	32	23%
0.5 mt	259	20%	168	22%	129	22%	114	23%	32	23%
1 mt	192	21%	135	23%	110	24%	101	24%	32	23%
3 mt	86	19%	62	22%	59	24%	55	24%	29	22%
5 mt	53	18%	42	23%	41	25%	40	25%	25	22%
10 mt	18	12%	14	15%	13	15%	13	16%	13	19%
15 mt	11	10%	9	13%	8	13%	8	13%	8	14%
20 mt	7	9%	6	13%	6	13%	6	14%	6	15%
25 mt	3	6%	2	7%	2	7%	2	8%	2	8%
Washington										
0 mt	245	7%	83	5%	46	7%	37	7%	12	9%
0.5 mt	115	9%	50	6%	41	7%	37	7%	12	9%
1 mt	88	9%	38	7%	32	7%	29	7%	12	9%
3 mt	49	11%	19	7%	17	7%	17	7%	10	8%
5 mt	29	10%	11	6%	9	5%	9	6%	8	7%
10 mt	13	9%	5	5%	5	6%	5	6%	4	6%
15 mt	7	7%	2	3%	2	3%	2	3%	2	4%
20 mt	6	8%	2	4%	2	4%	2	5%	2	5%
25 mt	3	6%		0%		0%		0%		0%

Notes: State designations are based on plurality of total vessel revenue in the most recent year with groundfish landings.
"% of Qs" indicates the percentage of all vessels meeting the criteria that have been associated with that state.
All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 5b.--Number of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish revenue, over a range of amounts for the best year (or 2-year average) during 1994-99 from $0 to $25,000, and during 1998-99 (recent participation) from none to >$5,000.

Qualifier based on best year(s) 1994-99	Recent revenue qualifier (best year of 1998,1999)									
	None		> $0		> $1,000		> $2,000		> $5,000	
	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.	# of ves.	% of tot.
Best year greater than										
$0	3506	100%	1539	44%	780	22%	596	17%	370	11%
$1,000	1734	49%	974	28%	780	22%	596	17%	370	11%
$2,000	1333	38%	792	23%	657	19%	596	17%	370	11%
$5,000	856	24%	545	16%	473	13%	446	13%	370	11%
$10,000	545	16%	347	10%	308	9%	295	8%	255	7%
$15,000	352	10%	229	7%	209	6%	202	6%	180	5%
$20,000	261	7%	174	5%	160	5%	154	4%	139	4%
$25,000	193	6%	130	4%	122	3%	116	3%	107	3%
Average of best 2 years greater than:										
$0	3506	100%	1539	44%	780	22%	596	17%	370	11%
$1,000	1453	41%	861	25%	701	20%	596	17%	370	11%
$2,000	1081	31%	684	20%	584	17%	527	15%	370	11%
$5,000	670	19%	437	12%	385	11%	366	10%	300	9%
$10,000	392	11%	261	7%	238	7%	231	7%	203	6%
$15,000	255	7%	179	5%	163	5%	157	4%	144	4%
$20,000	185	5%	132	4%	122	3%	118	3%	110	3%
$25,000	144	4%	100	3%	97	3%	94	3%	88	3%

Note: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 6b.--State distribution of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish revenue, over a range of amounts for the best year during 1994-99 from $0 to $25,000, and during 1998-99 (recent participation) from none to >$5,000.

State / Qualifier: best year 1994-99	Recent revenue qualifier (best year of 1998,1999)									
	None		> $0		> $1,000		> $2,000		> $5,000	
	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs
California										
$0	2607	74%	1135	74%	597	77%	458	77%	286	77%
$1,000	1315	76%	734	75%	597	77%	458	77%	286	77%
$2,000	1024	77%	605	76%	508	77%	458	77%	286	77%
$5,000	659	77%	419	77%	360	76%	340	76%	286	77%
$10,000	433	79%	276	80%	242	79%	232	79%	203	80%
$15,000	295	84%	192	84%	174	83%	168	83%	148	82%
$20,000	218	84%	148	85%	135	84%	130	84%	116	83%
$25,000	162	84%	111	85%	104	85%	99	85%	90	84%
Oregon										
$0	654	19%	321	21%	142	18%	104	17%	64	17%
$1,000	296	17%	188	19%	142	18%	104	17%	64	17%
$2,000	214	16%	145	18%	114	17%	104	17%	64	17%
$5,000	124	14%	93	17%	83	18%	77	17%	64	17%
$10,000	67	12%	52	15%	48	16%	46	16%	38	15%
$15,000	33	9%	26	11%	25	12%	25	12%	24	13%
$20,000	27	10%	21	12%	20	13%	20	13%	19	14%
$25,000	18	9%	14	11%	13	11%	13	11%	13	12%
Washington										
$0	245	7%	83	5%	41	5%	34	6%	20	5%
$1,000	123	7%	52	5%	41	5%	34	6%	20	5%
$2,000	95	7%	42	5%	35	5%	34	6%	20	5%
$5,000	73	9%	33	6%	30	6%	29	7%	20	5%
$10,000	45	8%	19	5%	18	6%	17	6%	14	5%
$15,000	24	7%	11	5%	10	5%	9	4%	8	4%
$20,000	16	6%	5	3%	5	3%	4	3%	4	3%
$25,000	13	7%	5	4%	5	4%	4	3%	4	4%

Notes: State designations are based on plurality of total vessel revenue in the most recent year with groundfish landings.
"% of Qs" indicates the percentage of all vessels meeting the criteria that have been associated with that state.
All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 7b.--State distribution of vessels exceeding hypothetical qualifying criteria for open-access targeted groundfish revenue, over a range of amounts for the best year during 1994-99 from $0 to $25,000, and during 1998-99 (recent participation) from none to >$5,000.

State / Qualifier: best 2-year avg.,1994-99	Recent revenue qualifier (best year of 1998,1999)									
	None		> $0		> $1,000		> $2,000		> $5,000	
	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs	# of ves.	% of Qs
California										
$0	2607	74%	1135	74%	597	77%	458	77%	286	77%
$1,000	1110	76%	649	75%	535	76%	458	77%	286	77%
$2,000	829	77%	518	76%	443	76%	397	75%	286	77%
$5,000	527	79%	345	79%	300	78%	286	78%	238	79%
$10,000	319	81%	212	81%	191	80%	185	80%	164	81%
$15,000	214	84%	150	84%	136	83%	131	83%	118	82%
$20,000	162	88%	115	87%	106	87%	102	86%	94	85%
$25,000	129	90%	89	89%	86	89%	83	88%	77	88%
Oregon										
$0	654	19%	321	21%	142	18%	104	17%	64	17%
$1,000	241	17%	165	19%	128	18%	104	17%	64	17%
$2,000	167	15%	126	18%	107	18%	97	18%	64	17%
$5,000	89	13%	67	15%	62	16%	58	16%	47	16%
$10,000	45	11%	37	14%	36	15%	36	16%	31	15%
$15,000	26	10%	22	12%	21	13%	21	13%	21	15%
$20,000	16	9%	14	11%	13	11%	13	11%	13	12%
$25,000	9	6%	8	8%	8	8%	8	9%	8	9%
Washington										
$0	245	7%	83	5%	41	5%	34	6%	20	5%
$1,000	102	7%	47	5%	38	5%	34	6%	20	5%
$2,000	85	8%	40	6%	34	6%	33	6%	20	5%
$5,000	54	8%	25	6%	23	6%	22	6%	15	5%
$10,000	28	7%	12	5%	11	5%	10	4%	8	4%
$15,000	15	6%	7	4%	6	4%	5	3%	5	3%
$20,000	7	4%	3	2%	3	2%	3	3%	3	3%
$25,000	6	4%	3	3%	3	3%	3	3%	3	3%

Notes: State designations are based on plurality of total vessel revenue in the most recent year with groundfish landings.
"% of Qs" indicates the percentage of all vessels meeting the criteria that have been associated with that state.
All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

Table 8a.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish landings, for the best year during 1994-99 and during 1998-99 (recent participation), with the number of vessels achieving 1 mt and 2 mt thresholds in every year of the time period.

Did vessels meet qualifier based on best year 1994-99	Recent landings qualifier (best year of 1998,1999)														
	None			> 0 mt			> 0.5 mt			> 1 mt			> 5 mt		
	Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs		
	All	l mt	2 mt	All	l mt	2 mt	All	l mt	2 mt	All	l mt	2 mt	All	l mt	2 mt
0 mt															
Yes	3,506	53	33	1,540	53	33	665	53	33	496	53	33	137	35	29
0.5 mt															
No	1,950			666											
Yes	1,556	53	33	874	53	33	665	53	33	496	53	33	137	35	29
1 mt															
No	2,338			847			113								
Yes	1,168	53	33	693	53	33	552	53	33	496	53	33	137	35	29
3 mt															
No	2,916	2		1,187	2		362	2		210	2				
Yes	590	51	33	353	51	33	303	51	33	286	51	33	137	35	29
5 mt															
No	3,096	7		1,295	7		451	**7**		294	7				
Yes	410	46	33	245	46	33	**214**	46	33	202	46	33	137	35	29
10 mt															
No	3,296	19	5	1,416	**19**	5	547	19	5	383	19	5	47	6	2
Yes	210	34	28	**124**	34	28	118	34	28	113	34	28	90	29	27
15 mt															
No	3,374	28	9	1,461	28	9	591	28	9	426	28	9	75	11	6
Yes	132	25	24	79	25	24	74	25	24	70	25	24	62	24	23
20 mt															
No	3,410	32	13	1,482	32	13	610	32	13	444	32	13	90	15	10
Yes	96	21	20	58	21	20	55	21	20	52	21	20	47	20	19
25 mt															
No	3,431	37	18	1,495	37	18	620	37	18	454	37	18	99	20	15
Yes	75	16	15	45	16	15	45	16	15	42	16	15	38	15	14

Notes: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

The numbers of vessels in the "Yes" rows and the "All" columns are the same as in Table .

Table 9a.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish landings, for the best 2-year average during 1994-99 and during 1998-99 (recent participation), with the number of vessels achieving 1 mt and 2 mt thresholds in every year of the time period.

Did vessels meet qualifier based on best 2 years 1994-99	Recent landings qualifier (best year of 1998,1999)														
	None			> 0 mt			> 0.5 mt			> 1 mt			> 5 mt		
	Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs		
	All	1 mt	2 mt	All	1 mt	2 mt	All	1 mt	2 mt	All	1 mt	2 mt	All	1 mt	2 mt
0 mt															
Yes	3,506	53	33	1,540	53	33	665	53	33	496	53	33	137	35	29
0.5 mt															
No	2,207			765			69								
Yes	1,299	53	33	775	53	33	596	53	33	496	53	33	137	35	29
1 mt															
No	2,575			962			199			78					
Yes	931	53	33	578	53	33	466	53	33	418	53	33	137	35	29
3 mt															
No	3,050	3		1,263	3		419	3		265	3		5		
Yes	456	50	33	277	50	33	246	50	33	231	50	33	132	35	29
5 mt															
No	3,211	9		1,354	9		499	9		336	9		25	2	
Yes	295	44	33	186	44	33	166	44	33	160	44	33	112	33	29
10 mt															
No	3,357	24	7	1,447	24	7	578	24	7	413	24	7	68	8	4
Yes	149	29	26	93	29	26	87	29	26	83	29	26	69	27	25
15 mt															
No	3,401	29	10	1,471	29	10	601	29	10	435	29	10	81	12	7
Yes	105	24	23	69	24	23	64	24	23	61	24	23	56	23	22
20 mt															
No	3,430	35	16	1,493	35	16	619	35	16	453	35	16	98	18	13
Yes	76	18	17	47	18	17	46	18	17	43	18	17	39	17	16
25 mt															
No	3,456	41	22	1,512	41	22	637	41	22	470	41	22	112	23	18
Yes	50	12	11	28	12	11	28	12	11	26	12	11	25	12	11

Table 10a.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish landings, for the lowest year of the best 5 during 1994-99 and and best year during 1998-99 (recent participation), with the number of vessels achieving 10 mt and 15 mt thresholds in their best year, 1994-99.

Did vessels meet qualifier based on min. of best 5 years 199		Recent landings qualifier (best year of 1998,1999)														
		None			> 0 mt			> 0.5 mt			> 1 mt			> 5 mt		
		Amt. in best yr			Amt. in best yr			Amt. in best yr			Amt. in best yr			Amt. in best yr		
		All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt
0 mt																
	No	3,169	126	79	1,203	40	26	443	40	26	316	**40**	26	67	36	23
	Yes	337	84	53	337	84	53	222	78	48	**180**	73	44	70	54	39
0.5 mt																
	No	3,368	139	85	1,402	53	32	527	47	27	373	47	27	75	39	24
	Yes	138	71	47	138	71	47	138	71	47	123	66	43	62	51	38
1 mt																
	No	3,405	149	92	1,439	63	39	564	57	34	395	52	30	79	42	26
	Yes	101	61	40	101	61	40	101	61	40	101	61	40	58	48	36
2 mt																
	No	3,438	159	97	1,472	73	44	597	67	39	428	62	35	86	47	29
	Yes	68	51	35	68	51	35	68	51	35	68	51	35	51	43	33
3 mt																
	No	3,455	168	97	1,489	82	44	614	76	39	445	71	35	92	51	29
	Yes	51	42	35	51	42	35	51	42	35	51	42	35	45	39	33

		Amt. in best 2 yrs			Amt. in best 2 yrs			Amt. in best 2 yrs			Amt. in best 2 yrs			Amt. in best 2 yrs		
		All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt	All	l0 mt	15 mt
0 mt																
	No	3,169	81	57	1,203	25	21	443	25	21	316	25	21	67	23	19
	Yes	337	68	48	337	68	48	222	62	43	180	58	40	70	46	37
0.5 mt																
	No	3,368	90	63	1,402	34	27	527	28	22	373	28	22	75	24	20
	Yes	138	59	42	138	59	42	138	59	42	123	55	39	62	45	36
1 mt																
	No	3,405	99	69	1,439	43	33	564	**37**	28	395	33	25	79	27	22
	Yes	101	50	36	101	50	36	**101**	50	36	101	50	36	58	42	34
2 mt																
	No	3,438	105	73	1,472	49	37	597	43	32	428	39	29	86	31	25
	Yes	68	44	32	68	44	32	68	44	32	68	44	32	51	38	31
3 mt																
	No	3,455	110	73	1,489	54	37	614	48	32	445	44	29	92	33	25
	Yes	51	39	32	51	39	32	51	39	32	51	39	32	45	36	31

Table 8b.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish revenue, for the best year during 1994-99 and during 1998-99 (recent participation), with the number of vessels achieving $1,000 and $2,000 thresholds in every year of the time period.

Did vessels meet qualifier based on best year 1994-99	Recent landings qualifier (best year of 1998,1999)														
	None			> $0			> $1,000			> $2,000			> $5,000		
	Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs		
	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000
$0															
Yes	3506	58	33	1539	58	33	780	58	33	596	58	33	370	53	33
$1000															
No	1772			565											
Yes	1734	58	33	974	58	33	780	58	33	596	58	33	370	53	33
$2,000															
No	2173			747			123								
Yes	1333	58	33	792	58	33	657	58	33	596	58	33	370	53	33
$5,000															
No	2650			994			307			150					
Yes	856	58	33	545	58	33	473	58	33	446	58	33	370	53	33
$10,000															
No	2961	3		1192	3		472	3		301	3		115	2	
Yes	545	55	33	347	55	33	308	55	33	295	55	33	255	51	33
$15,000															
No	3154	12	2	1310	12	2	571	12	2	394	12	2	190	9	2
Yes	352	46	31	229	46	31	209	46	31	202	46	31	180	44	31
$20,000															
No	3245	17	3	1365	17	3	620	17	3	442	17	3	231	13	3
Yes	261	41	30	174	41	30	160	41	30	154	41	30	139	40	30
$25,000															
No	3313	23	6	1409	23	6	658	23	6	480	23	6	263	19	6
Yes	193	35	27	130	35	27	122	35	27	116	35	27	107	34	27

Notes: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".

The numbers of vessels in the "Yes" rows and the "All" columns are the same as in Table .

Table 9b.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish revenue, for the best 2-year average during 1994-99 and during 1998-99 (recent participation), with the number of vessels achieving $1,000 and $2,000 thresholds in every year of the time period.

Did vessels meet qualifier based on best year 1994-99	Recent landings qualifier (best year of 1998,1999)														
	None			> $0			> $1,000			> $2,000			> $5,000		
	Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs			Amount in all yrs		
	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000	All	$1,000	$2,000
$0															
Yes	3506	58	33	1539	58	33	780	58	33	596	58	33	370	53	33
$1000															
No	2053			678			79								
Yes	1453	58	33	861	58	33	701	58	33	596	58	33	370	53	33
$2,000															
No	2425			855			196			69					
Yes	1081	58	33	684	58	33	584	58	33	527	58	33	370	53	33
$5,000															
No	2836			1102			395			230			70		
Yes	670	58	33	437	58	33	385	58	33	366	58	33	300	53	33
$10,000															
No	3114	5	1	1278	5	1	542	5	1	365	5	1	167	4	1
Yes	392	53	32	261	53	32	238	53	32	231	53	32	203	49	32
$15,000															
No	3251	14	3	1360	14	3	617	14	3	439	14	3	226	11	3
Yes	255	44	30	179	44	30	163	44	30	157	44	30	144	42	30
$20,000															
No	3321	20	4	1407	20	4	658	20	4	478	20	4	260	16	4
Yes	185	38	29	132	38	29	122	38	29	118	38	29	110	37	29
$25,000															
No	3362	25	7	1439	25	7	683	25	7	502	25	7	282	20	7
Yes	144	33	26	100	33	26	97	33	26	94	33	26	88	33	26

Notes: All groundfish caught on trips where the PacFIN gear group was TWL, TWS, or DRG or the gear was a non-groundfish pot, or the value of non-groundfish species was greater than the value of groundfish species was classified as bycatch. All remaining groundfish was classified as "targeted".
The numbers of vessels in the "Yes" rows and the "All" columns are the same as in Table .

Table 10b.--Number of vessels meeting and not meeting qualifying criteria for open-access targeted groundfish revenue, for the lowest year of the best 5 during 1994-99 and best year during 1998-99 (recent participation), with the number of vessels achieving $15,000 and $25,000 thresholds in their best year, 1994-99.

Did vessels meet qualifier based on min. c best 5 years 19	Recent landings qualifier (best year of 1998,1999)														
	None			> $0			> $1,000			> $2,000			> $5,000		
	Amount in best year			Amount in best year			Amount in best year			Amount in best year			Amount in best year		
	All	$15,000	$25,000	All	$1,000	$2,000	All	$15,000	$25,000	All	$15,000	$25,000	All	$15,000	$25,000
$0															
No	3169	223	114	1202	100	51	539	94	51	398	91	49	232	85	47
Yes	337	129	79	337	129	79	241	115	71	198	111	67	138	95	60
$1000															
No	3342	255	125	1375	132	62	616	112	54	455	109	52	261	96	50
Yes	164	97	68	164	97	68	164	97	68	141	93	64	109	84	57
$2,000															
No	3385	265	133	1418	142	70	659	122	62	475	115	56	269	100	52
Yes	121	87	60	121	87	60	121	87	60	121	87	60	101	80	55
$5,000															
No	3435	288	145	1468	165	82	709	145	74	525	138	68	299	116	59
Yes	71	64	48	71	64	48	71	64	48	71	64	48	71	64	48

	Avg. amount in best 2 years			Avg. amount in best 2 years			Avg. amount in best 2 years			Avg. amount in best 2 years			Avg. amount in best 2 years		
	All	$15,000	$25,000	All	$1,000	$2,000	All	$15,000	$25,000	All	$15,000	$25,000	All	$15,000	$25,000
$0															
No	3169	142	81	1202	66	37	539	63	37	398	61	36	232	59	35
Yes	337	113	63	337	113	63	241	100	60	198	96	58	138	85	53
$1000															
No	3342	164	86	1375	88	42	616	72	39	455	70	38	261	66	37
Yes	164	91	58	164	91	58	164	91	58	141	87	56	109	78	51
$2,000															
No	3385	173	92	1418	97	48	659	81	45	475	75	42	269	69	39
Yes	121	82	52	121	82	52	121	82	52	121	82	52	101	75	49
$5,000															
No	3435	193	100	1468	117	56	709	101	53	525	95	50	299	82	44
Yes	71	62	44	71	62	44	71	62	44	71	62	44	71	62	44

Table 11.--Comparison of open-access targeted groundfish participation, 1994-99, between groups that would or would not meet four alternative hypothetical landings qualification criteria for a limited-entry "B" permit.

	Q1			Q2			Q3			Q4			
	No	Yes	% Yes	No	Yes	% Yes	No	Yes	% Yes	No	Yes	% Yes	Total
1994													
# of vessels	1,231	126	9%	1,264	93	7%	1,207	150	11%	1,255	102	8%	1,357
GF target trips	12,635	3,799	23%	13,140	3,294	20%	12,241	4,193	26%	12,933	3,501	21%	16,434
trips/vessel	10.3	30.2		10.4	35.4		10.1	28.0		10.3	34.3		12.1
GF target mts	2,580	1,404	35%	2,697	1,287	32%	2,702	1,282	32%	2,679	1,305	33%	3,984
mts/vessel	2.1	11.1		2.1	13.8		2.2	8.5		2.1	12.8		2.9
mts/trip	0.2	0.4		0.2	0.4		0.2	0.3		0.2	0.4		0.2
1995													
# of vessels	1,126	146	11%	1,170	102	8%	1,095	177	14%	1,154	118	9%	1,272
GF target trips	13,009	4,912	27%	13,808	4,113	23%	12,366	5,555	31%	13,328	4,593	26%	17,921
trips/vessel	11.6	33.6		11.8	40.3		11.3	31.4		11.5	38.9		14.1
GF target mts	2,121	1,512	42%	2,241	1,392	38%	2,223	1,410	39%	2,191	1,442	40%	3,633
mts/vessel	1.9	10.4		1.9	13.7		2.0	8.0		1.9	12.2		2.9
mts/trip	0.2	0.3		0.2	0.3		0.2	0.3		0.2	0.3		0.2
1996													
# of vessels	1,099	169	13%	1,155	113	9%	1,082	186	15%	1,141	127	10%	1,268
GF target trips	12,942	6,166	32%	14,251	4,857	25%	12,398	6,710	35%	13,697	5,411	28%	19,108
trips/vessel	11.8	36.5		12.3	43.0		11.5	36.1		12.0	42.6		15.1
GF target mts	1,618	1,670	51%	1,831	1,457	44%	1,754	1,534	47%	1,771	1,517	46%	3,288
mts/vessel	1.5	9.9		1.6	12.9		1.6	8.2		1.6	11.9		2.6
mts/trip	0.1	0.3		0.1	0.3		0.1	0.2		0.1	0.3		0.2
1997													
# of vessels	1,149	184	14%	1,212	121	9%	1,132	201	15%	1,203	130	10%	1,333
GF target trips	11,203	6,896	38%	12,972	5,127	28%	10,957	7,142	39%	12,523	5,576	31%	18,099
trips/vessel	9.8	37.5		10.7	42.4		9.7	35.5		10.4	42.9		13.6
GF target mts	1,168	1,957	63%	1,410	1,715	55%	1,234	1,891	61%	1,402	1,723	55%	3,125
mts/vessel	1.0	10.6		1.2	14.2		1.1	9.4		1.2	13.3		2.3
mts/trip	0.1	0.3		0.1	0.3		0.1	0.3		0.1	0.3		0.2
1998													
# of vessels	863	199	19%	937	125	12%	855	207	19%	932	130	12%	1,062
GF target trips	7,409	5,809	44%	8,889	4,329	33%	6,818	6,400	48%	8,742	4,476	34%	13,218
trips/vessel	8.6	29.2		9.5	34.6		8.0	30.9		9.4	34.4		12.4
GF target mts	536	1,891	78%	815	1,613	66%	613	1,814	75%	893	1,535	63%	2,428
mts/vessel	0.6	9.5		0.9	12.9		0.7	8.8		1.0	11.8		2.3
mts/trip	0.1	0.3		0.1	0.4		0.1	0.3		0.1	0.3		0.2
1999													
# of vessels	855	177	17%	920	112	11%	843	189	18%	916	116	11%	1,032
GF target trips	8,135	5,860	42%	10,135	3,860	28%	8,307	5,688	41%	10,057	3,938	28%	13,995
trips/vessel	9.5	33.1		11.0	34.5		9.9	30.1		11.0	33.9		13.6
GF target mts	502	909	64%	717	694	49%	585	827	59%	761	650	46%	1,411
mts/vessel	0.6	5.1		0.8	6.2		0.7	4.4		0.8	5.6		1.4
mts/trip	0.1	0.2		0.1	0.2		0.1	0.1		0.1	0.2		0.1
1994-99													
# of vessels	3,285	221	6%	3,369	137	4%	3,286	220	6%	3,368	138	4%	3,506
GF target trips	65,333	33,442	34%	73,195	25,580	26%	63,087	35,688	36%	71,280	27,495	28%	98,775
trips/vessel	19.9	151.3		21.7	186.7		19.2	162.2		21.2	199.2		28.2
GF target mts	8,525	9,344	52%	9,711	8,159	46%	9,111	8,758	49%	9,697	8,173	46%	17,869
mts/vessel	2.6	42.3		2.9	59.6		2.8	39.8		2.9	59.2		5.1
mts/trip	0.1	0.3		0.1	0.3		0.1	0.2		0.1	0.3		0.2

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .

Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Table 11b.--Comparison of open-access targeted groundfish participation, 1994-99, between groups that would or would not meet four alternative hypothetical revenue qualification criteria for a limited-entry "B" permit.

	Q5			Q6			Q7			Q8			
	No	Yes	% Yes	No	Yes	% Yes	No	Yes	% Yes	No	Yes	% Yes	Total
1994													
# of vessels	1246	111	8%	1277	80	6%	1212	145	11%	1279	78	6%	1357
GF target trips	13034	3400	21%	13574	2860	17%	11937	4497	27%	13537	2897	18%	16434
trips/vessel	10.5	30.6		10.6	35.8		9.8	31.0		10.6	37.1		12.1
GF target mts	2723	1261.04	32%	2839.7	1144.34	29%	2629.4	1354.63	34%	2863.5	1120.52	28%	3984
mts/vessel	2.2	11.4		2.2	14.3		2.2	9.3		2.2	14.4		2.9
mts/trip	0.2	0.4		0.2	0.4		0.2	0.3		0.2	0.4		0.2
1995													
# of vessels	1133	139	11%	1176	96	8%	1101	171	13%	1176	96	8%	1272
GF target trips	12969	4952	28%	14122	3799	21%	11875	6046	34%	13905	4016	22%	17921
trips/vessel	11.4	35.6		12.0	39.6		10.8	35.4		11.8	41.8		14.1
GF target mts	2192.3	1441.01	40%	2357.1	1276.24	35%	2104.6	1528.75	42%	2354.8	1278.5	35%	3633.3
mts/vessel	1.9	10.4		2.0	13.3		1.9	8.9		2.0	13.3		2.9
mts/trip	11.4	35.6		12.0	39.6		10.8	35.4		11.8	41.8		14.1
1996													
# of vessels	1106	162	13%	1156	112	9%	1077	191	15%	1156	112	9%	1268
GF target trips	12670	6438	34%	14234	4874	26%	11844	7264	38%	13988	5120	27%	19108
trips/vessel	11.5	39.7		12.3	43.5		11.0	38.0		12.1	45.7		15.1
GF target mts	1694.1	1593.75	48%	1933	1354.87	41%	1644.6	1643.33	50%	1920	1367.9	42%	3287.9
mts/vessel	1.5	9.8		1.7	12.1		1.5	8.6		1.7	12.2		2.6
mts/trip	0.1	0.2		0.1	0.3		0.1	0.2		0.1	0.3		0.2
1997													
# of vessels	1147	186	14%	1210	123	9%	1131	202	15%	1210	123	9%	1333
GF target trips	11081	7018	39%	12839	5260	29%	10765	7334	41%	12718	5381	30%	18099
trips/vessel	9.7	37.7		10.6	42.8		9.5	36.3		10.5	43.7		13.6
GF target mts	1259.4	1865.89	60%	1563.1	1562.19	50%	1276.6	1848.74	59%	1551.3	1574.04	50%	3125.3
mts/vessel	1.1	10.0		1.3	12.7		1.1	9.2		1.3	12.8		2.3
mts/trip	0.1	0.3		0.1	0.3		0.1	0.3		0.1	0.3		0.2
1998													
# of vessels	871	191	18%	937	125	12%	865	197	19%	937	125	12%	1062
GF target trips	6739	6479	49%	8291	4927	37%	6917	6301	48%	8055	5163	39%	13218
trips/vessel	7.7	33.9		8.8	39.4		8.0	32.0		8.6	41.3		12.446
GF target mts	626.56	1801	74%	863.08	1564.47	64%	715	1712.56	71%	844.8	1582.75	65%	2427.6
mts/vessel	0.7	9.4		0.9	12.5		0.8	8.7		0.9	12.7		2.3
mts/trip	0.1	0.3		0.1	0.3		0.1	0.3		0.1	0.3		0.2
1999													
# of vessels	843	189	18%	910	122	12%	848	184	18%	914	118	11%	1032
GF target trips	7277	6718	48%	9393	4602	33%	7986	6009	43%	9345	4650	33%	13995
trips/vessel	8.6	35.5		10.3	37.7		9.4	32.7		10.2	39.4		13.6
GF target mts	520.86	890.46	63%	701.68	709.64	50%	597.17	814.15	58%	711.6	699.73	50%	1411.3
mts/vessel	0.6	4.7		0.8	5.8		0.7	4.4		0.8	5.9		1.4
mts/trip	0.1	0.1		0.1	0.2		0.1	0.1		0.1	0.2		0.1
1994-99													
# of vessels	3285	221	6%	3367	139	4%	3288	218	6%	3367	139	4%	3506
GF target trips	63770	35005	35%	72453	26322	27%	61324	37451	38%	71548	27227	28%	98775
trips/vessel	19.4	158.4		21.5	189.4		18.7	171.8		21.2	195.9		28.2
GF target mts	9016.2	8853.16	50%	10258	7611.75	43%	8967.3	8902.15	50%	10246	7623.43	43%	17869
mts/vessel	2.7	40.1		3.0	54.8		2.7	40.8		3.0	54.8		5.1
mts/trip	0.1	0.3		0.1	0.3		0.1	0.2		0.1	0.3		0.2

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.

Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.

Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .

Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 12a.--Comparison of participation between groups that would meet or not meet four alternative qualification criteria for open-access vessels targeting groundfish, 1994-99.

Year / Measure	Q1		Q2		Q3		Q4	
	No	Yes	No	Yes	No	Yes	No	Yes
1994								
Avg. GF target $	1,332	9,188	1,356	13,417	1,353	8,905	1,334	13,861
% of all GF $	96%	99%	96%	99%	96%	98%	96%	99%
% of total $	28%	53%	27%	71%	28%	50%	27%	66%
Avg. all GF $	1,388	9,321	1,412	13,593	1,409	9,048	1,390	14,038
Avg. total $	4,807	17,196	5,048	18,873	4,780	17,661	4,951	21,132
1995								
Avg. GF target $	1,567	12,233	1,615	17,609	1,573	12,194	1,555	18,963
% of all GF $	97%	99%	97%	99%	97%	99%	97%	99%
% of total $	30%	53%	29%	67%	31%	49%	29%	63%
Avg. all GF $	1,621	12,369	1,672	17,701	1,624	12,369	1,610	19,100
Avg. total $	5,270	23,116	5,591	26,147	5,149	25,006	5,431	29,903
1996								
Avg. GF target $	1,256	14,522	1,378	19,661	1,277	14,273	1,304	21,327
% of all GF $	97%	99%	97%	99%	97%	98%	97%	99%
% of total $	22%	56%	23%	68%	23%	54%	22%	67%
Avg. all GF $	1,299	14,716	1,426	19,829	1,318	14,497	1,351	21,527
Avg. total $	5,646	26,135	6,036	29,123	5,638	26,354	5,916	31,884
1997								
Avg. GF target $	1,048	16,860	1,201	22,788	1,058	16,783	1,163	23,547
% of all GF $	95%	98%	95%	99%	95%	98%	95%	99%
% of total $	15%	57%	17%	69%	16%	52%	16%	65%
Avg. all GF $	1,107	17,146	1,268	23,010	1,115	17,090	1,230	23,789
Avg. total $	6,801	29,330	7,208	33,122	6,602	32,398	7,074	36,203
1998								
Avg. GF target $	585	17,025	777	22,367	587	17,064	854	20,332
% of all GF $	92%	99%	93%	99%	93%	99%	94%	99%
% of total $	15%	59%	18%	72%	15%	60%	19%	69%
Avg. all GF $	633	17,244	832	22,535	634	17,307	909	20,492
Avg. total $	3,806	28,911	4,347	31,007	3,846	28,423	4,394	29,657
1999								
Avg. GF target $	668	13,451	883	16,004	723	12,689	964	13,912
% of all GF $	94%	98%	95%	98%	94%	98%	95%	98%
% of total $	16%	52%	19%	57%	18%	48%	20%	57%
Avg. all GF $	713	13,743	934	16,316	767	12,994	1,017	14,158
Avg. total $	4,179	25,626	4,619	27,959	4,122	26,571	4,760	24,350
1994-99								
# of vessels	3,285	221	3,369	137	3,286	220	3,368	138
Avg. GF target $	6,356	83,279	7,113	111,844	6,472	81,908	7,078	111,942
% of all GF $	95%	99%	96%	99%	96%	98%	96%	99%
% of total $	21%	55%	22%	67%	22%	52%	22%	65%
Avg. all GF $	6,661	84,540	7,446	112,985	6,768	83,305	7,410	113,103
Avg. total $	30,402	150,313	32,745	166,231	30,031	156,413	32,423	173,129

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .
Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Table 12b.--Comparison of participation between groups that would meet or not meet four alternative qualification criteria for open-access vessels targeting groundfish, 1994-99.

Year / Measure	Q5		Q6		Q7		Q8		Total
	No	Yes	No	Yes	No	Yes	No	Yes	
1994									
Avg. GF target $	1,365	8,689	1,392	12,364	1,322	9,448	1,393	12,329	1,827
% of all GF $	96%	99%	96%	99%	96%	99%	96%	99%	97%
% of total $	27%	61%	27%	73%	26%	66%	27%	71%	33%
Avg. all GF $	1,422	8,821	1,449	12,516	1,379	9,571	1,450	12,492	1,888
Avg. total $	5,011	14,170	5,122	16,883	5,003	14,420	5,102	17,358	5,588
1995									
Avg. GF target $	1,427	12,852	1,520	17,327	1,385	13,634	1,503	17,731	2,147
% of all GF $	96%	99%	97%	99%	96%	99%	97%	99%	97%
% of total $	27%	59%	28%	66%	26%	62%	28%	65%	34%
Avg. all GF $	1,480	12,982	1,575	17,481	1,439	13,768	1,557	17,899	2,205
Avg. total $	5,243	21,932	5,471	26,266	5,249	22,069	5,432	27,200	6,295
1996									
Avg. GF target $	1,190	15,503	1,337	20,385	1,169	16,016	1,322	20,749	2,092
% of all GF $	96%	99%	97%	99%	96%	99%	97%	99%	98%
% of total $	21%	63%	22%	69%	20%	66%	22%	70%	30%
Avg. all GF $	1,234	15,677	1,383	20,595	1,213	16,192	1,368	20,965	2,145
Avg. total $	5,742	24,719	6,012	29,369	5,801	24,086	5,999	29,690	6,938
1997									
Avg. GF target $	992	17,688	1,171	23,208	1,021	17,474	1,158	23,524	2,044
% of all GF $	94%	99%	95%	99%	94%	99%	95%	99%	97%
% of total $	15%	61%	16%	67%	15%	62%	16%	66%	25%
Avg. all GF $	1,053	17,941	1,234	23,529	1,083	17,714	1,220	23,851	2,118
Avg. total $	6,809	29,199	7,121	34,859	6,888	28,315	7,087	35,683	8,221
1998									
Avg. GF target $	472	18,703	660	24,895	573	17,433	641	25,358	1,621
% of all GF $	90%	99%	93%	99%	92%	99%	93%	99%	96%
% of total $	12%	70%	16%	75%	14%	71%	15%	75%	30%
Avg. all GF $	522	18,890	712	25,132	624	17,602	692	25,595	1,680
Avg. total $	3,961	26,612	4,239	33,224	4,113	24,624	4,216	33,801	5,389
1999									
Avg. GF target $	516	15,714	734	19,389	647	13,939	730	19,483	1,474
% of all GF $	92%	98%	94%	98%	93%	98%	94%	98%	96%
% of total $	13%	58%	16%	62%	15%	61%	16%	64%	27%
Avg. all GF $	561	16,010	783	19,734	697	14,169	780	19,817	1,535
Avg. total $	4,066	27,299	4,465	31,353	4,383	22,839	4,496	30,587	5,531
1994-99									
# of vessels	3,285	221	3,369	137	3,286	220	3,368	138	3,506
Avg. GF target $	5,961	89,149	6,814	117,569	6,117	87,944	6,748	119,174	11,205
% of all GF $	95%	99%	95%	99%	95%	99%	95%	99%	97%
% of total $	19%	62%	21%	68%	19%	64%	21%	68%	30%
Avg. all GF $	6,272	90,320	7,136	118,987	6,435	89,016	7,068	120,619	11,570
Avg. total $	30,832	143,932	32,429	171,954	31,437	136,354	32,332	174,319	37,961

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.

Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.

Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .

Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 13a.--Cross-qualification of open-access vessels under four alternative hypothetical qualifying criteria.

Vessels qualifying under criterion:	Number also qualifying under criterion:			
	Q1	Q2	Q3	Q4
Q1	**221**	137	163	129
Q2	137	**137**	132	117
Q3	163	132	**220**	134
Q4	129	117	134	**138**

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .
Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Table 13b.--Cross-qualification of open-access vessels under four alternative hypothetical qualifying criteria.

Vessels qualifying under criterion:	Number also qualifying under criterion:			
	Q5	Q6	Q7	Q8
Q5	**221**	139	163	136
Q6	139	**139**	139	128
Q7	163	139	**218**	139
Q8	136	128	139	**139**

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.
Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.
Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .
Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 14a.--Qualifying and non-qualifying open-access vessels under four alternative hypothetical qualifying criteria, grouped by the number of years in which targeted groundfish landings were recorded.

Criteria type / Met?	Number of years targeted GF ldgs >0, 1994-99						
	1	2	3	4	5	6	Total
Q1							
No	1751	723	398	208	130	75	3285
Yes	15	11	28	35	52	80	221
Q2							
No	1760	727	412	230	152	88	3369
Yes	6	7	14	13	30	67	137
Q3							
No	1760	727	412	230	98	59	3286
Yes	6	7	14	13	84	96	220
Q4							
No	1765	730	418	231	146	78	3368
Yes	1	4	8	12	36	77	138
Total	1766	734	426	243	182	155	3506

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .
Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.
All tonnages refer to amounts identified as targeted groundfish.

Table 14b.--Qualifying and non-qualifying open-access vessels under four alternative hypothetical qualifying criteria, grouped by the number of years in which targeted groundfish landings were recorded.

Criteria type / Met?	Number of years targeted GF ldgs >0, 1994-99						
	1	2	3	4	5	6	Total
Q5							
No	1751	722	389	213	128	82	3285
Yes	15	12	37	30	54	73	221
Q6							
No	1757	729	408	226	159	88	3367
Yes	9	5	18	17	23	67	139
Q7							
No	1757	729	407	225	122	48	3288
Yes	9	5	19	18	60	107	218
Q8							
No	1757	729	408	226	153	94	3367
Yes	9	5	18	17	29	61	139
Total	1766	734	426	243	182	155	3506

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.
Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.
Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .
Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 15.--Cross-qualification of open-access vessels under eight alternative hypothetical qualifying criteria.

	Crierion	Total	Tonnage-based Q1	Tonnage-based Q3	Revenue-based Q5	Revenue-based Q7		Tonnage-based Q2	Tonnage-based Q4	Revenue-based Q6	Revenue-based Q8
	Total		**221**	**220**	**221**	**218**		**137**	**138**	**139**	**139**
Mt -	Q1	**221**	**221**	163	165	154		137	129	121	118
based	Q3	**220**	163	**220**	154	166		132	134	117	116
Rev. -	Q5	**221**	165	154	**221**	163		127	119	139	136
based	Q7	**218**	154	166	163	**218**		125	137	139	139
Mt -	Q2	**137**	137	132	127	125		**137**	117	107	104
based	Q4	**138**	129	134	119	137		117	**138**	106	105
Rev. -	Q6	**139**	121	117	139	139		107	106	**139**	128
based	Q8	**139**	118	116	136	139		104	105	128	**139**
% meeting alternative criterion											
							(Criterion)				
Mt -	Q1		**100%**	74%	75%	71%	Q2	**100%**	85%	77%	75%
based	Q3		74%	**100%**	70%	76%	Q4	85%	**100%**	76%	76%
Rev. -	Q5		75%	70%	**100%**	75%	Q6	78%	77%	**100%**	92%
based	Q7		70%	75%	74%	**100%**	Q8	76%	76%	92%	**100%**

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .
Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.
Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.
Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.
Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .
Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 16.--Cross-qualification of open-access vessels under eight alternative hypothetical qualifying criteria.

