



# Oregon

Theodore R. Kulongoski, Governor

Open Public Comment

June 2006

**Department of Fish and Wildlife**  
Fish Division  
3406 Cherry Avenue NE  
Salem, OR 97303  
(503) 947-6200  
Fax (503) 947-6202/6203  
[www.dfw.state.or.us](http://www.dfw.state.or.us)



May 24, 2006

Mr. Donald K. Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

Dear Chairman Hansen:

The Oregon Department of Fish and Wildlife recently learned of developments potentially affecting the 2006 Pacific whiting fisheries, raising concerns for the Pacific Fishery Management Council (PFMC). In addition to the large catcher/processor (CP) vessel whose acquisition of permits for the CP sector of the West Coast whiting fishery was noted in the PFMC's March 17, 2006 letter to Ms. Margaret Spring of the U.S. Senate Committee on Commerce, Science, and Transportation, there is at least one new applicant for entry into the 2006 Exempted Fishing Permit (EFP) shoreside whiting fishery which is also a high capacity vessel eligible for American Fisheries Act (AFA) benefits with little or no prior catch history in our region. Prior to the 1998 AFA, the height of the Bering Sea Aleutian Islands pollock fishery occurred at the beginning of the season, which opened at the same time as the shoreside Pacific whiting fishery (effectively preventing vessels from participating in both). AFA benefits such as cooperatives and individual vessel allocations enable vessels to rearrange their pollock fishing schedules, allowing them the time to participate in the Pacific whiting fishery.

Concerns related to the entry of additional Alaska-based AFA vessels include the possibility that significant catching and processing capability by new participants will negatively impact the fishery by leading to derby-style fishing in the catcher-processor sector, thereby increasing the rates of both whiting harvest and potentially increase the bycatch of prohibited species and other groundfish. This altered dynamic, along with increased effort in the shoreside sector, could result in increased monitoring costs and potential emergency closures of other whiting sectors and other fisheries if any of the depleted species caps are reached or exceeded. With significant constraints on prohibited and depleted species bycatch on the West coast, this should pose an immediate concern for the Council and NOAA Fisheries.

When the AFA was passed, Congress directed the PFMC to take action to "develop measures to protect west coast groundfish fisheries from potential harm caused by the AFA." In 1999 and 2000, the PFMC established control dates for the purposes of any future rules establishing limited entry in this fishery. These actions alerted potential and future entrants to the Pacific

coast groundfish fisheries that minimum participation requirements may be established at any time in the future, and would, as a result, exclude vessels not meeting those requirements from participation. The intent was to discourage speculative entry into Pacific coast groundfish fisheries, particularly by those vessels eligible for AFA benefits and those that have not participated in the PPMC-managed west coast groundfish/whiting fisheries. The concern was to be addressed further in Amendment 15 to the groundfish Fishery Management Plan; however, due to lack of any imminent threat and competing workload, the development of Amendment 15 has been suspended.

We urge the Council's consideration in scheduling time to discuss this matter during the June 2006 meeting, with the goals of identifying a process and timeline to establish controls that will prevent future problems in the operation and management of this fishery, and taking in-season action if necessary to forestall problems in the 2006 fishery.

This fishery is a vital component of our West coast groundfish fishery (30-35 vessels participate), as well as a significant contribution to the coastal economy (\$6 -\$8 million dollars ex-vessel value annually). Attention to these concerns is time sensitive and the consideration of the Council at this June meeting is greatly appreciated.

Sincerely,

[Signed original sent via U.S. Mail]

Curt Melcher, Assistant Division Administrator  
Fish Division  
Oregon Department of Fish and Wildlife

Cc Burke

FROM :

PHONE NO. :

May. 24 2006 03:37PM P1

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MAY 24 2006

5 pages including cover  
to PFMC

Comments on PFMC policy

Aun Maurice

AD Hoc COMMITTEE

## Ad Hoc Committee

P.O.Box 484  
Occidental, CA 95465  
707 874-3855

### Keep the Salmon Season Open

Do not shut down salmon fishing because of the Klamath River!

For years, the Klamath Chinook runs have gone up and down. Look at the governments own charts. Lower spawning numbers produced the largest runs!

How can that be? Farmers know the answer. They know they have to "thin" their crop. Planting more seeds per acre won't produce more yield. If the soil isn't healthy, the crop is lower.

