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Part of the Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265 As amended through October 11, 1996

Section 302 REGIONAL FISHERY MANAGEMENT COUNCILS U.S.C. 1852

(i) PROCEDURAL MATTERS

(6) At any time when a Council determines it appropriate to consider new information from a State or federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have reasonable opportunity to respond to new data or information before the Council takes final action or conservation and management measures.

6-21-02

Public Comment Received 6-21-02
Agenda Item C.11,
<For Administrative Record>

P.F.M.C.: Nearshore Ground Fisheries Management Transfer

My name is Lloyd Reeves. I am a longtime California resident with a Federal Groundfish longline "A" permit, #0005. I qualified for this permit with nearshore, shelf & slope landings.

When limited entry was established in 1992 95% of the volume of all groundfish caught was by permitted gears. (see: Limited entry Amendment #6 part 4.2.1) Of that remaining 5%, 3% was with gill nets and with gill nets removed from the equation only 2% was everything else. Open Access was initially in place to help the small fisherman that did not have enough landings to qualify for a permit or were using a different gear type in the 1984 to 1988 qualifying window time. But what ended up happening was the "Open Access" became a loop hole for new effort.

By the mid 1990's it was very apparent to me that the nearshore fisheries were being overfished by this new effort created by the open access loophole and I moved my efforts to deeper water, primarily shelf & slope. I was looking forward to the time when the government would move in and restrict the "Open Access" fisheries to historical landings as required by Amendment #6 and hopefully give the fish a chance to recover. This should have happened as stated in Amendment 6 (Limited Entry) 14.2.2:

"1. The division of the fleet into limited and open access participants will require that separate allocations be established for each group.

2. Allocations for the open access fishery will be based on historical catch levels for the period July 11, 1984 to August 1, 1988 by exempted, longline and fishpot gears used by vessels which did not receive an

endorsement for the gear.”

You are currently in talks with the State of California to transfer management of the nearshore fishery from yourselves to the State. So what has the State of California done so far? They have already excluded some fishermen that qualified for a “A” permit with nearshore landings in the past in favor of newer “Open Access” fisherman with more recent landings. Why is this? Every fisherman that started fishing in 1992 or more recently had to be aware of the groundfish limited entry program and yet the State of California is setting new rules? Are we rewarding people that overfish near shore resources at the expense of “A” permit holders? Will the Pacific Fishery Management Council go ahead and transfer management to the State knowing that the State intends to disregard the existing limited entry and create their own?

Please note that California Fish & Game says I may no longer fish near shore - even though I have a limited entry permit and historical landings of nearshore rockfish. It is true that I currently do not want to participate in this overfished nearshore program. But is it ~~right~~^{right} to take away future rights from a qualified permit holder and hand them over to an “Open Access” fisherman with the new California Nearshore permit?

What do I think is the right thing for the State of California to do?

1st They should immediately require “fish slotting” for survivable species. By adding a maximum size to the minimum size they can protect the “breeding” stock. This saved the Main Lobster fisheries in the 80’s and in the 90’s they had record harvest levels!

2nd Establish large permanent no fishing zones or at the very least no commercial take zones. When I mean large I mean something along the lines of 20 miles of coastline shut then 20 open and so on up and down the whole coast.

3rd Establish "Fish Trust Allocations" This would be where established permit holders such as myself would voluntary hand over our allocation of nearshore species to the State in the form of a trust document. The hope would be that by not fishing the stocks could rebound faster. When the State feels that the species has recovered the fisherman (or his descendants) would once again be permitted to fish.

4th The State needs to restrict kelp cutting. Currently the State leases almost the entire coast line for kelp cutting even though the upper few feet is a habitat for juvenile rock fish that are just out of the larvae stage!

If the State of California wants to continue to pursue its own Nearshore Limited Entry Permit instead of using the existing Federal Limited Entry or other innovative ideas I urge the Pacific Fishery Management Council to **NOT** transfer the nearshore rockfish management to California.

Sincerely,



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