Criterion / met? / measure	Q1		Q3		Q5		Q7	
	No	Yes	No	Yes	No	Yes	No	Yes
Q1								
No								
# of vessels	**3,285**		3,228	57	3,229	56	3,221	64
Avg. target GF $/ves.	**6,356**		5,933	30,324	5,656	46,732	5,703	39,257
Avg. $/ves./yr fished	**2,655**		2,601	5,730	2,472	13,174	2,534	8,721
Avg. target GF mt/ves.	**3**		3	7	3	7	2	8
Avg. # of target GF trips	**20**		18	122	18	121	17	143
Avg. # of yrs with target GF	**1.9**		1.9	5.4	1.9	3.9	1.9	5.2
Yes								
# of vessels		**221**	58	163	56	165	67	154
Avg. target GF $/ves.		**83,279**	36,438	99,946	23,568	103,544	26,048	108,178
Avg. $/ves./yr fished		**19,518**	11,894	22,231	5,989	24,110	7,953	24,550
Avg. target GF mt/ves.		**42**	17	51	16	51	14	54
Avg. # of target GF trips		**151**	81	176	93	171	77	184
Avg. # of yrs with target GF		**4.5**	3.4	4.9	4.3	4.6	3.7	4.9
Q3								
No								
# of vessels	3,228	58	**3,286**		3,219	67	3,234	52
Avg. target GF $/ves.	5,933	36,438	**6,472**		5,605	48,128	5,818	47,142
Avg. $/ves./yr fished	2,601	11,894	**2,765**		2,494	15,753	2,596	13,278
Avg. target GF mt/ves.	3	17	**3**		3	13	3	15
Avg. # of target GF trips	18	81	**19**		17	102	18	116
Avg. # of yrs with target GF	1.9	3.4	**1.9**		1.9	3.3	1.8	4.7
Yes								
# of vessels	57	163		**220**	66	154	54	166
Avg. target GF $/ves.	30,324	99,946		**81,908**	23,372	106,995	24,061	100,726
Avg. $/ves./yr fished	5,730	22,231		**17,956**	4,391	23,769	5,589	21,979
Avg. target GF mt/ves.	7	51		**40**	12	52	12	49
Avg. # of target GF trips	122	176		**162**	114	183	79	189
Avg. # of yrs with target GF	5.4	4.9		**5.0**	5.4	4.9	4.9	5.1
Q5								
No								
# of vessels	3,229	56	3,219	66	**3,285**		3,230	55
Avg. target GF $/ves.	5,656	23,568	5,605	23,372	**5,961**		5,649	24,334
Avg. $/ves./yr fished	2,472	5,989	2,494	4,391	**2,532**		2,501	4,382
Avg. target GF mt/ves.	3	16	3	12	**3**		3	12
Avg. # of target GF trips	18	93	17	114	**19**		18	131
Avg. # of yrs with target GF	1.9	4.3	1.9	5.4	**1.9**		1.9	5.6
Yes								
# of vessels	56	165	67	154		**221**	58	163
Avg. target GF $/ves.	46,732	103,544	48,128	106,995		**89,149**	32,213	109,408
Avg. $/ves./yr fished	13,174	24,110	15,753	23,769		**21,339**	10,656	25,141
Avg. target GF mt/ves.	7	51	13	52		**40**	10	51
Avg. # of target GF trips	121	171	102	183		**158**	83	185
Avg. # of yrs with target GF	3.9	4.6	3.3	4.9		**4.4**	3.4	4.8
Q7								
No								
# of vessels	3,221	67	3,234	54	3,230	58	**3,288**	
Avg. target GF $/ves.	5,703	26,048	5,818	24,061	5,649	32,213	**6,117**	
Avg. $/ves./yr fished	2,534	7,953	2,596	5,589	2,501	10,656	**2,645**	
Avg. target GF mt/ves.	2	14	3	12	3	10	**3**	
Avg. # of target GF trips	17	77	18	79	18	83	**19**	
Avg. # of yrs with target GF	1.9	3.7	1.8	4.9	1.9	3.4	**1.9**	
Yes								
# of vessels	64	154	52	166	55	163		**218**
Avg. target GF $/ves.	39,257	108,178	47,142	100,726	24,334	109,408		**87,944**
Avg. $/ves./yr fished	8,721	24,550	13,278	21,979	4,382	25,141		**19,903**
Avg. target GF mt/ves.	8	54	15	49	12	51		**41**
Avg. # of target GF trips	143	184	116	189	131	185		**172**
Avg. # of yrs with target GF	5.2	4.9	4.7	5.1	5.6	4.8		**5.0**

Table 16.--Cross-qualification of open-access vessels under eight alternative hypothetical qualifying criteria (cont.).

Criterion / met? / measure	Q2		Q4		Q6		Q8	
	No	Yes	No	Yes	No	Yes	No	Yes
Q2								
No								
# of vessels	**3,369**		3,348	21	3,337	32	3,334	35
Avg. target GF $/ves.	**7,113**		6,750	64,974	6,474	73,675	6,406	74,473
Avg. $/ves./yr fished	**2,846**		2,790	11,744	2,675	20,686	2,663	20,219
Avg. target GF mt/ves.	**3**		3	18	3	12	3	12
Avg. # of target GF trips	**22**		21	147	21	149	20	162
Avg. # of yrs with target GF	**2.0**		2.0	5.5	2.0	4.2	2.0	4.3
Yes								
# of vessels		**137**	20	117	30	107	33	104
Avg. target GF $/ves.		**111,844**	61,957	120,372	44,604	130,696	41,335	134,217
Avg. $/ves./yr fished		**25,163**	31,067	24,154	10,340	29,319	9,271	30,206
Avg. target GF mt/ves.		**60**	18	67	31	68	29	69
Avg. # of target GF trips		**187**	59	209	134	202	122	207
Avg. # of yrs with target GF		**4.9**	2.9	5.2	4.7	4.9	4.9	4.8
Q4								
No								
# of vessels	3,348	20	**3,368**		3,335	33	3,334	34
Avg. target GF $/ves.	6,750	61,957	**7,078**		6,430	72,503	6,402	73,336
Avg. $/ves./yr fished	2,790	31,067	**2,958**		2,683	30,756	2,678	30,407
Avg. target GF mt/ves.	3	18	**3**		3	11	3	11
Avg. # of target GF trips	21	59	**21**		20	117	20	123
Avg. # of yrs with target GF	2.0	2.9	**2.0**		1.9	3.3	1.9	3.3
Yes								
# of vessels	21	117		**138**	32	106	33	105
Avg. target GF $/ves.	64,974	120,372		**111,942**	46,826	131,599	41,704	134,016
Avg. $/ves./yr fished	11,744	24,154		**22,266**	9,015	26,266	7,800	26,812
Avg. target GF mt/ves.	18	67		**59**	29	68	28	69
Avg. # of target GF trips	147	209		**199**	157	212	135	219
Avg. # of yrs with target GF	5.5	5.2		**5.2**	5.4	5.2	5.6	5.1
Q6								
No								
# of vessels	3,337	30	3,335	32	**3,367**		3,356	11
Avg. target GF $/ves.	6,474	44,604	6,430	46,826	**6,814**		6,634	61,870
Avg. $/ves./yr fished	2,675	10,340	2,683	9,015	**2,743**		2,714	11,475
Avg. target GF mt/ves.	3	31	3	29	**3**		3	29
Avg. # of target GF trips	21	134	20	157	**22**		21	221
Avg. # of yrs with target GF	2.0	4.7	1.9	5.4	**2.0**		2.0	5.5
Yes								
# of vessels	32	107	33	106		**139**	11	128
Avg. target GF $/ves.	73,675	130,696	72,503	131,599		**117,569**	41,595	124,098
Avg. $/ves./yr fished	20,686	29,319	30,756	26,266		**27,332**	6,933	29,085
Avg. target GF mt/ves.	12	68	11	68		**55**	28	57
Avg. # of target GF trips	149	202	117	212		**189**	138	194
Avg. # of yrs with target GF	4.2	4.9	3.3	5.2		**4.7**	6.0	4.6
Q8								
No								
# of vessels	3,334	33	3,334	33	3,356	11	**3,367**	
Avg. target GF $/ves.	6,406	41,335	6,402	41,704	6,634	41,595	**6,748**	
Avg. $/ves./yr fished	2,663	9,271	2,678	7,800	2,714	6,933	**2,728**	
Avg. target GF mt/ves.	3	29	3	28	3	28	**3**	
Avg. # of target GF trips	20	122	20	135	21	138	**21**	
Avg. # of yrs with target GF	2.0	4.9	1.9	5.6	2.0	6.0	**2.0**	
Yes								
# of vessels	35	104	34	105	11	128		**139**
Avg. target GF $/ves.	74,473	134,217	73,336	134,016	61,870	124,098		**119,174**
Avg. $/ves./yr fished	20,219	30,206	30,407	26,812	11,475	29,085		**27,691**
Avg. target GF mt/ves.	12	69	11	69	29	57		**55**
Avg. # of target GF trips	162	207	123	219	221	194		**196**
Avg. # of yrs with target GF	4.3	4.8	3.3	5.1	5.5	4.6		**4.7**

Table 17.--Participation and performance of vessels that would meet 8 hypothetical qualifying criteria, compared with all open-access vessels targeting groundfish, 1994-99.

Criteria basis	Meeting criteria:	Number of group vessels participating in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	1,357	1,272	1,268	1,333	1,062	1,032	3,506
Mt -	Q1	126	146	169	184	199	177	221
based	Q3	150	177	186	201	207	189	220
Rev. -	Q5	111	139	162	186	191	189	221
based	Q7	145	171	191	202	197	184	218
Mt -	Q2	93	102	113	121	125	112	137
based	Q4	102	118	127	130	130	116	138
Rev. -	Q6	80	96	112	123	125	122	139
based	Q8	78	96	112	123	125	118	139
		Targeted open-access groundfish revenue ($1,000) in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	6,405	7,527	7,336	7,167	5,684	5,167	39,285
Mt -	Q1	2,031	2,703	3,209	3,726	3,762	2,973	18,405
based	Q3	1,959	2,683	3,140	3,692	3,754	2,792	18,020
Rev. -	Q5	1,920	2,840	3,426	3,909	4,133	3,473	19,702
based	Q7	2,060	2,972	3,491	3,809	3,800	3,039	19,172
Mt -	Q2	1,838	2,412	2,694	3,122	3,064	2,192	15,323
based	Q4	1,913	2,617	2,943	3,249	2,806	1,920	15,448
Rev. -	Q6	1,719	2,408	2,833	3,226	3,460	2,695	16,342
based	Q8	1,714	2,465	2,884	3,270	3,525	2,708	16,565
		Targeted open-access groundfish landed catch (mt) in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	3,984	3,633	3,288	3,125	2,428	1,411	17,869
Mt -	Q1	1,404	1,512	1,670	1,957	1,891	909	9,344
based	Q3	1,282	1,410	1,534	1,891	1,814	827	8,758
Rev. -	Q5	1,261	1,441	1,594	1,866	1,801	890	8,853
based	Q7	1,355	1,529	1,643	1,849	1,713	814	8,902
Mt -	Q2	1,287	1,392	1,457	1,715	1,613	694	8,159
based	Q4	1,305	1,442	1,517	1,723	1,535	650	8,173
Rev. -	Q6	1,144	1,276	1,355	1,562	1,564	710	7,612
based	Q8	1,121	1,279	1,368	1,574	1,583	700	7,623

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .

Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.

Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.

Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .

Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 17.--Participation and performance of vessels that would meet 8 hypothetical qualifying criteria, compared with all open-access vessels targeting groundfish, 1994-99 (cont.).

Criteria basis	Meeting criteria:	Number of group vessels earning more than $10,000 from targeted groundfish in: 1994	1995	1996	1997	1998	1999	any year	% of all in group
	All	171	207	219	208	145	154	546	16%
Mt -	Q1	62	76	99	121	99	95	197	89%
based	Q3	59	78	99	112	102	88	178	81%
Rev. -	Q5	58	84	108	128	119	122	218	99%
based	Q7	61	84	108	120	100	94	179	82%
Mt -	Q2	55	67	80	93	80	68	130	95%
based	Q4	58	74	90	98	77	65	128	93%
Rev. -	Q6	49	67	84	100	91	84	136	98%
based	Q8	50	71	88	105	95	86	139	100%
		Revenue ($1,000) by group vessels with more than $10,000 from tar. groundfish in: 1994	1995	1996	1997	1998	1999	any year	% of all in group
	All	4,687	5,877	5,485	5,035	4,073	3,598	31,993	81%
Mt -	Q1	1,793	2,388	2,905	3,438	3,315	2,629	17,969	98%
based	Q3	1,697	2,295	2,796	3,307	3,304	2,396	17,331	96%
Rev. -	Q5	1,738	2,581	3,153	3,644	3,773	3,207	19,610	100%
based	Q7	1,765	2,562	3,106	3,461	3,426	2,696	18,485	96%
Mt -	Q2	1,685	2,208	2,533	2,986	2,864	1,992	15,159	99%
based	Q4	1,736	2,360	2,751	3,082	2,560	1,686	15,214	98%
Rev. -	Q6	1,585	2,249	2,679	3,109	3,292	2,516	16,250	99%
based	Q8	1,599	2,318	2,741	3,176	3,348	2,560	16,565	100%
		Number of group vessels earning more than $20,000 from targeted groundfish in: 1994	1995	1996	1997	1998	1999	any year	% of all in group
	All	76	113	103	89	76	61	262	7%
Mt -	Q1	33	47	59	69	65	47	131	59%
based	Q3	31	45	55	67	65	41	118	54%
Rev. -	Q5	33	53	65	74	76	61	160	72%
based	Q7	31	52	63	70	72	50	136	62%
Mt -	Q2	32	44	52	64	57	33	107	78%
based	Q4	32	47	56	65	56	29	101	73%
Rev. -	Q6	30	45	59	67	72	47	122	88%
based	Q8	30	47	59	68	72	48	125	90%
		Revenue ($1,000) by group vessels with more than $20,000 from tar. groundfish in: 1994	1995	1996	1997	1998	1999	any year	% of all in group
	All	3,379	4,573	3,859	3,407	3,106	2,276	24,665	63%
Mt -	Q1	1,388	1,976	2,327	2,696	2,830	1,921	15,645	85%
based	Q3	1,310	1,834	2,152	2,659	2,759	1,695	14,880	83%
Rev. -	Q5	1,388	2,142	2,496	2,841	3,106	2,276	17,333	88%
based	Q7	1,345	2,121	2,452	2,756	3,016	2,030	16,485	86%
Mt -	Q2	1,361	1,875	2,122	2,558	2,521	1,460	14,092	92%
based	Q4	1,368	1,974	2,250	2,613	2,269	1,140	13,901	90%
Rev. -	Q6	1,320	1,931	2,304	2,616	3,016	1,958	15,501	95%
based	Q8	1,320	1,971	2,304	2,638	3,016	1,982	15,728	95%

Table 18.--Percentage of the participation and performance of all open-access vessels targeting groundfish, contributed by vessels that would meet 8 hypothetical qualifying criteria, 1994-98

Criteria basis	Meeting criteria:	% of all OA targeting vessels in group participating in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	9%	11%	13%	14%	19%	17%	6%
based	Q3	11%	14%	15%	15%	19%	18%	6%
Rev. -	Q5	8%	11%	13%	14%	18%	18%	6%
based	Q7	11%	13%	15%	15%	19%	18%	6%
Mt -	Q2	7%	8%	9%	9%	12%	11%	4%
based	Q4	8%	9%	10%	10%	12%	11%	4%
Rev. -	Q6	6%	8%	9%	9%	12%	12%	4%
based	Q8	6%	8%	9%	9%	12%	11%	4%
		% of all OA targeted groundfish revenue by vessels in group in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	32%	36%	44%	52%	66%	58%	47%
based	Q3	31%	36%	43%	52%	66%	54%	46%
Rev. -	Q5	30%	38%	47%	55%	73%	67%	50%
based	Q7	32%	39%	48%	53%	67%	59%	49%
Mt -	Q2	29%	32%	37%	44%	54%	42%	39%
based	Q4	30%	35%	40%	45%	49%	37%	39%
Rev. -	Q6	27%	32%	39%	45%	61%	52%	42%
based	Q8	27%	33%	39%	46%	62%	52%	42%
		% of all OA targeted groundfish tonnage by vessels in group in:						
		1994	1995	1996	1997	1998	1999	1994-99
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	35%	42%	51%	63%	78%	64%	52%
based	Q3	32%	39%	47%	61%	75%	59%	49%
Rev. -	Q5	32%	40%	48%	60%	74%	63%	50%
based	Q7	34%	42%	50%	59%	71%	58%	50%
Mt -	Q2	32%	38%	44%	55%	66%	49%	46%
based	Q4	33%	40%	46%	55%	63%	46%	46%
Rev. -	Q6	29%	35%	41%	50%	64%	50%	43%
based	Q8	28%	35%	42%	50%	65%	50%	43%

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .

Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Q5: [Best year (1994-99) >=$15K and best year (1998-99) >=$1K] or minimum of $1K in every year.

Q6: [Best year (1994-99) >=$25K and best year (1998-99) >=$2K] or minimum of $1K in every year.

Q7: [Minimum of $1K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $1K .

Q8: [Minimum of $5K in 5 of 6 years or best year (1994-99) >= $25K] and best year (1998-99) >= $2K .

Table 18.--Percentage of the participation and performance of all open-access vessels targeting groundfish, contributed by vessels that would meet 8 hypothetical qualifying criteria, 1994-98 (cont.)

Criteria basis	Meeting criteria:	% of all OA vessels earning more than $10,000 from targeted groundfish in group in: 1994	1995	1996	1997	1998	1999	any year
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	36%	37%	45%	58%	68%	62%	36%
based	Q3	35%	38%	45%	54%	70%	57%	33%
Rev. -	Q5	34%	41%	49%	62%	82%	79%	40%
based	Q7	36%	41%	49%	58%	69%	61%	33%
Mt -	Q2	32%	32%	37%	45%	55%	44%	24%
based	Q4	34%	36%	41%	47%	53%	42%	23%
Rev. -	Q6	29%	32%	38%	48%	63%	55%	25%
based	Q8							
		% of all OA tar. GF rev. by vessels earning more than $10,000 from tar. GF in group in: 1994	1995	1996	1997	1998	1999	any year
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	38%	41%	53%	68%	81%	73%	56%
based	Q3	36%	39%	51%	66%	81%	67%	54%
Rev. -	Q5	37%	44%	57%	72%	93%	89%	61%
based	Q7	38%	44%	57%	69%	84%	75%	58%
Mt -	Q2	36%	38%	46%	59%	70%	55%	47%
based	Q4	37%	40%	50%	61%	63%	47%	48%
Rev. -	Q6	34%	38%	49%	62%	81%	70%	51%
based	Q8	34%	39%	50%	63%	82%	71%	52%
		% of all OA vessels earning more than $20,000 from targeted groundfish in group in: 1994	1995	1996	1997	1998	1999	any year
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	43%	42%	57%	78%	86%	77%	50%
based	Q3	41%	40%	53%	75%	86%	67%	45%
Rev. -	Q5	43%	47%	63%	83%	100%	100%	61%
based	Q7	41%	46%	61%	79%	95%	82%	52%
Mt -	Q2	42%	39%	50%	72%	75%	54%	41%
based	Q4	42%	42%	54%	73%	74%	48%	39%
Rev. -	Q6	39%	40%	57%	75%	95%	77%	47%
based	Q8	39%	42%	57%	76%	95%	79%	48%
		% of all OA tar. GF rev. by vessels earning more than $20,000 from tar. GF in group in: 1994	1995	1996	1997	1998	1999	any year
	All	100%	100%	100%	100%	100%	100%	100%
Mt -	Q1	41%	43%	60%	79%	91%	84%	63%
based	Q3	39%	40%	56%	78%	89%	74%	60%
Rev. -	Q5	41%	47%	65%	83%	100%	100%	70%
based	Q7	40%	46%	64%	81%	97%	89%	67%
Mt -	Q2	40%	41%	55%	75%	81%	64%	57%
based	Q4	40%	43%	58%	77%	73%	50%	56%
Rev. -	Q6	39%	42%	60%	77%	97%	86%	63%
based	Q8	39%	43%	60%	77%	97%	87%	64%

Table 19.--Assessment of the degree to which permit leasing during 1998-99 could affect the ability of formerly open-access target vessels to meet hypothetical qualifying criteria for a new "B" permit

	Q1				Q2				Q3				Q4			
	No		Yes		No		Yes		No		Yes		No		Yes	
	Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01	
	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
Leased one year, 1998-99																
Total	13	2	8		15	2	6		14	2	7		15	2	6	
Owned permit during 1997-2001																
Yes	7	2			7	2			7	2			7	2		
No	6		8		8		6		7		7		8		6	
Best year, 1994-99																
<= 1 mt	5	1			5	1			5	1			5	1		
1-10 mt	5		2		7				6		1		7			
10-20 mt	**2**		1		**2**		1		**2**		1		**2**		1	
> 20 mt	**1**	1	5		**1**	1	5		**1**	1	5		**1**	1	5	
# of years targeting GF																
1-2 yr	11	1	1		12	1			12	1			12	1		
3	1	1			1	1			1	1			1	1		
4	**1**		3		**1**		3		**1**		3		**1**		3	
5			3		**1**		2				3		**1**		2	
6			1				1				1				1	
Leased both years, 1998-99																
Total	28	5	10		31	5	7		30	5	8		31	5	7	
Owned permit during 1997-2001																
Yes	1	5			1	5			1	5			1	5		
No	27		10		30		7		29		8		30		7	
Best year, 1994-99																
<= 1 mt	4				4				4				4			
1-10 mt	14	2	3		17	2			15	2	2		16	2	1	
10-20 mt	**6**	1	4		**6**	1	4		**7**	1	3		**7**	1	3	
> 20 mt	**4**	2	3		**4**	2	3		**4**	2	3		**4**	2	3	
# of years targeting GF																
1-2 yr	13	5	2		13	5	2		13	5	2		13	5	2	
3	**13**		2		**14**		1		**14**		1		**14**		1	
4			2		**1**		1		**1**		1		**1**		1	
5	**2**		4		**3**		3		**2**		4		**3**		3	

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.

Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .

Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Table 19.--Assessment of the degree to which restrictions on current or previous ownership of a permit could affect the eligibility of formerly open-access vessels that otherwise meet hypothetical qualifying criteria for a new "B" permit (cont.)

	Q1				Q2				Q3				Q4			
	No		Yes		No		Yes		No		Yes		No		Yes	
	Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01		Own Pmt '01	
	No	Yes	No	**Yes**	No	Yes	No	**Yes**	No	Yes	No	**Yes**	No	Yes	No	**Yes**
No permit lease during 1998-99																
Total	3,202	35	198	**5**	3,280	36	120	**4**	3,199	36	201	**4**	3,278	37	122	**3**
Owned permit during 1997-2001																
Yes	18	35	**2**	**5**	19	36	**1**	**4**	19	36	**1**	**4**	19	37	**1**	**3**
No	3,184		196		3,261		119		3,180		200		3,259		121	
Best year, 1994-99																
<= 1 mt	2,317	11			2,317	11			2,317	11			2,317	11		
1-10 mt	818	16	97	**1**	896	17	19		811	17	104		876	17	39	
10-20 mt	38	4	56	**2**	38	4	56	**2**	39	4	55	**2**	56	5	38	**1**
> 20 mt	29	4	45	**2**	29	4	45	**2**	32	4	42	**2**	29	4	45	**2**
# of years targeting GF																
1-2 yr	2,414	30	22	**1**	2,426	30	10	**1**	2,426	30	10	**1**	2,433	31	3	
3	379	4	24	**2**	391	5	12	**1**	391	5	12	**1**	397	5	6	**1**
4	206	1	29	**1**	227	1	8	**1**	227	1	8	**1**	228	1	7	**1**
5	128		44	**1**	148		24	**1**	96		76	**1**	142		30	**1**
6	75		79		88		66		59		95		78		76	
All permits																
Total	3,243	42	216	**5**	3,326	43	133	**4**	3,243	43	216	**4**	3,324	44	135	**3**
Owned permit during 1997-2001																
Yes	26	42	**2**	**5**	27	43	**1**	**4**	27	43	**1**	**4**	27	44	**1**	**3**
No	3,217		214		3,299		132		3,216		215		3,297		134	
Best year, 1994-99																
<= 1 mt	2,326	12			2,326	12			2,326	12			2,326	12		
1-10 mt	837	18	102	**1**	920	19	19		832	19	107		899	19	40	
10-20 mt	46	5	61	**2**	46	5	61	**2**	48	5	59	**2**	65	6	42	**1**
> 20 mt	34	7	53	**2**	34	7	53	**2**	37	7	50	**2**	34	7	53	**2**
# of years targeting GF																
1-2 yr	2,438	36	25	**1**	2,451	36	12	**1**	2,451	36	12	**1**	2,458	37	5	
3	393	5	26	**2**	406	6	13	**1**	406	6	13	**1**	412	6	7	**1**
4	207	1	34	**1**	229	1	12	**1**	229	1	12	**1**	230	1	11	**1**
5	130		51	**1**	152		29	**1**	98		83	**1**	146		35	**1**
6	75		80		88		67		59		96		78		77	

Q1: [Best year (1994-99) >= 5 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q2: [Best year (1994-99) >= 10 mt and best year (1998-99) >= 0.5 mt] or minimum of 1 mt in every year.
Q3: [Minimum of 1 lb in 5 of 6 years or best year (1994-99) >= 10 mt] and best year (1998-99) >= 1 mt .
Q4: [Minimum of 1 mt in 5 of 6 years or best 2-year average (1994-99) >= 10 mt] and best year (1998-99) >= 0.5 mt.

Line-gear participation in rockfish or sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000.

	Rockfish or sablefish	**Rockfish**								
		# of vessels		Metric tons		Revenue			Price	
	# of	with	% of those		per	total	per vessel		$/lb	
Year	vessels	rockfish	with either	total	vessel	($1,000s)	nominal	real	nominal	real
1984	797	789	99.0%	964.6	1.2	$ 999.7	$ 1,267	$ 1,913	$ 0.47	$ 0.71
1985	1,212	1,201	99.1%	1,244.6	1.0	$ 1,376.1	$ 1,146	$ 1,673	$ 0.50	$ 0.73
1986	1,423	1,412	99.2%	1,372.6	1.0	$ 1,608.9	$ 1,139	$ 1,620	$ 0.53	$ 0.76
1987	1,854	1,841	99.3%	1,542.4	0.8	$ 1,893.9	$ 1,029	$ 1,419	$ 0.56	$ 0.77
1988	1,776	1,765	99.4%	1,643.5	0.9	$ 2,131.5	$ 1,208	$ 1,608	$ 0.59	$ 0.78
1989	2,094	2,082	99.4%	2,081.2	1.0	$ 2,809.2	$ 1,349	$ 1,724	$ 0.61	$ 0.78
1990	2,076	2,059	99.2%	2,357.7	1.1	$ 3,186.3	$ 1,547	$ 1,895	$ 0.61	$ 0.75
1991	1,905	1,883	98.8%	2,922.7	1.6	$ 4,165.8	$ 2,212	$ 2,606	$ 0.65	$ 0.76
1992	1,902	1,847	97.1%	3,891.8	2.1	$ 5,106.4	$ 2,765	$ 3,169	$ 0.60	$ 0.68
1993	1,581	1,547	97.8%	3,151.3	2.0	$ 4,682.2	$ 3,027	$ 3,381	$ 0.67	$ 0.75
1994	1,290	1,247	96.7%	2,203.2	1.8	$ 3,874.1	$ 3,107	$ 3,388	$ 0.80	$ 0.87
1995	1,181	1,141	96.6%	1,734.7	1.5	$ 3,631.9	$ 3,183	$ 3,394	$ 0.95	$ 1.01
1996	1,213	1,136	93.7%	1,633.4	1.4	$ 3,641.2	$ 3,205	$ 3,355	$ 1.01	$ 1.06
1997	1,254	1,134	90.4%	1,516.5	1.3	$ 3,418.4	$ 3,014	$ 3,097	$ 1.02	$ 1.05
1998	1,026	965	94.1%	1,446.0	1.5	$ 3,216.3	$ 3,333	$ 3,390	$ 1.01	$ 1.03
1999	985	916	93.0%	741.9	0.8	$ 2,555.4	$ 2,790	$ 2,790	$ 1.56	$ 1.56
2000	936	862	92.1%	385.7	0.4	$ 2,033.6	$ 2,359	$ 2,320	$ 2.39	$ 2.35

	Rockfish or sablefish	**Sablefish**								
		# of vessels		Metric tons		Revenue			Price	
	# of	with	% of those		per	total	per vessel		$/lb	
Year	vessels	sablefish	with either	total	vessel	($1,000s)	nominal	real	nominal	real
1984	797	45	5.6%	93.1	2.1	$ 74.8	$ 1,662	$ 2,510	$ 0.36	$ 0.55
1985	1,212	69	5.7%	198.7	2.9	$ 235.2	$ 3,409	$ 4,978	$ 0.54	$ 0.78
1986	1,423	116	8.2%	338.5	2.9	$ 365.6	$ 3,152	$ 4,482	$ 0.49	$ 0.70
1987	1,854	111	6.0%	502.3	4.5	$ 766.4	$ 6,904	$ 9,523	$ 0.69	$ 0.95
1988	1,776	129	7.3%	393.0	3.0	$ 696.9	$ 5,402	$ 7,192	$ 0.80	$ 1.07
1989	2,094	136	6.5%	481.5	3.5	$ 753.4	$ 5,539	$ 7,078	$ 0.71	$ 0.91
1990	2,076	149	7.2%	353.6	2.4	$ 627.8	$ 4,213	$ 5,160	$ 0.81	$ 0.99
1991	1,905	194	10.2%	960.9	5.0	$ 2,197.1	$ 11,325	$ 13,341	$ 1.04	$ 1.22
1992	1,902	363	19.1%	1,296.3	3.6	$ 2,572.3	$ 7,086	$ 8,122	$ 0.90	$ 1.03
1993	1,581	218	13.8%	859.4	3.9	$ 1,476.4	$ 6,772	$ 7,565	$ 0.78	$ 0.87
1994	1,290	182	14.1%	138.6	0.8	$ 311.5	$ 1,712	$ 1,867	$ 1.02	$ 1.11
1995	1,181	205	17.4%	311.4	1.5	$ 883.4	$ 4,309	$ 4,594	$ 1.29	$ 1.37
1996	1,213	288	23.7%	455.8	1.6	$ 1,341.4	$ 4,658	$ 4,875	$ 1.33	$ 1.40
1997	1,254	332	26.5%	377.8	1.1	$ 1,404.9	$ 4,232	$ 4,347	$ 1.69	$ 1.73
1998	1,026	192	18.7%	132.9	0.7	$ 347.3	$ 1,809	$ 1,840	$ 1.19	$ 1.21
1999	985	177	18.0%	234.4	1.3	$ 669.7	$ 3,783	$ 3,783	$ 1.30	$ 1.30
2000	936	185	19.8%	345.3	1.9	$ 1,192.9	$ 6,448	$ 6,342	$ 1.57	$ 1.54

Data in this table are not restricted to vessels/trips targeting groundfish.

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by amounts of revenue from from each fishery.

		Number of vessels						
		Sablefish $ groups						
Year	rockfish $ groups	$0	$.01-$100	$100.01-$1,000	$1,000.01-$10,000	>$10,000	> $0	Total
1984	$0	34	1	6	1		8	42
	$.01-$100	295	6	4	1		11	306
	$100.01-$1,000	273	3	6	7		16	289
	$1,000.01-$10,000	168	1	2	2	2	7	175
	>$10,000	16	3				3	19
	> $0	752	13	12	10	2	37	789
	Total	786	14	18	11	2	45	831
1985	$0	72	8	2	1		11	83
	$.01-$100	594	6	6	3		15	609
	$100.01-$1,000	344	7	4	7	1	19	363
	$1,000.01-$10,000	178	9	2	4	6	21	199
	>$10,000	27	1	2			3	30
	> $0	1,143	23	14	14	7	58	1,201
	Total	1,215	31	16	15	7	69	1,284
1986	$0	89	3	4	3	1	11	100
	$.01-$100	655	9	14	2		25	680
	$100.01-$1,000	415	14	12	14	4	44	459
	$1,000.01-$10,000	211	13	6	7	5	31	242
	>$10,000	26	2	1	1	1	5	31
	> $0	1,307	38	33	24	10	105	1,412
	Total	1,396	41	37	27	11	116	1,512
1987	$0	91	5	3	5		13	104
	$.01-$100	927	9	6	5		20	947
	$100.01-$1,000	535	14	10	9		33	568
	$1,000.01-$10,000	258	12	6	7	9	34	292
	>$10,000	23	3	3	3	2	11	34
	> $0	1,743	38	25	24	11	98	1,841
	Total	1,834	43	28	29	11	111	1,945
1988	$0	117	6	3	2		11	128
	$.01-$100	870	12	11	6	1	30	900
	$100.01-$1,000	491	16	9	11	9	45	536
	$1,000.01-$10,000	247	18	6	1	9	34	281
	>$10,000	39	3	3	3		9	48
	> $0	1,647	49	29	21	19	118	1,765
	Total	1,764	55	32	23	19	129	1,893
1989	$0	69	5	2	2	3	12	81
	$.01-$100	938	15	6	4	4	29	967
	$100.01-$1,000	649	18	10	8	7	43	692
	$1,000.01-$10,000	327	15	15	3	5	38	365
	>$10,000	44	5	7	2		14	58
	> $0	1,958	53	38	17	16	124	2,082
	Total	2,027	58	40	19	19	136	2,163

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by amounts of revenue from from each fishery.

		Number of vessels						
		Sablefish $ groups						
Year	rockfish $ groups	$0	$.01-$100	$100.01-$1,000	$1,000.01-$10,000	>$10,000	> $0	Total
1990	$0	66	7	8	1	1	17	83
	$.01-$100	844	10	8	4	3	25	869
	$100.01-$1,000	659	20	5	6	8	39	698
	$1,000.01-$10,000	382	12	17	15	2	46	428
	>$10,000	42	7	8	5	2	22	64
	> $0	1,927	49	38	30	15	132	2,059
	Total	1,993	56	46	31	16	149	2,142
1991	$0	63	4	5	6	6	21	84
	$.01-$100	684	5	5	8	12	30	714
	$100.01-$1,000	586	9	10	10	18	47	633
	$1,000.01-$10,000	370	20	16	11	15	62	432
	>$10,000	71	9	11	8	5	33	104
	> $0	1,711	43	42	37	50	172	1,883
	Total	1,774	47	47	43	56	193	1,967
1992	$0	54	11	27	9	8	55	109
	$.01-$100	566	10	21	34	8	73	639
	$100.01-$1,000	570	18	11	21	33	83	653
	$1,000.01-$10,000	323	32	25	17	32	106	429
	>$10,000	80	13	14	16	3	46	126
	> $0	1,539	73	71	88	76	308	1,847
	Total	1,593	84	98	97	84	363	1,956
1993	$0	51	10	18	4	2	34	85
	$.01-$100	496	8	14	9	5	36	532
	$100.01-$1,000	480	9	6	15	10	40	520
	$1,000.01-$10,000	311	11	19	12	18	60	371
	>$10,000	76	14	14	10	10	48	124
	> $0	1,363	42	53	46	43	184	1,547
	Total	1,414	52	71	50	45	218	1,632
1994	$0	50	10	27	5	1	43	93
	$.01-$100	320	7	13	7		27	347
	$100.01-$1,000	402	13	13	6	5	37	439
	$1,000.01-$10,000	305	18	20	6	1	45	350
	>$10,000	81	9	15	5	1	30	111
	> $0	1,108	47	61	24	7	139	1,247
	Total	1,158	57	88	29	8	182	1,340

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by amounts of revenue from from each fishery.

		Number of vessels						
		Sablefish $ groups						
Year	rockfish $ groups	$0	$.01-$100	$100.01-$1,000	$1,000.01-$10,000	>$10,000	> $0	Total
1995	$0	47	6	22	10	2	40	87
	$.01-$100	278	7	10	16	2	35	313
	$100.01-$1,000	350	5	13	20	12	50	400
	$1,000.01-$10,000	283	6	22	17	9	54	337
	>$10,000	65	6	9	7	4	26	91
	> $0	976	24	54	60	27	165	1,141
	Total	1,023	30	76	70	29	205	1,228
1996	$0	36	14	44	16	3	77	113
	$.01-$100	212	2	12	24	6	44	256
	$100.01-$1,000	374	2	10	27	21	60	434
	$1,000.01-$10,000	270	11	28	29	13	81	351
	>$10,000	69	6	10	6	4	26	95
	> $0	925	21	60	86	44	211	1,136
	Total	961	35	104	102	47	288	1,249
1997	$0	45	12	51	49	8	120	165
	$.01-$100	217	4	15	29	3	51	268
	$100.01-$1,000	349	4	24	26	10	64	413
	$1,000.01-$10,000	297	5	21	30	13	69	366
	>$10,000	59	5	7	9	7	28	87
	> $0	922	18	67	94	33	212	1,134
	Total	967	30	118	143	41	332	1,299
1998	$0	34	8	29	22	2	61	95
	$.01-$100	203	4	6	11		21	224
	$100.01-$1,000	323	11	14	13		38	361
	$1,000.01-$10,000	250	13	14	22		49	299
	>$10,000	59	4	9	9		22	81
	> $0	835	32	43	55	0	130	965
	Total	869	40	72	77	2	191	1,060
1999	$0	45	6	38	19	6	69	114
	$.01-$100	182	1	9	12	2	24	206
	$100.01-$1,000	283	4	12	15	6	37	320
	$1,000.01-$10,000	285	5	20	11	4	40	325
	>$10,000	57	2		5		7	64
	> $0	807	12	41	43	12	108	915
	Total	852	18	79	62	18	177	1,029
2000	$0	41	13	21	34	6	74	115
	$.01-$100	155	5	7	20	5	37	192
	$100.01-$1,000	275	2	5	19	13	39	314
	$1,000.01-$10,000	273	6	8	9	8	31	304
	>$10,000	48		1	2	1	4	52
	> $0	751	13	21	50	27	111	862
	Total	792	26	42	84	33	185	977

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by percentage of groundfish revenue from each fishery.

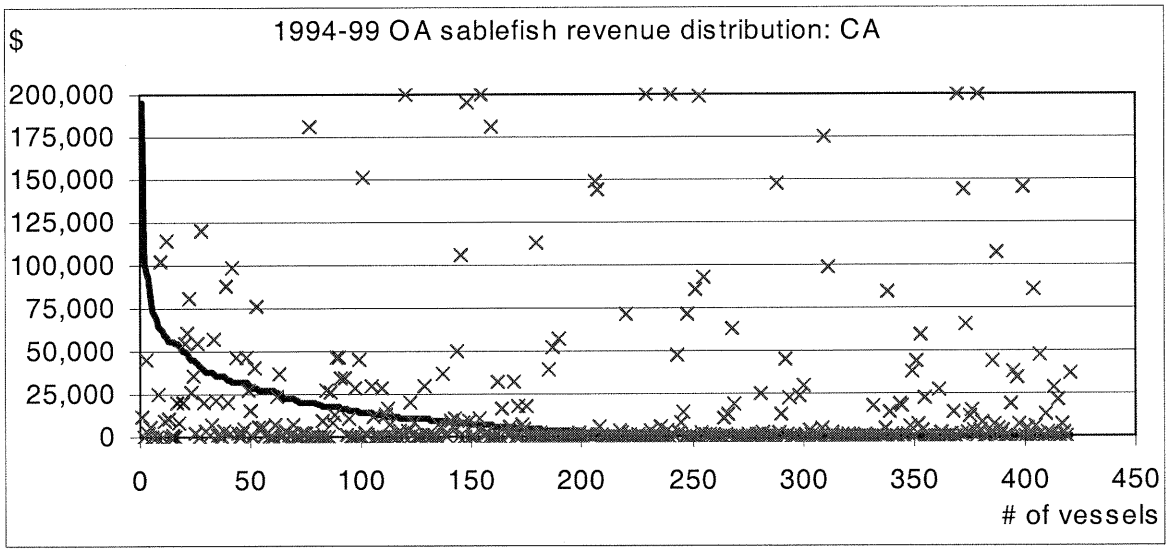
Year	rockfish % of groundfish $ groups	Number of vessels						
		sablefish % of groundfish $						Total
		0	.01-25%	25.01%-50%	50.01%-75%	>75%	> 0%	
1984	0%	34				8	8	42
	.01-25%	31		2		15	17	48
	25.01%-50%	24		3	5		8	32
	50.01%-75%	50	1	1			2	52
	>75%	647	10				10	657
	> 0%	752	11	6	5	15	37	789
	Total	786	11	6	5	23	45	831
1985	0%	72				11	11	83
	.01-25%	50	1		4	19	24	74
	25.01%-50%	63			8		8	71
	50.01%-75%	84	4	1			5	89
	>75%	946	21				21	967
	> 0%	1,143	26	1	12	19	58	1,201
	Total	1,215	26	1	12	30	69	1,284
1986	0%	89				11	11	100
	.01-25%	74	4	1	10	35	50	124
	25.01%-50%	86	3	2	13		18	104
	50.01%-75%	137	7	1			8	145
	>75%	1,010	29				29	1,039
	> 0%	1,307	43	4	23	35	105	1,412
	Total	1,396	43	4	23	46	116	1,512
1987	0%	91				13	13	104
	.01-25%	114	2	1	5	26	34	148
	25.01%-50%	130	3	3	11		17	147
	50.01%-75%	201	7	5			12	213
	>75%	1,298	35				35	1,333
	> 0%	1,843	47	9	16	26	-2	1,841
	Total	1,934	47	9	16	39	11	1,945
1988	0%	116	2	2		7	11	127
	.01-25%	84		1	5	42	48	132
	25.01%-50%	137	1	1	5		7	144
	50.01%-75%	238	6	5			11	249
	>75%	1,188	52				52	1,240
	> 0%	1,647	59	7	10	42	118	1,765
	Total	1,763	61	9	10	49	129	1,892
1989	0%	69			2	10	12	81
	.01-25%	128	5	1	4	33	43	171
	25.01%-50%	126	7	5	5		17	143
	50.01%-75%	266	13	4			17	283
	>75%	1,438	47				47	1,485
	> 0%	1,958	72	10	9	33	124	2,082
	Total	2,027	72	10	11	43	136	2,163

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by percentage of groundfish revenue from each fishery.