The government statistics say how many spawners the Klamath should support based on the *number of miles of river* in the Klamath watershed, *but say nothing about the quality of the water!*

An acre of water will support only so many fish, just like an acre of land will support only so much livestock. If you want to increase the carrying capacity of the acre you have to improve its quality. IT'S ALL ABOUT HABITAT, NOT OVERFISHING!

The salmon should be harvested at sea while they are of tremendous food value and not overcrowd the rivers and go to waste.



Ann Maurice  
5/21/06

## Ad Hoc Committee

P.O.Box 484  
Occidental, CA 95465  
707 874-3855

5/15/06

### Where's Jack?

NOAA *predicts* that there will be an extremely low return of "natural" Chinook spawners to the Klamath river this year; and that dire prediction is the rationale for severely curtailing the salmon season. That forecast is based on the *low number of "jacks"* or immature 2-year olds that returned to the Klamath in the fall of 2005. *Why was that "jack" count so low?* What happened to the offspring of the 2003 spawners that *so few jacks* returned? Was the count accurate? *If so, where's Jack?*

There were lots of "natural" spawners in 2003 -- plenty of eggs and plenty of juveniles. How many spawners? **90,000** "natural" spawners in 2003! That's about *2 1/2 times* NOAA's "target" number of 35,000. So there should have been no problem! There were lots of spawners, lots of eggs, lots of offspring. So what happened to the offspring of 90,000 Klamath spawners?

#### *Where's Jack?*

Did the salmon fishermen catch them? No. "Jacks" are juveniles too small for commercial catch or sale -- they are *not* marketable.

What does this all mean?

- \*90,000 spawners in 2003, and a low jack count in 2005 means that a high number of spawners is no guarantee of sustainable yield; focusing on obtaining a high number of spawners in the Klamath is no guarantee of sustainability, is poor science and defies common science;
- \*since commercial *salmon* fishermen do not catch one and two year olds, *salmon* fishing is not the problem and curtailing the *salmon* season is not a policy based on science.

No surprise that NOAA has not solved the "problem" of the Klamath. They are aiming at the wrong target. *What do the records show historically as the actual size of the run for the Klamath? Not projections or models or theoretical analyses, but raw data, just the facts! How reliable is the raw data? How many projections, models and goals are based on counting the number of miles of accessible waterway only and not assessing the volume of water, the condition of the gravel and the availability of food and predators?* If there are critical air, food and water shortages limiting survival of the fingerlings, how is that being corrected? Curtailing salmon fishing down to a minimum or to zero is *never* going to solve the problem. What good are more spawners and more eggs if the juveniles do not have the resources to survive? In fact, too many will make matters worse by competing with each other over limited food supply, like too many seeds on a field or too many cows on a pasture.

We need a fresh, open-minded review of the situation.

  
Ann Maurice

## Ad Hoc Committee

P.O.Box 484  
Occidental, CA 95465  
707 874-3855

page 1 of 2

### Comments on the Klamath River Fall-Run Chinook Salmon Fisheries Management Plan

We are to "let science prevail"; to "make policy based on facts and data". Yet NOAA and NMFS' policies are contrary to conclusions that *should be drawn* from their own data. The data does *not* support recommending 35,000 "natural" spawners for the Klamath as either an optimum number or a "floor". The data does *not* support further curtailment of commercial and recreational fishing.

#### **The Carrying Capacity of the Klamath -- the number of spawners the river can sustain:**

Things aren't always as they seem, and what is "intuitive" is not always correct. *One would think* that keeping the numbers of salmon in the rivers high as possible would insure healthy restoration. *It would seem* that curtailing commercial fishing and protecting salmon would bring salmon numbers back up to historical highs. *But to the contrary:*

When returns were above the recommended 35,000, the number of Klamath spawners returning three years later usually plummeted;  
When returns were below 35,000, the number of Klamath spawners returning three years later usually rose dramatically.

Between 1978 and 2003, there were 13 years when the "natural" spawners dropped *below* 35,000 in the Klamath. For only *two* of those years did the numbers of salmon returning three years later show further decline! On the other hand, *11 out of those 13 years*, or 85% of the years *below* 35,000 produced *higher* runs three years later, *usually* dramatically higher!