Year	rockfish % of groundfish $ groups	Number of vessels						
		sablefish % of groundfish $						Total
		0	.01-25%	25.01%-50%	50.01%-75%	>75%	> 0%	
1990	0%	66	2		2	13	17	83
	.01-25%	75	9	1	3	34	47	122
	25.01%-50%	128	2	1	6		9	137
	50.01%-75%	226	5	10			15	241
	>75%	1,498	61				61	1,559
	> 0%	1,927	77	12	9	34	132	2,059
	Total	1,993	79	12	11	47	149	2,142
1991	0%	62				21	21	83
	.01-25%	64			4	65	69	133
	25.01%-50%	65	1		17		18	83
	50.01%-75%	156	6	8			14	170
	>75%	1,426	71				71	1,497
	> 0%	1,711	78	8	21	65	172	1,883
	Total	1,773	78	8	21	86	193	1,966
1992	0%	54		1		54	55	109
	.01-25%	45	3		8	147	158	203
	25.01%-50%	59	6	4	14		24	83
	50.01%-75%	139	9	14			23	162
	>75%	1,296	103				103	1,399
	> 0%	1,539	121	18	22	147	308	1,847
	Total	1,593	121	19	22	201	363	1,956
1993	0%	51	1			33	34	85
	.01-25%	49	3	1	8	69	81	130
	25.01%-50%	68	3	5	14		22	90
	50.01%-75%	177	4	11			15	192
	>75%	1,069	66				66	1,135
	> 0%	1,363	76	17	22	69	184	1,547
	Total	1,414	77	17	22	102	218	1,632
1994	0%	50		1	3	39	43	93
	.01-25%	62	6	3	3	28	40	102
	25.01%-50%	60	2	4	4		10	70
	50.01%-75%	135	7	8			15	150
	>75%	851	74				74	925
	> 0%	1,108	89	15	7	28	139	1,247
	Total	1,158	89	16	10	67	182	1,340

Comparison of line-gear participation in rockfish and sablefish fisheries, by all vessels not qualifying of LE permits, 1984-93, and for open-access vessels, 1994-2000, grouped by percentage of groundfish revenue from each fishery.

Year	rockfish % of groundfish $ groups	Number of vessels						
		sablefish % of groundfish $						Total
		0	.01-25%	25.01%-50%	50.01%-75%	>75%	> 0%	
1995	0%	47		1	2	37	40	87
	.01-25%	48	3	8	17	53	81	129
	25.01%-50%	76	3	9	7		19	95
	50.01%-75%	167	10	10			20	187
	>75%	685	45				45	730
	> 0%	976	61	27	24	53	165	1,141
	Total	1,023	61	28	26	90	205	1,228
1996	0%	36	1	1	6	69	77	113
	.01-25%	58	2	3	11	95	111	169
	25.01%-50%	105	5	4	17		26	131
	50.01%-75%	204	10	18			28	232
	>75%	558	46				46	604
	> 0%	925	63	25	28	95	211	1,136
	Total	961	64	26	34	164	288	1,249
1997	0%	45			5	115	120	165
	.01-25%	51	7	3	8	92	110	161
	25.01%-50%	106	6	5	25		36	142
	50.01%-75%	196	7	18			25	221
	>75%	569	41				41	610
	> 0%	922	61	26	33	92	212	1,134
	Total	967	61	26	38	207	332	1,299
1998	0%	34				61	61	95
	.01-25%	47	4	2	7	28	41	88
	25.01%-50%	154	4	5	10		19	173
	50.01%-75%	128	12	12			24	152
	>75%	506	46				46	552
	> 0%	835	66	19	17	28	130	965
	Total	869	66	19	17	89	191	1,060
1999	0%	44	1	2		66	69	113
	.01-25%	54		6	3	42	51	105
	25.01%-50%	140	2	5	10		17	157
	50.01%-75%	159	9	5			14	173
	>75%	454	26				26	480
	> 0%	807	37	16	13	42	108	915
	Total	851	38	18	13	108	177	1,028
2000	0%	41	3		4	67	74	115
	.01-25%	47	3	3	5	67	78	125
	25.01%-50%	117	6	4	2		12	129
	50.01%-75%	172	3	6			9	181
	>75%	415	12				12	427
	> 0%	751	24	13	7	67	111	862
	Total	792	27	13	11	134	185	977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$
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150,000
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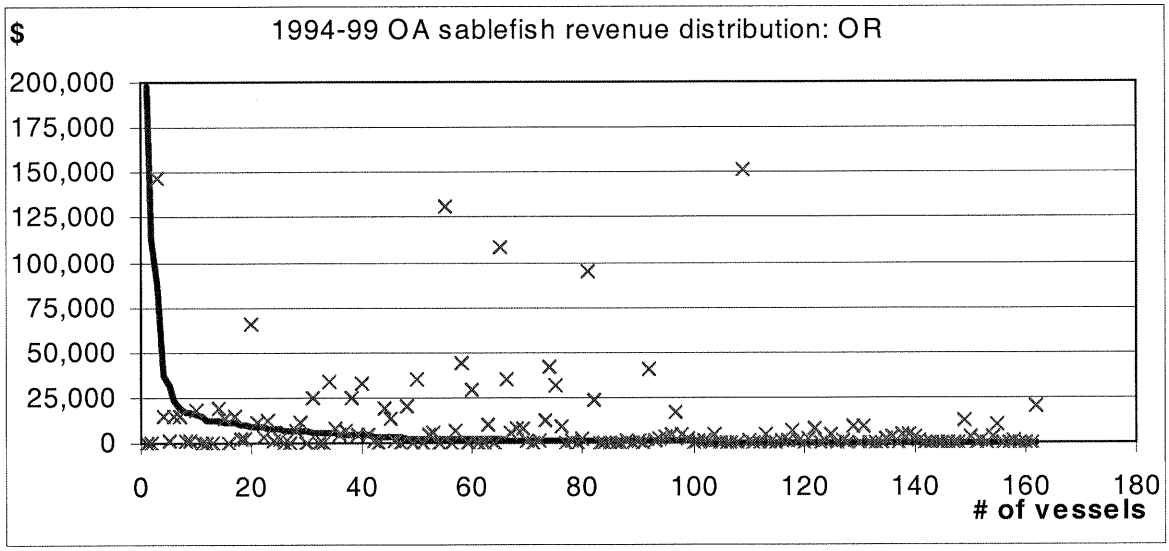
25,000
0
0
50
100
150
200
250
300
350
400
450
# of vessels


1994-99 OA sablefish revenue distribution: OR
$
200,000
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150,000
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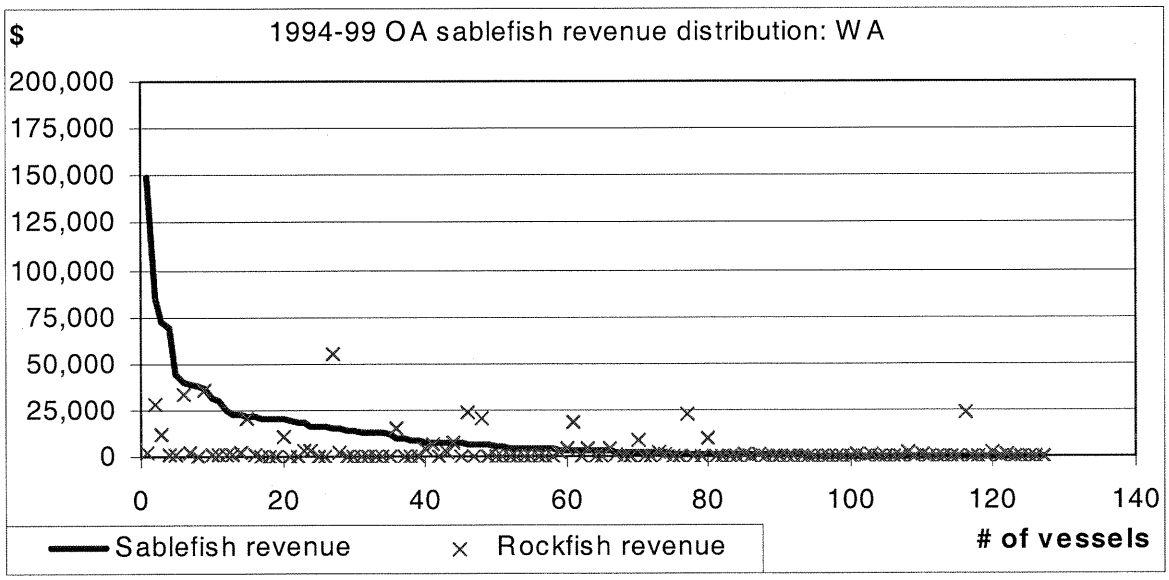
25,000
0
0
20
40
60
80
100
120
140
160
180
# of vessels


1994-99 OA sablefish revenue distribution: WA
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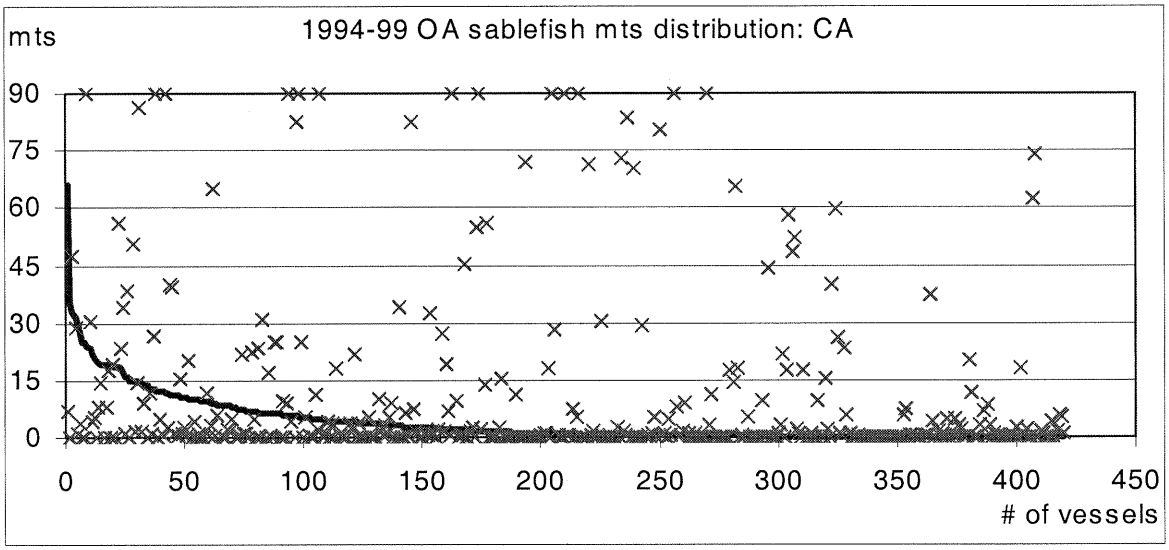
200,000
175,000
150,000
125,000
100,000
75,000
50,000
25,000
0
0
20
40
60
80
100
120
140
# of vessels
Sablefish revenue
Rockfish revenue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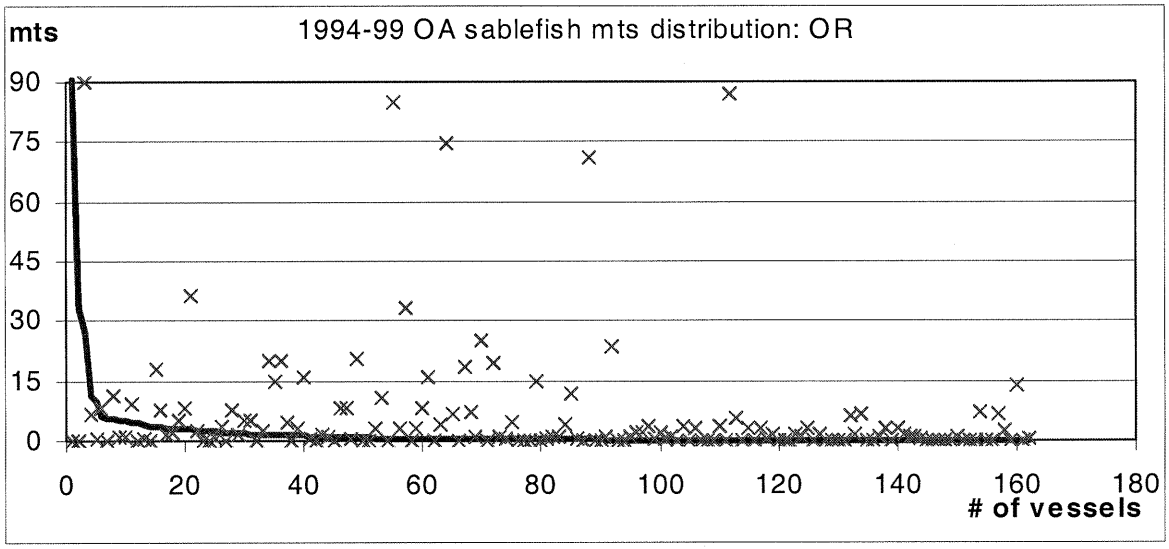
1994-99 OA sablefish mts distribution: CA
90
75
60
45
30
15
0
0
50
100
150
200
250
300
350
400
450
# of vessels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1994-99 OA sablefish mts distribution: OR
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60
45
30
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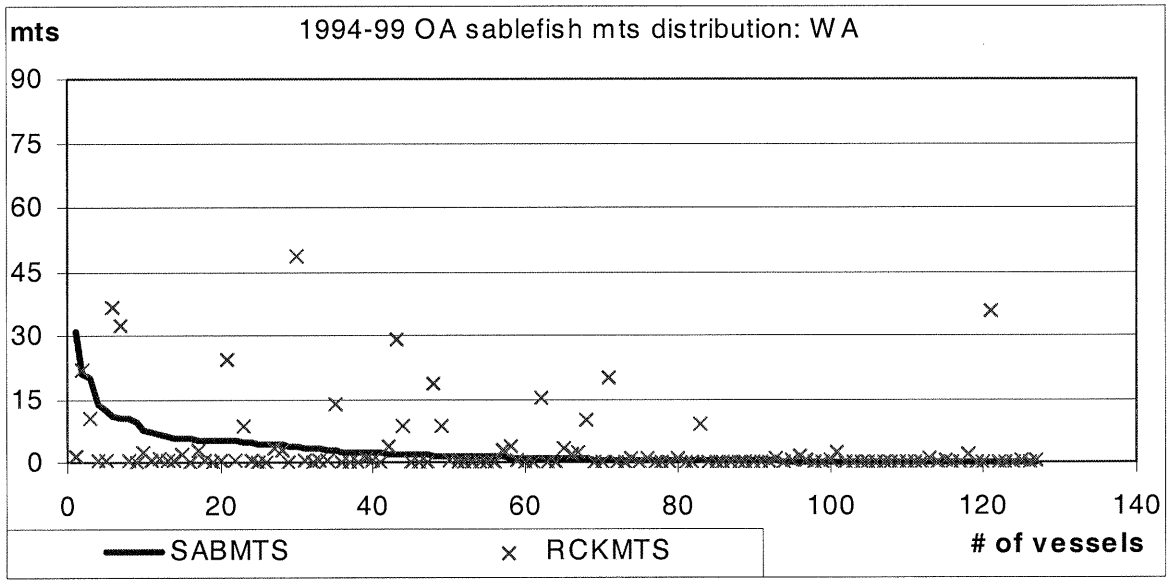
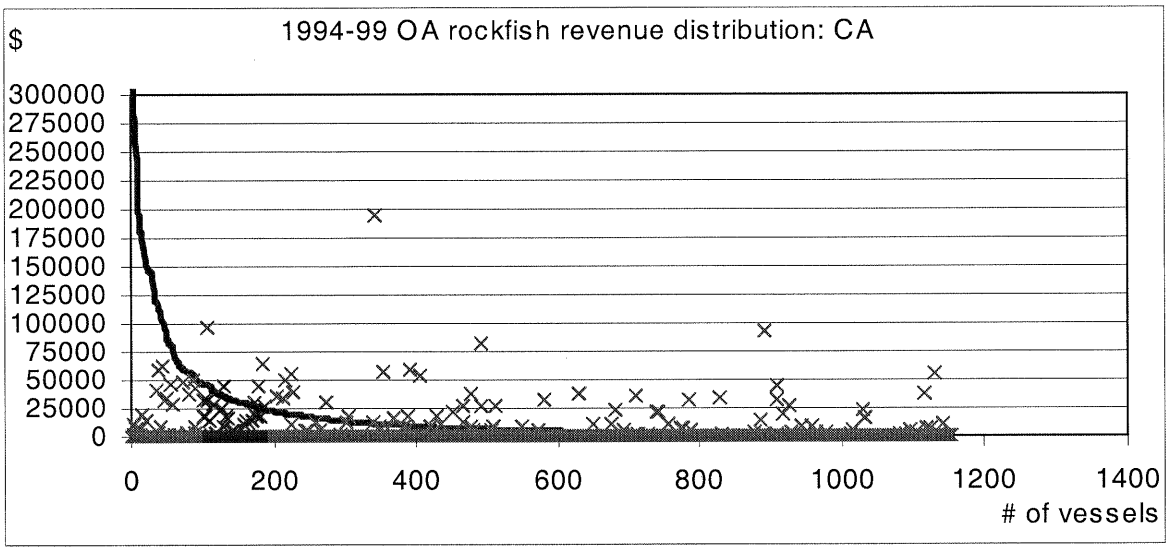
0
0
20
40
60
80
100
120
140
160
180
# of vessels


mts
1994-99 OA sablefish mts distribution: WA
90
75
60
45
30
15
0
0
20
40
60
80
100
120
140
# of vessels
SABMTS
RCKMTS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1994-99 OA rockfish revenue distribution: CA
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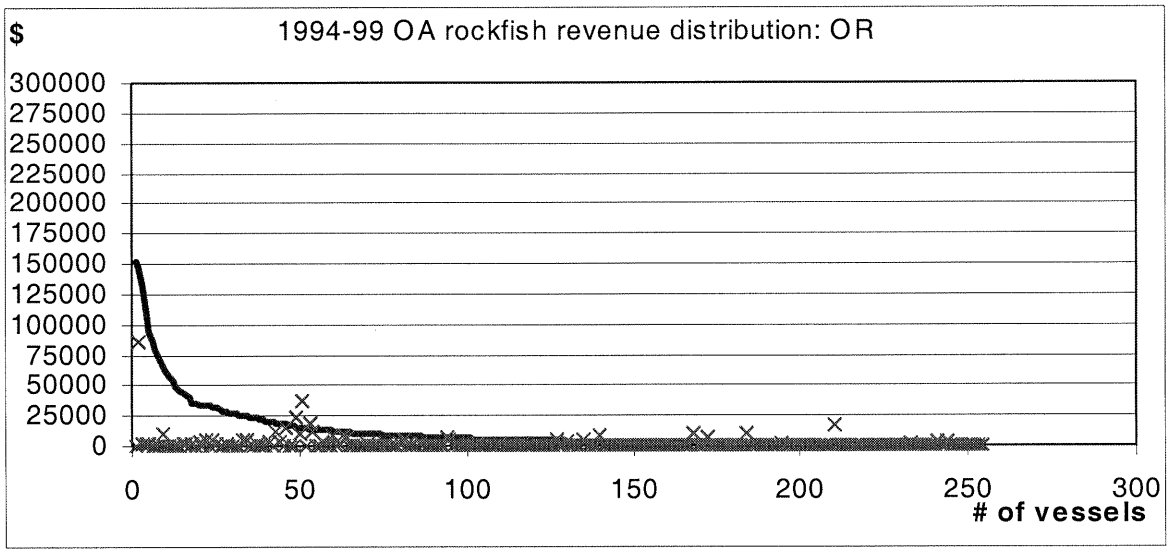
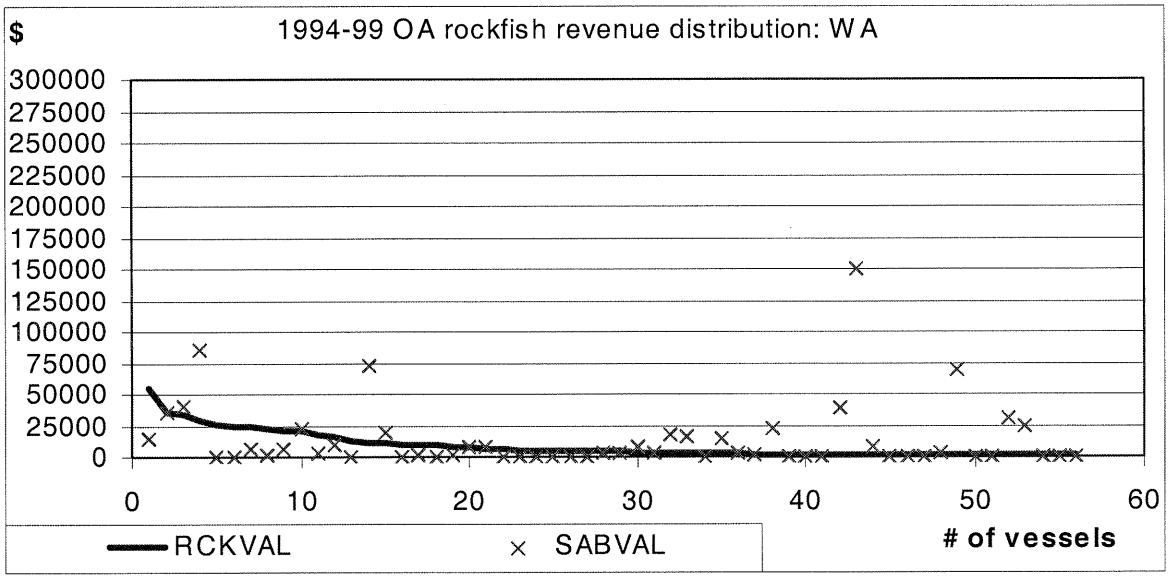
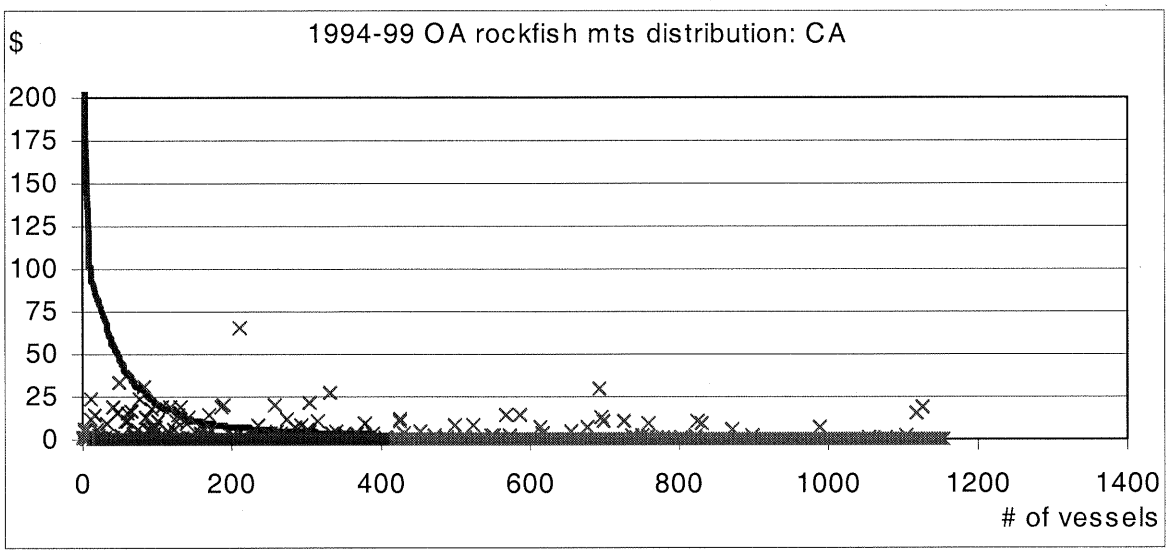
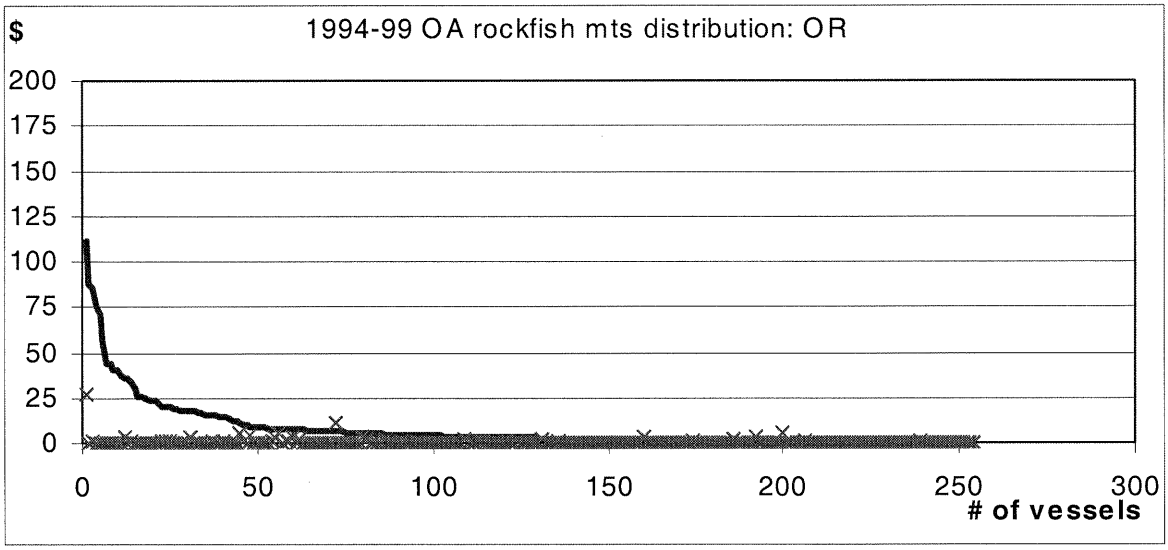
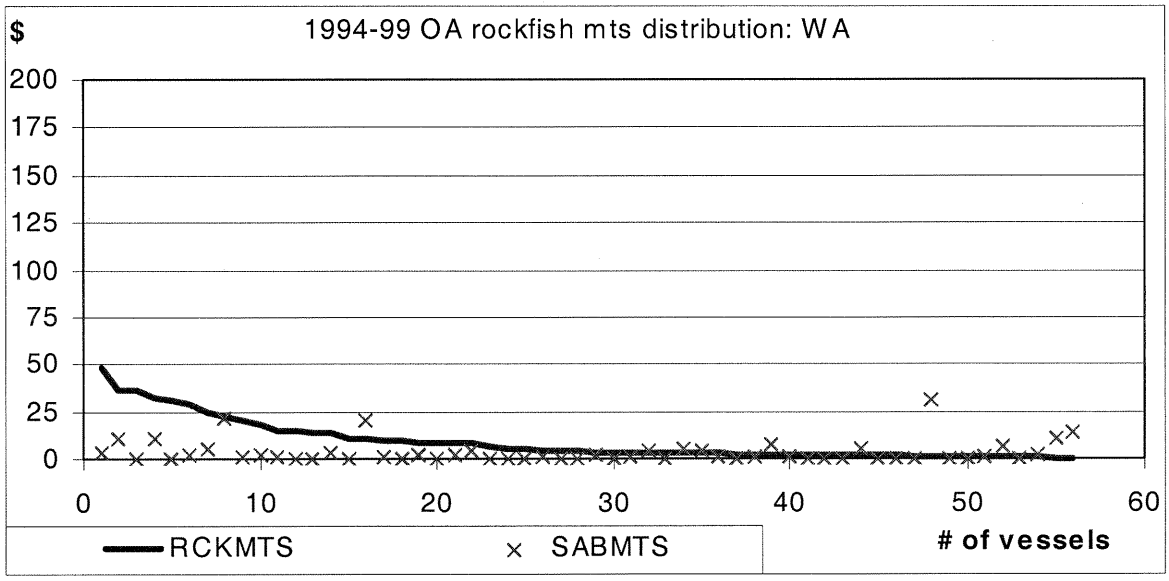
275000
250000
225000
200000
175000
150000
125000
100000
75000
50000
25000
0
0
200
400
600
800
1000
1200
1400
# of vessels

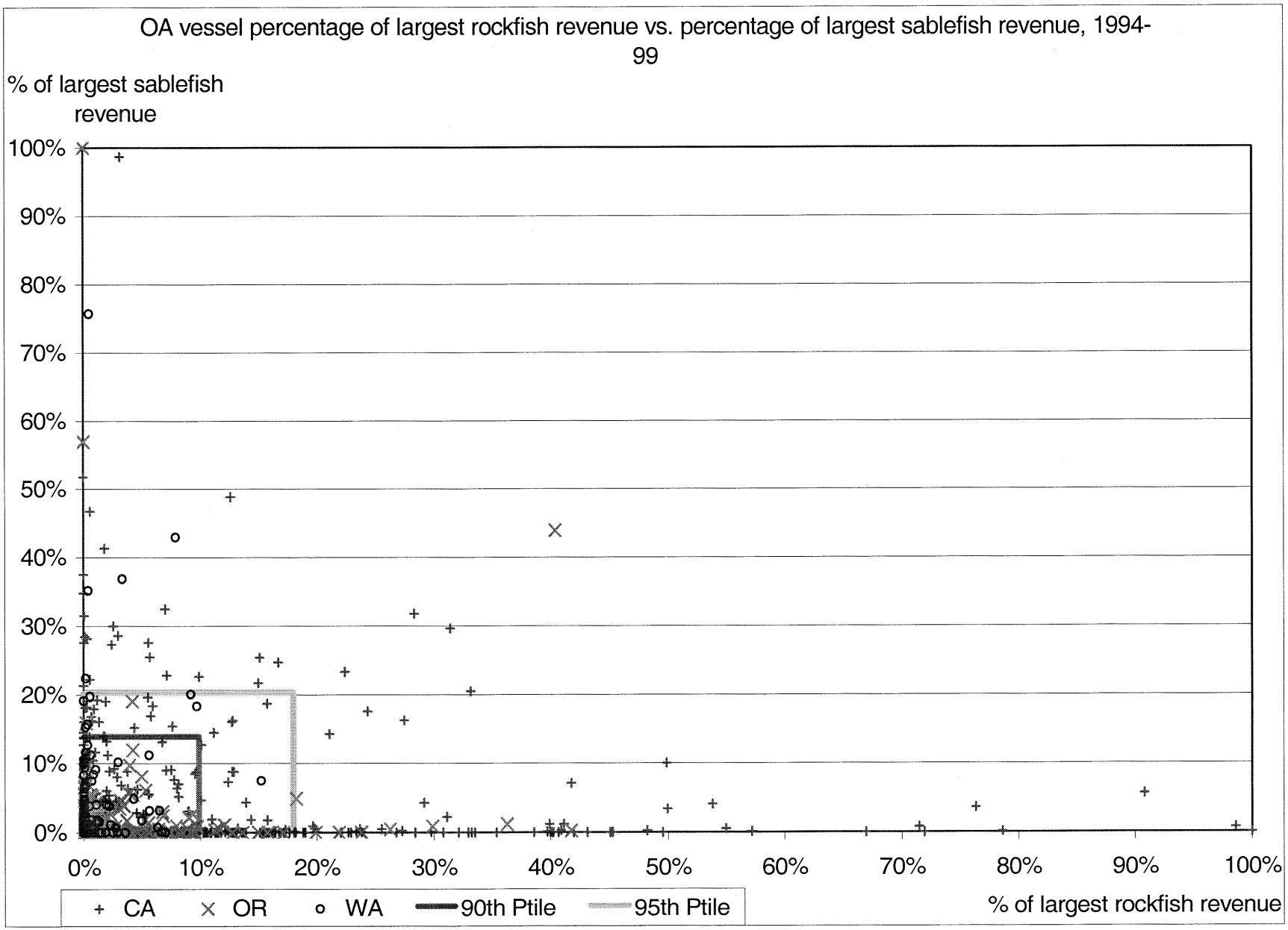

$
1994-99 OA rockfish revenue distribution: OR
300000
275000
250000
225000
200000
175000
150000
125000
100000
75000
50000
25000
0
0
50
100
150
200
250
300
# of vessels

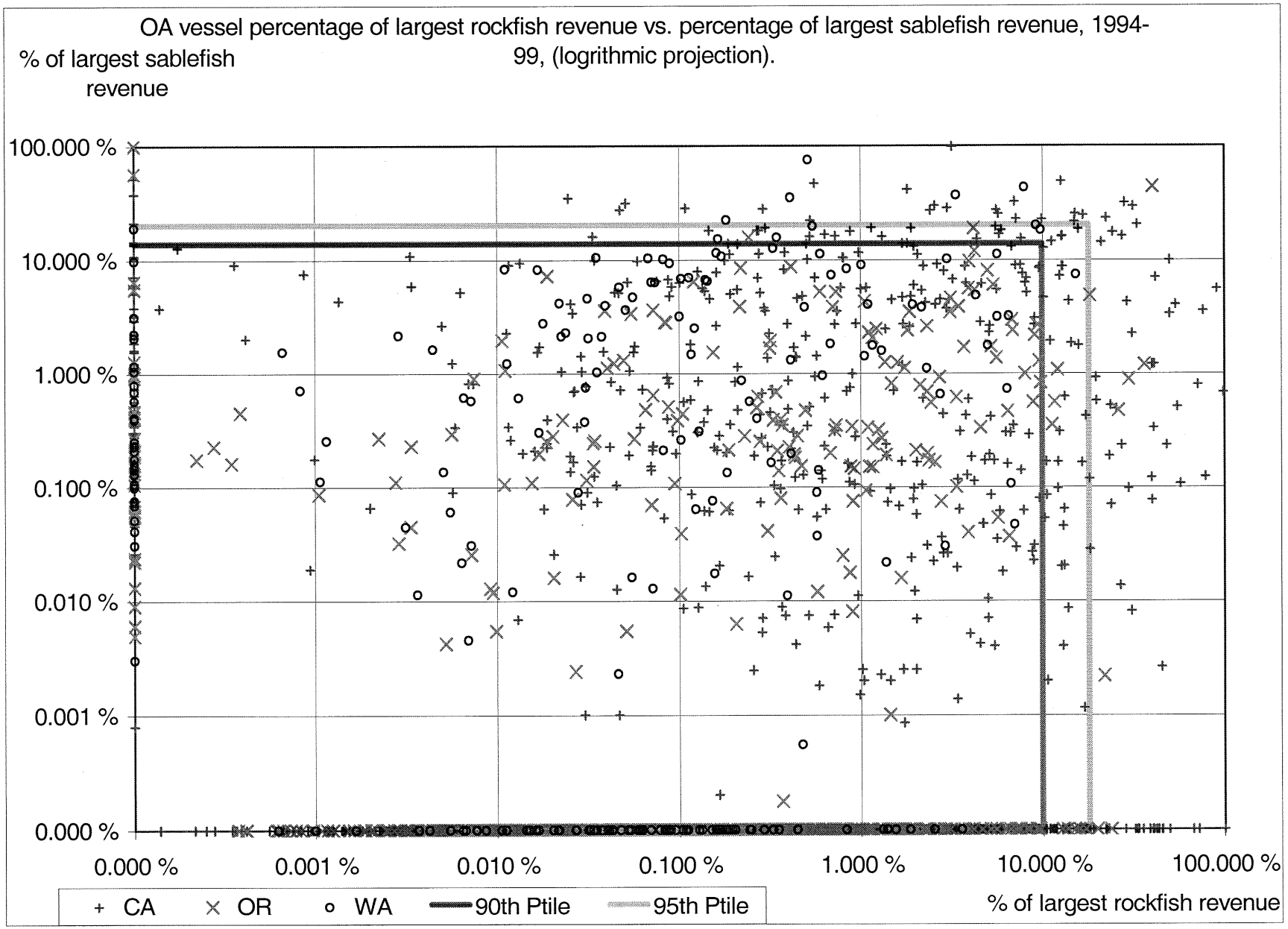

$
1994-99 OA rockfish revenue distribution: WA
300000
275000
250000
225000
200000
175000
150000
125000
100000
75000
50000
25000
0
0
10
20
30
40
50
60
# of vessels
RCKVAL
SABVAL


1994-99 OA rockfish mts distribution: CA
$
200
175
150
125
100
75
50
25
0
0
200
400
600
800
1000
1200
1400
# of vessels


1994-99 OA rockfish mts distribution: OR
$
200
175
150
125
100
75
50
25
0
0
50
100
150
200
250
300
# of vessels


1994-99 OA rockfish mts distribution: WA
$
200
175
150
125
100
75
50
25
0
0
10
20
30
40
50
60
# of vessels
RCKMTS
SABMTS


OA vessel percentage of largest rockfish revenue vs. percentage of largest sablefish revenue, 1994-99
% of largest sablefish revenue
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
CA
OR
WA
90th Ptile
95th Ptile
% of largest rockfish revenue


OA vessel percentage of largest rockfish revenue vs. percentage of largest sablefish revenue, 1994-99, (logrithmic projection).
% of largest sablefish revenue
100.000 %
10.000 %
1.000 %
0.100 %
0.010 %
0.001 %
0.000 %
0.000 %
0.001 %
0.010 %
0.100 %
1.000 %
10.000 %
100.000 %
% of largest rockfish revenue
CA
OR
WA
90th Ptile
95th Ptile

DRAFT

Evolutionary history of the existing PFMC open-access fishery for groundfish

At the request of members of the GAP, the Council appointed a diverse committee to begin studying options for limited entry in the Spring of 1987. By that summer, the Council had adopted a July 11, 1987 cut-off date, with the intention that landings made after that date would not be used in evaluating qualification for a limited-entry program. Because this cut-off date was not published in the Federal Register, a subsequent control date of August 1, 1988 was adopted by the Council and published along with a date of July 11, 1984, which would serve as the beginning of the qualifying window.

Early plans for limiting entry included gear endorsements for groundfish trawl, longline and pot gears within the limited-entry fishery, with a remaining open-access fishery only for what were termed "exempted" gears--consisting primarily of gill net, shrimp trawl, salmon troll, and other line gears not meeting the longline definition. This collection of open-access gears included some for which groundfish was caught as bycatch while targeting other species, and some for which groundfish was often the target species.

Following the public comment period for the draft SEIS, concerns arose regarding the potential impact of this structure on small line and pot vessels, many of whom had only recently shifted much of their effort to groundfish as a result of the depressed fishery for salmon. To address this concern, the list of gears available for use in the open-access fishery was expanded to include the use of the non-trawl gears included in limited entry--pot and longline. However, an additional stipulation was added, whereby only landings of more than 500 lb of groundfish would count towards meeting the minimum landing requirement for a permit. This transformation increased the opportunities for open-access vessels to target sablefish, and some rockfish species, for which longline/pot gears were more effective than exempted gears. Although enlarging the suite of gears available for targeting groundfish--relative to the original plan--addressed many of the concerns of small-boat fishers interested in targeting groundfish, it also eventually brought traditional bycatch users into greater conflict with those targeting groundfish under the same open-access allocations.

While the Council approved the limited entry program (Amendment 6 to the Groundfish Plan) in 1991, it was not implemented until the 1994 fishing season. During the interim, participation in some segments of the groundfish fishery increased considerably. Some of those who expanded their ability to harvest groundfish during this period, but did not initially qualify for permits, purchased permits following the program's implementation. The vast majority did not, and either continued as part of the open-access fishery, or discontinued fishing groundfish.

DRAFT

Open Access Fishery Problem Statement

The great majority of groundfish stocks are now fully harvested by domestic fishermen in the Pacific coast groundfish fishery. Recent changes in the Magnuson Stevens Act coupled with new information indicating much lower productivity for many groundfish species has resulted in the determination that several stocks are overfished. Expectations of future productivity of most groundfish have been lowered along with estimated optimum yields. The Council has determined that the groundfish fishery is overcapitalized and a Groundfish Strategic Plan calls for more than a 50% reduction in fishing effort. Further, there is a general level of excess harvest capacity existing in most West Coast and North Pacific fishing fleets (e.g., shrimp, crab, halibut, salmon, etc).

At present, we need to clarify the purpose of any new limited entry program and identify a target fleet within the open access fisheries that would fall into a restricted access program. The open access fishery is composed of a diversity of non-limited entry fishers. Some fishers participate in more than one fishery while others are solely dependent on the groundfish fishery as an income source. Others occasionally land incidental catches of groundfish taken with other gears such as shrimp trawl and salmon troll. Recently, strong market incentives for groundfish (e.g., live and fresh fish markets) have encouraged participation by fixed gear/hook and line limited entry and open access fishers even though groundfish trip limits have been severely restrained. A large number of recent participants participate in nearshore fisheries for groundfish, but only land a small amount of fish on an annual basis. Additional restrictions are anticipated as more species are broken out of the nearshore rockfish and other groundfish groups with separate optimum yield (OY) targets and management measures. There is not much opportunity for the development of new fisheries given the constraints on the current fisheries to reduce bycatch of overfished stocks.

A plan for bringing open access fishers under a limited entry program is needed to reduce overall capacity directed towards groundfish. Without incorporating open access users into a limited entry and capacity reduction program, allocation issues will become more acute and additional, more restrictive, measures will be needed to prevent overharvest of critical stocks and to minimize discard.

EXHIBIT C.9
Attachment 2
June 2001

Limited Entry in the Open Access Fishery Meeting Notes

April 25, 2001 - Gladstone, OR

Attendees - All three coastal states and NMFS were represented at this non-Council-sponsored meeting. Attendees were Jim Hastie, NMFS; LB Boydstun and Dave Thomas, CDFG; Jim Golden, ODFW; and Brian Culver and Michele Robinson, WDFW.

Agenda

1. Why are we here? (Expected outcome)
2. Background
   a. Strategic Plan
   b. Conference call (January 18)
   c. April PFMC meeting
   d. Problem Statement
3. Fishery Review
   a. Review of state management directions
4. Next Steps

Discussion

At the start of the meeting, we reviewed our assignment from the April 2001 Council meeting and agreed our main objective was to provide a recommendation regarding the OA permitting issue for the SPOC's May 14, 2001 teleconference. Our recommendations appear below in italics and are listed at the end of the report.

We reconfirmed early in the meeting that *a "C" permit for vessels that incidentally catch groundfish should be a very low priority* as part of this assignment (i.e, it appears to have a very low or negative cost/benefit). Further discussions should focus on that segment of the fishery that actually targets groundfish, which would be covered under a "B" permit as described in the Strategic Plan. *The need for permitting commercial passenger fishing vessels was discussed briefly, but was considered outside the purview of our assignment*. The control date for limiting future participation in the OA fisheries was confirmed to be November of 1999.

Council Groundfish Strategic Plan Priorities

The workload priority for the overall OA initiative (which has several parts) would appear to be next in line for Council development, following capacity reduction in the limited entry fisheries (i.e., buy-back or trawl permit stacking). This is because the other higher ranking proposals (observers, improved management process, and sablefish stacking) appear to be nearing fruition or do not require a significant investment in Council staff time. However, we recognize that staff resources are extremely limited and that it will be very difficult start any new groundfish initiative at this time. An additional staff groundfish position may be needed before we can move forward with this particular item.

Problem Statement

The group spent considerable time listing the elements for a draft problem statement addressing the need for permitting in the OA fishery. A proposed draft is attached.

Permitting Analysis

Jim Hastie reviewed his recent work analyzing the impact of various permitting criteria on fishery composition (attached). He used the PacFIN data base and included only the years 1994-99 (as specified in the Strategic Plan). The analysis, which was vessel-based, excluded 1) landings made by vessels with limited entry permits, 2) landings made by exempted trawlers, and 3) landings in which groundfish where of lower value than the combined landings of non-groundfish species on the same ticket. (For example, if a fishermen landed $5 worth of rockfish and $20 worth of salmon, the ticket was not counted, but if a fisherman landed $30 worth of rockfish and $20 worth of salmon, the landing was included.) The analysis did not differentiate between species or categories of fish (e.g., rockfish, lingcod, sablefish). Following is a summary of the results:

· A very high percentage of the catch (e.g., 80%) was made by a relatively few vessels (14-22 percent)

either in terms of pounds or value. Although the weight of the catch over the period declined by over 65%, the value of the catch declined only about 32% (Tables 1 and 2). (This likely reflects a shift in effort from high volume species (e.g., shelf rockfish) to high value ones (e.g., live market nearshore species and sablefish) due to regulatory constraints on the former species).

- Most of the open access targeting occurred off California (75-80%), followed by Oregon (8-22%) and Washington (5-11%). The relative catch off Oregon was increasing over the period while that off the other two states was decreasing. The per pound value (ex-vessel) of the fish was generally increasing in all three states. Prior to 1999, price was generally highest off California ($0.80-1.16) followed by Washington ($0.42-0.92). In 1999 a major jump in price occurred off California (from $1.16 to $1.87) and also off Oregon (from $0.75 to $1.12) (extrapolated from Tables 1-2). (A regulation change in Washington in 1999 virtually eliminated the commercial fishery for nearshore species in that state).

- A total of 3506 individual vessels targeted groundfish at some time during the period, but only 4% (155) participated every year. Annual participation by the remaining vessels was highly variable (Table 3a).

- The application of even "modest" qualification criteria would result in many vessels being excluded from the fishery. For example, requiring vessels to have participated during at least three years of the qualifying period and landed any amount of groundfish during a recent year (e.g., 1998 or 1999) would result in a fleet of 426 vessels. However, increasing the recent years' landing standard to 0.5 metric tons (1100 pounds) results in a fleet of only 122 vessels (Table 3a). (It was apparent from the data that most of the fishery participants are not dependent upon the fishery for a livelihood.)

- Another approach to developing qualification criteria for the fishery would be to select a particular harvest level goal for the fishery based on a previous landing period. Four different sets of qualification criteria are described and analyzed in Tables 11-13. In Table 11, each of these options meets about a 50% target tonnage during 1994-99. The number of eligible vessels ranged from 137 (4%) under Q1 to 221 (6%) under Q2. This approach was also used to analyze the impact in terms of value of the catch (Table 12 a and b).

Dr. Hastie's analysis affirms the need for the Council to focus on the expected or desired outcome from limiting future participation in the OA target fishery. As shown, any number of ways can be devised for affecting the future make-up or composition of the fishery (i.e., who will qualify). *It will be far more efficient for all parties to agree upon the goals and objectives for the program--in addition to a relatively narrow range of eligibility criteria--than it will be to perform additional analyses of historic fishery data (which is interesting but marginally productive).*

The need for a separate rockfish and/or sablefish endorsement was discussed but not analyzed. This is one of the issues that could be included in any additional data analysis.

The advisory panels' comments at the April 2001 Council meeting were silent with regard to the OA permitting initiative except the GAP recommended that current state efforts to limit participation should be completed before the Council proceeds in this area. In that regard, California reported it is in the process of limiting participation in its nearshore fishery and Oregon may be considering limiting participation under provisions of their Commission's Developing Fisheries authority. The California process is considering issuing permits to fishermen rather than vessels and qualifying fishermen based on landings attributable to their state-issued permits during 1994-99. Washington reported it took action in 1999 to 1) prohibit sale of live fish and 2) prohibit commercial fishing in all coastal state waters (0-3 miles). Thus, the their OA target fishery has already been greatly curtailed. We do not agree it is wise to wait until the states' complete their processes; *the Council should consider OA permitting on its own merits and not what the states are proposing to do (which may or may not happen). That is not to say, we should ignore those processes. To the contrary, the Council should involve itself in those deliberations, through its state representatives and regional NMFS offices, to ensure consistency with the federal groundfish plan and/or to recommend plan amendments to transfer authority over groundfish to the states, as appropriate.*

The group listed some questions that it felt would be productive for the Council to consider before embarking on a B permit system for the OA fishery. The list is not exhaustive but should provide fuel for further discussion.

Q1. Could the fishery, local communities and the resources stand to benefit from restricting future access to the OA target fisheries? And if so, how and to what degree?

Q2. Will capping the OA target fisheries at current participation levels be meaningful in an economic or biological context, and if not, what kind of cuts will be needed?

Q3. Should a fishery goal be established based on a) maximizing fishing opportunity for vessels that primarily depend on the fishery for income or b) as many vessels as possible without regard to who benefits (i.e, status quo)? Is there a middle ground, and how do we define (explain) it?

Q4. Are the parties willing to undergo the strife, political pressure, and cost associated with limiting future participation in the fishery?

Q5. Are the OA issues the same in all areas or should some areas or gear types be given differential treatment?

Q6. Should permits be issued to the fisherman or vessels or a combination of the two, and why?

We urge consideration and resolution of these questions before proceeding with the plan amendment process. *Regarding where we go from here, the committee recommends that we continue to work on background and other peripheral plan amendment sections, but not proceed with the formal amendment process until next year at the earliest.* Several members have committed to documenting the history of the OA fishery, which would be an important document in itself. The group agrees that state and Council resources do not allow for an additional groundfish assignment at this time. However, *it would be appropriate to ask for Council input on our work and thoughts to date.*

Next Steps

SPOC conference call on May 14, 2001 at 9:00 a.m.
Meeting subsequent to the June Council meeting to continue work on "peripheral" issues

Summary of OA Committee Recommendations

1) There does not appear to be a compelling reason to go forward with a "C" permit.

2) The OA "B" permit proposal appears to be next in line for development and implementation, following the trawl permit stacking initiative.

3) Limitations on Council resources likely precludes formal development of the OA initiative until next year.

4) If and when we agree to proceed with the OA initiative, we need to initially agree upon 1) the program goals and objectives and 2) a relatively narrow range of qualification criteria. We have listed a series of questions (see text) that could be helpful in that regard.

5) The Council should not wait for the states to take action to limit entry into the OA fishery; however, we need to closely coordinate our respective efforts.

6) The committee proposes to continue work on issues peripheral to the formal plan amendment process. For example, Dr. Hastie has developed a first cut at the history of the OA fishery; we could continue to work on that document.

7) We would like to have SPOC and Council input on our work and thoughts to date. Council family

discussion at the June meeting regarding our seven questions could helpf in deciding how to proceed.

F:\!PFMC\MEETING\2001\June\Groundfish\Exh_C9_2 OA summary.wpd

Presented by
Jim Seger

Exhibit C.9
Attachment 3
June 2001

MARINE RESERVES PHASE II PROCESS

At the Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) one issue left unresolved was how to organize the process for the consideration of marine reserves and, in particular, the composition of the committee(s) to be appointed and the charge to be given to the committee(s).

There appear to be two primary roles in which the Council will operate as marine reserves are considered for the West Coast:

1. As a lead agency considering marine reserves and potentially proposing regulations for fisheries under its jurisdiction.

2. As a responding agency that is asked to implement regulations for proposals developed by other authorities.

As a responding agency, the scope of Council recommendations will likely be determined primarily by the scope of the proposals presented to the Council and the limits placed on Council legal authority by the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law. As a lead agency, the Council action will be restricted primarily by its legal authority.

To determine how to proceed in a lead agency role, it may be helpful for the Council to focus first on the scope of its intent with respect to Phase II consideration of marine reserves.

Scope

Thus far, groundfish have been the main focus driving the Council's consideration of marine reserves: when the Council finished its Phase I consideration of marine reserves, it determined that marine reserves may be a useful tool for the management of groundfish species and decided to proceed with consideration of Phase II design and siting issues; the marine reserve development team that developed a budget for the Phase II process was appointed under the auspices of the groundfish SPOC; and the budget developed by this committee was put into a budget developed for implementation of the groundfish strategic plan.

On the other hand, marine reserves may restrict fisheries other than the groundfish fishery and may be proposed to meet fishery management or ecosystem management objectives that include species beyond the scope of the groundfish plan.

In the current agenda, marine reserves are addressed both as a separate agenda item (E.1 and E.2) and under the groundfish strategic plan (C.9). In considering committee organization and charges, the Council may wish to evaluate whether there should be a separate process for consideration of marine reserve proposals related to specific fishery management plans (FMPs), as appropriate, or a central process to consider all no-fishing marine reserves and generate the needed decision documents. A recent example of a combined decision document is the single document prepared for groundfish FMP 10 and Salmon FMP Amendment 12, to allow the retention of salmon by groundfish trawlers.

In its role as a lead agency, should the current Council effort focus:

- only on groundfish?
- on any FMP species that may benefit from marine reserves?
- any species under Council jurisdiction (i.e., all species from 3 to 200 nm, regardless of whether or not an FMP exists)?

Committee Organization and Charges

Options for organizing committees depend on budgetary constraints. In the role of a lead agency, committee work will include a wide range of considerations, and development of options will require numerous meetings over a relatively long period of time. In the role of a responding agency, it may be possible to limit the workload to communication and organization of a narrow range of tasks. Initiating agencies may be asked to prepare decision packages needed for the Council process.

Organization for Lead Role

The Council's role as lead may take on varying levels of intensity depending on the resources the Council has available for this task (see Table 1). At one end of the scale, coordinating consideration of a coastwide network of marine reserves would be a multimillion dollar effort. A budget has been developed for such an effort (attached). On the other end of the scale may be the development of policy principles or guidelines that the Council could seek to implement over time. One example of such a Council guideline could be a statement that it would be beneficial to implement reserves for a certain percentage of the habitat of specified species or groups of species. Such guidance may help focus the development of options by federal, state, or local jurisdictions.

Organization for Responding Role

Whether or not the Council takes a lead role, it will likely have a role as a responding agency. For example, the Council will likely be approached with specific proposals for marine reserves by agencies such as California Department of Fish and Game and federal marine sanctuary programs. The Council's role as a responding agency may also take on varying levels of intensity depending on the funding available. At a minimum, the Council will likely want to be prepared to communicate with the initiating agency at an early stage regarding the standards of process and documentation for any proposals to be presented to the Council.

Decision Matrix

In establishing a committee(s) to address marine reserves, it may be useful to consider:

- the two primary roles the Council may play in the consideration of marine reserves,
- the scope of species that may be the primary focus in each Council role,
- the composition of the committee(s) most suited to meet each role, and
- the charges that should be given to the committee(s).

The following decision matrix covers these considerations.

Council Role	Scope of Species	Committee	Charge
Lead Fishery Agency	Identify Species Groups of Primary Focus	Identify Committee	Provide Charge
Responding Agency	Identify Species Groups of Primary Focus [This will likely be all species under Council authority.]	Identify Committee/Process	Provide Charge

The lead agency and responding agency roles might be assigned to:

- a single new committee,
- a main new committee (lead role) and a new subcommittee (responding role),
- separate new committees with or without some overlap in membership,
- a lead role new committee and a responding role process (e.g., Council staff consulting with identified marine reserve liaisons for each Council advisory entity), or
- a coordinating Council Staff Officer relying on existing committees (Scientific and Statistical Committee, Habitat Steering Group, Groundfish Advisory Subpanel, etc.) for independent advisory statements.

To assist the Council in its deliberations, the composition of committees that have recently been assigned lead roles in marine reserves issues is provided in Table 2.

Table 1. Alternative funding scenarios and organizational approaches for the two Council roles in considering marine reserves.

	Funding Scenario		
	Full Funding ($1-2 million/year)	Partial Funding (Enough money for regular meetings of one ad hoc advisory body)	No Funds
Council Role	**Plan A**	**Plan B**	**Plan C**
Council as lead fishery agency	As specified in Strategic Plan.	Appoint a committee to have lead role. For example, habitat committee, ad hoc committee from Phase I, ad hoc team used to develop the Phase II budget proposal, other. This committee might also be charged with identifying alternative funding sources to expand the process.	For example, establish broad guidelines and statements of need that may be useful to others considering the development of marine reserve options. Achieve this with standing committees within the agendas of normally scheduled meetings.
Council as responding agency	This function would need to be added to the Strategic Plan.	For example, small committee or subcommittee of above to (1) establish standards of process and documentation for any proposals to be developed for the Council, (2) work with the initiating agency to ensure the standards are understood, (3) review materials to ensure standards are met and received by Council and advisory committees in a timely fashion.	For example, Council staff works with input from committee chairs or their designees to achieve tasks such as those identified as examples for Plan B.

Table 2. Composition of committees that have worked on marine reserves.

Marine Reserve Ad Hoc Committee - Phase I	Marine Reserve Development Team - Tasked with developing a process and budget
Conservation Representative GAP - Processor GAP - Fixed Gear Fisher GAP - Trawl Gear Fisher NMFS - SWR and NWR NMFS - SWFSC Tribal Representative PSMFC Representative SAS - Recreational SAS - Commercial State - WDFW, ODFW, CDFG	Conservation Representative (2) GAP - Processor GAP - Fixed Gear Fisher GAP - Trawl Gear Fisher State - WDFW, ODFW, CDFG NMFS - SWR and NWR PSMFC Representative SAS - Recreational

Project to Support the Council
Consideration of Marine Reserves for the West Coast Groundfish Fishery
(and Coordination with State and Local Efforts)

Task I: General Process Support (GPS)

Staff would be hired to provide preparation, coordination, and follow-up for all other tasks in this project. The staff would be assigned as follows:

Location		Cost Year 1	Cost Years 2&3
A. Council Office	One professional plus 0.25 FTEs of administrative support	$150,000/year	$150,000/year
B. Washington	One professional	$66,000/year	$132,000/year
C. Oregon	One professional	$66,000/year	$132,000/year
D. California	One professional	$66,000/year	$132,000/year
E. NMFS NWR	One professional	$66,000/year	$132,000/year
F. NMFS SWR	One professional	$66,000/year	$132,000/year
G. Tirbes	One professional	$66,000/year	$132,000/year
H. Process Oversight Panel Meetings		$35,000/year	$35,000/year
		Total Year 1: $581,000	**Total/year for Years 2&3: $977,000**
			Total for three years: $2,535,000

Task II: Initial Outreach

- Provide information on what has happened thus far in the process and the plans for what will happen.
- Invite participation.
- Determine what processes others are pursuing to consider marine protected areas (MPA)s. Address integration and overlap issues.
- Educate regarding the science of marine reserves.
- Be ready to accept input.

Subtask	Details	Timing	Cost	Responsible Party
A. Develop an Outreach Plan for Each State (Coordinate with State and Local MPA Processes)	Work with Sea Grant and other contacts up-front to plan meetings and visits for the following two subtasks	Year 1	See GPS Task	Council Coordinates
B. Hold a Series of One Day Community Meetings	A team would go to each location for each one day meeting. The team would remain in the area for 2 or 3 extra days to engage in one-on-one discussions with members of the fishing industry and local community: Washington (5 meetings); Oregon (5 meetings); California (15 meetings)	Year 1	$3,000 per meeting plus GPS Task Total: $75,000	Council Coordinates
C. Attend Meetings of Specific Groups (e.g., Industry Associations)	One person would go to meeting and stay an extra day for further discussion: Washington (4 meetings); Oregon (4 meetings); California (8 meetings)	Year 1	$500 per meeting Total: $8,000	Council Coordinates
		Year 1	**Total: $83,000**	

Task III: Physical, Biological, and Socioeconomic Science and Data Development

- Assemble and summarize data.
- Achieve a common understanding of the science and data.
- Provide a mechanism to capture fishermen's knowledge.
- Produce specific design criteria.
- Find out what others are doing to develop science and data systems, determine whether or not it is compatible and useful.
- Consider monitoring theory and enforceability.
- Develop siting frameworks/design criteria.

Subtask	Details	Timing	Cost	Responsible Party
A. Assemble Two Standing Panels	One panel of physical and biological scientists and one panel of economists and other social scientists	Year 1	See GPS Task	Council Coordinates
B. Three Post-doctoral Scientists to Support Panels in Year 1, Four in Year 2	These individuals would pull together and summarize data then work with local fishers to augment information available from existing data systems.	Years 1&2	$100,000/person/year Year 1: $300,000 Year 2: $400,000 **Total:$700,000**	PSMFC or NMFS
C. Industry Liaisons	Fishers to work hand-in-hand with scientists	Years 1&2	$200,000/year **Total:$400,000**	PSMFC
D. GIS Data System and Decision Support Tool	One individual, travel, software and computer support and document development, reproduction, and distribution	Years 1&2	$200,000/year **Total: $400,000**	PSMFC or NMFS
E. Meetings	Technical science meetings (4/year) Town hall meetings to augment data system information (several) Final science meeting (1)	Years 1&2	$30,000/year **Total: $60,000**	Council Coordinates
		Year 1	**Total: $730,000**	
		Year 2	**Total: $830,000**	
		Project	**Total: $1,560,000**	

Task IV: Marine Reserve Scenario Development

- Use the concept of an extended Groundfish Advisory Subpanel that includes communities and all stakeholders to develop scenarios for marine reserves.
- Scenarios should include proposals for management restrictions in the marine reserve areas, boundaries and management outside the marine reserve.

Subtask	Details	Timing	Cost	Responsible Party
A. Initial Scenario Development	Three three-day meetings of extended GAP. One meeting for the nearshore area, one for the shelf area and one for the slope. At each meeting the attendees would divide into three groups, one for each state. Integrate with local efforts to develop marine reserves. Include professional facilitator.	Year 2 (Jan-Apr)	$54,000 Plus GPS Task	Council Coordinates
B. Regional Scenario Development	Hold regional meetings: two each for Washington and Oregon and six in California. Integrate with local efforts to develop marine reserves. Include professional facilitator.	Year 2 (Jun-Aug)	$120,000 Plus GPS Task	Council Coordinates

C. Finalize Scenarios for Council Consideration	Single meeting for groups from Subtask A.. Include professional facilitator.	Year 2 (Fall)	$20,000 Plus GPS Task	Council Coordinates
D. Prepare Recommendations for Council	Develop documents for Council	Year 2-3	GPS Task	Council Coordinates
		Year 2	**Total: $194,000**	

Task V: Expanded Council Process for Final Decision

- Narrow alternatives.
- Continue to rely on an expanded Groundfish Advisory Subpanel-type group.
- Additional outreach at proposed sites.
- Conduct needed National Environmental Policy Act analysis.

This task includes only activities over and above normal process and Council staff support.

Subtask	Details	Timing	Cost	Responsible Party
A. Website	Develop and implement interactive website to present data from Task III and scenarios from Task IV	Year 3 (may start in Year 2)	$50,000 Plus GPS Task	PSMFC
B. Outreach Publications	Development, reproduction and distribution	Year 3	$50,000 Plus GPS Task	Council Coordinates
C. NEPA Analysis	EIS Documents	Year 3	$250,000 Plus GPS Task	Contractor
D. Expanded Advisory and Public Hearing Process for Council		Year 3	$30,000 Plus GPS Task	Council
		Year 3	**Total: $380,000**	

Fiscal Summary:

Task	Year 1	Year 2	Year 3	Total
I. General Process Support	$581,000	$977,000	$977,000	$2,535,000
II. Initial Outreach	$83,000			$83,000
III. Physical, Biological, and Socioeconomic Science and Data Development and Summary	$ 730,000	$830,000		$1,560,000
IV. Marine Reserves Scenario Development		$194,000		$194,000
V. Expanded Council Process			$380,000	$380,000
Total	$1,394,000	$2,001,000	$1,357,000	$4,752,000

PFMC
05/31/01

STRATEGIC PLAN IMPLEMENTATION

Situation: The Council will receive a progress report from the Strategic Plan Implementation Oversight Committee (SPOC) about implementation of three specific Strategic Plan issues: trawl permit stacking, conversion of the open access fishery to limited entry, and marine reserves. The Council will also hear from the groundfish advisory bodies on the recommendations contained in the SPOC report. In addition, staff has prepared a report to facilitate consideration of the Council's role in development of marine reserves in Council- managed waters.

After hearing from the advisory bodies, the Council will provide guidance to the SPOC regarding the next steps in implementing Groundfish Strategic Plan measures.

Council Action:

1. Consider the recommendations of the SPOC.

Reference Materials:

1. Draft summary minutes from May 14, 2001 SPOC meeting (Exhibit C.9, Attachment 1).
2. Limited entry in the open access fishery meeting notes (Exhibit C.9, Attachment 2).
3. Analysis of open access fishery (Exhibit C.9, Attachment 2(a)).
4. Draft evolutionary history of the existing Council open-access fishery for groundfish (Exhibit C.9, Attachment 2(b)).
5. Draft open access fishery problem statement (Exhibit C.9, Attachment 2(c)).
6. Marine Reserves Phase II Process (Exhibit C.9, Attachment 3).
7. Public comment (Exhibit C.9.e).

Groundfish Fishery Strategic Plan Consistency Analysis

This agenda item is consistent with the Strategic Plan implementation process detailed in the Plan.

PFMC
05/24/01

PACIFIC GROUNDFISH BUY-BACK PROPOSAL AND THE FINAL SUMMARY AND ANALYSIS

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Eureka, CA 95501

MAY 23, 2001

ABOUT THIS REPORT

This report provides information related to a proposed buy-back plan for the Pacific Coast Groundfish fishery. The report is divided into three sections. Section one includes background information about the fishery, the need for capacity reduction, and the past attempt to establish a buy-back program. Section two describes the proposed program, and section three summarizes the results of a questionnaire sent to all holders of Pacific Groundfish permits. This last section also includes an analysis of the landings of groundfish and other species by permit holders and estimates the cost and benefit to fishermen that remain in each of the fisheries.

This report makes no attempt to provide potential sellers in a buy-back program any information that would allow them to maximize their sale price. It does however, explain how bids would be scored and ranked. Not all those that are interested in sell their permits and vessels will be accommodated.

Special thanks need to be given to Dr. Jim Hastie of the NMFS Northwest Science Center for the many data runs and calculations that are used here in the analysis of the cost and benefits of the program.

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SECTION 1: BACKGROUND

Description of the fishery

The Pacific Coast groundfish fishery is a multi-species multi-gear fishery for various species of rockfish and flatfish, Pacific whiting, sablefish, lingcod, Pacific cod, and several species of skates and sharks. The fishery has operated under a limited entry system since January 1994. The limited entry permits are endorsed for the use of trawl, longline, and/or pot gear. These permits are also endorsed for the length of the vessel. The permits are transferable and may be used on any vessel within plus or minus five feet of the endorsed length. Multiple permits may also be combined and used on a vessel of greater length. The formula for combining permits is an exponential relationship based upon the length endorsement of the permit.

History of the fishery

Domestic landings from the Pacific Coast groundfish fishery were relatively stable, averaging about 30,000 mt annually, until the early 1970's when they began a fairly steady increase. By 1976, when the Magnuson-Stevens Act was passed, annual groundfish landings had reached 60,000 mt, generating $36.2 million in real exvessel revenues. By 1982, when the fishery management plan (FMP) for Pacific Coast groundfish was implemented, total landings (excluding foreign and joint venture catch) had peaked at 116,000 mt valued at $71.5 million.

A major reason for this rapid growth in groundfish landings was a substantial buildup in harvesting capacity that greatly exceeded the sustainable production capacity of the groundfish resource taken in traditional fisheries. Harvesting capacity increased as newly constructed vessels entered the fishery and as vessels were displaced from other fisheries due to changing economic and regulatory conditions. This build-up was fostered by Federal programs and policies that encouraged and provided incentives for people to enter the fishing industry. Programs such as the Fishing Vessel Obligation Loan Guarantee Program (FOG) and Capitol Construction Fund (CCF) combined with Investment Tax Credits in the 1980 resulted in many new vessels entering the groundfish fishery.

Trawling has been the dominant means of harvesting Pacific Coast groundfish for the past 50 years. In 1978, large productive trawl grounds in British Columbia, Canada were closed to U.S. fishermen. This action forced Washington state fishers to fish exclusively in U.S. waters, primarily off Washington. Foreign fishing fleets have also operated in the Washington, Oregon, and California area. The Soviet Union operated a large trawl fleet as early as the mid-1960's for rockfish and Pacific whiting. Poland, the German Democratic Republic, the Federal Republic of Germany, and the Republic of Korea also sent vessels, primarily factory trawlers, to fish in this area prior to the implementation of the Magnuson-Stevens Act.

In the late 1980's, joint venture operations for Pacific whiting expanded, leading to elimination of all foreign harvesting in 1989. Beginning late in 1990, U.S. catcher-processor (factory trawler) vessels conducted exploratory fisheries to determine if whiting might provide a viable fishery for U.S. at-sea processing. This at-sea fishery by American vessels immediately preempted the joint venture fishery. In 1991, for the first time in roughly 30 years, the entire groundfish fishery was conducted by American operations. At the same time, shore-based processing of Pacific whiting expanded as processors of more traditional groundfish species rushed to carve out their portion of the market. Thus, Pacific Coast groundfish landings reached a new peak in 1991, more than doubling the previous high established in 1982.

The overall result was that in just a few years the Pacific Coast groundfish fishery had progressed from harvesting surplus production from generally healthy or under harvested fish stocks, to the point of excessive effort, with stocks at maximum sustainable yield (MSY) levels and limited room for expansion of

traditional fishing operations. These problems characterize a rapidly maturing open access fishery and signal the need for management.

History of management

Prior to implementation of the FMP in September 1982, management of domestic groundfish fisheries was under the jurisdiction of the states of Washington, Oregon, and California. State regulations had been in effect on the domestic fishery for about 80 years and each state acted independently in both management and enforcement. However, many fisheries overlapped state boundaries and were participated in by citizens of two or more states. Management and uniformity of regulation became a difficult problem which stimulated the formation of the Pacific States Marine Fisheries Commission (PSMFC) in 1947. PSMFC had no regulatory power, but acted as a coordinating entity with authority to submit specific recommendations to states for their adoption.

Early regulations took the form of area closures (e.g., San Francisco Bay was closed to trawling in 1906), because of concerns about stock depletion. Minimum trawl mesh sizes were adopted in the early 1930's in California as the production of flatfish decreased. During 1935 to 1940, voluntary mesh size limits were adopted by the trawl industry after markets imposed minimum size limits on certain flatfish and gear-saving studies demonstrated that a larger mesh size (five inches) caught fewer unmarketable fish. Shortly thereafter, mandatory minimum mesh sizes were adopted by California. Since this time, mesh regulations have been in effect in all three coastal states.

Between the implementation of the Magnuson Fishery Conservation and Management Act in 1977 and the implementation of the FMP in 1982, state agencies worked with the Council to address conservation issues. Specifically, in 1981 the Council proposed a rebuilding program for Pacific Ocean perch. To implement this program, the states of Oregon and Washington established landing limits for Pacific Ocean perch in the Vancouver and Columbia areas. These limits were revised in January 1982, prior to enactment of the FMP in September, but the 20-year rebuilding program remained unchanged.

Generally, the groundfish FMP focused on solutions to the problems stemming from open access instead of changing the open access system. Aggregate harvest quotas (or guidelines) for certain species and other restrictive measures (e.g., trip limits) on fishing enterprises have been instituted to achieve economic and social objectives. While it believed that these harvest regulations would prevent fish stock depletion, they did not address the economic problem of excess harvesting capacity.

In response to the conditions of excessive effort that developed during the 1980's, members of the fishing industry asked the Council to develop a limited entry program. After several years of development, a license limitation plan was approved and became effective on January 1, 1994. The license limitation system was effective at stopping new entry into the fishery and capping harvesting capacity.

However in the mid to late 1990's, the scientific community began expressing concern that they have been overestimating the productivity of certain groundfish species in light of new information which suggested that a major change in oceanographic conditions had occurred. These new ocean conditions appeared to be reducing the survival of many species of Rockfish. Since these rockfish were now less productive than they once had been, the quotas established for these fish in the past now needed to be reduced.

Additionally, in 1996 Congress passed the Sustainable Fisheries Act. The passage of this law brought with it a wave of conservative fisheries management and a strict requirement to rebuild fish population to higher levels. The only way to rebuild fish populations that are at low levels to larger populations is to reduce harvesting and leave more fish in the ocean.

The combination of these events lead to greatly reduced quotas which resulted in a reduction of the economic value of the commercial fishery from around $100 million in 1997 to around $50 million in 1998. Fishermen, fish managers, and the Governors of California, Oregon, and Washington requested that the

United States Secretary of Commerce declare a Fishery Failure as provided in Section 312 of the Magnuson Act. This declaration was made in January 2000.

Past attempts at fleet reduction

On the Pacific Coast, fishermen participate in a variety of fisheries; the most common are groundfish, shrimp, crab and salmon. Prior to the Fishery Failure the groundfish trawl industry attempted to develop an industry funded buy-back program that would purchase permits and retire them from the fishery. At the time, fishermen that were not involved in the groundfish trawl fishery protested, demanding that the vessels also be removed from the fishery. Their concern was that a buy-back program that only purchased permits would provide capital to some fishermen, which would be reinvested in other fisheries, particularly shrimp and crab.

Fishermen in the trawl fishery argued that buying boats and permits would increase the cost of the program and it would be useless without also acquiring the state permits for crab and shrimp. Additionally, trawlers raised the point that if the program were also to purchase state fishery permits, that this would amount to the groundfish trawl fishery paying the cost of reducing effort in the crab and shrimp fisheries. Trawlers believed that if a buy-back program is to benefit the groundfish fishery as well as the crab and shrimp fishery then participants in all three fisheries should share the industry cost.

This effort to establish a groundfish trawl permit buy-back program was suspended following the Fishery Failure declaration.

The current situation

The Pacific Groundfish fishery is in disarray. Quotas on many species have been reduced progressively over the past several years. New stock assessments suggest that the current harvest levels are still too aggressive and quotas need to be reduced further. Economic returns from the fishery have been declining through this period and will decline further. Additional economic burdens will likely be placed on the fishery in the near future in the form of marine reserves, industry funding of on board observers, and the need for industry contributions in the form of resource or capital to fund new research efforts.

The reduced availability of the resource has occurred while the capacity of the fishing fleet has remained static and change in capacity should have been occurring at the same time. The economic value of the available resource is out of balance with the harvesting capacity of the fleet. For stability and economic viability to return to the groundfish fishery, the capacity of the fishing fleet must be brought into balance with the available resource.

Strategic Plan a Vision of the future

The Pacific Fishery Management Council undertook a lengthy planning exercise to assess the current situation for groundfish management and develop recommendation for the future. The Strategic Plan provided a vision for the future that captures the sentiment of many within the fishing industry.

> *We envision a future where Pacific groundfish stocks will be healthy, resilient, and where substantial progress has been made rebuilding overfished stocks. Harvest policies will result in total fishery removals that are consistent with the long-term sustainability of the resource. The fishing industry will be substantially reduced in numbers and harvest capacity will be reduced to a level that is in balance with the economic value of the available resource. Those remaining in the fishery will operate in an environment the is diverse, stable, market-driven, profitable, and adaptive over a range of ocean conditions and stock sizes. (emphasis added)*

The Strategic Plan Vision continued touching upon other areas of concerns with the Fishery, the Science, and the Council and concluded with a section stating the consequences of inaction.

> *There is another vision from that presented above. The Council could continue attempting to manage an overcapitalized fleet in the face of declining resource abundance and the necessity to meet stock rebuilding requirements. This will most certainly result in shorter fishing seasons, smaller trip limits, higher discard rates, and the continuous inability to accurately account for fishery-related moralities. Many fishers will not be able to meet their basic financial responsibilities and will be forced from the fishery by a feeling of futility or bankruptcy. The Council and participating agencies will be overwhelmed by the need to implement short term fixes to long term problems with little or no chance to focus on the underlying problems of the fishery or to develop a long term management strategy.*
>
> *To avoid this other vision of the future, the Council will have to act swiftly and soon. The Council has a choice in charting the future of the groundfish fishery. Decisions that the Council makes now will have profound effects for years to come*

The Council received much input from their advisory committees through the development of the their Strategic Plan. Their Scientific and Statistical Committee (SSC) had examined the over-capacity situation in the groundfish fishery and prepared a report for the Council. The following are two comments from the SSC report to the Council.

> ***Overcapitalization is the single most serious problem facing the West Coast groundfish fishery.*** *The effectiveness of traditional management measures (e.g., landings limits, seasons) in ensuring that discards are minimized and that a reasonable economic livelihood can be made from the groundfish fishery has been seriously eroded in recent years. Given that OYs are unlikely to increase any time soon, the only viable option for reducing overcapitalization is to reduce potential harvest capacity.*
>
> ***The problems associated with overcapacity will not be resolved by waiting for vessels to leave the fishery.*** *The extremely high amount of latent (i.e., unutilized) capacity present in the fishery means that a significant amount of effort is available for mobilization at any sign of improved fishing opportunities. The current problems associated with low landings limits, short seasons and complex and contentious management will not go away unless the Council takes deliberate action to permanently remove latent capacity from the fishery.*

Based upon this input, the Strategic Plan concludes that the highest priority in managing the groundfish fishery is to reduce capacity in the Groundfish fishery and this is captured in recommendation #1 from the Management Policy Section.

> *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 Pacific Council is in a position that it can plan and identify needs for proper fishery management. However, identifying the need for capacity reduction is much simpler than initiating and implementing such a program. Because of the common interest of the fishing industry and the Pacific Fishery Management Council in achieving capacity reduction the Fishermen's Marketing Association developed the following proposal for a buy-back program.

SECTION 2: PACIFIC GROUNDFISH BUY-BACK PROPOSAL

Introduction:
The Pacific Fishery Management Council has determined that capacity reduction is required in all sectors of the groundfish fishery. In order to reduce the fishing capacity in the West Coast groundfish fishery there will be a "buy-back" program that will involve a combination of government and industry-funding. This plan will include the purchase of vessels and all fishing permits, including the state fishing permits assigned to a vessel. The goal of the program is to reduce the groundfish fleet by 40%-65%.

Eligibility:
All Pacific groundfish limited entry permit holders would be eligible to participate in this buy-back program, with the exception of those permit holders holding Newport Beach dory permits.

There would be two categories of eligible participants. Those selling the permit only (this is a small group) and those selling their permit, vessel and associated state permits. A person can sell a permit only when they no longer own a vessel (sinking, sale prior to date, etc.). All other permit owners wishing to sell must submit a bid for the sale of the vessel and all permits.

How the Buy-back will work:
The Secretary/NMFS would send a notice to all permit holders about the program. Each qualifying person wishing to sell only their permit will be offered $X per foot. This is a "take it or leave it" offer. Priority will be given to the purchase of these qualifying permits that are not associated with a vessel.

The balance of the program will utilize a "blind, silent, reverse auction". This program will have limited funding. Therefore, interested sellers will not have a "blank check" to ask for and receive any amount they wish. Each bid must be evaluated for its cost in relation to the benefit of removal. To accomplish this, each bid submitted will be scored by dividing the bid amount by the total fishing revenue for that vessel (Washington, Oregon and California for 1998 to 2000). The resulting score is the ratio of bid to earnings (capacity). These resulting scores will be ranked from low to high. The lower the bid, relative to the gross revenue, the lower the score will be. Permits would be purchased beginning with the lowest score and continue until the amount of money available is used. All permits with scores greater than the cumulative amount of money available will not be purchased. This will result in removing the largest amount of fishing capacity for the least amount of money.

Program funding:
This program will be funded by a combination of Government and Industry money. The Industry share will be provided by the Government as a loan that will be repaid over time by the remaining participants in each of the fisheries.

Industry Cost Sharing:
Since this program will be removing not only groundfish permits, but also Dungeness crab, Pink shrimp, and Salmon permits, capacity reduction will be occurring in each of these fisheries and the remaining participants in these fisheries will derive benefit from the program. Therefore, the cost of the industry portion of this program will be shared by the remaining participants in each of the fisheries in proportion to the benefit that each sector derives. In other words, each fishery will pay for the capacity reduction that occurs in their fishery.

To determine the amount that each sector shall share of the total, the cost of each individual buy-back sale would be distributed to an account for each fishery by state, based upon the percentage of gross revenue that each fishery represented during 1998 – 2000 for that boat. (For example, if a vessel and permits sold for $200,000. If 70% of the base years revenue came from trawl groundfish, 20% from Oregon shrimp and 10% from California crab, then the trawl groundfish share would be $140,000, the Oregon shrimp share would be $40,000 and California crab would be $20,000)

Fee System:
To repay each sectors share of the industry portion of the program, a fee system will be established and it will be applied to all remaining participants in the Groundfish, Pink Shrimp, Pacific Salmon and Dungeness crab fisheries. The fee would be set as a percentage of gross revenue for each delivery. The rate would be calculated so that the groundfish, shrimp, Pacific Salmon and crab fisheries generate sufficient revenue to repay their respective share of the cost. Therefore the rate set for each sector may be different.

The fee for each sector would be set at a rate sufficient to repay the loan but may not exceed 5 percent of the ex-vessel value. These fees would be deducted from the sale by the fish company and paid to the state similar to landing taxes. The state would then transfer the money to the Secretary.

SECTION 3: SUMMARY OF QUESTIONNAIRE RESPONSES

In mid-January 2001 a questionnaire was mailed to all holders of Pacific Groundfish Limited Entry permits. The purpose of the questionnaire was ascertain the level of interest by permit holders in selling their permit and vessel in a buy-back program and to produce an estimate of the cost of conducting such a program.

There were 499 questionnaires mailed. For the purpose of analyzing the response, the eight Newport Beach, California dory fleet permit holders and 10 factory trawl permit holders have been excluded from the analysis for a total of 481 permits. However, the landings of all permit holders have been used to estimate the cost and benefits to each fishing sector. Additionally, since several permits are endorsed with more than one gear type a single gear was assigned to these permits. There are five permits that show both "trawl and longline" or "trawl and pot". Four of these were assigned to the trawl group, while one that had not trawled in recent years was assigned to longline. Those permits that possessed "longline and pot" were assigned to the pot group.

Each questionnaire was assigned a unique number that identified the holder of the permit. A second mailing of the questionnaire was sent in mid-February to each permit holder that had not yet returned the questionnaire. A copy of the questionnaire is attached (Figure 1).

Table 1 summarizes the returns, which ran from 75% for trawl to 48% pot. Generally, permit holders own the boat that their permit is assigned and also hold permits to participate in other fisheries. Roughly 73% of the trawl permit holder were interested in selling, while 50% of the non-trawl permit holder wanted to sell. Assuming that non- respondents would answer similarly to responding permit holders, an expanded estimate of the total number of interest sellers was 191 for trawl and 109 for non-trawl (Table 2)

The cost of the program is more difficult to estimate. Bid responses were "scored" by dividing the bid amount for each vessel by the 1998-2000 gross fishing revenue for that vessel. (These calculations were performed by NMFS and the revenue information for each vessel was held confidential. Gross revenue includes groundfish, shrimp, crab, and salmon) These were then ranked from low to high score. Generally, the non-trawl bid amount was higher than trawl amounts for similar revenue. Figure 2 shows the cumulative number of boats by gear against the total dollar cost of the program. The relative higher bid of the non-trawl boats is seen as increasing numbers only at very high total dollar amounts. If this program had a total dollar amount of $50 million available, few non-trawl permits would be purchased unless the submitted bid was much less than the response on the questionnaire.

In figure 3, the longline responses have been broken into the Sablefish endorsement components. It is clear that tier 3 Sablefish permits had relatively lower scores than the non-endorsed longline permits. There were few tiers 1 and tier 2 endorsed permits owners indicating that they would be interested in submitting bids.

Table 3 summarizes the number of state fishery permits that were held by individuals indicating an interest in submitting a bid in a buy-back program.

Table 4 presents, for each fishery by state, the number of boats that landed during the window period and the value of the catch for bidders (trawl and non-trawl) and the balance of the fleet. In some case the amount of product that had been caught by the bidding fleet was quite large. For example, bidders in the shrimp fishery in California caught 29% of all the shrimp landed by value. The percentage that the bidding fleet had caught is an important piece of information and will be used later to describe the benefit that will occur for the remaining fleet.

Table 5 is similar to table 4 and shows the amount of groundfish landed by value in each state by trawl and non-trawl. The table also presents a total for the coast for all shore-based landing as well as for total landing which included all at-sea deliveries. The trawl bidders accounted for 51% of all shore-based trawl

landings (this includes whiting) and 41% of all trawl landing of groundfish (including at-sea). The non-trawl bidders accounted for 21% of all non-trawl groundfish.

Since bids will be scored and then ranked from low to high, the first money available will purchase the permits with the lowest scores. Permits with higher scores will continue to be purchased, but the cost of removing additional permits will increase while the benefit of removing production decrease. Figure 4 shows the percentage that bidders had caught in each fishery, at the associated dollar amounts in the program. The data has arranged from low to high score, and each data point represents the average for 30 bidders. For example, the sum of the bids for the lowest 30 permits total roughly $6 million, and those bidders accounted for around 11% of all the groundfish (including at-sea), 2 ½ percent of the shrimp, and 1% of the crab. As the cumulative dollars increase, so do the scores, and the percentage of production drop to very low levels.

Table 6 provides an estimate of the percentage of the cost of the program to the remaining groundfish and state fishery participants. The important piece of information form this table is the last column showing the percentage of the total cost. This value will be used later.

Table 7 presents the share of a loan that each sector would obligated to repay based upon a total loan amount of $25 million and using the percentages from table 6. This table also estimates the average exvessel value of each fishery by sector and calculates the shortest period of time to repay the loan assuming zero interest and using the maximum fee.