Between 1978 and 2005, there were 12 years when the "natural" spawners rose *above* 35,000 in the Klamath. For only *three* of those years did the numbers of salmon returning three years later show further increase! On the other hand, *9 out of those 12 years*, or 75% of the years *above* 35,000 produced *lower* runs three years later, *usually* dramatically lower!

***Low goes to high and high goes to low.*** So the "risk" of falling below 35,000 "natural" spawners in the Klamath is *not necessarily a risk at all*. ***The larger runs have not been sustainable.***

Since the data shows that more than 35,000 spawners is not sustainable, fishermen should be allowed to catch the excess or there is simply a mismanagement and waste of a valuable resource -- too many eggs laid, too many "seeds" planted producing more young than the Klamath can feed and "house" and keep healthy -- hence the inevitable crash three years later. Curtailing fishing punishes fishermen and the public by taking wild-caught salmon *off the market* and causing disaster to the fishing economy in order to assure, ironically, that there are *too many* spawners returning to the Klamath! Fishing is absolutely necessary in order to keep the numbers of returning spawners within the realistic carrying capacity of the Klamath. Further curtailment of the Pacific commercial and recreational salmon fishery is misdirected and scientifically unjustified.

**The Condition of the Klamath -- Habitat as the limiting factor:**

What is the problem with the Klamath and what do NOAA and NMFS propose to do about it? They admit that *poor conditions in the river, lethal high temperatures and low water, deadly parasites and warm-water loving bacteria* are limiting factors. They admit that *early-life survival* determines the condition of the run. Yet absent from NMFS' summary and conclusions are any Draconian measures to attack degraded conditions in the Klamath *immediately*. Every rancher knows he has to *limit* his stock to the carrying capacity of his land. The same with salmon in rivers. Yet NMFS and NOAA try to increase stock yield by increasing numbers of spawners *whereas the real problem is to provide for the most basic survival essentials for the offspring; basic needs like oxygen, food and water!*

Surprisingly, there is only one "model" in the PFMC Salmon Technical Team's analysis of the Klamath that even mentions "habitat" as a limiting factor! And, **shockingly**, the *only* "variable" considered is *the number of square miles of accessible streams in the watershed!* (Salmon Technical Team Report, "Klamath River Fall Chinook Stock-Recruitment Analysis", 9/1/05, p.13).

Think about it! The Team "considered habitat" by plugging into their "modeling" equation *the number of square miles* of streamway! How could *just* the number of square miles of river reveal the actual habitat? You need to know the volume of water in those square miles; the concentration of oxygen in the water column; the amount of insect food in the stream and on the bottom; the number of lethal parasites and deadly bacteria; fatally high temperatures; toxic chemicals; estrogen-mimics and endocrine disrupters that impair fertility! Calculating just the number of miles makes mockery of any real analysis of "habitat", and is an insult to our intelligence and common sense!

**Conclusion:**

We will not be buffaloeed by complex equations! The sense of the result is limited by the sense or *nonsense* of the data that went in! And, we will never solve the problem of the decline of the Chinook of the Klamath or any of the other Pacific Coast Rivers so long as the data plugged into the formulas is *irrelevant or inadequate*. Our conclusion is that *lack of* good science and misdirected policies continue unchecked and responsible for the continued decline of the fishery. Salmon, carrying *thousands of eggs per female*, are designed to withstand predation pressures like fishing, but they cannot survive *hot water, low flows and starvation*. Until NMFS and NOAA acknowledge the obvious lack of food and stop protecting lethal high temperatures and low flows that kill salmon but enhance populations of deadly bacteria and parasites, the collapse of the fishery will continue.

It is *counter-productive* to further curtail predation/fishing. *Spawning needs to be limited via fishing* to the *current* carrying capacity. Then concentrate on increasing the carrying capacity by improving the condition of the Klamath.



Ann Maurice  
5/18/06

Dean Estep  
P.O. Box 2179  
Ft. Bragg, Ca.  
95437  
(707) 964-3700

DO NOT SHUT DOWN  
COMMERCIAL SALMON SEASON  
BECAUSE OF THE KLAMATH RIVER

Pacific Fishery Management Council:

For years the Klamath CHINOOK SALMON runs have gone up & down. Look at the governments own charts. Lower spawning numbers produced the largest runs!