In table 8 it is assumed that the loan will be repaid with 8% interest and the annual average payment is presented for a 20 and 30 year amortization period. The table also shows an estimate of the required fee needed to repay each fisheries share of the loan.

Table 9 presents an estimate of the increase in production that could be experienced by the fishermen remaining in each of the fisheries by state or region. The table also restates the required fees from table 8. Lastly, the table shows the average return that each fishery would experience for each dollar paid in fees with the program. In all cases the benefit is positive and significant.

Figure 1. Questionnaire Number _____

GROUNDFISH BUY-BACK QUESTIONNAIRE

1) What gear endorsement(s) does your permit have?

Trawl _____
Longline _____ → Sablefish endorsed? Yes ____ No ____
Pot _____ → Sablefish endorsed? Yes ____ No ____

2) Is your groundfish permit currently assigned to a vessel that you own?

Yes _____ No ____

3) If yes, for the vessel that your groundfish permit is assigned, are there also any State fishery permits assigned? Yes _____ No _____

If yes, which State fishery permits do you also have:

	Calif.	Oregon	Wash.
Pink shrimp	_____	_____	_____
Dungeness crab	_____	_____	_____
Pacific Salmon	_____	_____	_____
Other (1) _____	_____	_____	_____
Other (2) _____	_____	_____	_____

4) If a buy-back program were made available to you that provided an **option** of selling either your groundfish permit alone **OR** selling your groundfish permit, and all State permits along with your vessel, what would your likely do?

a. Submit a bid to sell groundfish permit alone _____
b. Submit a bid to sell all permits and boat _____
c. Not submit a bid _____

If above you indicated you would likely submit a bid in either a or b, please state your estimated bid price for sale. _____

5) If in question 4a, you indicated that given the option, you would likely submit a bid to sell the groundfish permit alone, would you also be likely to submit a bid if a buy-back program were made available to you that **required** the selling of your groundfish permit, all State permits and your vessel?

Yes _____ No _____

If above, in #5, you indicated YES, you would likely submit a bid, please state your estimated bid price for sale for all permits and vessel. _____

TABLE 1. SUMMARY OF BUY-BACK QUESTIONNAIRE

QUESTION #1	# OF PERMITS	RETURNED QUESTIONNAIRES	PERCENT RETURNED
TRAWL	263	196	74.5%
LONGLINE	187	122	65.2%
POT	31	15	48.4%
TOTAL	481	333	69.2%

SABLEFISH ENDORSED?	# OF PERMITS	RETURNED QUESTIONNAIRES	PERCENT RETURNED
LONGLINE	131	89	67.9%
POT	31	15	48.4%
TOTAL	162	104	64.2%

QUESTION #2 - OWN BOAT?

	YES		NO	
TRAWL	177	90.8%	18	9.2%
LONGLINE	91	79.8%	23	20.2%
POT	11	78.6%	3	21.4%
TOTAL	279	86.4%	44	13.6%

QUESTION #3 - STATE PERMITS?

	YES		NO	
TRAWL	137	77.4%	40	22.6%
LONGLINE	73	79.3%	19	20.7%
POT	11	100.0%	0	0.0%
TOTAL	221	78.9%	59	21.1%

QUESTION #4 - SELL WITH CHOICE

	4a		4b		4c		total
TRAWL	52	26.9%	101	52.3%	40	20.7%	193
LONGLINE	23	20.9%	39	35.5%	48	43.6%	110
non-endorsed	12	36.4%	12	36.4%	9	27.3%	33
endorsed	12	14.3%	30	35.7%	42	50.0%	84
POT	2	14.3%	2	14.3%	10	71.4%	14

QUESTION #5 - NO CHOICE

	YES		NO	
TRAWL	26	65.0%	14	35.0%
LONGLINE	10	47.6%	11	52.4%
non-endorsed	4	40.0%	6	60.0%
endorsed	6	54.5%	5	45.5%
POT	2	100.0%	0	0.0%

TABLE 2. ESTIMATED NUMBER OF WILLING SELLERS AND REDUCTIN GOALS.

	Permit	Boat & Permit	Total	
TRAWL	20	171	191	72.7%
NON-TRAWL	16	93	109	50.0%
LL-endorsed	9	54	63	48.1%
LL- nonendorsed	7	31	37	66.7%
Longline total	16	85	100	53.7%
Pot	0	9	9	27.6%
TOTAL	**36**	**264**	**300**	**62.4%**

REDUCTION GOALS

TRAWL	106 - 172
NON-TRAWL	87 - 142
TOTAL	**193 - 314**

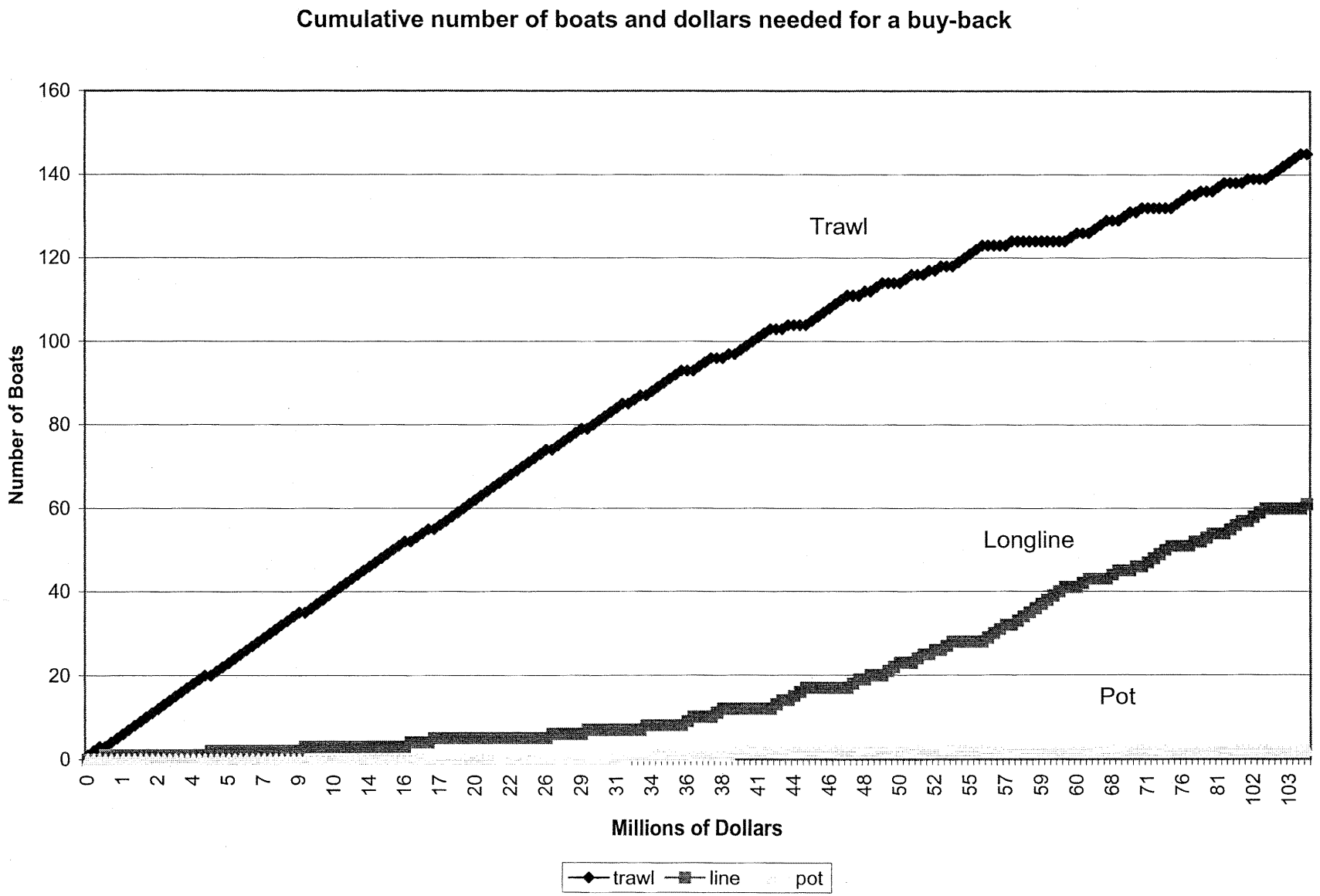

Cumulative number of boats and dollars needed for a buy-back
Number of Boats
160
140
120
100
80
60
40
20
0
Trawl
Longline
Pot
0 1 2 4 5 7 9 10 14 16 17 20 22 26 29 31 34 36 38 41 44 46 48 50 52 55 57 59 60 68 71 76 81 102 103
Millions of Dollars
trawl
line
pot

Figure-2

Break-down of Non-trawl Bidders with and without Sablefish endorsements

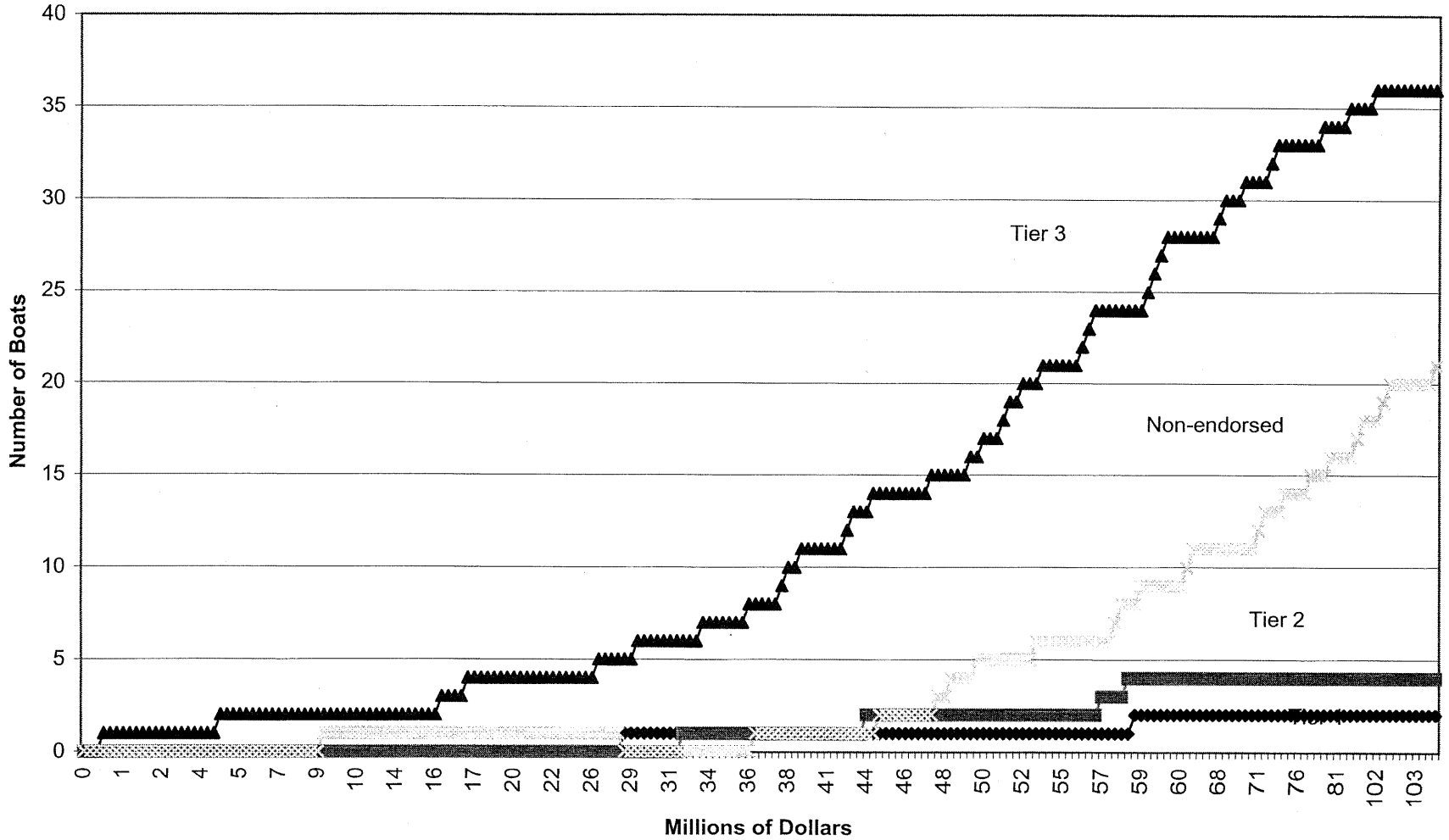


Figure-3

TABLE 3. ESTIMATED NUMBER OF STATE PERMITS BY FISHERY AND STATE THAT WOULD BE SOLD IN A GROUNDFISH BUY-BACK PROGRAM

	WASHINGTON	OREGON	CALIFORNIA	TOTAL
SHRIMP				
TRAWL	21	43	47	111
LONGLINE	1	0	0	1
POT	0	0	2	2
TOTAL	22	43	49	114
CRAB				
TRAWL	2	13	36	51
LONGLINE	8	10	11	29
POT	0	0	1	1
TOTAL	10	23	48	81
SALMON				
TRAWL	2	7	14	23
LONGLINE	2	14	17	33
POT	0	1	1	2
TOTAL	4	22	32	58

Table 4. Comparison of number of boats and mean revenue (1998-2000) by state between the Groundfish buy-back fleet and the remaining fleet for the shrimp, crab, and salmon fisheries.

	Participation in shrimp fisheries					Participation in crab fisheries					Participation in Salmon fisheries				
	Vessels		Revenue			Vessels		Revenue			Vessels		Revenue		
	#	%	$	%	mean $	#	%	$	%	mean $	#	%	$	%	mean $
California															
Bidders															
Trawl	40	37%	371,880	27%	9,297	42	4%	1,891,938	11%	45,046	7	1%	28,831	0%	4,119
Fixed-gear	1	1%	28,212	2%	28,212	20	2%	541,813	3%	27,091	13	1%	157,985	2%	12,153
Total	41	38%	400,092	29%	9,758	62	6%	2,433,751	14%	39,254	20	2%	186,816	3%	9,341
Non-bidding	66	62%	957,534	71%	14,508	958	94%	15,399,444	86%	16,075	998	98%	6,688,685	97%	6,702
Oregon															
Bidders															
Trawl	43	28%	1,742,746	23%	40,529	19	4%	1,709,835	9%	89,991	10	2%	3,538	0%	354
Fixed-gear	1	1%	3,451	0%	3,451	9	2%	566,838	3%	62,982	5	1%	46,126	2%	9,225
Total	44	29%	1,746,197	23%	39,686	28	6%	2,276,672	12%	81,310	15	3%	49,664	2%	3,311
Non-bidding	108	71%	5,903,373	77%	54,661	454	94%	17,353,613	88%	38,224	527	97%	2,209,429	98%	4,192
Washington															
Bidders															
Trawl	11	26%	201,732	16%	18,339	4	2%	220,758	1%	55,189	2	2%	144	0%	72
Fixed-gear						6	2%	254,084	1%	42,347	3	4%	4,450	2%	1,483
Total	11	26%	201,732	16%	18,339	10	4%	474,842	2%	47,484	5	6%	4,595	2%	919
Non-bidding	31	74%	1,061,740	84%	34,250	239	96%	19,421,637	98%	81,262	80	94%	253,336	98%	3,167

Note: The shaded areas represent fisheries where the buy-back fleet has greater than average landings.

Table 5. Comparison of groundfish landings (1998-2000) in revenue by state from buy-back bidders.

	Participation in Trawl		Participation in Non-trawl	
	Revenue		Revenue	
	$	%	$	%
California				
Bidders	22,973,934	60%	2,505,559	32%
Total	38,361,174	100%	7,846,700	100%
Oregon				
Bidders	29,883,250	45%	1,111,335	11%
Total	66,670,848	100%	10,478,890	100%
Washington				
Bidders	8,321,092	53%	1,637,954	25%
Total	15,800,087	100%	6,670,025	100%
Shoreside only				
Bidders	61,178,276	51%	5,254,848	21%
Total	120,832,109	100%	24,995,616	100%
Total groundfish				
Bidders	63,258,642	41%		
Total	155,759,481	100%		

The relationship of average percent revenue of a fishery by groups of 30 bidders and the increasing cost of the buy-back program

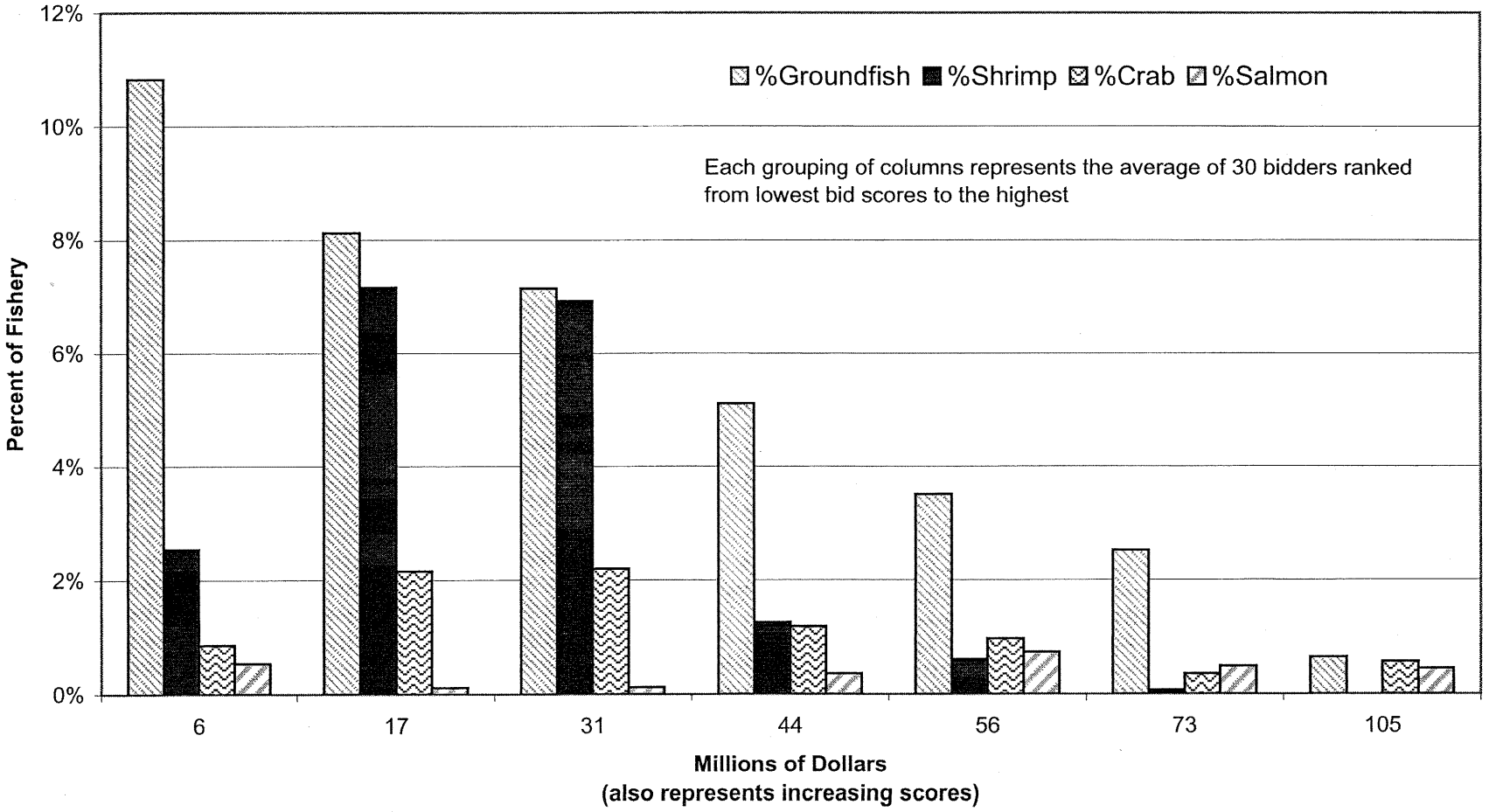


Figure-4

Table 6. ESTIMATED COST OF THE BUY-BACK PROGRAM TO THE VARIOUS FISHERIES

Assume the following following average sale price and distribution of revenue

	groundfish	shrimp	crab	salmon	sale price
trawl- WA	86.8%	6.3%	6.9%	0.0%	$350,000
trawl- OR	74.2%	13.0%	12.7%	0.0%	$350,000
trawl- CA	77.0%	3.7%	19.0%	0.3%	$350,000
non-trawl-\	67.9%	0.0%	31.6%	0.6%	$150,000
non-trawl-C	37.5%	0.3%	57.4%	4.7%	$150,000
non-trawl-C	53.4%	1.8%	34.7%	10.1%	$150,000

		# Permits Trawl	Non-trawl	$	%
GROUNDFISH					
Trawl	WA	22		$44,051,000	73.2%
	OR	55			
	CA	68			
Non-tra\	WA		18	$8,268,750	13.7%
	OR		15		
	CA		30		
SHRIMP					
Washington		19	1	$418,950	0.7%
Oregon		41	0	$1,865,500	3.1%
California		47	1	$611,350	1.0%
CRAB					
Washington		1	7	$355,950	0.6%
Oregon		13	8	$1,266,650	2.1%
California		36	11	$2,966,550	4.9%
SALMON					
Washington		2	2	$1,800	0.0%
Oregon		7	12	$84,600	0.1%
California		14	17	$272,250	0.5%
total				$60,163,350	100%

Table 7. ESTIMATED AVERAGE ANNUAL PAYMENT AND YEARS TO REPAY INDUSTRY SHARE OF THE BUY-BACK PROGRAM BY SECTOR

Exvessel price		Industry share of $25,000,000	10 yr mean pounds	estimated dollars	Ave. annual payment @ 5%	Yrs to repay
	GROUNDFISH					
	Trawl	18,304,749		$52,000,000	$2,600,000	7.0
	Non-trawl	3,435,958		$16,500,000	$825,000	4.2
$0.40	SHRIMP					
	Washington	174,089	9,720,000	$3,888,000	$194,400	0.9
	Oregon	775,181	24,750,000	$9,900,000	$495,000	1.6
	California	254,038	10,000,000	$4,000,000	$200,000	1.3
$1.50	CRAB					
	Washington	147,910	16,500,000	$24,750,000	$1,237,500	0.1
	Oregon	526,338	10,420,000	$15,630,000	$781,500	0.7
	California	1,232,706	9,600,000	$14,400,000	$720,000	1.7
$1.25	SALMON					
	Washington	748	1,100,000	$1,375,000	$68,750	0.0
	Oregon	35,154	2,300,000	$2,875,000	$143,750	0.2
	California	113,130	4,400,000	$5,500,000	$275,000	0.4

Table 8. ESTIMATED ANNUAL LOAN PAYMENTS AT 8% INTEREST AND FEE REQUIRED TO REPAY LOAN

	Industry share of $25,000,000	Estimated annual payment (years of loan)		Estimated annual rate (years of loan)	
		20	30	20	30
GROUNDFISH					
Trawl	18,304,749	$1,864,379	$1,625,964	3.6%	3.1%
Non-trawl	3,435,958	$349,960	$305,207	2.1%	1.8%
SHRIMP					
Washington	174,089	$17,731	$15,464	0.5%	0.4%
Oregon	775,181	$78,954	$68,857	0.8%	0.7%
California	254,038	$25,874	$22,566	0.6%	0.6%
CRAB					
Washington	147,910	$15,065	$13,138	0.1%	0.1%
Oregon	526,338	$53,609	$46,753	0.3%	0.3%
California	1,232,706	$125,554	$109,498	0.9%	0.8%
SALMON					
Washington	748	$76	$66	0.0%	0.0%
Oregon	35,154	$3,581	$3,123	0.1%	0.1%
California	113,130	$11,522	$10,049	0.2%	0.2%

Table 9. Estimate of the benefit to each fishery by state as a result of the buy-back program.

Increase in catch that remaining participants could share as a result of capacity reduction in each fishery.

				Trawl		
	Shrimp	Crab	Salmon	Shoreside	Total	Non-trawl
California	40.8%	16.3%	3.1%			
Oregon	29.9%	13.6%	2.0%			
Washington	19.0%	2.0%	2.0%			
Coastwide				104.1%	69.5%	26.6%

Increase = X/(100-X); where X is % of fish that had been caught by buy-back fleet

Estimated fee for each fishery

				Trawl		
	Shrimp	Crab	Salmon	Shoreside	Total	Non-trawl
California	0.6%	0.8%	0.2%			
Oregon	0.7%	0.3%	0.1%			
Washington	0.4%	0.1%	0.005%	3.1%	3.1%	1.8%
Coastwide						

Estimated return for each dollar spent in fees by fishery and area.

				Trawl		
	Shrimp	Crab	Salmon	Shoreside	Total	Non-trawl
California	$68.08	$20.35	$15.46			
Oregon	$42.67	$45.45	$20.41			
Washington	$47.62	$20.41	$408.16			
Coastwide				$33.57	$22.42	$14.77

Exhibit C.11.c
Supplemental GAP Report
June 2001

GROUNDFISH ADVISORY SUBPANEL COMMENTS ON PRELIMINARY HARVEST LEVELS FOR 2002

The Groundfish Advisory Subpanel (GAP) briefly discussed the advisability of rolling over 2001 optimum yields (OYs) for the 2002 fisheries.

With one exception, the GAP sees no problem in rolling over OYs for those species on which no stock assessments are being conducted in 2001. For those species undergoing stock assessments, harvest levels should be set after completion of Stock Assessment Review (STAR) Panel analysis.

The exception which should be considered is Pacific whiting. The OY for Pacific whiting in 2001 was established on the basis of an unreviewed update of the 1999 stock assessment. While the GAP has no information as to whether further analysis is being conducted, the GAP is hesitant to simply roll over the 2001 OY without some indication from NMFS as to the current estimated state of the whiting stocks.

The GAP notes that the Council is scheduled to schedule a preliminary rebuilding plan for widow rockfish, which contains a range of proposed OYs. Since all of the proposed OYs will require significant reductions in midwater fisheries, the Council should consider choosing a preliminary OY, so fishermen will have notice to consider management alternatives that could be proposed in September.

Finally, the GAP notes that current Council practice calls for using standard assumptions on which group will take what amount of each species. As we saw this year with canary rockfish - and will see next year with widow rockfish - we can no longer rely on what used to be caught by whom. The GAP believes it is time for the Council to complete the formal allocation process that was begun some years ago. Business planning, enforcement, and management are better served when we have some confidence in what amount of fish will be available to each user group. We urge the Council to conclude the allocation process.

PFMC
06/14/01

Exhibit C.11
Situation Summary
June 2001

PRELIMINARY HARVEST LEVELS FOR 2002

Situation: Each year, the Council recommends harvest specifications for the upcoming fishing year. At the April 2001 meeting, the Council discussed revisions to the groundfish management process and adopted a three-meeting process, in contrast to the current two-meeting process. Under the new process, the Council is scheduled to make preliminary harvest level recommendations at the June meeting. The intent of Council action was for the revised management process to take effect in 2002. However, to facilitate this year's annual management process, the Council could provide guidance based on available information. Available information could include preliminary results from the stock assessments (Agendum C.4) and/or the rebuilding analyses for widow rockfish and darkblotched rockfish (Agendum C.10).

Council Action:

1. Guidance regarding preliminary acceptable biological catches and optimum yields for 2002.

Reference Materials: None.

PFMC
05/24/01

Exhibit C.12.c
Supplemental WDFW Pink Shrimp Fisher Letter
June 2001

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

June 4, 2001

Dear Coastal Pink Shrimp Fisher:

In September 2000, the Pacific Fishery Management Council determined canary rockfish to be overfished under the terms of the Magnuson-Stevens Fishery Conservation and Management Act enacted by Congress in 1996 and the accompanying National Standard Guidelines adopted by the National Marine Fisheries Service. In response to this determination, the Pacific Council approved a rebuilding program for canary rockfish which resulted in the adoption of a number of very small harvest targets for each commercial and recreational sector in order to not exceed 93 metric tons of fishery related mortality in 2001. In November 2000, the three coastal states committed to reduce the incidental take of canary rockfish in the state-managed coastal pink shrimp fishery to a level not to exceed 5 ½ metric tons which is less than half of the recent average catch.

The Washington Department of Fish and Wildlife (WDFW) believes finfish excluders to be the most effective approach to reducing canary rockfish catch in the shrimp fishery. Both Oregon and California agree with the use of excluders, however, the states differ on the regulatory strategies to implement excluder use. At this time, WDFW has not taken regulatory action that would mandate the use of finfish excluders by Washington-licensed vessels. However, we are committed to fulfilling our obligation to reduce canary bycatch in the Washington pink shrimp fishery and we strongly recommend the use of finfish excluders to minimize canary rockfish bycatch. Analysis of 2001 Washington shrimp landing data indicates measures have been taken by the Washington shrimp fleet to reduce the catch of finfish including canary rockfish. We commend you for taking action to address this critical issue and encourage you to continue these efforts.

Fishers should note that mandatory use of excluders could still be implemented with short notice if the coastwide bycatch of canary appears to be proceeding at a rate too rapid to remain within the 5½ metric ton target. Accordingly, fishers are advised to use the opportunity afforded within the current voluntary regime to gain experience tuning an excluder to function properly with their particular vessel, gear and fishing technique.

Fishers currently using excluders are encouraged to share their observations regarding the effectiveness of excluders in reducing canary rockfish by-catch. Please contact Lorna Wargo by phone at (360) 249-1221 or by email at wargollw@dfw.wa.gov. Comments can also be sent in writing at the address above.

Sincerely,

Philip Anderson
Special Assistant
Intergovernmental Policy
cc: Brian Culver
Dan Ayres

State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

June 4, 2001

Mr. Jim Lone, Chairman
Pacific Fishery Management Council
2130 SW Fifth, Suite 224
Portland, Oregon 97201

Dear Chairman Lone:

I would like to update the Pacific Fishery Management Council concerning actions the Washington Department of Fish and Wildlife (WDFW) has taken to address the commitment the three coastal states made to the Council last November to reduce the incidental take of canary rockfish in the coastal pink shrimp fishery to a level not to exceed 5 ½ metric tons.

WDFW met with Washington shrimp fishers prior to the beginning of the 2001 shrimp fishery and explained to them the commitment the coastal states made to the Council relative to the bycatch of canary rockfish in the pink shrimp trawl fishery. While shrimpers were quick to point out the small amount of canary taken in their fishery relative to directed groundfish fisheries, they still recognized the difficulty of achieving the canary rebuilding target the Council must achieve. They expressed a willingness to use finfish excluders to help achieve that target. They were, however, very much opposed to having differential regulations among the shrimp fleet. That is, they strongly objected to a situation in which they would be required to comply with a Washington State regulation requiring the use of finfish excluders while vessel fishing along side a vessel licensed by a different state that was not subject to a similar regulation. As you know, the West Coast shrimp fleet is highly mobile and vessels licensed by each of the three coastal states often fish the same grounds and the potential scenario the Washington shrimp fishers expressed opposition to is very likely to occur.

WDFW believes finfish excluders to be an effective and reasonable approach to reduce canary rockfish catch in the shrimp fishery and we are prepared to require excluder use consistent with the definitions of excluders developed by Oregon Department of Fish and Wildlife (ODFW). We intend to work with the other states in an attempt to resolve the regulatory issues described above through the potential use of reciprocal regulations so that vessels would be subject to similar state regulations when fishing in the waters adjacent to each of the three states. In the interim, we are closely monitoring this fishery. Our monitoring efforts include close examination of the Washington fish ticket data relative to rockfish landings taken in this fishery, tracking the canary bycatch from the fishery recorded by the other two states, and our enforcement officers have made several at-sea boardings of vessels engaged in this fishery . If there is an indication that the coast wide bycatch of canary rockfish taken in the pink shrimp fishery will exceed 5.5 metric tons (mts), we are prepared to take immediate action to require the use of finfish excluders by all Washington licensed vessels.

We are pleased to report that examination of our landing data indicates that the Washington shrimp fleet has taken measures to substantially reduce its catch of finfish associated with the shrimp fishery. As indicated in the table below, groundfish catch in the Washington pink shrimp fishery has been approximately 7 percent of the shrimp catch over the five years preceding 2001. This year, the groundfish bycatch is less than one-half percent of the shrimp catch, strongly indicating that shrimpers are indeed taking actions, such as voluntary use of excluders, and other actions to reduce their finfish bycatch.

Landings of shrimp and groundfish in the WA coastal pink shrimp trawl fishery (lbs)
(Through May 15)

	1996	1997	1998	1999	2000	5-yr avg	2001
Shrimp	5,314,750	4,956,397	1,637,932	2,644,519	4,067,875	3,724,295	1,952,934
Yellowtail	476,541	127,805	99,313	53,378	77,369	166,881	6444
Canary	4,568	1,503	2,675	3,528	2,329	2,921	169
Total Groundfish	685,534	184,134	141,101	108,635	132,632	250,407	7,204
Canary/Shrimp Ratio	0.09%	0.03%	0.16%	0.13%	0.06%	0.1%	0.009%
Fish/Shrimp Ratio	12.9%	3.7%	8.6%	4.1%	3.3%	6.7%	0.4%

Though the amount of canary rockfish mortality eliminated in the shrimp fishery may appear small, relative to the overall mortality of canary, we fully realize that even small reductions in fishing mortality are critical to our achieving the rebuilding target.

We will continue to work closely with our shrimp industry, monitor landings, and take other actions as necessary, to do our part in assisting the Council in meeting the 2001 canary rockfish rebuilding target.

Thank you for the opportunity to provide the Council with an update on our efforts to reduce canary bycatch in the pink shrimp fishery. We would be pleased to provide further information at your request.

Sincerely,

Philip Anderson, Special Assistant
Intergovernmental Policy

Supplemental CDFG Report
~~Exhibit C.6.f~~
~~Public Comment~~
June 2001

State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
1416 Ninth Street
Sacramento, CA 95814
(916) 653-7667

GRAY DAVIS, *Governor*

May 3, 2001

Dr. Donald O. McIsaac
Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Dear Dr. McIsaac:

Thank you for your recent letter regarding states' efforts to minimize bycatch of canary rockfish in pink shrimp trawl fisheries. As you are aware, we have shared proposed regulatory language requiring the use of bycatch reduction devices (BRDs) in California pink shrimp trawl nets with the Council's Enforcement Consultants. They have provided comments on our proposed language and we currently are in the process of addressing their concerns. The original language was prepared in consultation with the states of Oregon and Washington.

The California Fish and Game Commission has authorized its staff, with Department input, to file notice of intent to adopt regulations requiring the use of BRDs in pink shrimp trawl nets. We expect to file those regulations by mid-June 2001. By copy of this letter, we are requesting that the Commission include this item for public discussion at their early August 2001 meeting. Final action could be taken at their late August 2001 meeting and implemented by the Secretary of State by mid-September 2001.

Earlier this year we considered emergency regulations for more timely implementation of the BRD regulations. However, because of depressed economic conditions in the pink shrimp fishery, a high level of effort is not anticipated before the season ends October 31; thus, canary rockfish bycatch, without the required use of BRDs, should be far less than we have seen in recent years.

We share the Council's concerns regarding bycatch of depressed groundfish species, and hope this letter is responsive to the situation in our pink shrimp trawl fishery.

Sincerely,

Robert C. Hight

ROBERT C. HIGHT
Director

cc: Continued on page two.

cc: Fish and Game Commission
1416 Ninth Street
Sacramento, CA 95814

Ms. Lindsay Ball, Director
Oregon Department of Fish and Wildlife
2501 SW 1st Street
Portland, OR 97207

Mr. Jeffrey P. Koenings, Director
Washington Department of Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501-1091

PACIFIC FISHERY MANAGEMENT COUNCIL

2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

CHAIRMAN
n Lone

EXECUTIVE DIRECTOR
Donald O. McIsaac

Telephone: (503) 326-6352
Fax: (503) 326-6831
www.pcouncil.org

April 23, 2001

Mr. Robert C. Hight, Director
California Department of Fish and Game
PO Box 944209
Sacramento, CA 94244-2090

Re: Canary Rockfish Protection in State-managed Pink Shrimp Fisheries

Dear Mr. Hight:

Please let me draw your attention to an important matter concerning regulation of the state-managed pink shrimp fishery, in relation to impacts on federally-managed canary rockfish. Canary rockfish have been designated as overfished under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and allowable catches in 2001 commercial and sport fisheries need to be dramatically reduced. The Council is asking your commission enact measures to mandate bycatch reduction devices in pink shrimp trawl nets to assure the catch of canary rockfish be minimized.

In November 2000, the Pacific Fishery Management Council developed groundfish harvest recommendations for 2001, along with management measures to achieve but not exceed those limits. The Council, with all three coastal state seats voting yes, submitted its recommendations to the National Marine Fisheries Service (NMFS), and the recommendations were implemented as federal rules for 2001. The canary rockfish total catch level specified for 2001 is 93 mt coastwide, of which 44 mt is available for recreational fishing and 44 mt for commercial fishing. These harvest levels are far below previous years, and all commercial and recreational groundfish fisheries must be severely constrained or these limits will be exceeded. Certain other commercial fisheries often take canary rockfish unintentionally as bycatch. The Council is particularly concerned about canary rockfish bycatch in the pink shrimp trawl fishery, which is managed by the states of Washington, Oregon, and California. The management measures for the groundfish fisheries were predicated on the pink shrimp fishery taking no more than 5.5 mt of canary rockfish, a 50% reduction from the 11 mt average of recent years. While the Council and federal government may set limits on how much incidental groundfish may be retained and sold by pink shrimp fishers, the pink shrimp fishery is a matter of direct state jurisdiction. It falls to the coastal state governments to insure the canary rockfish impacts are minimized and do not exceed the preseason allowance.

At its recent April 3-6, 2001 Council meeting, representatives of each state's fish and wildlife management agencies reported their intentions regarding bycatch reduction devices in shrimp trawl nets. There was uncertainty as to when the states would begin to require all shrimp vessels to use such bycatch reduction devices. Several Council members expressed concern that failure by the coastal states to require the use of these devices as a mandatory measure may result in more than 5.5 mt of canary rockfish being caught. Failure to reduce canary rockfish bycatch to 5.5 mt in this fishery can easily result in further restriction of either commercial or recreational groundfish fisheries. There is even concern the National Marine

Fisheries Service (NMFS) may not approve future Council recommendations for groundfish fishing that depend on full cooperation of the states if the 5.5 mt level is exceeded in the pink shrimp fishery.

Let me stress again that the Council believes it is essential the states move forward to meet their commitment to reduce canary rockfish bycatch in the pink shrimp fishery. Thank you for your immediate attention to this concern.

Sincerely,

D. O. McIsaac, Ph.D.
Executive Director

JWG:kla

c: Mr. Jim Lone, Chairman
Council Members
Mr. Brian Culver
Dr. Jim Hastie
Dr. John Coon
Council Staff Officers

Exhibit C.12.d
Supplemental ODFW Report
June 2001

PROGRESS ON BYCATCH REDUCTION DEVICES
OREGON DEPARTMENT OF FISH AND WILDLIFE

Since April 1, ODFW staff have been monitoring both canary rockfish landed catch in Oregon and the use of Bycatch Reduction Devices (BRDs) by Oregon shrimp fishermen. While some skippers have been aggressively working to develop effective BRDs in preparation for a mandatory BRD requirement, most of the fleet has not. Roughly 30% of the fleet has some type of BRD in one or more nets, but most have left them de-activated most of the time. Patterns in the landed catch suggest that some vessels have been discarding canary rockfish. This discard has been roughly accounted for in the following ODFW total catch estimates and full-season projections.

Landed catch of canary rockfish in Oregon's 2001 shrimp fishery totals 1,600 lbs (0.73 t) through the end of May. We estimate that this represents about 2,172 lbs (0.99 t) of total take (including discard). Our best models suggest that total take through the end of shrimp season will be between 2.1 and 7.5 t, compared to an Oregon catch target of 3.9 t (71% of 5.5 t). Considering some canary rockfish will continue to be taken after BRDs are required (during "test" tows and by vessels fishing Fisheye BRDs), we project that BRDs should be mandated in Oregon after July 15, 2001 but no later than August 1, 2001. Despite plenty of notice to fishermen, we expect some fishermen will still be caught unprepared when BRDs are actually mandated.

In May, ODFW staff went to sea on the F/V Miss Yvonne to examine a modified Bycatch Reduction Device using underwater video equipment. The new device used a stiffening ring in combination with a soft-panel BRD as well as some modifications to the escape hole. Staff determined that the device was causing excessive shrimp loss due to placement in the tapered section of the net. Based on the underwater footage, the device was moved further back in the net and some additional modifications were applied to the escape hole. This new device seems to be working well at this time. The fleet has also developed a few other new devices and modifications to existing BRDs that show promise but need further evaluation.

On June 13th, staff went to sea to test a new device for measuring trawl footrope height above the sea bottom and to measure how variations in footrope height change the bycatch of flatfish and juvenile rockfish. This new device was developed with help from Craig Rose and Scott McIntire of NMFS. It significantly improves our ability to assess BRD performance, because it allows much more precise control of shrimp catch efficiency between two double-rigged nets, allowing more precise measurement of BRD generated shrimp loss.

We expect to implement a temporary rule mandating BRDs in the Oregon shrimp fishery after July 15, 2001 effective no later than August 1, 2001.

GROUNDFISH MANAGEMENT TEAM (GMT) COMMENTS ON STATUS OF FISHERIES AND INSEASON ADJUSTMENTS

This report includes two tables. The first summarizes commercial landings through May of 2001. Limited entry and open access are combined in this table, because May totals by fleet are not yet available. The second table contains recommendations for trip limit changes beginning July 1.

The group of species identified as overfished has been grouped at the top of Table 1. Cowcod is not included, because retention was prohibited in the commercial fishery. Amongst these species, widow rockfish is the only one which is currently facing early attainment, with the fishery having landed nearly two-thirds of the Optimum Yield (OY) through May. It does appear at this time that the at-sea whiting fishery will not catch the entire amount set aside for their bycatch, which could make another 100-150 mt available later in the year.

The other species facing early attainment is Dover sole. Landings through May represent about 70% of the OY. For the first four months of the year, the trawl fishery operated with limits of 65,000 lb per 2-months north of 40°10', and 35,000 lb per 2-months south of that line. Under these limits, 1,700 mt were landed in the first period and 2,500 mt in the second period. Beginning in May, the northern 2-month limit was lowered to 20,000 lb per 2-months, however coastwide landings remained above 850 mt in May. Since May is the first month of the 2-month period, it is not clear whether or not this comprises the majority of Dover landings that will occur during the third period.

For several species, the percentage attainments of annual allocations have been shaded in Table 1, indicating that increases in limits are being recommended. Not all species with low percentage attainments are included in this group, due to considerations for depleted stocks. The arrows along the right-hand side of the table highlight some of these relationships that have affected trip-limit recommendations.

Table 2 is divided into sections for the limited-entry trawl fishery, and both fixed-gear fisheries for sablefish. It should be noted that many of the current limits for limited-entry fixed-gear are specified as "same as trawl". Therefore, several of the recommendations made for trawl limit changes would also apply to the limited-entry fixed-gear fleet. Darkblotched rockfish is not a major component of the slope rockfish assemblage south of 40°10', and landings of both southern minor slope and splitnose rockfish are currently below 15% of the OYs. As a result of the very limited participation for these species, the GMT recommends increasing both of these 2-month limits from 14,000 lb to 25,000 lb. Although only 10% of the northern minor slope rockfish has been landed through May, concern over constraining darkblotched mortality has led us to recommend only a minor increase from 1,500 lb to 2,000 lb per 2-months.

Landings of Pacific ocean perch (POP) are less than 25% of the OY adopted from the rebuilding analysis. The original schedule of trip limits for 2001 recognized the higher likelihood of POP bycatch during the summer months, by increasing the limit from 1,500 lb per month (January-April) to 2,500 lb (May-October). The GMT has recommended increasing the summer limit to 3,500 lb per month, in the hope that discard can be reduced without increasing targeting on POP or exceeding the OY adopted by the Council. However, the GMT believes that the Council should clearly articulate either a general or case-by-case policy regarding the intent to allow rebuilding OYs to be fully achieved (through inseason trip-limit adjustment), or to maintain pre-season limits throughout the year for overfished stocks, unless there is a clear risk of exceeding an OY.

Response to the rapid pace of Dover sole landings is complicated by equity concerns arising from the schedule of limits in place for the entire year. The area south of 40°10' was scheduled to maintain a limit of 35,000 lb per 2-months throughout the entire year. North of 40°10', the schedule provided 65,000 lb per 2-months through April, and 20,000 lb per 2-months, thereafter. Following discussion with the Groundfish Advisory Panel (GAP), we recommend reducing the current limits in both areas by 5,000 lb, however it appears unlikely that this change will be sufficient to avoid early attainment. It is also recommended that

these limits be converted to monthly time periods in September to facilitate implementing further changes in October.

In April, the Council adopted an interim change in trip limits for remaining flatfish. This limit allowed up to 50,000 lb per month of non-Dover flatfish caught with small footrope, with caps on petrale sole and arrowtooth flounder of 15,000 lb and 10,000 lb, respectively. The latter sub-limits were intended to restrict targeting on those species, based on concerns over canary bycatch. In order to reduce discard of incidentally caught arrowtooth, without encouraging targeting, the GMT recommends changing the structure of the remaining flatfish limit through October. That recommendation for small-footrope trawls is to allow 7,500 lb of arrowtooth per trip, up to 30,000 lb per month, with a monthly cumulative of 45,000 lb for all remaining non-Dover flatfish, of which no more than 15,000 lb may be petrale.

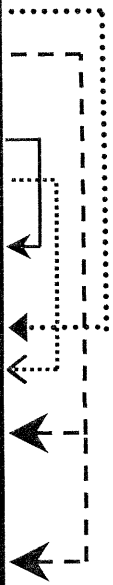
Due to pace of the widow fishery, the GMT discussed two major options for the remainder of the year with the GAP. One approach would be to continue with the scheduled limits and close the fishery before achieving the OY. The other was to remove the mid-water options for widow and yellowtail rockfish from July through September, with intention to review the status in September and reinstate those options in October, if possible. The GAP expressed a preference for the latter approach, which was incorporated into the GMT recommendations. The GMT recommendation includes placeholder mid-water trawl limits of 10,000 lb and 15,000 lb for widow and yellowtail, respectively, in October. The scheduled small-footrope trawl limits for both species would continue, as planned. Since the shore-based whiting fishery will be continuing throughout the summer, and widow and yellowtail will be encountered in that fishery, the GMT reviewed bycatch in whiting deliveries during the 2000 fishery. We have identified an option which would allow payment to whiting fishers for widow and yellowtail up to cumulative limits that are twice the amounts available under the small footrope limit, but are subject to additional per-trip restrictions. If this option is not adopted, whiting fishers could receive payment for these species up to the small-footrope limit, with higher amounts subject to forfeiture under the terms of the Exempted Fishing Permit.

Due to the slow pace of the Daily-Trip-Limit (DTL) fisheries for sablefish in 2000, the Council implemented an experimental once-per-week landing option from October through December of last year. Data from that experiment were not available for analysis prior to the April Council meeting, but were presented to the GAP at this meeting. Although the 2001 fishery has progressed somewhat faster than the 2000 fishery, landings through May represent only about 25% of the targets for the DTL fisheries. Given the desirability to small boats of access to this fishery during the summer, rather than after September, the GMT recommends re-instating a once-per-week delivery option, beginning July 1. In addition to the existing 300-lb per day option, limited-entry fixed-gear vessels would have the option of making only one delivery per week up 900 lb. These options could be combined over the course of a cumulative period, but not within a single week. A cumulative limit of 3,600 lb per 2-months would apply to all limited-entry participants. Open-access vessels would have the option of 300 lb per day or one delivery per week up to 800 lb, with a 2-month cumulative limit of 4,800 lb. Cumulative limits in both fisheries would be converted to monthly periods beginning in September, in order to allow changes to be implemented October 1. These weekly and cumulative options are more restrictive for both fisheries than the experimental limits provided at the close of 2000.

PFMC
06/14/01

Table 1.--Combined limited-entry/open-access inseason status through May, 2001

	Individual months					State distribution of tonnage thru May				2000 Thru May	Landings thru May		Annual Allo-cation
	Jan	Feb	Mar	Apr	May	WA	OR	CA	Total		mts	% of ann.	
Lingcod	0	0	0	0	29	3	11	15	29	30	29	11.6%	251
Canary Rockfish	0	3	1	2	1		3	4	7	13	7	20.0%	35
Bocaccio (MT&CP)	2	5	0	0	4			11	11	6	11	22.9%	48
POP (V&C&E)	10	12	13	12	13	15	44	1	60	35	60	**23.5%**	255
Widow Rockfish	164	296	254	254	135	141	614	348	1,103	1,699	1,103	**64.9%**	1,699
Darkblotched Rockfish	0	13	6	16	4	2	22	15	39	91	39	36.8%	106
Yellowtail (V&C&E)	146	231	302	301	73	417	615	21	1,053	462	1,053	51.0%	2,066
North Near-shore RF	7	15	19	36	26		55	48	103	37	103	25.6%	402
North Shelf rockfish	2	1	4	6	14	7	11	9	27	45	27	3.5%	774
North Slope rockfish	18	14	19	19	30	12	64	24	100	120	100	10.3%	975
Chilipepper (MT&CP)	21	115	2	2	124			264	264	121	264	14.6%	1,808
Splitnose RF (MT&CP)	3	10	16	13	4			46	46	30	46	**11.9%**	387
South Near-shore RF	3	17	1	5	12			38	38	26	38	35.8%	106
South Shelf rockfish	0	3	0	1	4			8	8	22	8	2.8%	285
South Slope rockfish	15	23	24	16	16			94	94	40	94	17.8%	529
Dover sole	609	1,070	1,278	1,260	867	559	2,622	1,903	5,084	4,489	5,084	**69.7%**	7,293
Longspine THDS	75	144	197	119	150	8	291	386	685	915	685	33.5%	2,043
Shortspine THDS	42	56	75	42	71	18	114	154	286	366	286	52.4%	546
TWL Sable (V&C&E&M)	111	170	217	158	376	64	464	504	1,032	864	1,032	40.7%	2,534
NTW Sable (V&C&E&M)	27	40	57	26	65	15	36	164	215	74	215	24.5%	877
Sablefish Conception	1	13	2	16	7			39	39	47	39	18.4%	212



Percentages in bold indicate early attainment situations, while those in shaded cells indicate species with recommendations for limit increases.

Arrows are intended to highlight relationships which constrain the ability to fully achieve OYs of some species.

Table 2.--GMT recommendations for trip limit changes

Species/groups	MAY-JUNE	JULY-AUGUST	SEPTEMBER-OCTOBER	NOVEMBER-DECEMBER
Limited-Entry Trawl				
Minor slope rockfish				
North of Cape Mend.	1,500 lb / 2 months	**2,000 lb / 2 months**		
South of Cape Mend.	14,000 lb / 2 months	**25,000 lb / 2 months**		
Splitnose-South	14,000 lb / 2 months	**25,000 lb / 2 months**		
POP	2,500 lb / month	**3,500 lb / month**		1,500 lb / month
DTS north of Cape Mend.				
Dover sole	20,000 lb / 2 months	**15,000 lb / 2 months**	**7,500 lb / month**	
DTS south of Cape Mend.				
Dover sole	35,000 lb / 2 months	**30,000 lb / 2 months**	**15,000 lb / month**	
Non-dover flatfish (small footrope)	50,000 lb / month, of which no more than 15,000 lb may be petrale sole, and 10,000 lb may be arrowtooth	**45,000 lb / month**, of which no more than 15,000 lb may be petrale sole. In addition, **7,500 lb of arrowtooth** may be landed **per trip, up to 30,000 lb / month.**		No change from existing schedule
(large footrope)	arrowtooth: 5,000 lb / trip; petrale sole: prohibited; all other: 1,000 lb / trip	arrowtooth: 5,000 lb / trip; **petrale sole: 100 lb / trip**; all other: 1,000 lb / trip		No change from existing schedule
Widow-Coastwide				
(mid-water only)	10,000 lb / 2 mo	**None, except with whiting**	**10,000 lb / mo.**	10,000 lb / 2 months
Small footrope	1,000 lb / month			1,000 lb / month
Yellowtail-North				
(mid-water only)	15,000 lb / 2 months	**None, except with whiting**	**15,000 lb / mo.**	20,000 lb / 2 months
Small footrope	1,500 lb / month			1,500 lb / month
as flatfish bycatch	No change from existing schedule			
Widow / Yellowtail in whiting landings > 10,000 lb		500 lb of widow+yellowtail combined per landing, up to 2,000 lb / month of widow and 3,000 lb / month of yellowtail		
Fixed Gear				
Sablefish: Daily-Trip-Limit (DTL) fishery				
Limited entry	300 lb / day: 2,700 lb / 2 months	**300 lb / day or 1 landing per week up to 900 lb: cap of 3,600 lb / 2 months**	**300 lb / day or 1 landing per week up to 900 lb: cap of 1,800 lb / month**	
Open access	300 lb / day: 2,700 lb / 2 months	**300 lb / day or 1 landing per week up to 800 lb: cap of 4,800 lb / 2 months**	**300 lb / day or 1 landing per week up to 800 lb: cap of 2,400 lb / month**	

Other limited-entry, fixed-gear limits currently specified as "same as trawl" would continue to be so specified.

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May 29, 2001

Dr. D. O. McIsaac, Executive Director
Pacific Fishery Management Council
2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

Dear Dr. McIsaac,

Thank you for you letter regarding canary rockfish bycatch in the regional pink shrimp fishery. I share many of your concerns about limiting canary rockfish catch in this fishery and would like to describe some of the steps that the Oregon Department of Fish and Wildlife has taken to address this issue.

ODFW staff has been working with the shrimp industry since 1994 to develop and test bycatch reduction devices (BRDs) for this fishery. In January 2001, ODFW staff met with representatives of the states of California and Washington to develop a strategy for dealing with implementation of BRDs. The Tri-state strategy detailed a two pronged approach, including supporting industry efforts to increase voluntary use of BRDs, as well as implementing rule changes needed at the state level to require mandatory use of BRDs as needed to stay within the 5.5 ton canary rockfish allocation.

In February 2001, staff of ODFW and Oregon State University Sea Grant developed a publication entitled "Fish excluders for West Coast shrimp trawl fisheries" that was distributed to all shrimp permit holders and other interested parties. This publication detailed the "canary rockfish problem" and described all of the commonly used BRDs, where to get them, their performance, how to tune them for peak efficiency and the operational difficulties that can be encountered in using the devices. Later that month, ODFW staff assisted with a series of BRD technical workshops sponsored by OSU Sea Grant and the Coos Bay Trawlers Association that featured fishermen and netmakers from other regions where BRDs are required. ODFW staff has also been working directly with some fishermen and net shops to help develop some new BRD designs that are easier to use on double-rigged shrimp vessels.

In addition to assisting industry with the voluntary BRD program that is now developing, we are also moving forward on the regulatory front. On April 20, 2001 the Oregon Fish and Wildlife Commission voted to delegate authority to me to implement temporary rules for mandatory BRD use, as needed, to limit groundfish catches in the shrimp fishery. While staff of the California Department of Fish and Game and the Washington Department of Fish and Wildlife have expressed their intent to implement rules mandating BRDs, possibly via permanent rather than temporary rules, I feel I must point out that ODFW is the only state agency that has successfully implemented the needed rule changes to require BRDs. Staff are presently monitoring canary rockfish landings and also BRD use by the fleet via a special logbook. Consequently, I am confident that we now have the needed tools to help keep the regional fishery within its 5.5 metric ton canary rockfish allocation.

That being said, I still feel the need to point out that in-season management to reach this goal is rendered somewhat less certain by the absence of a federal observer program to estimate discard. However, I understand that canary rockfish are a relatively minor part of the shrimp bycatch, and with BRD use growing, deployment of observers in this fishery may not be the best use of the limited resources available. I also understand that this is likely a relatively small problem when compared to estimating total canary rockfish take in many of our other regional fisheries.

While it seems clear that BRDs are needed in this fishery to reduce rockfish bycatch in the short term, the question of how to utilize BRDs in the shrimp fishery as canary rockfish stocks rebuild remains un-addressed. It's clear that the shrimp fleet largely created the open access fishery allocation for rockfish via their historical catch. Accordingly, many shrimpers feel that their traditional use of these stocks is being ignored in the process of implementing BRDs, and that at a minimum, they should have a representative on the Groundfish Advisory Panel. If it is the Council's intention that BRD use become permanent in this fishery and that the shrimp fishery's historical share be permanently allocated to other resource users, perhaps it would be most fair to develop this issue as a Framework Plan Amendment. In such a process, perhaps a means could be developed to reduce allocations to reflect permanent use of BRDs, but also fairly recognize the historical take of groundfish by the shrimp fishery.

I hope this letter clarifies the actions we have taken to help manage bycatch in the Oregon shrimp trawl fishery. If you have further questions, especially those of a technical nature please do not hesitate to contact Marine Resources Program staff directly.

Please direct those inquiries to Mr. Jim Golden, stationed at our Newport field office.

Sincerely,

Lindsay A. Ball

Lindsay Ball
Director, Oregon Department of Fish and Wildlife

Exhibit C.12
Situation Summary
June 2001

STATUS OF FISHERIES AND INSEASON ADJUSTMENTS

Situation: In the current groundfish management program, the Council recommends annual optimum yield (OY) levels and cumulative vessel landing limits for specified periods. The purpose of these cumulative landing limits is to spread harvest over the year; typically, the initial limits need to be adjusted periodically through the year so total landings reach, but do not exceed, the OYs. The Groundfish Management Team (GMT) presented its first projections for 2001 at the April meeting, based on all the information available through early March. The Council recommended adjustments at the April meeting that were implemented May 1. The GMT will present an update on landings and new projections to the Groundfish Advisory Subpanel (GAP), and they will discuss any necessary adjustments. The Council considers GMT and GAP recommendations, along with public comment, before making recommendations to the National Marine Fisheries Service (NMFS) for inseason adjustments.

An important issue discussed in November 2000 and April 2001 is bycatch reduction devices in the pink shrimp fishery. The Council is particularly concerned about canary rockfish bycatch in the pink shrimp trawl fishery, which is managed by the states of Washington, Oregon, and California. The management measures for the groundfish fisheries were predicated on the pink shrimp fishery taking no more than 5.5 mt of canary rockfish, a 50% reduction from the 11 mt average of recent years. While the Council and federal government may set limits on how much incidental groundfish may be retained and sold by pink shrimp fishers, the pink shrimp fishery is a matter of direct state jurisdiction. It falls to the coastal state governments to insure the canary rockfish impacts are minimized and do not exceed the preseason allowance. At the April meeting, representatives of each state's fish and wildlife management agencies reported their intentions regarding bycatch reduction devices in shrimp trawl nets. There was uncertainty as to when the states would begin to require all shrimp vessels to use such bycatch reduction devices. Several Council members expressed concern that failure by the coastal states to require the use of these devices as a mandatory measure may result in more than 5.5 mt of canary rockfish being caught. The Council sent letters to each of the three coastal states stressing the need to reduce canary rockfish bycatch to 5.5 mt in this fishery. The states are scheduled to provide an update on this issue at this meeting.

The Council's task at this meeting is to review the available information and projections and make recommendations to NMFS for any appropriate adjustments.

Council Action: Consider inseason adjustments.

Reference Materials:

None.

Groundfish Fishery Strategic Plan Consistency Analysis

This agenda item requires Council decision making. Any proposed adjustments to trip limits or other measures should be evaluated for their effectiveness in bycatch reduction, achieving OYs, and preventing any sector's catch from closing another sector.

PFMC
05/21/01

Exhibit C.13.b
Supplemental GMT Report
June 2001

GROUNDFISH MANAGEMENT TEAM COMMENT ON FULL RETENTION MEASURES

The Groundfish Management Team (GMT) continues to endorse mandatory retention of shelf and slope rockfish as a potential management tool and discussed how best to move forward with its consideration. The GMT could certainly add detail to the list presented in GMT Exhibit F.9 at the April Council meeting describing the possible benefits and costs of such a program; however, no matter how inclusive that list became, it would still lack the critical element of industry perspective. The GMT feels a more diverse group needs to be tasked with the development and critique of specific elements of any potential program. Specifically, the GMT feels such a group should contain representation from enforcement as well as the harvesting and processing sectors of the fishery. Recognizing budget and travel constraints, the GMT recommends a small sub-group consisting of representatives from the GMT, the GAP, and the Enforcement Consultants be convened to more carefully evaluate industry and enforcement impacts. Where possible, meetings of the sub-group should be held in conjunction with Council meetings or regularly scheduled GMT meetings.

The GMT also notes that two experiments may be conducted this year at the local level that may provide useful information to assist any possible development of a coastwide program. As part of the federal observer program, National Marine Fisheries Service is proposing a pilot program allowing retention and forfeiture of some amount of trip limit overage on a voluntary basis, while an exempted fishing permit (EFP) being proposed by Washington Department of Fish and Wildlife would require full retention of rockfish by participating vessels during the two-month EFP window. Both programs would provide extremely valuable information in the development of any possible coastwide program.

PFMC
06/13/01

Exhibit C.13.c
Supplemental EC Report
June 2001

ENFORCEMENT CONSULTANTS COMMENTS ON FULL RETENTION MEASURES

The Enforcement Consultants (EC) would welcome the opportunity to work with the Groundfish Advisory Subpanel and Groundfish Management Team on a full retention program.

The EC would assign a member to a subgroup if formed, or would encourage more members to attend meetings held in conjunction with normal Council meetings.

PFMC
06/14/01

GROUNDFISH ADVISORY SUBPANEL COMMENTS ON FULL RETENTION MEASURES

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to discuss full retention measures for rockfish.

The GAP agrees with the GMT that mechanisms for mandating full retention of rockfish species need to be explored. The GAP specifically endorses the GMT recommendation that a sub-group consisting of GMT, GAP, and Enforcement Consultant representatives be charged with analyzing past efforts and suggesting options for future Council action. This would include consideration of industry and enforcement impacts as well as presumed benefits for rockfish management. In order to reduce costs, the GAP believes the sub-group meetings should be held in conjunction with Council meetings or regularly scheduled GMT meetings.

When considering full retention, the GAP urges that procedures be investigated which would allow funds received from rockfish overages to be dedicated to scientific research on rockfish. The GAP notes this same recommendation was made as part of the report of the Ad Hoc Committee on Retention of Overages which submitted a report to the Council over a year ago.

PFMC
06/13/01

Exhibit C.13
Situation Summary
June 2001

FULL RETENTION MEASURES

Situation: In April, the Groundfish Management Team (GMT) presented a discussion paper to the Council and suggested development of a program to retain all shelf and slope rockfish. The GMT is concerned discard of canary rockfish and other overfished stocks may make it impossible to tell if rebuilding harvest levels are being achieved. After hearing the GMT statement, the Council directed the GMT to pursue development of management measure options for mandatory retention for at least some element of the commercial fishery. The GMT was instructed to review and consider the voluntary overage program endorsed by the Council in 1998. The GMT will present its next report at this time.

Council Action:

1. Consider GMT recommendations.

Reference Materials:

1. Exhibit C.13.b, Supplemental GMT Report.

Groundfish Fishery Strategic Plan Consistency Analysis

The Strategic Plan calls for bycatch reduction and enumeration, individual and sector accountability for bycatch and other impacts, and, whenever possible, establishment of incentives for fishers to operate in ways that are consistent with management goals and objectives. The Plan envisions adoption of regulations that are more easily enforced and data collection for accurate assessment of the effects of management on groundfish stocks and fishery participants. The Plan anticipates a full retention strategy may be considered when an effective observer program has been established.

PFMC
05/24/01

GROUNDFISH ADVISORY SUBPANEL COMMENTS ON AMERICAN FISHERIES ACT MANAGEMENT MEASURES

The Groundfish Advisory Subpanel (GAP) spent a considerable amount of time reviewing the draft documents on American Fisheries Act (AFA) issues that were provided by Council staff. The GAP appreciates staff and Council efforts in this regard.

During the course of GAP discussion, at least two additional options were put forth the GAP believes merit public review. Since these options were developed at the GAP meeting, and therefore, had not been analyzed by Council staff; the GAP was uncomfortable in simply putting them forward and asking the Council send them out for final comment pending final action in September.

Therefore, the GAP - somewhat reluctantly - asks the Council delay action on this agenda item until September, so Council staff (subject to workload requirements) can provide some analysis on the two additional options.

Attached to this statement are the two options as they were put forward by members of the GAP. The GAP as a whole expresses no preference for either of these options or the existing options at this time.

GAP AFA OPTION 1

An AFA vessel which had a groundfish permit as of October 1, 1998, and which delivered at least 500 tons of groundfish in any year during the period January 1, 1994 to October 1, 1998, would be allowed unrestricted participation in the Pacific groundfish fishery.

An AFA vessel which does not meet the above criteria may not participate in the Pacific groundfish fishery.

A permit attached to an AFA vessel not qualifying for participation may be sold or leased to another vessel which is qualified to participate in the fishery, subject to the limitations on permit transfers that apply to groundfish permits

The "replacement clause" language in Amendment 6 to the Groundfish fishery management plan, dealing with vessels lost due to sinking or other causes, would apply as appropriate.

GAP AFA OPTION 2

A window period of September 1, 1995 to September 16, 1999 would be established. Groundfish landings (by species) made by AFA vessels during this period would be calculated and an average established by vessel by species. This average would be converted to a percentage of all groundfish landings (by species).

AFA vessels would not be permitted to land groundfish in an amount greater than their average for each species. No other restrictions would be imposed on that vessel's permit.

PFMC
06/14/01

AMERICAN FISHERIES ACT MANAGEMENT MEASURES

American Fisheries Act (AFA) Catcher Vessel Qualifying Requirements and Permits Held

Two periods are being considered for the qualifying requirements; 1994 through 1997; and 1994 through September 16, 1999 (hereinafter referred to as "1994 through 1999").

From 1994 through 1997 there were **32** AFA catcher vessels that took part in West Coast fisheries.

From 1994 through 1999 there were **35** AFA catcher vessels that took part in West Coast fisheries.

For the 1994 through 1999 qualifying period, **2** of the AFA vessels landed only albacore on the West Coast.

At-Sea Whiting Vessels ("In for a Penny, In for a Pound")

The Council specified four landings level options for consideration as qualifying requirements: 50 mt, 100 mt, 500 mt, or 10 deliveries. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

	Qualifying Period	
Number of AFA Vessels Qualifying for At-Sea Whiting	1994-1997	1994-1999
50 mt	30	31
100 mt	30	31
500 mt	30	31
10 deliveries	30	31

For the 1994 through 1997 qualifying period, **all** of the 30 AFA catcher vessels that participated in the at-sea whiting fishery landed over 1,000 mt and had more than 20 deliveries (Table 1, Page 5). **Two** of the 32 AFA catcher vessels that participated on the West Coast did not participate in the at-sea fishery. There were **6** at-sea whiting AFA catcher vessels that had between 20 and 50 deliveries. The remainder had 50 deliveries or more.

For the 1994 through 1999 qualifying period, **all** of the 31 AFA catcher vessels that participated in the at-sea whiting fishery landed over 1,000 mt and had more than 20 deliveries (Table 1, Page 5). **Four** of the 35 AFA catcher vessels that participated on the West Coast did not participate in the at-sea whiting fishery (two of which participated in the shoreside groundfish fishery). There were **7** at-sea whiting AFA catcher vessels that had between 20 and 50 deliveries. The remainder had 50 deliveries or more.

Conclusion: On the basis of these results for the remainder of the analysis for each qualifying period (1994 through 1997, and 1994 through 1999), only two categories of at-sea whiting AFA vessels will be evaluated, those that would qualify for the at-sea whiting fishery and those that would not qualify.

Shoreside Whiting Vessels

The Council specified the same four landings level options for shoreside whiting as it did for the at-sea catcher vessels. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

Number of AFA Vessels Qualifying for Shoreside Whiting	Qualifying Period 1994-1997	1994-1999
50 mt	15	20
100 mt	15	20
500 mt	13	18
10 deliveries	12	16

For the 1994 through 1997 qualifying period, there were **15** AFA catcher vessels with no participation in the shoreside whiting fishery (Table 2, Page 6). There were **2** vessels that participated in the shoreside whiting fishery but would not qualify under any of the four landing requirement options. **All** vessels that landed at least 50 mt landed at least 100 mt. **Three** vessels with more than 100 mt had fewer than 10 deliveries.

For the 1994 through 1997 qualifying period, there were **14** AFA catcher vessels with no participation in the shoreside whiting fishery (Table 2, Page 6). There was **1** vessel that participated in the shoreside whiting fishery but would not qualify under any of the four landing requirement options. **All** vessels that landed at least 50 mt landed at least 100 mt. **Four** vessels with more than 100 mt had fewer than 10 deliveries.

Conclusion: For each qualifying period (1994 through 1997, and 1994 through 1999) two of the landing requirement options yield the same results (50 mt and 100 mt), therefore of the four specified for analysis, only three landing requirement options need be evaluated in the remainder of the analysis:

100 mt
500 mt
10 deliveries

Shoreside Groundfish Vessels (Not Whiting)

The Council specified the same four landings level options for shoreside groundfish as it did for the whiting catcher vessels. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

Number of AFA Vessels Qualifying for Shoreside Groundfish	Qualifying Period 1994-1997	1994-1999
50 mt	12	14
100 mt	7	9
500 mt	1	1
10 deliveries	15	18

For both qualifying periods, there were **10** AFA catcher vessels with no participation in the shoreside groundfish fishery (Table 3, Page 7). There were **7** vessels that participated in the shoreside groundfish fishery but would not qualify under any of the four landing requirement options.

For 1994 through 1997 there were **3** vessels that would qualify only on the basis of the number of deliveries.

For 1994 through 1999 there were **4** vessels that would qualify only on the basis of the number of deliveries.

For both periods, every vessel that would qualify on the basis of a poundage requirement made more than 10 deliveries (i.e., every vessel that landed at least 50 mt made at least 10 deliveries).

Conclusion: The four landing requirements would each qualify a different group of vessels and need to be evaluated in the remainder of the analysis.

Vessels Qualifying[1]

Under the proposed management measures for AFA catcher vessels, the groundfish fishery would be divided into three segments and AFA catcher vessels would have to qualify for each segment separately:

At-sea whiting
Shoreside whiting
Shoreside groundfish (other than whiting)

For the 1994 through 1997 qualifying period, every AFA vessel with some participation during the period could qualify for participation in at least one segment of the fishery, so long as the shoreside whiting and groundfish qualifying requirements are not raised above 100 mt and the 10 delivery requirement is not used for the shoreside whiting landing requirement. Table 4 (Page 8) shows the number of vessels qualifying for each of the relevant[2] combinations of qualifying requirements for each segment of the fishery. Dashed lines divide the table into twelve sections. As an example of how to read the table, the first (left) box on the top row shows the number of qualifiers when the requirements are set at 50 mt for shoreside groundfish (other than whiting), 50 or 100 mt of shoreside whiting, and 500 mt of at-sea whiting.[3] There are 14 AFA vessels that qualify only for at-sea whiting participation, 5 that qualify for at-sea whiting and shoreside whiting participation, 2 that qualify for at-sea whiting and shoreside groundfish participation, one that qualifies only for shoreside whiting participation, one the qualifies only for shoreside groundfish (other than whiting) participation, and 9 that qualify for participation in all three segments. All together, 30 vessels qualify for at-sea whiting, 15 for shoreside whiting, and 12 for shoreside groundfish. Many vessels qualify for more than one segment. The total number of vessels qualifying for at least one endorsement is 32.

Similar information is displayed in Table 5 (Page 9) for a 1994 through 1999 qualifying period. For the 1994 through 1999 qualifying period, there are 2 vessels with some participation in the West Coast groundfish fishery that would not have sufficient landings to qualify under any of the landing requirement options specified by the Council.

Permits Held

1/ AFA catcher vessels participating in West Coast harvest (including tribal harvest allocations) are included in this analysis. The analysis is based on a June 2000 extract of PacFIN landing receipt data for 1994-September 16, 1999 and a May 4 tabulation of data on the offshore fishery. The tabulation for the offshore fishery includes all of 1999 less the tribal fishery occurring after September 16, 1999.

2/ Options for different levels of qualification for the at-sea catcher vessel segment of the fishery are not displayed because the same vessels qualify under all the options specified by the Council.

3/ Or 50 mt, or 100 mt, or 10 deliveries of at-sea whiting.

Of the 35 AFA vessels with some participation from 1994 through 1999, 26 held permits as of June 26, 2000. Of these 26 permits, 1 was held in lease from the owner of another AFA qualified vessel. Both the lessee and the lessor owned vessels that would qualify for at-sea whiting participation on the West Coast.

Of the 9 AFA vessels that did not hold permits as of June 26, 2000:

- 2 never held groundfish permits, making only tuna landings on the West Coast
- 4 vessels last held permits in 1997 or earlier, and the permits have since been transferred. Three of these permits were transferred to other AFA vessels.
- 1 vessel held a permit through 1999. The permit appears to have been transferred to a different owner and has not yet been registered for use with a new vessel.
- 1 vessel held a “B” permit, which has since expired.
- 1 vessel held a permit that has been combined with another permit.

TABLE 1. AFA catcher vessel count for largest number of **at-sea whiting** landings (mt) and **at-sea whiting** deliveries in any one year for the indicated period.

	Number of Landings/Deliveries[1/]							
Mt Delivered	0[1/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
	1994-1997							
0[b/]	2							2
0-24								0
25-49								0
50-99								0
100-250								0
250-500								0
500-700								0
700-1,000								0
≥1,000						6	24	30
Total	2	0	0	0	0	6	24	32
	1994-September 16, 1999							
0[b/]	4							4
0-24								0
25-49								0
50-99								0
100-250								0
250-500								0
500-700								0
700-1,000								0
≥1,000						7	24	31
Total	4	0	0	0	0	7	24	35

TABLE 2. AFA catcher vessel count for largest number of **onshore whiting** landings (mt) and **onshore whiting** deliveries in any one year during the analysis period.

	Number of Landings/Deliveries[a/]							
Mt Delivered	0[b/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
	1994-1997							
0[b/]	15							15
0-24								0
25-49		2						2
50-99								0
100-250		1						1
250-500			1					1
500-700			1					1
700-1,000								0
≥1,000				1		3	8	12
Total	15	3	2	1	0	3	8	32
	1994-September 16, 1999							
0[b/]	14							14
0-24								0
25-49		1						1
50-99								0
100-250		1						1
250-500			1					1
500-700			1					1
700-1,000			1					1
≥1,000				1		6	9	16
Total	14	2	3	1	0	6	9	35

TABLE 3. AFA catcher vessel count for largest number of **onshore groundfish** (other than whiting) landings (mt) and **onshore groundfish** deliveries in any one year during the analysis period.

	Number of Landings/Deliveries[a/]							
Mt Delivered	0[b/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
	1994-1997							
0[b/]	10							10
0-24		5	2					7
25-49				1		2		3
50-99						3	2	5
100-250				1	1	2	1	5
250-500							1	1
500-700					1			1
700-1,000								0
≥1,000								0
Total	10	5	2	2	2	7	4	32
	1994-September 16, 1999							
0[b/]	10							10
0-24		5	2	1		1		9
25-49				1		1		2
50-99						2	3	5
100-250						4	3	7
250-500							1	1
500-700					1			1
700-1,000								0
≥1,000								0
Total	10	5	2	2	1	8	7	35

TABLE 4. Number of vessels meeting qualification requirements for the indicated segment of the fishery (at-sea whiting, shoreside whiting, and or shoreside groundfish other than whiting) for 1994-1997.

Qualifying Requirements for Shoreside Groundfish Deliveries	AFA Vessel Endorsement	Qualifying Requirements for Shoreside Whiting Deliveries: 50 or 100 mt At-Sea Whiting	50 or 100 mt Shoreside Whiting	50 or 100 mt Shoreside Groundfish	50 or 100 mt All Three	50 or 100 mt Tot	500 mt At-Sea Whiting	500 mt Shore Based Whiting	500 mt Shore Based Groundfish	500 mt All Three	500 mt Tot	10 Deliveries At-Sea Whiting	10 Deliveries Shore Based Whiting	10 Deliveries Shore Based Groundfish	10 Deliveries All Three	10 Deliveries Tot
50 mt	At-Sea Whiting	14	5	2		30	15	4	2		30	16	3	2		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			1		12			1		12			1		12
	All Three				9	32				9	31				9	31
100 mt	At-Sea Whiting	14	10	2		30	15	9	2		30	16	8	2		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			1		7			1		7			1		7
	All Three				4	32				4	31				4	31
500 mt	At-Sea Whiting	15	14	1		30	16	13	1		30	17	12	1		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			0		1			0		1			0		1
	All Three				0	31				0	30				0	30
10 Deliveries	At-Sea Whiting	14	3	2		30	15	2	2		30	16	1	3		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			1		15			1		15			1		15
	All Three				12	32				12	31				11	31

TABLE 5. Number of vessels meeting qualification requirements for the indicated segment of the fishery (at-sea whiting, shoreside whiting, and or shoreside groundfish other than whiting) for 1994-September 16, 1999.

Qualifying Requirements for Shoreside Groundfish Deliveries	AFA Vessel Endorsement	Qualifying Requirements for Shoreside Whiting Deliveries: 50 or 100 mt At-Sea Whiting	50 or 100 mt Shoreside Whiting	50 or 100 mt Shoreside Groundfish	50 or 100 mt All Three	50 or 100 mt Tot	500 mt At-Sea Whiting	500 mt Shoreside Whiting	500 mt Shoreside Groundfish	500 mt All Three	500 mt Tot	10 Deliveries At-Sea Whiting	10 Deliveries Shoreside Whiting	10 Deliveries Shoreside Groundfish	10 Deliveries All Three	10 Deliveries Tot
50 mt	At-Sea Whiting	12	6	1		31	13	5	1		31	15	3	1		31
	Shore Whiting		1	1		20		0	1		18		0	1		16
	Shore Groundfis			0		14			0		14			0		14
	All Three				12	33				12	32				12	32
100 mt	At-Sea Whiting	12	11	1		31	13	10	1		31	15	8	1		31
	Shore Whiting		1	1		20		0	1		18		0	1		16

TABLE 5. Number of vessels meeting qualification requirements for the indicated segment of the fishery (at-sea whiting, shoreside whiting, and or shoreside groundfish other than whiting) for 1994-September 16, 1999.

Qualifying Requirements for Shoreside Groundfish Deliveries	AFA Vessel Endorsement	Qualifying Requirements for Shoreside Whiting Deliveries: 50 or 100 mt At-Sea Whiting	50 or 100 mt Shoreside Whiting	50 or 100 mt Shoreside Groundfish	50 or 100 mt All Three	50 or 100 mt Tot	500 mt At-Sea Whiting	500 mt Shoreside Whiting	500 mt Shoreside Groundfish	500 mt All Three	500 mt Tot	10 Deliveries At-Sea Whiting	10 Deliveries Shoreside Whiting	10 Deliveries Shoreside Groundfish	10 Deliveries All Three	10 Deliveries Tot
	Shore Groundfis			0		9			0		9			0		9
	All Three				7	33				7	32				7	32
500 mt	At-Sea Whiting	12	18	1		31	13	17	1		31	15	15	1		31
	Shore Whiting		2	0		20		1	0		18		1	0		16
	Shore Groundfis			0		1			0		1			0		1
	All Three				0	33				0	32				0	32
10 Deliveries	At-Sea Whiting	12	3	1		31	13	2	1		31	15	0	2		31
	Shore Whiting		1	1		20		0	1		18		0	1		16
	Shore Groundfis			0		18			0		18			0		18
	All Three				16	33				16	32				15	32

i/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

i/ This column/row is for vessels which did not have offshore landings out of the total that had either offshore or onshore landings.

a/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

b/ This column/row is for vessels which did not have onshore landings out of the total that had either offshore or onshore landings.

a/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

b/ This column/row is for vessels which did not have onshore groundfish (other than whiting) landings out of the total that had either offshore or onshore landings.

Exhibit C.14
Situation Summary
June 2001

AMERICAN FISHERIES ACT MANAGEMENT MEASURES

Situation: The American Fisheries Act (AFA) mandates that, "the Pacific Fishery Management Council... shall recommend for approval by the Secretary [of Commerce], conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act, or by any fishery cooperatives in the directed pollock fishery."

During 2000, the Council developed and reviewed various alternatives for providing protection to West Coast groundfish fisheries. The Council requested staff analyze several qualifying criteria that would be used to exclude AFA vessels.

Staff has prepared a draft plan amendment to the Groundfish Fishery Management Plan that details several management alternatives for protecting West Coast groundfish fisheries from harm caused by the AFA. The draft will be provided as a briefing book supplemental handout (Exhibit C.14, Supplemental Attachment 1). A portion of the analysis of central concern is the determination of the number of catcher vessels qualifying under alternative qualifying requirements. This issue is covered in Attachment 2 (a draft excerpt from Supplemental Attachment 1).

At this meeting, the Council could take preliminary action on these measures, i.e., adopt the draft plan amendment for public review and final decision in September.

Council Action:

1. Consider adopting for public review the draft plan amendment.

Reference Materials:

1. Draft Plan Amendment for Management Measures to Protect West Coast Groundfish Fisheries from Harm as a Result of the AFA (Exhibit C.14, Supplemental Attachment 1).
2. AFA catcher vessel qualifying and permits held (Exhibit C.14, Attachment 2).

PFMC
05/31/01

Amendment 15

The Pacific Coast Groundfish Fishery Management Plan

Environmental Assessment (EA) / Regulatory Impact Review (RIR) and Determination of the Impact on Small Businesses

June 2001

REVIEW DRAFT

American Fisheries Act EA/RIR/IRFA

1.0 INTRODUCTION AND BACKGROUND

1.1 Purpose and Need for Action

The American Fisheries Act of 1998 (AFA) mandates that, "the Pacific Fishery Management Council... shall recommend for approval by the Secretary [of Commerce], conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act, or by any fishery cooperatives in the directed pollock fishery." If the Council does not recommend conservation or management measures to the Secretary, the AFA authorizes the Secretary to "implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific groundfish, and restrictions on the number of processors eligible to process Pacific groundfish."

The AFA contains several provisions specific to the Bering Sea and Aleutian Islands (BSAI) pollock fishery and requirements for the Pacific Fisheries Management Council (Council) to recommend measures to protect against adverse impacts resulting from the AFA. Among the provisions of the AFA that affect vessels and processors in North Pacific fisheries are (1) allocation of the walleye pollock directed fishery allowance among the catcher vessels of the inshore component, catcher-processors of the offshore component, and catcher vessels harvesting pollock for motherships in the offshore component; (2) declaration of eligible vessels and processors – specifically naming catcher vessels, catcher-processors, and motherships eligible to participate in the offshore component; and (3) specific eligibility requirements for catcher vessels and shoreside processors in the inshore component.

The AFA also contains guidelines for "cooperatives" within each component of the fishery. Through these cooperative arrangements, harvesters and processors may arrange fishing and processing to optimally utilize their respective allocations. The AFA anticipates that, because these AFA entities can arrange their pollock fishery opportunities, these entities may be empowered to increase their participation in non-pollock fisheries (including West Coast fisheries) where they had previously participated only marginally or not at all. At issue is the concern that traditional West Coast groundfish fishery participants could be displaced by AFA entities (catcher vessels, catcher-processors, and motherships) that do not have prior fishing history in West Coast groundfish fisheries. To prevent this harm, the AFA provides the Council the opportunity to recommend management measures to protect fisheries under its jurisdiction and participants in those fisheries.

Protective management measures may be necessary because participants in cooperatives are likely to have increased flexibility to arrange fishing schedules – optimizing participation in their current fisheries and enabling entry into other fisheries. Specifically, historic West Coast groundfish fishery participants could be harmed if AFA vessels participating in pollock fishing cooperatives rearrange their pollock fishing schedules to increase participation in non-pollock fisheries such as the West Coast groundfish fishery. To participate in most limited entry groundfish fisheries, vessels only need to purchase a general limited entry permit, and a permit is not is required to participate in the open access fisheries. Because new limited entry permit holders and entrants into the open access fishery would have access rights that are equal to those who have historically participated in the fishery, entry by AFA entities may occur. Moreover, harm could also occur through the investment of funds derived by benefit of the AFA. That is, investment in the expansion of effort rather than direct transfer of vessels from AFA fisheries to West Coast fisheries. To prevent harm to current participants in West Coast fisheries, the Council is required to recommend protective management measures. Moreover, additional effort entering the groundfish fishery could exacerbate existing management problems and erode the effectiveness of measures recommended by the Council.