How can that be? Farmers know the answer. They know they have to "thin" their crop. Planting more seeds per acre won't produce more yield. If the soil isn't healthy the crop is lower.

The government statistics say how many spawners the Klamath should support based on the number of miles of river in the Klamath water shed, but say nothing about the quality of the water!

An acre of water will support only so many fish, just like an acre of land will support only so much livestock. If you want to increase the carrying capacity of the acre you have to improve it's quality. IT'S ALL ABOUT HABITAT, NOT OVERFISHING!

Salmon should be harvested at sea while they are of tremendous food value and not overcrowd the rivers and go to waste.

Dean Estep

  
5/23/06



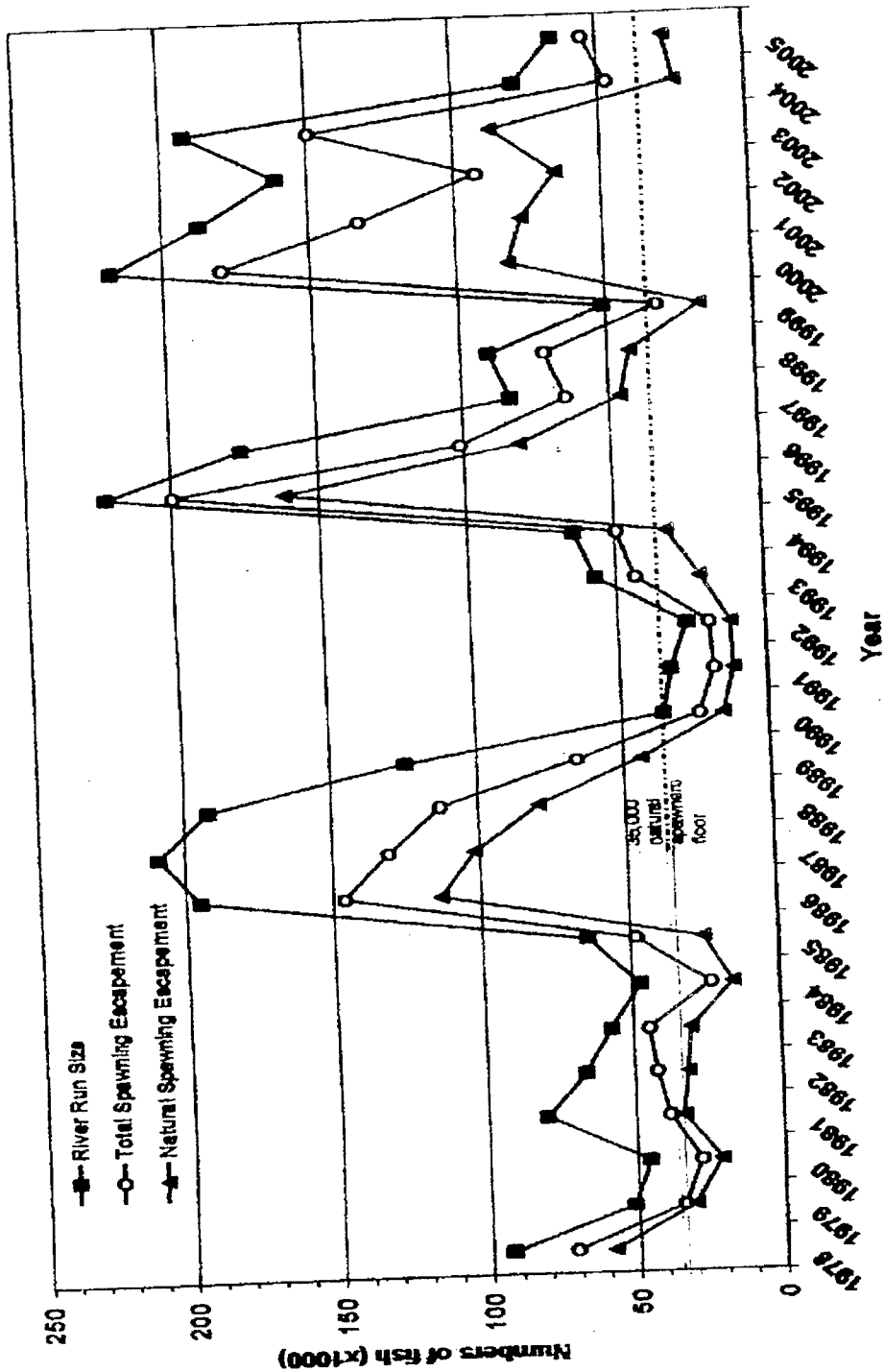


Figure II-2. Klamath River adult fall Chinook returns and spawning escapements, 1978-2005.