The AFA states:

> SEC. 211. Protections for other fisheries; conservation measures.
>
> (b) Catcher-processor restrictions.

(5) Fisheries other than the North Pacific.

> The [AFA eligible] catcher/processors... and motherships... are hereby prohibited from harvesting fish in any fishery under the authority of any regional fishery management Council... other than the North Pacific Council, except for the Pacific whiting fishery, and from processing fish in any fishery under the authority of any such regional fishery management Council other than the North Pacific Council, except in the Pacific whiting fishery, unless the catcher/processor or mothership is authorized to harvest or process fish under a fishery management plan recommended by the regional fishery management Council of jurisdiction and approved by the Secretary.

The AFA explicitly prohibits catcher-processors and motherships named in the law from participating in fisheries other than North Pacific fisheries and the Pacific whiting fishery. The catcher-processor and motherships will be unable to use their AFA-eligibility to increase participation in West Coast groundfish fisheries. However, AFA-eligible catcher-processors and motherships could increase or optimize their participation in the Pacific whiting fishery.

The AFA also states:

> SEC. 211. Protections for other fisheries; conservation measures.
>
> (c) Catcher vessel and shoreside processor restrictions.
>
> (3) Fisheries other than the North Pacific.
>
> > (A) By not later than July 1, 2000, the Pacific Fishery Management Council... shall recommend for approval by the Secretary conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by this Act or by any fishery cooperatives in the directed pollock fishery.
> >
> > (B) If the Pacific Council does not recommend such conservation and management measures by such date, or if the Secretary determines that such conservation and management measures recommended by the Pacific Council are not adequate to fulfill the purposes of this paragraph, the Secretary may by regulation implement adequate measures including, but not limited to, restrictions on vessels which harvest pollock under a fishery cooperative which will prevent such vessels from harvesting Pacific groundfish, and restrictions on the number of processors eligible to process Pacific groundfish.

As stated previously, the rationale for establishing protective measures is to restrict AFA entities from using advantages provided by the AFA (and cooperatives) to increase participation in other fisheries.

Section 208 of the AFA (Eligible Vessels and Processors) is scheduled to sunset on December 31, 2004 (AFA, Section 213). However, the North Pacific Council may recommend to the Secretary management measures that "give effect to the measures" thereafter (AFA, Section 213). Because AFA eligibility could affect whether or not these entities receive benefit from the AFA, the Council should state the expected duration of the recommended measures. The duration of the Council's recommended management measures is discussed in Section 2.

In September 1999, the Council began consideration of several proposals for management measures to address impacts of the AFA. These proposals sought to protect existing participants in West Coast fisheries, including harvesters and processors.

The Council requested analysis of the proposed management measures and also requested the National Marine Fisheries Service (NMFS) to publish notice of the rules under consideration and a control date of September 16, 1999. The control date applies to participation by catcher vessels in mothership and inshore Pacific whiting fisheries, and in the inshore groundfish fishery for non-whiting species. On November 24, 1999, NMFS published an advance notice of proposed rulemaking and notice of a control date in the *Federal Register.*

In April 2000, the Council reviewed various alternatives for providing protection to West Coast groundfish fisheries. The management alternatives seek to restrict participation in groundfish fisheries by excluding AFA entities that do not meet specified levels of past participation in West Coast groundfish fisheries. After hearing public comment and the advice of the Groundfish Advisory Subpanel, the Council requested analysis of several qualifying criteria that would be used to exclude AFA entities from the groundfish fishery if they do not meet the criteria.

At the June 2000 meeting, the Council gave further consideration to management measures aimed at protecting West Coast groundfish fishery participants from harm caused by the AFA. The Council set aside development of measures to restrict participation in the shoreside processing sector. The Council's rationale was that tangible harm to the processing sector as a result of the AFA has not been demonstrated. Moreover, the delay will allow for the North Pacific Fishery Management Council to complete portions of their AFA analysis pertaining to shoreside processors, which could guide the development of West Coast management measures.

The Council also set a control date of June 29, 2000 as notice to the public and potential purchasers of limited entry permits held by AFA entities. This control date provides advance notice that, based on future Council action, groundfish limited entry permits held by an AFA entity may be revoked or restricted to a specific fishery sector.

On September 13, 2000, NMFS published notice of the June 29, 2000 control date in the *Federal Register* (65*FR*55214). NMFS also noticed the Council is considering restricting future participation in the whiting fishery by AFA motherships and catcher-processors that do not have a history in the fishery. For motherships, the criterion being considered is a certain level of participation in the regular whiting season in either 1998 or 1999. For catcher-processors, the criterion being considered is whether the catcher-processor was licensed to harvest groundfish in 1997, 1998, or 1999 through September 16, 1999. No new AFA motherships or catcher-processors have entered the groundfish fishery since September of 1999.

1.2 Definitions of Terms Used in this Document

Definitions of several key words are included to help clarify the effect of the proposed management measures.

AFA vessel
: A catcher vessel, catcher-processor, or mothership that, because it is named in the AFA or meets qualifications in the AFA **and** holds an AFA permit issued by NMFS, is guaranteed a portion of the directed Bering Sea and Aleutian Islands (BSAI) pollock fishery quota.

AFA catcher vessel
: A vessel that holds an AFA catcher vessel permit and harvested and/or delivered BSAI pollock to a shoreside processor, mothership, and/or catcher-processor during the AFA's qualifying years.

AFA catcher-processor
: A vessel that holds an AFA catcher-processor permit and harvested/processed and/or received/processed BSAI pollock during the AFA's qualifying years.

AFA mothership
: A vessel that holds an AFA mothership permit and received/processed BSAI pollock during the AFA's qualifying years.

AFA cooperative

A cooperative arrangement between vessels and processors for optimally using the portion of the directed BSAI pollock quota allocated to their sector. For example, an inshore cooperative formed by catcher vessels and shoreside processors would share a portion of the inshore sector's pollock allocation. Similarly, an offshore cooperative formed by catcher-processors would share a portion of the offshore allocation of the pollock quota.

"Spill-over vessel."

An AFA vessel that possesses a limited entry permit for West Coast groundfish.

Benefits to vessels (C/V, C/P, and M/S).

The AFA formalized the ability to form cooperatives and allocated a portion of the directed BSAI pollock fishery quota to each sector in the fishery. Vessels that join cooperatives, or lease their portion of their sector's pollock allocation, gain the advantage of more flexible fishing schedules. This operational advantage could harm West Coast groundfish fisheries, as these vessels would be able to increase their participation in these fisheries.

2.0 PROPOSED ALTERNATIVES

The following is a summary of proposed management alternatives:

Issue 1 Consideration of whether **restrictions** would be **applied to** an AFA **vessel** (i.e., catcher vessels and catcher processors), the **limited entry permit** of an AFA vessels, **or both** the vessel and its permit.

Issue 2 **Qualifiying criteria for catcher vessels** in whiting and non-whiting groundfish fisheries – catch history (minimum tonnage, i.e., 50, 100, 500 mt; and/or number of deliveries, i.e., 10 deliveries in any one year during the qualifying period) during the years 1994, 1995, 1996, 1997 or 1994, 1995, 1996, 1997, 1998, 1999 through September 16, 1999. Catcher vessels must qualify separately for each segment of the groundfish fishery, i.e., shoreside whiting, offshore whiting, and non-whiting groundfish.

In addition to the above catch history requirements several other provisions will support the future participation in West Coast groundfish fisheries:

- AFA catcher vessels will be issued a Pacific Coast Groundfish eligibility endorsement based upon meeting the eligibility criteria.
- Non-AFA catcher vessels may participate in all Pacific Coast groundfish fisheries as per their limited entry (LE) permit and do not need an eligibility endorsement to do so. AFA catcher vessels which do not meet the selected minimum landing criteria are precluded from participation in such fisheries unless substituting for another AFA catcher vessel of similar or greater size (i.e., downsizing).
- If an AFA catcher vessel meets the Council's selected participation criteria, then the vessel is eligible to use or obtain (lease or purchase) a limited entry trawl A permit and use it only in a fishery that the vessel qualified for under the above criteria.
- AFA catcher vessels not meeting requirements: Any limited entry (LE) trawl permit assigned to an AFA catcher vessel not meeting the minimum landing requirements will be revoked.

Issue 3 **Qualifying criteria for catcher processors** – whether or not an AFA catcher processor was licensed to harvest groundfish in the years 1997, 1998, or 1999 through September 16, 1999.

Issue 4 **Qualifying criteria for motherships** – whether or not an AFA mothership received at least 1000 mt of Pacific whiting during the regular whiting season in 1998 or 1999.

Issue 5 Consideration of whether **restrictions** should be **permanent or only in effect for the duration of the AFA** (i.e., December 31, 2004).[1]

2.1 **Issue 1** – Restrictions Tied to AFA Harvester Vessels (Catcher Vessels and Catcher Processors) **or** to Limited Entry Permit Held by AFA Vessels

Out of concern about the effectiveness of placing restrictions solely on AFA vessels, the Council considered

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[1]Section 208 of the AFA (Eligible Vessels and Processors) is scheduled to sunset on December 31, 2004 (AFA, Section 213). However, the North Pacific Council may recommend to the Secretary management measures that "give effect to the measures" thereafter. (AFA, Section 213)

several alternatives for restricting participation of AFA catcher vessels and AFA catcher processors. Under the groundfish FMP, a limited entry permit is required for harvesters to participate in West Coast groundfish trawl fisheries. Currently, the limited entry fleet includes 236 fixed gear endorsements, 264 trawl endorsements held by catcher boats, and 10 trawl permits held by catcher-processor. Many of these permit are held by AFA catcher vessels and catcher processors (see Section 4).

The proposed options seek to restrict harvesters that benefit from the AFA (i.e., AFA vessels) from participating in West Coast groundfish fisheries if they did substantially participate in the past. It has been proposed that this could be accomplished by restricting the participation of an AFA vessel, the limited entry permit held by an AFA vessel, or placing restrictions on both the vessel and permit. At issue is concern that owners of an AFA vessel, excluded from West Coast fisheries, would be able to sell or transfer their limited entry permit. The Council believes that if restrictions are not placed on the permit, it would be possible for a vessel owner to sell the permit to a non-AFA vessel or transfer the permit to newly built boat. If this produces an increase effort or capacity, current participants could be harmed even though the AFA vessel which originally held the permit has been excluded.

The Council considered four alternatives:

1.a Vessel – restrict the vessel, but not the permit. If an AFA vessel does not meet the participation requirements for the West Coast, it is excluded. This means it could not purchase a limited entry permit, and if it currently owns a permit it may sell the permit.

If a vessel met the participation requirements in one sector (e.g., delivering whiting to motherships) it could continue to participate in that sector, but could not participate in other sectors (e.g., non-whiting groundfish).

Because no restrictions are placed on the permit, the permit could be sold or transferred to a non-AFA vessel. This could potentially increase effort in the fishery.

1.b Permit – restrict the permit, but not the vessels. If an AFA vessel does not meet the participation requirements its permit becomes invalid; or if it only met certain participation requirements, the permit would become restricted to the specific sector in which the vessel qualified.

A control date of June 29, 2000 was adopted by the Council and was published in the *Federal Register* on September 13, 2000 (65*FR*55214). This control date provides advance notice that, based on future Council action, groundfish limited entry permits held by an AFA entity may be revoked or restricted to a specific fishery sector.

Restrictions stay with the permit. That is, the permit may be sold or transferred to a non-AFA vessel, but the restrictions still hold. However, AFA vessels could expand their participation by purchasing a permit from another vessel.

Restricting permits without applying restrictions directly to AFA vessels may not protect West Coast groundfish fisheries from vessels using their operational advantage to displace traditional participants. This may penalize AFA vessels by placing restrictions on their limited entry permits, but might not exclude them from the fishery.

1.c Combination – restrict both vessel and permit. An AFA vessel that does not qualify is excluded from the fishery. Any permit the vessel possesses is subject to the restrictions (and June 29, 2000 control date) described in (1.b) above. The vessel would not be allowed to purchase another limited entry permit.

This combination of vessel and permit restrictions excludes an AFA vessel if it did not have enough

participation, and invalidates the vessel's limited entry permit (if it has one).

1.d Status quo – do not place restrictions on limited entry permits or AFA vessels.

The Council's PREFERRED OPTION is Alternative 1.c (Combination). The Council believes restricting participation of AFA vessels (that do not meet qualifying requirements) and limited entry permits held by those vessels would provide the greatest protection against harm. Restricting both the vessel and the limited entry permit associated with that vessel reduces the likelihood that an AFA beneficiary would be able to participate in West Coast groundfish fishery to the detriment of the current fishery participants.

2.2 **Issue 2** – AFA Catcher Vessel Restrictions (note: depending on the preferred alternative from Issue 1, restriction could apply to AFA catcher vessels and/or limited entry permits held by AFA catcher vessels)

2.2.1 Perspectives on the Need and Objectives for Catcher Vessels Restrictions

This section discusses differences between West Coast groundfish catcher vessels and AFA catcher vessels. Notably, who (descriptively – not nominally) are the vessels we are protecting; who are we protecting against; and why and how are we proposing to do it? See Section 4 for information on the specific number of vessels.

The goal of the proposed management restrictions is to prevent destabilization of current participation in West Coast groundfish fisheries by AFA vessels. The concern stems from the ability of AFA catcher vessels to use advantages gained through the AFA to disadvantage West Coast fishers dependent on West Coast groundfish.

Approximately 500 vessels participate in limited entry fisheries for West Coast groundfish.[2] A segment of this fleet also participates in BSAI fisheries, notably the BSAI walleye pollock (*Theragra chalcogramma*) fishery. The most distinct difference between catcher vessels operating in West Coast limited entry groundfish fisheries and AFA catcher vessels is eligibility to participate in the BSAI pollock fishery. The AFA contains specific qualifying requirements for vessels to participate in the BSAI pollock fishery. In addition, allocation provisions in the AFA provide surety to vessels participating in the pollock fishery that they will receive a specific portion of the annual directed fishery allowance of pollock. This certainty allows AFA catcher vessels the opportunity to arrange for optimal participation in the pollock fishery and, because they can schedule their pollock fishing, the opportunity to maximize participation in non-pollock fisheries (including West Coast groundfish).

Many AFA catcher vessels hold valid limited entry permits for the West Coast groundfish fishery (see Section 4). The exclusionary provisions proposed by the Council do not seek to restrict or exclude participation of AFA vessels with limited entry permits who have been active in the fishery in recent years. As stated previously, the goal of the proposed management measures is to prevent harm to West Coast fishery participants. This would be accomplished by restricting or excluding AFA catcher vessels and/or their limited entry permits that do not meet qualifying criteria for recent participation in the West Coast groundfish fishery. The proposed management measures seek to dampen expansion of capacity and effort (by AFA vessels) beyond what is currently active in the fishery.

The potential for capacity expansion stems from the ability of AFA catcher vessels that hold valid limited entry permits, but have not recently participated in the fishery, to enter the West Coast limited entry

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[2]In 2000, the West Coast groundfish limited entry fleet included 236 fixed gear endorsements, 264 trawl endorsements held by catcher boats, and 10 catcher-processor permits. (Draft Report on Overcapitalization in the West Coast Groundfish Fishery, PFMC, March 2000)

groundfish fishery. That is, the operational advantage provided to these vessels through the AFA could facilitate expanded participation in West Coast fisheries by these vessels, increasing effort and capacity in the fishery[3], dissipating profitability of the fishery, and harming current participants.

To heighten the effectiveness of the management measures, and because of distinction within the West Coast groundfish catcher vessel fleet, three segments are dealt with individually: (1) shorebased Pacific whiting fishery catcher vessels (Section 2.2.2), (2) offshore Pacific whiting fishery catcher vessels (Section 2.2.3); and (3) shorebased non-whiting groundfish catcher vessels (Section 2.2.4). As noted previously, AFA catcher vessels must qualify separately for each segment of the groundfish fishery.

The Council adopted a control date of September 16, 1999 as notice to the public of the management measures under consideration. The control date applies to participation by catcher vessels in mothership and inshore Pacific whiting fisheries, and in the inshore groundfish fishery for non-whiting species. On November 24, 1999, NMFS published an advance notice of proposed rulemaking and notice of a control date in the *Federal Register*.

The Council also set a control date of June 29, 2000 as notice to the public and potential purchasers of limited entry permits held by AFA entities. This control date provides advance notice that, based on future Council action, groundfish limited entry permits held by an AFA entity may be revoked or restricted to a specific fishery sector. On September 13, 2000, NMFS published notice of the June 29, 2000 control date in the *Federal Register* (65*FR*55214).

2.2.2 Shorebased Pacific Whiting Restrictions – Options to Mitigate AFA Spillover Impacts on the Shorebased Pacific Whiting Fishery

i. Catcher vessels that did not harvest at least (50, 100, or 500) mt of Pacific whiting during the following time period will be excluded:
a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

ii. Catcher vessels that did not make at least ten (10) shorebased deliveries of Pacific whiting during the following time period will be excluded:
a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

iii. Status Quo – Do not recommend or management measures to restrict catcher vessel participation in the shorebased Pacific whiting fishery. It is possible the Secretary of Commerce, through NMFS, may determine that protective measures are warranted and implement, through regulation, such measures.

2.2.3 Offshore Pacific Whiting Restrictions – Options to Mitigate AFA Spillover Impacts on the Offshore Pacific Whiting Fishery (offshore fishery would include deliveries to motherships and catcher/processors)

i. Catcher vessels that did not harvest at least (50, 100, or 500) mt of Pacific whiting during the following time period will be excluded:
a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

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[3]The groundfish fishery is currently overcapitalized. The Council's Scientific and Statistical Committee concluded "[o]vercapitalization in the groundfish fishery is significantly affecting the manner in which the fishery is managed and the effectiveness of management." (Draft Report on Overcapitalization in the West Coast Groundfish Fishery, PFMC, March 2000)

ii. Catcher vessels that did not make at least ten (10) offshore deliveries of Pacific whiting during the following time period will be excluded:
a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

iii. Status Quo – Do not recommend or management measures to restrict catcher vessel participation in the offshore Pacific whiting fishery. It is possible the Secretary of Commerce, through NMFS, may determine that protective measures are warranted and implement, through regulation, such measures.

2.2.4 Shorebased (Non-whiting) Groundfish fishery restrictions – Options to Mitigate AFA Spillover Impacts on the Shorebased Groundfish Fishery

i. Catcher vessels that did not harvest at least (50, 100, or 500) mt of groundfish other than whiting (i.e., does not include groundfish bycatch landed in the directed Pacific whiting fishery) during the following time period will be excluded:

a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

ii. Catcher vessels that did not make at least ten (10) deliveries of groundfish other than whiting (i.e., does not include groundfish bycatch landed in the directed Pacific whiting fishery) during the following time period will be excluded:
a. 1994, 1995, 1996, 1997;
b. 1994, 1995, 1996, 1997, 1998, 1999 through 9/16/1999.

iii. Status Quo – Do not recommend management measures to restrict catcher vessel participation in the shorebased (non-whiting) groundfish fishery. It is possible the Secretary of Commerce, through NMFS, may implement, if warranted.

2.2.5 Additional Criteria

In addition to the above catch history requirements several other provisions will support the future participation in West Coast groundfish fisheries:

- AFA catcher vessels will be issued a Pacific Coast Groundfish eligibility endorsement based upon meeting the eligibility criteria.

- Non-AFA catcher vessels may participate in all Pacific Coast groundfish fisheries as per their limited entry (LE) permit and do not need an eligibility endorsement to do so. AFA catcher vessels which do not meet the selected minimum landing criteria are precluded from participation in such fisheries unless substituting for another AFA catcher vessel of similar or greater size (i.e., downsizing).

- If an AFA catcher vessel meets the Council's selected participation criteria, then the vessel is eligible to use or obtain (lease or purchase) a limited entry trawl A permit and use it only in a fishery that the vessel qualified for under the above criteria.

- AFA catcher vessels not meeting requirements: Any limited entry (LE) trawl permit assigned to an AFA catcher vessel not meeting the minimum landing requirements will be revoked.

2.3 **Issue 3** – AFA Catcher-Processor Restrictions

2.3.1 Perspectives on the Need and Objectives for Catcher-Processor Restrictions

The AFA explicitly prohibits catcher-processors named in the AFA from participating in fisheries other than North Pacific fisheries and the Pacific whiting fishery. Catcher-processors will be unable to use their AFA-eligibility to increase participation in West Coast groundfish fisheries. However, AFA-eligible catcher-processors could increase or optimize their participation in the Pacific whiting fishery.

Therefore, as with catcher vessels, the goal of the proposed management restrictions for catcher-processors is to prevent destabilization of current participation in West Coast groundfish fisheries by AFA vessels. This concern stems from the ability of AFA catcher-processors to use advantages gained through the AFA to disadvantage West Coast fishers dependent on West Coast groundfish. Moreover, members of the public have expressed concern that, without restrictions on participation, the hard fought Pacific whiting allocation framework could be negated by the entry of AFA vessels that have not traditionally participated in West Coast groundfish fisheries.

The whiting allocation framework was adopted by the Council in October 1996 and implemented by NMFS on May 20, 1999 (62*FR*27519). The allocation framework was developed to address a series of problems identified by the Council in 1996 (*Preliminary Whiting Analysis – Section 1: Allocation and Season Framework*. Supplemental Attachment c.7.a. PFMC. October 18, 1996.):

- Harvest capacity exceeds the amount of whiting available for harvest.
- Processing capacity exceeds the amount of whiting available.
- The allocation regulation expiring at the end of 1996 contributed to industry stability, elimination of federal management would negate previous gains.
- Absent federal regulation, the Council believes there would not be an equitable distribution of economic benefits.

The objectives of the allocation framework were to (*Preliminary Whiting Analysis – Section 1: Allocation and Season Framework*. Supplemental Attachment c.7.a. PFMC. October 18, 1996.):

- provide for orderly attainment of the annual whiting harvest guideline;
- provide an equitable opportunity for industry sectors to participate in the fishery;
- reduce the need for speed in prosecuting the fishery; and
- encourage the industry to work cooperatively to solve its problems.

As described in Section 4, all current participants in the catcher-processor component of the whiting fishery are AFA catcher-processors. However, because of their participation in the West Coast groundfish fishery, these vessels could also be defined as traditional participants and, thus, deserving of protective management measures. This protection could include exclusion of AFA catcher-processors that do not meet the qualifying requirements. However, as defined, these protective measures would only apply to AFA catcher-processors. Non-AFA catcher-processors would still be free to purchase limited entry permits and take up participation in the fishery.

As for AFA catcher vessels, the Council set a control date of June 29, 2000 as notice to the public and potential purchasers of limited entry permits held by AFA entities. This control date provides advance notice that, based on future Council action, groundfish limited entry permits held by an AFA entity (including catcher-processors) may be revoked or restricted to a specific fishery sector.

On September 13, 2000, NMFS published notice of the June 29, 2000 control date in the *Federal Register* (65*FR*55214). The September 13, 2000 notice also notified the public the Council is considering restricting future participation in the whiting fishery by AFA motherships and catcher-processors that do not have a history in the fishery.

2.3.2 Catcher-Processor Pacific Whiting Restrictions – Options to Mitigate AFA Spillover Impacts on the Catcher-Processor Whiting Fishery

a. AFA catcher-processor was licensed to harvest groundfish in the years 1997, 1998, or 1999 through September 16, 1999.

b. AFA catcher-processor was not licensed to harvest groundfish in the years 1997, 1998, or 1999 through September 16, 1999.

c. Status quo: no restrictions on participation of AFA catcher-processors.

2.4 **Issue 4** – AFA Mothership Restrictions

2.4.1 Perspectives on the Need and Objectives for Mothership Restrictions

As for catcher-processor, the AFA explicitly prohibits motherships named in the AFA from participating in fisheries other than North Pacific fisheries and the Pacific whiting fishery. Motherships will be unable to use their AFA-eligibility to increase participation in West Coast groundfish fisheries. However, AFA-eligible motherships could increase or optimize their participation in the Pacific whiting fishery.

Thus, the arguments for management measures to protect the mothership component are essentially the same as for catcher vessels and catcher-processors. As for catcher-processors in the whiting fishery, the mothership sector also worked in good faith to construct the whiting allocation framework. Therefore, it is also reasonable for this component of the industry to seek to protect that arrangement by restricting entrance of AFA motherships that have not traditionally participated in the West Coast groundfish fishery.

Similar to the catcher-processor sector, all three motherships participating in the whiting fishery are AFA motherships. Because of their participation in the West Coast groundfish fishery, these vessels could also be defined as traditional participants and, thus, deserving of protective management measures. This protection could include exclusion of AFA motherships that do not meet the qualifying requirements. However, as defined, these protective measures would only apply to AFA motherships.

As noted previously, on September 13, 2000, NMFS published notice of a control date (June 29, 2000) in the *Federal Register* (65*FR*55214). This notice notified the public that the Council is considering restricting future participation in the whiting fishery by AFA motherships and catcher-processors that do not have a history in the fishery.

2.4..2 Mothership Pacific Whiting Restrictions – Options to Mitigate AFA Spillover Impacts on the Mothership Whiting Fishery

a. AFA mothership received at least 1000 mt of Pacific whiting during the regular whiting season in 1998 or 1999.

b. AFA mothership did not received at least 1000 mt of Pacific whiting during the regular whiting season in 1998 or 1999.

c. Status quo: no restrictions on participation of AFA motherships.

2.5 **Issue 5** – Duration of Restrictions

2.5.1 Discussion of Options

The Council considered two alternatives for the duration of the proposed management measures: permanent or only in effect for the duration of the AFA. As noted above, Section 208 of the AFA (Eligible Vessels and Processors) is scheduled to sunset on December 31, 2004 (AFA, Section 213). However, the North Pacific Council may recommend to the Secretary management measures that "give effect to the measures" thereafter. (AFA, Section 213).

The proposed management measures seek to prevent AFA vessels from using benefits derived from the AFA to harm West Coast groundfish fishery participants. If benefits derived through the AFA are perceived to be permanent, then the proposed measures could be permanent features of the West Coast groundfish fishery. Conversely, if benefits derived through the AFA are perceived to be linked to the effective date of the AFA, then protective measures could expire when the measures in the AFA are no longer in effect.

Options

a. Restrictions permanent.

b. Restrictions only in effect for the duration of the AFA (i.e., December 31, 2004).

3.0 DESCRIPTION OF FISHERY AND STATUS OF STOCKS

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 species), skates (3 species), ratfish (1 species), morids (1 species), grenadiers (1 species), roundfish (6 species), rockfish (55 species), and flatfish (12 species) 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.]

An Acceptable Biological Catch (ABC) is established for every stock (a species or species group) where enough information is available. However, numerical Optimum Yields (OYs) are not established for every stock, especially where harvest has been less than ABC. Species and species groups with OYs include lingcod, Pacific whiting, sablefish, POP, shortbelly rockfish, shortspine thornyhead, longspine thornyhead, widow rockfish, chilipepper rockfish, splitnose rockfish, the minor rockfish complexes (northern and southern for nearshore, continental shelf, and continental slope species,) bocaccio, canary rockfish, yellowtail rockfish, and Dover sole.

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.

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 2001 groundfish ABC and OY specifications and implementing management measures for the Pacific coast groundfish fishery, which are available from the Council office.

A thorough description of the habitat used by Pacific coast groundfish is provided in *Essential Fish Habitat, West Coast Groundfish*, Appendix to the Groundfish FMP (PFMC 1998).

3.2 Characteristics of the Commercial Fishery for Groundfish

Commercial Fishery

The Pacific coast 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.

One of the primary goals of the Pacific coast groundfish fishery management plan (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). Harvest rates in the limited entry fishery are 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 to a full year. Cumulative period catch limits are set by comparing current or previous landings rates with the year's total available catch. Landing limits have been used to slow the pace of the fishery and stretch the fishing season out over as many months as possible, so that the overall harvest target is not reached until the end of the year. Open access fisheries that land groundfish are more commonly targeting on non-groundfish species with some incidental groundfish landings, although there is a significant open access hook-and-line fleet that targets and lands groundfish.

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 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.

Because open access groundfish landings vary according to which non-groundfish fisheries are landing groundfish as bycatch, the number of open access boats that land groundfish accordingly varies with the changes in those non-groundfish fisheries. In recent years, however, there have been approximately 1,500 vessels per year that have been making small groundfish landings against open access allocations. Of these vessels, about 1,000 land their catch in California, about 400 land their catch in Oregon, and about 100 land their catch 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 1999, whiting accounted for approximately 84% 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 27% 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 2000 SAFE (PFMC, October 2000.)

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, 1999 commercial groundfish landings were distributed among the three states as follows: Washington, 14%; Oregon, 74%; California, 12%. By value, commercial groundfish landings are distributed among the three states as follows: Washington, 17.3%; Oregon, 48.3%; California, 34.3% (PFMC, October 2000.) 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, a high volume, low value fishery. 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 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 pelagic species 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.

Recreational Fishery

All three states and NMFS collect data on marine recreational fisheries for groundfish, but information from four sources has not yet been calibrated into a unified database that will allow accurate comparison of recreational landings and fishery participation levels. The available information provides some characterization of the recreational groundfish fishery off the Pacific Coast. NMFS data collection on Pacific Coast marine recreational fishing surveys four separate modes of marine recreational fishing: (1) fishing from piers, docks, and jetties; (2) fishing from beaches and banks; (3) fishing from party and charter boats; and (4) fishing from private and rental boats. According to NMFS data from 1998, California recreational groundfish catch is moderately higher than in Oregon, and Washington recreational groundfish catch is significantly lower than in either of the other two states. Rockfish are caught in higher numbers than any other type of fish, with the strongest catch levels in nearshore species such as black rockfish and blue rockfish. Marine recreational fisheries also have relatively strong landings of lingcod and cabezon. Recreational fishing is generally managed by the states, although federal regulations are implemented for lingcod and rockfish, including species-specific bag limits, boat limits, and size limits. (Recreational fisheries data is collected through the Recreational Fishery Information Network, managed by the Pacific States Marine Fisheries Commission – online, see [www.psmfc.org/recfin])

3.3 Capacity in the Pacific Coast Groundfish Fishery

In 1994, the Council implemented a limited entry program for the commercial groundfish fishery. Of the vessels that initially qualified for a limited entry permit, 245 held fixed gear endorsements and 384 held trawl endorsements. Currently, the limited entry fleet includes 236 fixed gear endorsements, 264 trawl endorsements held by catcher boats, and 10 catcher-processor permits. The entry of catcher-processors into the fishery, which occurred in 1994-1995, was largely accomplished by the transfer of trawl permits to

catcher-processors. The decline in trawl permits and increase in catcher-processor permits have been the only significant change in groundfish fleet configuration since the inception of limited entry.

Potential harvest capacity includes both unutilized (i.e., latent) as well as utilized capacity. Although limited entry has likely had the effect of "freezing" potential harvest capacity at its 1994 level, the low eligibility requirements for limited entry assured that even vessels with marginal involvement in the fishery were eligible for a permit. As a result, a significant proportion of the harvest capacity initially admitted into the fishery consisted of latent capacity. This overcapitalization, which is measured by the difference between potential harvest capacity and available harvest, has been further exacerbated by the severe harvest restrictions of recent years. Current capital utilization rates are exceedingly low for all sectors of the commercial groundfish fishery: 9% and 12% respectively for the sablefish and non-sablefish components of the limited entry fixed gear fishery, 27%-41% for limited entry trawlers who deliver shoreside, and 6%-13% for open access vessels targeting groundfish.

In order to ensure that current fishery participants – who are capable of expending much more fishing effort than needed to harvest the OYs – do not exceed the OYs, the Council has drastically reduced cumulative vessel landings limits. Expressed in comparable monthly-equivalent terms, landings limits in the limited entry fishery have declined from 120,000 pounds in the mid-1980s to 13,000 pounds in 2000 for *Sebastes* north; 100,000 pounds in the early 1990s to 22,000 pounds in 2000 for *Sebastes* south; and 110,000 pounds in the early 1990s to 27,000 pounds in 2000 for the Dover/thornyhead/sablefish complex. In the open access fishery, monthly-equivalent *Sebastes* limits have fallen from 35,000-40,000 pounds during 1994-1998 to about 5,000 pounds during 1999-2000. The fixed gear sablefish season, which was year-round in the early 1980s, has been reduced to 6-9 days in recent years. The sablefish season (with its regular and mop-up components and its three-tiered structure) has also become more complex to administer.

The economic hardship and uncertainty being experienced by the industry is intensifying competition among fishery sectors for access to the resource. Protecting groundfish stocks while ensuring that the burden of conservation measures is distributed equitably among sectors of the fishery is becoming increasingly difficult to accomplish. Even if groundfish OYs were to increase significantly (an unlikely scenario), the latent capacity in the fishery will be mobilized at any sign of improved fishing opportunities. The current problems associated with low landings limits, short seasons and complex regulations will not go away unless latent capacity is permanently removed from the fishery. For more information, see *Draft Report on Overcapitalization in the West Coast Groundfish Fishery*, PFMC, March 2000.

4.0 IMPACT ANALYSIS

4.1 Physical Impacts

None of the issues entail alternatives for which physical impacts have been identified.

4.2 Biological Impacts

There may be increases in discard for AFA catcher vessels that qualify to take Pacific whiting and deliver shoreside but do not qualify to land nonwhiting groundfish species. The Council may wish to consider an incidental catch allowances.

4.3 Socio-economic Impacts

4.3.1 Limiting Entry and Allocation Among AFA Vessels

Under the Council allocation scheme, the Pacific whiting allowable catch is allocated among three groups of fishing vessels: (1) vessels delivering whiting shoreside, (2) vessels delivering to motherships, and (3) catcher-processor vessels. Groundfish limited entry permits are required for all harvesting vessels, including catcher processors. There is no allocation to individual vessels and permits may be transferred between vessels, subject to restrictions on the length of vessel with which a permit may be used. No limited entry licenses are currently required for motherships. Additional detail on the existing fishery and management system is provided in Section 3.X.

4.3.1.1 Limited Entry

The restrictions imposed under each of the alternatives would apply only to AFA vessels or permits held by those vessels. No new limits would be imposed on the size of any fleet in any of the three main sectors: the catcher vessel sectors, the catcher-processor sector or the mothership sector.

Vessel Restriction

If only the vessels are restricted, the rules of the limited entry program would not be changed. The only change would be that some vessels (AFA vessels) would be limited in their ability to enter the fishery through acquisition of a limited entry permit. Non-AFA vessels, including newly built or converted vessels, vessels from other geographic areas and vessels from other fisheries, would not be restricted from entering the fishery through acquisition of a transferable permit. Additionally, the proposed restrictions would not prevent an AFA owner from using increased profits from the AFA fisheries to purchase interest in nonAFA vessels. The following is the count of each category of AFA permitted vessels; the number of such vessels with some West Coast presence for periods described in Issues 2, 3 and 4 for each respective category; and the number of non-AFA vessels active on the West Coast.

	Count of AFA Permitted Vessels	AFA Permitted Vessels with Some West Coast Presence	Number of Non-AFA Vessels In the West Coast groundfish fishery
Catcher Vessels	112[a/]	35 (26 held permits as of 6/29/00)	248 (trawl permits held by non-AFA vessels)
Catcher-Processor Vessels	21	10[b/]	0
Motherships	3	3 (plus 3 AFA catcher-processors	0

a/ The count of AFA permitted catcher vessels could increase, though not by a large amount. Some catcher vessels that could qualify to be AFA vessels did not apply for a permit before the application period was closed in December 2000. The AFA is currently being implemented through emergency regulations. When the regulations are finalized, it is likely that the application period will be reopened for about 30 days. At that time, some additional AFA qualified vessels may opt to become AFA permitted vessels.

b/ Note there is one additional catcher processor active on the West Coast during the Issue 3 qualifying period, however, that vessel is prohibited from participating in US fisheries under the terms of the AFA.

For catcher-processors and motherships, every vessel participating on the West Coast is an AFA vessel. Because there is a direct allocation to catcher-processors and catcher vessels delivering to motherships, measures that prevent the entry by AFA permitted vessels that have not been active on the West Coast may provide these segments of the West Coast fleet with additional some protection from competition from AFA vessels that do not meet to specified qualifying requirements.

Applying the qualification requirements specified in Issue 3 to vessels would not change the license limitation system. The catcher-processor segment of the harvest is taken under a producers coop. All catcher-processors holding West Coast licenses participate in the coop. Under the arrangements of the coop, only a few of the catcher processors fish the West Coast fishery while all catcher-processor vessels take part in the profits. Preventing other AFA catcher-processors from entering the fishery will significantly reduce the chances that a vessel outside the coop might acquire a West Coast trawl permit[1] and compete with the co-op for the catcher-processor allocation. A non-AFA catcher-processor might still enter the fishery, however, at present there are a very limited number of non-AFA catcher-processors that are domestically owned.

For motherships there is no limited entry system. Any AFA mothership, AFA catcher-processor, or other non-AFA vessels with processing capacity may enter the fishery. The limits proposed in Issue 4, applied to vessels, would prevent nonqualifying AFA vessels from entering the fishery. Given that all AFA motherships and 3 AFA catcher-processors would qualify under the criteria proposed in Issue 4, there would be 18 AFA catcher-processors excluded from entering the West Coast fishery. Non-AFA vessels with at-sea processing capabilities would be free to enter the fishery and there would be no permit system to limit the number of motherships entering.

[1] A new catcher-processor entrant would have to either buy a permit from a coop member or buy a number of smaller trawl permits from catcher vessels and combine them into a single permit with a size endorsement sufficient to accommodate a catcher-processor vessel.

Permit Restriction

General

A restriction on the permit would change the limited entry program. Restrictions would be placed on permits based on the vessels holding the permits as of June 29, 2000. As the options are currently specified, if an AFA vessel held a permit on June 29, 2000 the permit would be restricted in accordance with qualification requirements specified under Issues 2 and 3 for catchers and catcher processors, respectively. If an AFA vessel held a permit prior to or after June 29, 2000 but not on that date, the permit would not be restricted. (NOTE: There was one permit leased to a West Coast qualified AFA vessel as of June 29, 2000, however its lessor was the owner of another West Coast qualified AFA vessel).

Catcher Vessels

Among catcher vessel permits, a restriction on the permit would limit the use of the permit to whichever of the three segments of the West Coast fishery the AFA catcher vessel qualified for. The restriction on the permit would travel with the permit even if transferred to a nonAFA vessel. As the option of restricting the permit is currently specified, if an AFA vessel did not qualify for any segment of the fishery, the permit would essentially become invalid (would be revoked).

The permit restriction would act differently depending on how it is defined. If it only restricts the vessel holding the permit (whether it is an AFA or nonAFA vessel), then it would not prevent other AFA vessels from acquiring non-AFA permits and entering the fishery. If the restrictions is such that an AFA vessel must acquire an AFA permit, then the restriction would limit the number of AFA vessels in the fishery to the number that held permits as of June 29, 2000 (26 vessels). This would allow one AFA vessel to substitute for another.

Catcher-Processors

Under the current limited entry program, there is no distinction between catcher vessel permits and catcher processor permits, other than size of the permits. There are 10 West Coast groundfish trawl permits of sufficient size to be held by traditional trawl catcher-processor vessels.

Number of Permits by Size Class									
<100'	100'-125'	125'-150'	150'-175'	175'-200'	200'-225'	225'-250'	250'-275'	275'-300'	>300'
250	12	2	0	0	0	0	2	3	5

As of June 29, 2000, 9 of these permits were held by AFA permitted catcher-processor vessels that meet the qualifying requirements specified in Issue 3. One permit is not registered to a vessel.

Applying the restriction to the permit would create such a distinction for permits held by AFA catcher-processors. All catcher-processors on the West Coast are AFA vessels and every AFA vessel would qualify. Since catcher-processors participate only in one sector of the groundfish fishery (the at-sea whiting catcher-processor), restricting any future catcher-processor holding the permit to that sector would have little meaning. If the restriction is such that an AFA catcher processor vessel must acquire an AFA catcher-processor permit in order to enter the fishery, then the restriction would prevent AFA catcher-processors vessels from entering the fishery by the purchase and combination of smaller permits into a single permit for a larger vessel. The one permit not currently registered to any vessel would only be of value to a nonAFA catcher-processor. Non-AFA catcher-processors would be allowed to purchase and combine permits in order to enter the fishery. Thus there would still be an opportunity to expand the size of the catcher processor fleet. However, the likelihood of such an occurrence is very low.

Motherships

There is no limited entry system for motherships, so the issue of the impacts of a decision to restrict a permit would require the creation of some form of a permit system for motherships. Within the mandates of the AFA, the Council could require permits for AFA vessels to operate as motherships. Permits would initially be issued to those vessels meeting the qualifying requirements in Issue 4. The permits may or may not be made transferable. If transferable, the permits could only be transferred to other AFA motherships. Non-AFA at-sea processors vessels would be free to enter the fishery without acquiring a permit. Thus there could be an expansion in the number of motherships participating. Moving beyond the mandates of the AFA, the Council could create a license limitation program for motherships that would require that all motherships (AFA or non-AFA) acquire a limited entry permit.

4.3.1.2Vessel Allocation (Qualifiers)

Catcher Vessels and Permits Held

Two periods are being considered for the qualifying requirements; 1994 through 1997; and 1994 through September 16, 1999 (hereinafter referred to as "1994 through 1999").

From 1994 through 1997 there were **32** AFA catcher vessels that took part in West Coast fisheries.

From 1994 through 1999 there were **35** AFA catcher vessels that took part in West Coast fisheries.

For the 1994 through 1999 qualifying period, **2** of the AFA vessels landed only albacore on the West Coast.