June 2006

May-19-06 03:51P

Chuck Wise  
President  
David B. ...  
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Secretary  
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Treasurer  
In Memoriam:  
Mathematic S. Bingham  
Harold C. Christensen

## PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS

W.F. Zerk  
Executive Director  
Glen H. ...  
Northwest Regional Director  
Michele ...  
Fishery Enhancement Director  
Victor ...  
Wildlife Conservation Director  
Dennis ...  
Salmon Advisor

<http://www.pcffa.org>

Please Respond to:  
California Office  
P.O. Box 29370  
San Francisco, CA 94129-0370  
Tel: (415) 561-5080  
Fax: (415) 561-5464

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PFMC

By Fax and by U.S. Mail

Northwest Office  
P.O. Box 11170  
Eugene, OR 97440-3370  
Tel: (541) 689-2000  
Fax: (541) 689-2500

19 May 2006

Mr. Rodney McInnis  
Southwest Regional Administrator  
National Marine Fisheries Service  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802-4213

Mr Robert Lohn  
Northwest Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way, NE  
Seattle, WA 98115-0070

RE: Comments - West Coast Salmon Fisheries 2006: Management Measures and a Temporary Rule

Dear Regional Directors McInnis and Lohn:

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the West Coast commercial fishing fleet, that include, among others, the majority of California's organized salmon trollers, wishes to submit the following comments regarding the above-entitled action by the Secretary of Commerce and your agency, the National Marine Fisheries Service (NMFS).

**Emergency Rule.** PCFFA requested and concurs with the adoption of an emergency rule for the 2006 season to allow fishing below the 35,000 fall-run natural spawning chinook salmon "floor" established for the Klamath River. This was necessary because:

1) The predictions of Klamath abundance indicate, even with no fishing, the natural escapement of fall-run would be below 35,000 fish and more likely around 30,000. Moreover, the tribal fishery that must be provided for due to the late season ocean catch in the 2005 season would bring the anticipated spawning escapement to approximately 25,000 natural spawning fall-run chinook.

2) Without an emergency rule no take of Klamath fish could be allowed in the ocean fisheries - effectively closing the commercial salmon fishery, as well as all ocean recreational fishing and the trawl fisheries for Pacific Whiting and Pacific groundfish - two fisheries with significant levels of salmon bycatch.

3) The historic record of spawning escapement for the Klamath River indicates that natural returns of 16,000 to 17,000 fish have produced near record levels of production in the

Mr. Rodney McInnis  
Mr. Robert Lohn  
19 May 2006  
Page Two

following 3 and 4 years, clearly demonstrating that for temporary periods of 3 to 4 years of being under the floor will not harm production of the natural component of the fall-run stock. PCFFA does not dispute the science behind the 35,000 fish floor nor the use of it as a long term goal for the system during normal conditions in-river helping maximize the number of parents in the population, but the 35,000 is not an absolute and no short term, nor long-term damage will occur to the population, from the science we have reviewed, if there are lapses in meeting this spawning escapement floor every year.

4) Klamath fall-run chinook and, indeed, all of the salmon populations of the Klamath River are in decline for reasons unrelated to fishing. While most other salmon populations along the West Coast have been relatively robust compared to their numbers at the end of the 1990's, due to good ocean conditions, Klamath stocks have been in decline beginning in 2002 as a result of a severe and multi-year drought in the Klamath Basin and decisions relating to water flow for the river, including NMFS' decision to override its own scientists in 2002 in the development of the Biological Opinion for ESA-listed coho salmon to allow for diversions that deprived the river of flows needed for salmon.

Low flows, warm water and poor water quality contributed to a massive parasitic infestation that resulted in massive kills of juvenile salmon (the actual mortality may occur at sea, but is the result of contracting the parasite while in the river), and a major kill of adult spawners in 2002. The decision by the responsible federal agencies (i.e., U.S. Bureau of Reclamation, NMFS) was subsequently overruled by the trial court this year, after being remanded by the U.S. Ninth Circuit; nevertheless three years of die-offs were allowed to occur that are the proximate cause of the low levels of Klamath fall-run natural spawning chinook at this time.

Because of this combination of natural factors (drought) and agency decisions, an emergency ruling was proper to allow for fishing by fishermen who did not cause the problem, but are its victims.

**Weekly Trip Limit.** Although an emergency rule was justified for the reasons set forth above, PCFFA finds that the Pacific Fishery Management Council, the National Marine Fisheries Service and the Secretary acted improperly and unlawfully when, after adopting a Klamath fall-run escapement number for 2006, under emergency rule, of 21,100 fish and having modeled seasons for all fisheries to attain that level then imposed on the commercial fleet, apparently at the behest of your agency (that has sought a total closure of commercial salmon fishing) at the end of the April PFMC agenda, a 75 fish per week per individual vessel trip limit. This was done with no notice, no public testimony, nor indeed had it even been modeled to determine what its affect would be.

This was an arbitrary and capricious action by the Pacific Council, apparently under pressure from your agency; this action was then approved, at the recommendation of your agency, by the Secretary of Commerce.


Mr. Rodney McInnis  
Mr. Robert Lohn  
19 May 2006  
Page Three

**PCFFA calls for the immediate repeal of the action imposing the 75 fish trip limit.** There is no scientific basis for the trip limit and although we have come to expect your agency to make up the economic determinations and science as it goes along, this additional regulatory imposition is completely without merit, will cause significant financial harm to fishermen and fishing communities and is unrelated to the attainment of a 21,100 natural fall-run chinook spawning escapement to the Klamath River. **The imposition of the trip limit was clearly a wanton and punitive action that had nothing to do with conservation or achieving the desired spawning escapement goal.**

Perhaps we are past asking your agency "have you no shame?" because everything indicates clearly you do not. However, if there are any remnants of decency, fair play and objective and scientific based decision making whatsoever left in the bowels of NMFS, you will take action to rescind this ill-begotten trip limit now before any further harm is caused the working men and women in this fishing fleet who have fought so hard to rebuild our salmon populations. These are the people who play by the rules and put their personal safety at risk going to sea to provide a high quality food for the American people. Your agency has already been responsible for the unnecessary loss of hundreds of millions of dollars to the fleet and fishing communities; we ask that you mitigate further losses by removing the trip limit now!

If you or your staffs have any questions, please contact us.

Sincerely,

  
W.F. "Zeke" Grader, Jr.  
Executive Director

cc: Members of the California and Oregon Congressional Delegations  
The Honorable Arnold Schwarzenegger, Governor of California  
The Honorable Theodore Kuloungoski, Governor of Oregon  
The Honorable Carlos Gutierrez, Secretary of Commerce  
Dr. William Hogarth, NOAA Assistant Administrator for Fisheries  
Dr. Don McIsaac, Executive Director, Pacific Fishery Management Council  
Mr. Ryan Broddrick, Director, California Department of Fish & Game

May 11, 2006

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PFMC

To the Commissioners:

Page 1 of 2

This letter is to address the herring fishing regulations that have just been passed by the Board of Fisheries. I read where the Board of Fisheries has again agreed to allow the catching of our dwindling supply of herring. I'm an old fishing seadog from 60 years ago, when I started off the coast of Southern California. As our fish populations started to dwindle some people wanted to protect the anchovy population but it didn't happen. Now I see the same scientific and economical reasons to keep fishing that I seen then. I am now seeing in Alaska the same mistakes that were made then. I don't know whether you know it or not but the fishing off the coast of California has gotten so bad that if a person catches a fish that weighs three to five pounds he will probably win the jackpot. Most of us everyday fishermen said at the time "you take away the feed, the fish will go in decline." That idea was met with scientific data from all the officials in the know and they ridiculed the idea to preserve the fishery at a 20 year earlier level. Well, we all know what happened in California, now Oregon and Washington are experiencing the same devastating declines in their salmon and halibut catches, and by their own admission they are using a 20% catch of stocks that are over the threshold, and then call this conservative. I have been fishing Alaska over 20 years and have watched the decline in the salmon and halibut catches year after year. In every other segment of the wild habitat of fish, animals, insects, birds, etc., the more feed the bigger the population. I can remember the herring coming to the top of the water in large schools and it sounded like it was raining. I haven't seen and heard that beautiful sound in more than 10 years. In the meantime the salmon populations have gone down, down, down and the catching quota has gone down at the same time. Pretty soon the sport fishers will be catch and release only, and the commercial fishing fleet will decline until there are none left as in California. Alaska, at this time, still has the chance to save its salmon and halibut populations from extinction, but we are going to have to bite the bullet and allow the herring population to return to 20 year ago levels. I live in the heart