At-Sea Whiting Vessels

The Council specified four landings level options for consideration as qualifying requirements: 50 mt, 100 mt, 500 mt, or 10 deliveries. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

Number of AFA Vessels Qualifying for At-Sea Whiting	Qualifying Period	
	1994-1997	1994-1999
50 mt	30	31
100 mt	30	31
500 mt	30	31
10 deliveries	30	31

For the 1994 through 1997 qualifying period, **all** of the 30 AFA catcher vessels that participated in the at-sea whiting fishery landed over 1,000 mt and had more than 20 deliveries (Table 1, Page 5). **Two** of the 32 AFA catcher vessels that participated on the West Coast did not participate in the at-sea fishery. There were **6** at-sea whiting AFA catcher vessels that had between 20 and 50 deliveries. The remainder had 50 deliveries or more.

For the 1994 through 1999 qualifying period, **all** of the 31 AFA catcher vessels that participated in the at-sea whiting fishery landed over 1,000 mt and had more than 20 deliveries (Table 1, Page 5). **Four** of the 35 AFA catcher vessels that participated on the West Coast did not participate in the at-sea whiting fishery (two of which participated in the shoreside groundfish fishery). There were **7** at-sea whiting AFA catcher vessels that had between 20 and 50 deliveries. The remainder had 50 deliveries or more.

Conclusion: On the basis of these results for the remainder of the analysis for each qualifying period (1994 through 1997, and 1994 through 1999), only two categories of at-sea whiting AFA vessels will be evaluated, those that would qualify for the at-sea whiting fishery and those that would not qualify.

Shoreside Whiting Vessels

The Council specified the same four landings level options for shoreside whiting as it did for the at-sea catcher vessels. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

Number of AFA Vessels Qualifying for Shoreside Whiting	Qualifying Period	
	1994-1997	1994-1999
50 mt	15	20
100 mt	15	20
500 mt	13	18
10 deliveries	12	16

For the 1994 through 1997 qualifying period, there were **15** AFA catcher vessels with no participation in the shoreside whiting fishery (Table 2, Page 6). There were **2** vessels that participated in the shoreside whiting fishery but would not qualify under any of the four landing requirement options. **All** vessels that landed at least 50 mt landed at least 100 mt. **Three** vessels with more than 100 mt had fewer than 10 deliveries.

For the 1994 through 1997 qualifying period, there were **14** AFA catcher vessels with no participation in the shoreside whiting fishery (Table 2, Page 6). There was **1** vessel that participated in the shoreside whiting fishery but would not qualify under any of the four landing requirement options. **All** vessels that landed at least 50 mt landed at least 100 mt. **Four** vessels with more than 100 mt had fewer than 10 deliveries.

Conclusion: For each qualifying period (1994 through 1997, and 1994 through 1999) two of the landing requirement options yield the same results (50 mt and 100 mt), therefore of the four specified for analysis, only three landing requirement options need be evaluated in the remainder of the analysis:

100 mt
500 mt
10 deliveries

Shoreside Groundfish Vessels (Not Whiting)

The Council specified the same four landings level options for shoreside groundfish as it did for the whiting catcher vessels. The following are the number of vessels that would qualify under each combination of landing requirement and qualifying period.

Number of AFA Vessels Qualifying for Shoreside Groundfish	Qualifying Period	
	1994-1997	1994-1999
50 mt	12	14
100 mt	7	9
500 mt	1	1
10 deliveries	15	18

For both qualifying periods, there were **10** AFA catcher vessels with no participation in the shoreside groundfish fishery (Table 3, Page 7). There were **7** vessels that participated in the shoreside groundfish fishery but would not qualify under any of the four landing requirement options.

For 1994 through 1997 there were **3** vessels that would qualify only on the basis of the number of deliveries.

For 1994 through 1999 there were **4** vessels that would qualify only on the basis of the number of deliveries.

For both periods, every vessel that would qualify on the basis of a poundage requirement made more than 10 deliveries (i.e., every vessel that landed at least 50 mt made at least 10 deliveries).

Conclusion: The four landing requirements would each qualify a different group of vessels and need to be evaluated in the remainder of the analysis.

Combinations of Sectors[2]

Under the proposed management measures for AFA catcher vessels, the groundfish fishery would be divided into three segments and AFA catcher vessels would have to qualify for each segment separately:

At-sea whiting
Shoreside whiting
Shoreside groundfish (other than whiting)

For the 1994 through 1997 qualifying period, every AFA vessel with some participation during the period could qualify for participation in at least one segment of the fishery, so long as the shoreside whiting and groundfish qualifying requirements are not raised above 100 mt and the 10 delivery requirement is not used for the shoreside whiting landing requirement. Table 4 (Page 8) shows the number of vessels qualifying for each of the relevant[3] combinations of qualifying requirements for each segment of the fishery. Dashed lines divide the table into twelve sections. As an example of how to read the table, the first (left) box on the top row shows the number of qualifiers when the requirements are set at 50 mt for shoreside groundfish (other than whiting), 50 or 100 mt of shoreside whiting, and 500 mt of at-sea whiting.[4] There are 14 AFA vessels that qualify only for at-sea whiting participation, 5 that qualify for at-sea whiting and shoreside whiting participation, 2 that qualify for at-sea whiting and shoreside groundfish participation, one that qualifies only for shoreside whiting participation, one the qualifies only for shoreside groundfish (other than whiting) participation, and 9 that qualify for participation in all three segments. All together, 30 vessels qualify for at-sea whiting, 15 for shoreside whiting, and 12 for shoreside groundfish. Many vessels qualify for more than one segment. The total number of vessels qualifying for at least one endorsement is 32.

Similar information is displayed in Table 5 (Page 9) for a 1994 through 1999 qualifying period. For the 1994 through 1999 qualifying period, there are 2 vessels with some participation in the West Coast groundfish fishery that would not have sufficient landings to qualify under any of the landing requirement options specified by the Council.

Permits Held

Of the 35 AFA vessels with some participation from 1994 through 1999, 26 held permits as of June 29, 2000. Of these 26 permits, 1 was held in lease from the owner of another AFA qualified vessel. Both the lessee and the lessor owned vessels that would qualify for at-sea whiting participation on the West Coast.

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[2] AFA catcher vessels participating in West Coast harvest (including tribal harvest allocations) are included in this analysis. The analysis is based on a June 2000 extract of PacFIN landing receipt data for 1994-September 16, 1999 and a May 4 tabulation of data on the offshore fishery. The tabulation for the offshore fishery includes all of 1999 less the tribal fishery occurring after September 16, 1999.

[3] Options for different levels of qualification for the at-sea catcher vessel segment of the fishery are not displayed because the same vessels qualify under all the options specified by the Council.

[4] Or 50 mt, or 100 mt, or 10 deliveries of at-sea whiting.

Of the 9 AFA vessels that did not hold permits as of June 29, 2000:

- 2 never held groundfish permits, making only tuna landings on the West Coast
- 4 vessels last held permits in 1997 or earlier, and the permits have since been transferred. Three of these permits were transferred to other AFA vessels.
- 1 vessel held a permit through 1999. The permit appears to have been transferred to a different owner and has not yet been registered for use with a new vessel.
- 1 vessel held a "B" permit, which has since expired.
- 1 vessel held a permit that has been combined with another permit.

Catcher Processors

The proposed qualifying period for catcher processors is 1997 through 1999 or September 16, 1999 (Issue 3). Vessels would qualify by holding a license during that period. A permit would qualify by being held, on June 29, 1999, by a vessel that meets the criteria.

There were 11 catcher processors active off the West Coast from 1994 through 1999. The same vessels qualify whether the qualifying period runs through the end of 1999 or stops on September 16, 1999. Of the 11 vessels holding a permit from 1994-1999, one has not held a permit since 1997 and one has not held a permit since 1998. Therefore given the 1997 through 1999 qualifying period all 11 could potentially qualify for West Coast AFA catcher processor permits. However, one of the 10 vessels is a nonqualifier under the AFA and is explicitly excluded from participation in US fisheries. Therefore only 10 vessels would qualify. However, one of the 10 vessels did not hold a permit as of June 29, 2000. The permit that appears to be owned by the owner of the vessel was not registered to any vessel as of that date. If permits were to be qualified based on the qualification of the vessel with which it is registered, a permit not registered to a vessel could not be endorsed as a West Coast permit for an AFA catcher processor.

Number of Catcher-Processors Active on West Coast 1994 to 1999	Number of Catcher-Processors with a West Coast Permit Sometime Between 1997 and 1999	Number of West Coast Catcher Processors with AFA Licenses[a/]	Number of West Coast Permits Large Enough for a Catcher Processor	Number of West Coast Permits Held by Catcher Processors as of 6/29/01
11	11	10	10	9

a/ Note there is one catcher-processor that was active on the West Coast, however, that vessel is prohibited from participating in US fisheries under the terms of the AFA.

Motherships

Motherships would qualify based on participation in the fishery in 1998 or 1999 (receipt of 1,000 mt). There are three AFA permitted motherships that would qualify based on 1998 and 1999 West Coast deliveries received. All AFA permitted motherships would qualify to participate in the West Coast fishery. Additionally, there are three AFA permitted catcher-processors that acted as motherships on the West Coast in 1998 and 1999. There were seven vessels that acted as motherships sometime from 1994 through 1999 that would not qualify to be motherships.

Number of Qualifying Motherships by Alternative Qualifying Period (Council Option indicated in bold)	1994-1999	1995-1999	1996-1999	1997-1999	**1998-1999**
Number of AFA Motherships Qualifying	3	3	3	3	**3**
Number of AFA Catcher-Processors Qualifying as West Coast Motherships	9[b/]	5[b/]	5[c/]	3[c/]	**3**[d/]
Number of Non-AFA Catcher-Processors Qualifying as West Coast Motherships	2	1	0	0	**0**
Total	13	9	8	6	**6**

b/ Four are AFA vessels that would qualify as West Coast catcher-processors under Issue 3.
c/ Two are AFA vessels that would qualify as West Coast catcher-processors under Issue 3.
d/ None would qualify as West Coast catcher-processors under Issue 3.

TABLE 1. AFA catcher vessel count for largest number of **at-sea whiting** landings (mt) and **at-sea whiting** deliveries in any one year for the indicated period.

Mt Delivered	Number of Landings/Deliveries[a/]							
	0[b/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
				1994-1997				
0[b/]	2							2
0-24								0
25-49								0
50-99								0
100-250								0
250-500								0
500-700								0
700-1,000								0
≥1,000						6	24	30
Total	2	0	0	0	0	6	24	32
				1994-September 16, 1999				
0[b/]	4							4
0-24								0
25-49								0
50-99								0
100-250								0
250-500								0
500-700								0
700-1,000								0
≥1,000						7	24	31
Total	4	0	0	0	0	7	24	35

a/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

b/ This column/row is for vessels which did not have offshore landings out of the total that had either offshore or onshore landings.

TABLE 2. AFA catcher vessel count for largest number of **onshore whiting** landings (mt) and **onshore whiting** deliveries in any one year during the analysis period.

Mt Delivered	Number of Landings/Deliveries[a/]							
	0[b/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
				1994-1997				
0[b/]	15							15
0-24								0
25-49		2						2
50-99								0
100-250		1						1
250-500			1					1
500-700			1					1
700-1,000								0
≥1,000				1		3	8	12
Total	15	3	2	1	0	3	8	32
				1994-September 16, 1999				
0[b/]	14							14
0-24								0
25-49		1						1
50-99								0
100-250		1						1
250-500			1					1
500-700			1					1
700-1,000			1					1
≥1,000				1		6	9	16
Total	14	2	3	1	0	6	9	35

a/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

b/ This column/row is for vessels which did not have onshore landings out of the total that had either offshore or onshore landings.

TABLE 3. AFA catcher vessel count for largest number of **onshore groundfish** (other than whiting) landings (mt) and **onshore groundfish** deliveries in any one year during the analysis period.

Mt Delivered	Number of Landings/Deliveries[a/]							
	0[b/]	1-4	5-9	10-14	15-19	20-49	≥50	Total
				1994-1997				
0[b/]	10							10
0-24		5	2					7
25-49				1		2		3
50-99						3	2	5
100-250				1	1	2	1	5
250-500							1	1
500-700					1			1
700-1,000								0
≥1,000								0
Total	10	5	2	2	2	7	4	32
				1994-September 16, 1999				
0[b/]	10							10
0-24		5	2	1		1		9
25-49				1		1		2
50-99						2	3	5
100-250						4	3	7
250-500							1	1
500-700					1			1
700-1,000								0
≥1,000								0
Total	10	5	2	2	1	8	7	35

a/ Deliveries are approximated by hauls for offshore landings and by the highest number of fish tickets issued for a single species for onshore landings.

b/ This column/row is for vessels which did not have onshore groundfish (other than whiting) landings out of the total that had either offshore or onshore landings.

TABLE 4. Number of vessels meeting qualification requirements for the indicated segment of the fishery (at-sea whiting, shoreside whiting, and or shoreside groundfish other than whiting) for 1994-1997.

Qualifying Requirements for Shoreside Groundfish Deliveries	AFA Vessel Endorsement	Qualifying Requirements for Shoreside Whiting Deliveries: 50 or 100 mt — At-Sea Whiting	Shoreside Whiting	Shoreside Groundfish	All Three	Tot	500 mt — At-Sea Whiting	Shore Based Whiting	Shore Based Groundfish	All Three	Tot	10 Deliveries — At-Sea Whiting	Shore Based Whiting	Shore Based Groundfish	All Three	Tot
50 mt	At-Sea Whiting	14	5	2		30	15	4	2		30	16	3	2		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			1		12			1		12			1		12
	All Three				9	32				9	31				9	31
100 mt	At-Sea Whiting	14	10	2		30	15	9	2		30	16	8	2		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			1		7			1		7			1		7
	All Three				4	32				4	31				4	31
500 mt	At-Sea Whiting	15	14	1		30	16	13	1		30	17	12	1		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfis			0		1			0		1			0		1
	All Three				0	31				0	30				0	30
10 Deliveries	At-Sea Whiting	14	3	2		30	15	2	2		30	16	1	3		30
	Shore Whiting		1	0		15		0	0		13		0	0		12
	Shore Groundfish			1		15			1		15			1		15
	All Three				12	32				12	31				11	31

TABLE 5. Number of vessels meeting qualification requirements for the indicated segment of the fishery (at-sea whiting, shoreside whiting, and or shoreside groundfish other than whiting) for 1994-September 16, 1999.

Qualifying Requirements for Shoreside Groundfish Deliveries	AFA Vessel Endorsement	Qualifying Requirements for Shoreside Whiting Deliveries: 50 or 100 mt — At-Sea Whiting	Shoreside Whiting	Shoreside Groundfish	All Three	Tot	500 mt — At-Sea Whiting	Shoreside Whiting	Shoreside Groundfish	All Three	Tot	10 Deliveries — At-Sea Whiting	Shoreside Whiting	Shoreside Groundfish	All Three	Tot
50 mt	At-Sea Whiting	12	6	1		31	13	5	1		31	15	3	1		31
	Shore Whiting		1	1		20		0	1		18		0	1		16
	Shore Groundfis			0		14			0		14			0		14
	All Three				12	33				12	32				12	32
100 mt	At-Sea Whiting	12	11	1		31	13	10	1		31	15	8	1		31
	Shore Whiting		1	1		20		0	1		18		0	1		16
	Shore Groundfis			0		9			0		9			0		9
	All Three				7	33				7	32				7	32
500 mt	At-Sea Whiting	12	18	1		31	13	17	1		31	15	15	1		31
	Shore Whiting		2	0		20		1	0		18		1	0		16
	Shore Groundfis			0		1			0		1			0		1
	All Three				0	33				0	32				0	32
10 Deliveries	At-Sea Whiting	12	3	1		31	13	2	1		31	15	0	2		31
	Shore Whiting		1	1		20		0	1		18		0	1		16
	Shore Groundfish			0		18			0		18			0		18
	All Three				16	33				16	32				15	32

Exhibit C.15.b
Supplemental HSG Report
June 2001

HABITAT STEERING GROUP COMMENTS ON GROUNDFISH FISHERY MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT

With regard to the scope of the groundfish fishery management plan environmental impact statement (EIS), the Habitat Steering Group (HSG) has the following recommendations on issues that should be addressed and alternatives that should be considered:

1. The management tools identified in the Pacific Council=s Groundfish Strategic Plan should help guide the analyses that are included in the EIS; specifically, habitat protection and restoration; and the establishment of marine reserves should be included in the alternatives.

2. Alternatives for the identification and establishment of habitat areas of particular concern (HAPCs) for groundfish should be included in the EIS.

3. Alternatives for the assessment of gear impacts on habitat should also be included in the EIS.

The HSG plans to follow the EIS process and will continue to be involved and comment as management alternatives are developed.

PFMC
06/14/01

Briefing Document for Public Scoping Hearings for Pacific Coast Groundfish Fishery Environmental Impact Statement

National Marine Fisheries Service Northwest Region – May 21, 2001

The National Marine Fisheries Service (NMFS) is preparing a comprehensive environmental impact statement (EIS) on the federal management of the Pacific Coast groundfish fishery in the Exclusive Economic Zone off Washington, Oregon, and California. An EIS is a broad analysis document that tests the effects of federal natural resource management activities on the human environment, as required by the National Environmental Policy Act (NEPA.) Depending on the final scope of this EIS, the EIS analysis could address all of the major activities authorized under the Pacific Coast Groundfish Fishery Management Plan (FMP) and all amendments to the FMP. NMFS is holding public scoping meetings in six west coast cities (Seattle, WA; Astoria, OR; Newport, OR; Eureka, CA; Burlingame, CA; and Los Alamitos, CA) to request public input on the range of actions, alternatives, and impacts that the EIS should consider.

Why are we doing an EIS on the groundfish fishery now? All federal FMPs must be analyzed in periodic EISs and it has been many years since the FMP's original 1982 EIS. More recent NEPA compliance documents have focused on the effects of specific management proposals and their alternatives, without looking at the cumulative effects that overall groundfish management has on the human environment. The groundfish fishery has been through major changes in the last decade, including a limited entry program and increasingly more conservative harvest policies based on new scientific information and Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements, as well as the dramatic decline in abundance of many groundfish stocks. In addition, the Pacific Fishery Management Council (Council) has adopted a new Strategic Plan to provide long-term direction for management of the fishery, and significant changes to the FMP. Thus, this is a good time to step back and evaluate the environmental effects of current groundfish management under the FMP, including the Strategic Plan's recommendations for future management.

Late last year the U.S. District Court (A.O.C. v. Daley) found that NMFS and the Council did not do an adequate NEPA analysis on the designation of Essential Fish Habitat (EFH) and the effects of fishing gear on EFH for the West Coast groundfish FMP. The Court has ordered NMFS to prepare a new NEPA analysis that complies with the Act, which is a second reason why this is a good time to prepare an EIS on the groundfish FMP with particular attention to EFH.

The purpose of this EIS is to assess the environmental consequences of a suite of actions, many of which are outlined in the Council's Groundfish Fishery Strategic Plan – "Transition to Sustainability." This Plan currently consists of policy recommendations on harvest, capacity reduction, allocation, habitat protection and marine reserves, and scientific data collection and analyses. In addition to the general public, fishing communities, and the fishing industry, these recommendations concern activities to be undertaken by federal, Council, state, tribal and Pacific States Marine Fisheries Commission (Commission) fishery managers over the short and long term. Because of the broad scope of the Plan and the conceptual nature of the proposed actions, NMFS has elected to prepare a comprehensive EIS with the help of the Council, the Commission, and state and tribal agencies. Information developed from this process will be incorporated into subsequent analyses of specific future actions.

When complete, the EIS will describe the major effects of Pacific coast groundfish fishing on the human environment. It will also evaluate a range of reasonable management alternatives and of their effects, in order to define issues and provide a clear basis for choice among the management options. We do not expect that the choice of a "preferred" future management alternative will immediately result in any changes in the FMP or in state and federal regulations. However, evaluated alternatives will set the stage for the long term direction and boundaries for specific future fishery management actions. Through this hearing, we are asking the public to help define significant issues and the range of alternatives for dealing with those issues to set the Pacific groundfish fishery on its long term sustainable path. To track EIS-related documents, please monitor NMFS's groundfish EIS website: <<http://www.nwr.noaa.gov/1sustfsh/groundfish/gf_eis.htm>>.

Management Structure

The Magnuson-Stevens Act is the legislation that directs how NMFS manages the nations's fisheries. The Magnuson Act created the Pacific Fishery Management Council to advise NMFS on fishery management issues. The voting members of the Council include a representative from each state, at-large appointees from the states, tribes, and the regional director of NMFS. The Council developed the groundfish FMP and recommends FMP and regulatory amendments, as well as making harvest recommendations. There are many avenues for public input in the Council process.

Description of the Fishery

There are 82 species managed under the groundfish FMP. These species support a wide range of commercial and sport fishing interests and are typically harvested in multi-species complexes, meaning that several different groundfish species may be caught together at the same time. The directed commercial groundfish fisheries are divided into three primary sectors: limited entry trawl, limited entry fixed gear, and open access. Each of the three coastal states has different interests within each commercial sector. Commercial groundfish fishing vessels use a variety of gear types and fishing strategies including pot, longline, vertical hook-and-line, troll, setnet, trammel net and various types of trawl gear. Groundfish are also harvested incidentally in non-groundfish fisheries, most notably the trawl fisheries for pink shrimp, spot/ridgeback prawns, California halibut, and sea cucumber.

Groundfish are harvested by marine sport anglers fishing from docks and piers, beaches, and private or charter boats. Commercial passenger fishing vessels and private boats take the majority of the recreational harvest, consisting mainly of nearshore rockfish species and lingcod. The intensity of the sport fisheries varies by port along the coast and differs regionally, with participation being strongest in southern and central California.

In addition, members of the Makah, Quileute, Hoh, and Quinault tribes participate in commercial, ceremonial and subsistence fisheries for groundfish off the Washington coast. Participants in tribal commercial fisheries use similar gear and fishing strategies to those of non-tribal fishers operating off Washington.

Trends in the West Coast Commercial Groundfish Fishery

During the late 1970s and early 1980s, overall West Coast groundfish landings increased rapidly, reaching about 116,000 metric tons (mt) in 1982. For the next few years, landings remained around 90,000 to 100,000 mt annually, supported by large rockfish and flatfish catches. At that time, the government was encouraging expansion of the U.S. commercial fishing industry through loan guarantees and other programs. The nation's foremost fishery legislation, the 1976 Fishery Conservation and Management Act, set goals to build a U.S. fishing industry and to increase U.S. fish processing capacity. (The 1976 Fishery Conservation and Management Act was later amended and renamed as the Magnuson-Stevens Act.) During the late 1970s and early 1980s, recreational fisheries were also shifting some of their effort away from dwindling salmon resources towards abundant nearshore rockfish and lingcod resources.

Between 1983 and 1999, West Coast commercial shoreside ex-vessel revenues from landings of groundfish decreased by 47% from $100.2 million to $52.9 million (in 1999 dollars). This revenue decline occurred in spite of a concurrent 12% increase in aggregate commercial shoreside groundfish landings from 108,500 mt to 121,500 mt. The decline was particularly severe for rockfish and flatfish, which annually accounted for 50%-60% of non-whiting groundfish revenues. Between 1983-1999, rockfish landings fell by 78% and revenues by 69%; flatfish landings fell by 41% and revenues by 73%.

Biological Factors Affecting the Fishery

In 1998, the Council adopted a lower harvest rate for rockfish on the basis of scientific information suggesting those stocks are less productive than previously believed. In 1999, in order to comply with new Magnuson-Stevens Act provisions, the Council adopted a default harvest rate policy that set stringent rebuilding requirements for "overfished" stocks. The Council is developing formal rebuilding plans for lingcod, bocaccio, Pacific ocean perch, canary rockfish, cowcod, darkblotched rockfish and widow rockfish; additional species may be declared overfished in the future.

Declining abundance trends observed for many West Coast groundfish stocks indicate that historic harvest rates have been too aggressive.

Some of this low productivity, at least in recent years, may be because of changing ocean conditions. Around 1976, there was a change in the temperature of the Pacific Ocean off western North America; scientists refer to this change as a regime shift. Ocean temperatures increased and, on average, remained warmer from 1976 to about 1999. This temperature shift affected ocean biological productivity, reducing food supplies and causing some species to migrate to new areas. A series of strong El Niños (short-term climate shifts) also occurred along the West Coast. Plankton abundances changed, sometimes declining to very low levels. There is growing evidence that the ocean shifted back to a cooler and more productive phase around 1999, which could improve growth and reproduction of many cold water groundfish species. However, due to the depressed status of many groundfish stocks, the long periods required to rebuild overfished stocks, and the possibility of further OY reductions in the near future, most groundfish harvests are likely to remain restricted for many years to come.

Essential Fish Habitat

Under the Magnuson-Stevens Act, the Council was required to describe and identify essential fish habitat (EFH) in the FMP. The Magnuson-Stevens Act defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Amendment 11 to the FMP describes large composite EFH zones: estuarine, rocky continental shelf, non-rocky continental shelf, canyons, continental slope and basin, neritic (waters above the continental shelf, and oceanic (waters above the continental slope and basin. A large appendix to the FMP describes the individual life histories and habitat needs of FMP species. (See <<http://www.nwr.noaa.gov/1sustfsh/efhappendix/page1.html>>)

Collectively, the 82 species managed under the FMP occur throughout the entire West Coast Exclusive Economic Zone (EEZ, waters out to 200 nautical miles from shore) and occupy diverse habitats at all stages of their lives. Some species are widely dispersed during certain life stages, particularly those with pelagic eggs or larvae, and the EFHs for these species/stages are correspondingly large. On the other hand, the EFH of some species/stages may be comparatively small, such as that of adults of many nearshore rockfish. Thus, the Council designated the West Coast EEZ as EFH for groundfish.

In addition to defining and identifying EFH, the Magnuson-Stevens Act also required that Council identify the effects of fishing and non-fishing activities on EFH. NMFS has been sued over the implementation of the Sustainable Fisheries Act EFH provisions on fishing activities in the West Coast groundfish FMP and other FMPs nationwide. This EIS will respond to the U.S. District court's order in *American Oceans Campaign* v. *Daley*, ordering NMFS to perform a new National Environmental Policy Act analysis (like an EIS or an Environmental Assessment) on the EFH provisions in Amendment 11 to the FMP. Accordingly, the EIS will also evaluate alternatives to describe and identify EFH and the effects of fishing activities on EFH.

Landing Limits

The Council has a long-standing goal of maintaining fishing opportunities twelve months a year. To meet this goal, each commercial vessel is limited to landing specified poundages during different periods, called cumulative landing limits. Individual cumulative landing limits have declined substantially in recent years due to lower groundfish stock sizes, more precautionary management, and a more efficient fishing fleet. So as to not exceed overall OYs and to meet Magnuson-Stevens Act requirements, the Council has had to reduce harvests and slow down the rate of landings. The limited entry fixed gear sablefish fishery, which until recently operated without landings limits, was year-round in the early 1980s but has been reduced to 6-9 days in recent years. Recreational fishing opportunities have been reduced throughout the coast, with both season closures and reduced bag limits for important species.

Overcapitalization and Its Effects on the Fishery

In 1994, the Council implemented a limited entry program for the commercial groundfish fishery in response to shrinking profits and declining harvest levels. Currently, the limited entry fleet includes 236 fixed gear vessels, 264 trawl catcher boats, and 10 trawl catcher-processor vessels. No trawl catcher-processors qualified for the initial issuance of limited entry permits, so they had to buy permits from groundfish catcher vessels in order to participate in the whiting fishery after 1993. Because each permit has a vessel length endorsement, and catcher processors are much larger than traditional trawl vessels, each catcher-processor had to buy and combine several permits to participate in the fishery. The reduction in the number of trawl permits due to the catcher-processor buy-up has been the only significant change in the groundfish fleet configuration since the 1994 beginning of limited entry.

Potential harvest capacity includes both unused (or "latent") and in-use capacity. Although the limited entry program has likely had the effect of "freezing" potential harvest capacity at its 1994 level, the low eligibility requirements for limited entry assured that even vessels with marginal involvement in the fishery were eligible for a permit. As a result, a significant proportion of the harvest capacity initially admitted into the limited entry program consisted of latent capacity. Many of these permits were later transferred to vessels that now actively participate in the fishery, leading to overcapitalization.

Overcapacity rates are high for all sectors of the commercial groundfish fishery. Analysts estimate that 9% of the limited entry fixed gear vessels could harvest all of their sablefish allocation and 12% of the vessels could harvest the non-sablefish components of the fishery. For the trawl fishery, only about 27%-41% of the current fishing capacity is needed to catch and deliver the shore side harvest, and 6%-13% of the open access vessels could take the open access groundfish allocation.

Current FMP

The FMP was approved by the Secretary of Commerce on January 4, 1982 and implemented on October 5, 1982. Before the FMP, the states of Washington, Oregon, and California had responsibility for managing domestic groundfish fisheries. State regulations have been in effect on the domestic fishery for about 90 years and, before 1982, each state acted independently in both management and enforcement. However, many fisheries overlap state boundaries and participants often operate more than one state. Since 1982, the Council has developed 14 FMP amendments in response to changing resource and fishery conditions.

Amendment 1 to the FMP (1) provided the flexibility to alter the trip limit or impose other fishing restrictions for Pacific ocean perch which would maintain a 20 year rebuilding schedule; (2) modified gear marking requirements for certain gear; (3) modified the vessel identification requirements; (4) added several species, including northern jack mackerel, to the fishery management unit; (5) imposed a trip limit on sablefish when the optimum yield (OY) was being approached; (6) modified the definition of legal trawl gear; and (7) established a separate numerical OY for northern jack mackerel.

Amendment 2 deleted the sablefish OY in the Monterey Bay subarea, established a framework for modifying gear regulations, and established new gear marking requirements.

Amendment 3 incorporated habitat considerations into the FMP, including a policy that there be no net loss of the productive capacity of any marine or estuarine habitat that sustains groundfish, and procedures for making temporary adjustments to fishery access due to unsafe weather conditions.

Amendment 4 (1) revised the management goals and objectives, updated the descriptive sections, and reorganized the chapters of the FMP; (2) revised the definitions of OY and established a procedure to specify allowable harvest levels and management measures to achieve them on an annual basis; (3) established a procedure for revising fishing restrictions for other than biological reasons; (4) revised the "point of concern" provision by eliminating the requirement to declare biological stress on a species; (5) revised the use of the harvest reserve for a species for which a joint venture or directed foreign fishery is conducted; (6) provided for reporting requirements when state data collection systems are insufficient for fishery management, including for vessels that process fish at sea; (7) streamlined the procedures to review and approve applications for exempted fishing permits; (8) established procedures for reviewing state regulations

to determine if they are consistent with the FMP and federal fishing regulations; and (9) established procedures for setting and adjusting restrictions on the landing of groundfish caught in non-groundfish fisheries. (This major FMP amendment was accompanied by an EIS.)

Amendment 5 established standards to prevent and respond to overfishing.

Amendment 6 established a federal groundfish commercial fishing permit and limited the number of permits. (This major FMP amendment was accompanied by an EIS.)

Amendment 7 established procedures for limiting bycatch of non-groundfish species taken in groundfish fisheries.

Amendment 8 would have established a sablefish individual transferable quota (ITQ) program (tabled indefinitely).

Amendment 9 established a sablefish endorsement for limited entry fixed gear permits.

Amendment 10 authorized retention of salmon incidentally captured with trawl gear when a monitoring program is in effect.

Amendment 11 (1) revised the definitions and establishment of individual and multispecies OYs; (2) revised the definition and specification of maximum sustainable yield (MSY), acceptable biological catch (ABC), OY and overfishing control rules, and rebuilding programs; (3) defined, described, and identified groundfish EFH; (4) established bycatch provisions [note: disapproved by NMFS]; (5) addressed fishing communities; (6) clarified and expanded Council authority to require groundfish processor permits; (7) authorized the utilization of fish to pay for research; (8) updated industry descriptions and other sections, including general editorial cleanup; (9) added FMP objectives and definitions; (10) removed jack mackerel (*Trachurus symmetricus*) from the fishery management unit and included it in the Coastal Pelagic Species FMP.

Amendment 12 established a process by which the Council will develop overfished rebuilding plans.

Amendment 13 increased flexibility in setting annual management measures to better implement overfished species rebuilding plans; introduced an increased utilization program for the at-sea whiting fisheries; revised the regulatory provisions for the routine management measures process; and removed regulatory references to limited entry permit endorsements other than the "A" endorsement.

Amendment 14 authorized vessels with limited entry fixed gear permits to obtain and use multiple permits for operating in the annual fixed gear sablefish primary season ("permit stacking").

Groundfish Fishery Management Concerns

- Managing, with the goal of maintaining healthy stocks, 82 stocks that vary in life histories, habitat needs, and response to fishing pressure.
- Preventing "overfishing" and rebuilding "overfished" stocks as required Magnuson-Stevens Act.
- Setting allowable harvest levels when only limited biological information is available on many stocks.
- Maintaining fishing opportunities for abundant stocks while improving protection for depleted species.
- Information on discard levels and the relationship to management measures is insufficient.
- Providing fair access for different segments of the industry (gear types, fishing strategies, open access/limited entry, recreational/commercial).
- Excess harvest capacity in both the limited entry and open access fleets.
- Encouraging bycatch friendly fishing gear and fishing in areas where bycatch is less likely.
- Need to coordinate management of many groundfish species with States.
- Regulations have become increasingly complex, costly and difficult to understand and enforce.

- Unknown effect of fishing gear on essential fish habitat
- Maintaining healthy fishing communities
- Lack of international agreements on setting and sharing the total allowable catch for trans-boundary stocks

Draft Outline of the Environmental Impact Statement

The outline below provides a starting point for discussions on what issues and items should or should not be addressed in the draft EIS.

Cover Sheet

Summary
* Need for and scope of the EIS
* Proposed actions
* Rationale for proposed actions

Table of Contents

Definitions of terms

1.0 Introduction
1.1 Purpose and need for the EIS
1.2 History of FMP
1.3 Summarize the scoping
1.4 Significant issues.
1.5 EIS and FMP objectives
1.6 Public review process including schedule
1.7 The decision to be made and any other agencies involved in this analysis.
1.8 Other documents that influence the scope of the EIS.
1.9 Previews the following chapters of the document

2.0 Alternative Management Measures
2.1 Explain that this chapter describes the alternatives (potential actions) and summarizes the environmental consequences of the alternatives.
2.2 Describe the alternatives, including the proposed action and no action (Identify the preferred alternative)
2.3 Explanation of how these alternatives represent a range of reasonable alternatives.
2.4 Alternatives not considered

3.0 The Affected Environment -- includes all physical, biological, social, and economic features of the human environment. Significant issues should receive more extensive discussion than insignificant issues.
3.1 Physical and Biological Environment
3.1.1 Fish stocks under the FMP
* Species and management units (include international aspect if any)
* Overfished criteria
* Status of stocks
3.1.2 Associated living marine resources
* Marine Mammals
* Seabirds
* Other related resources
3.1.3 Habitat conditions
* Oceanographic features
* Subsurface features
* Current EFH designations

3.2 Description of the Fishery
3.2.1 Description of the fishery and fishing gear (commercial, recreational, tribal and charter)

3.2.2 Characteristics of the fisheries
3.2.3 Characteristics of support industries and communities
3.2 4 Other cultural aspects

3.3 Current Management
3.3.1 Federal management
3.3.2 State management
3.3.3 Tribal management
3.3.4 International agreements
3.3.5 Research and data collection programs

3.4 Management Problems and Issues
3.4.1 Rebuilding of overfished stocks
3.4.2 Maintaining healthy stocks
3.4.3 Effects of fishing on fish habitat
3.4.4 Achieving cost-effective management
3.4.5 Maintaining healthy fishing communities
3.4.6 Improving scientific basis for management
3.4.7 Minimizing bycatch (groundfish, non-groundfish, protected species...)

4.0 Environmental Consequences (positive and negative)
4.1 Criteria and standards for evaluation
* Explanation of how section is laid out
4.2 Biological and ecological impacts (including bycatch and EFH)
4.3 Economic and social impacts (including impacts of communities)
4.4 Degree to which FMP objectives are met
4.5 Fishery management costs
4.6 Comparison of alternatives by summarizing the environmental consequences

5.0 Consistency with Applicable Laws and Directives
5.1 NEPA
5.2 Magnuson-Stevens Act
5.3 Regulatory Flexibility Act
5.4 E.O. 12866 (Regulatory impact review)
5.5 Marine Mammal Protection Act
5.6 Endangered Species Act
5.7 Coastal Zone Management Act
5.8 Paperwork Reduction Act
5.9 Migratory Bird Treaty Act
5.10 International Obligations
5.11 E.O. 13175 Tribal Governments
5.11 E.O. 12962 Recreational Fisheries
5.12 E.O 12612 Federalism

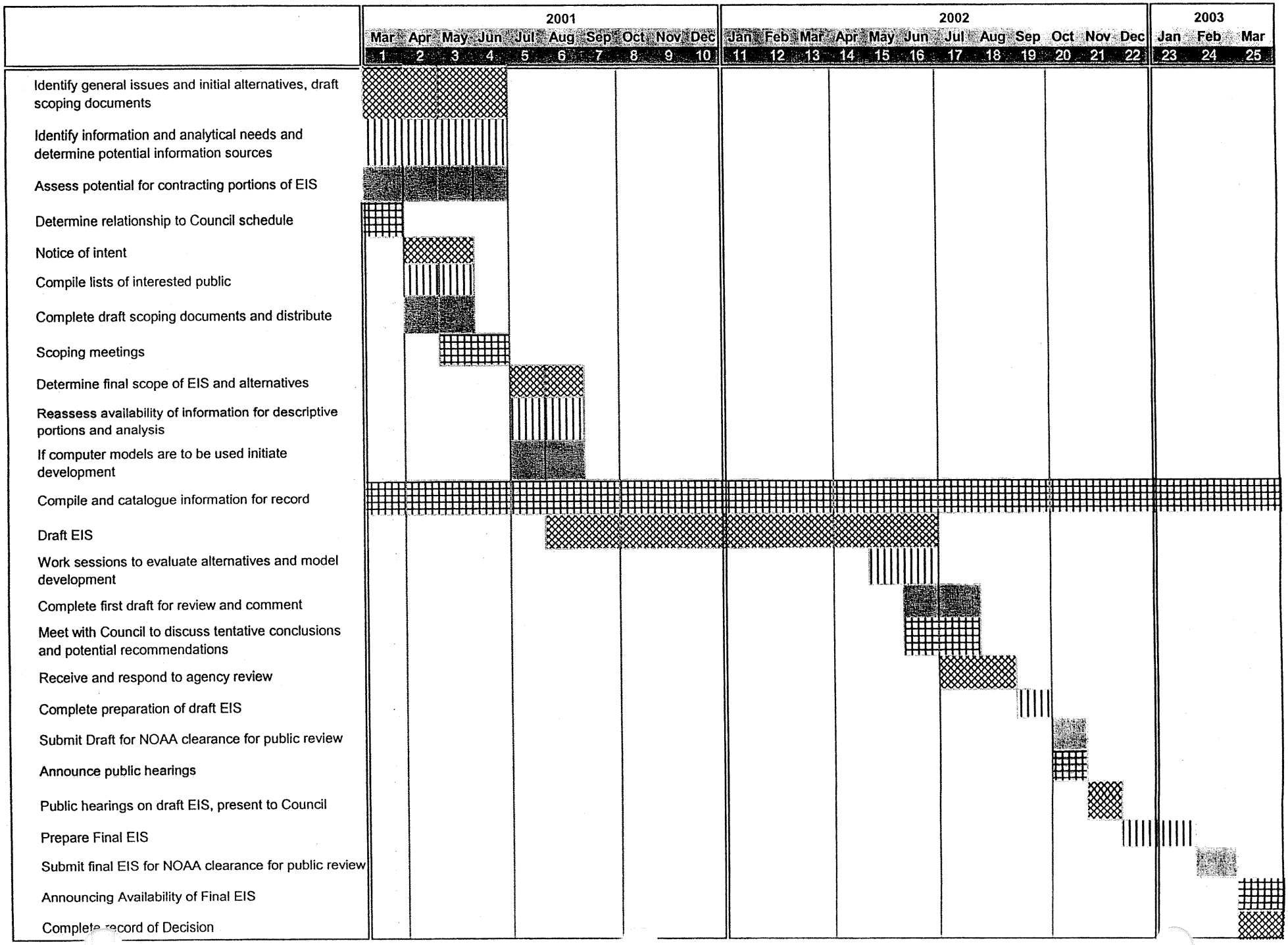
6.0 Proposed regulations [if determined to be necessary as a result of EIS process]

7.0 List of Preparers including other agencies involved in the analysis

References.

Appendices.

Time Line for Draft Environmental Impact Statement



GROUNDFISH FISHERY MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT

Situation: The National Marine Fisheries Service (NMFS) is preparing an environmental impact statement (EIS) on federal management of the Pacific Coast groundfish fishery. This EIS analysis will evaluate Pacific Fishery Management Council (Council) groundfish management activities. NMFS is seeking input on the range of future groundfish management actions, alternatives, and impacts the EIS should consider. When complete, the EIS will present an overall picture of the effects of groundfish fishing on the human environment. The EIS will discuss a range of reasonable management alternatives for the future and an analysis of their effects on the environment. NMFS expects this EIS to provide the Council and NMFS with background and analysis for choosing future groundfish management options. NMFS intends the EIS to evaluate how future groundfish management alternatives affect essential fish habitat, target and non-target fish species, discarded fish, marine mammals, and other protected species in the Pacific Coast ecosystem. The EIS will also address socioeconomic effects of the fishery and of fishery management on harvesters, processors, support industries, fishing communities, consumers, and non-consumptive users.

NMFS will conduct a scoping session Tuesday evening, June 12, at 7 p.m. in conjunction with this Council meeting. NMFS is requesting the Council and its advisory entities for comments and suggestions regarding the scope of the EIS: issues that should be addressed, alternatives that should be considered, and concerns about any aspects of the federal groundfish management program. Additionally, the Council should consider any other guidance relative to the overall EIS process.

Council Action:

1. Council guidance.

Reference Materials:

1. NMFS Briefing Document for Public Scoping Hearings for Pacific Coast Groundfish Fishery Environmental Impact Statement, (Exhibit C.15, Attachment 1).

PFMC
5/30/01