of the trout capital of the world and I'm here to tell you, no feed, no fish. It's happened in lakes where predator fish were introduced, they ate all the feed and now there are no fish, even the predators are now starving. But, continuing to fish the herring 10% of stocks over the threshold, history will prove is disastrous, and coming up with smoke and mirrors that the herring is just moving around is ludicrous. I haven't seen a herring run in Herring Bay in over 10 years and in the old days they were there every year. Essentially what we have done is turn the baby salmon and baby steelhead into the feed fish for the rest of the critters that normally would eat herring. And then we wonder why every year the return is dwindling down on all the rivers from California to Alaska. I know you're trying to prevent a financial disaster for the herring fishermen and I know the agony of being put out of business. As I watch the decline in the fisheries of southeast Alaska my heart goes out to the fishermen trying to make a living. Yes, I'm old and I've had my day of fabulous fishing, but I feel for the future generations of Alaska fishermen that will just fade away. I seen it happen before and I see it happening again with all the same arguments and scientific wrangling. I know I will be called radical, old fashioned, stupid, uninformed, non-understanding, scientifically ignorant and out-of-touch with reality. I gave this letter a lot of thought and a lot of research, and it keeps coming up the same, no feed, no fish. I thank you for your indulgence in reading this letter to the end. My heart goes out to you people of Alaska, for truly Alaska is the "last frontier." I hope to be in Alaska for another fishing season this spring and summer.

Your friend, Bill Vander Pol, Castleford, Idaho.

970E 3700N, Castleford, Idaho 83321



Note: This letter was originally sent to the Alaska Fisheries but pertains to all Pacific Coast Fisheries. Good luck.



MTC

## **MIDWATER TRAWLERS COOPERATIVE**

P.O. Box 2352

NEWPORT, OREGON

PHONE: 541-265-9317 · FAX: 541-265-4557

jincks@pioneer.net

May 27, 2006

Mr. Donald K. Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1348

Dear Chairman Hansen:

Midwater Trawlers Cooperative (MTC) members, along with non-members that fish shoreside whiting in California, Oregon and Washington, are extremely concerned over the continued build up of large AFA trawlers entering the shoreside whiting fishery since the implementation of the American Fisheries Act (AFA) in the North Pacific Region. For catcher vessels in the whiting fishery there have traditionally been two distinct and separate whiting fisheries with separate seasons and quotas. The first season on an annual basis is the Mothership whiting fishery that begins off the West Coast May 15 and traditionally ends towards the end of the first week of June. The second season is the Shoreside whiting fishery that begins June 15 and depending on the size of the quota runs 6 to 8 weeks with smaller catcher vessels supplying whiting to the inshore markets.

Many of the larger AFA pollock vessels have a significant history in the Mothership whiting fishery because it was conducted at a time between the two major Pollock fisheries in the Bering Sea. However, on an annual basis, prior to AFA the motherships and most of their larger pollock vessels all returned to the Bering Sea to participate in the more lucrative pollock B Season by mid June. Prior to AFA there was very little participation by the larger AFA pollock vessels in the inshore whiting fishery.

Congress adopted the American Fisheries Act (AFA) and in the year 2000 the pollock fishery in the Bering Sea was rationalized. The net result is that pollock fishing rights can now be sold, leased or stacked by owners between multiple AFA vessels providing owners of pollock vessels a tremendous competitive advantage over non-rationalized fisheries. The AFA required the North Pacific Council to adopt sideboards to prevent AFA vessels from causing adverse effects on other fisheries within its jurisdiction. The North Pacific Council moved promptly and adopted sideboard regulations limiting AFA vessels to their historical fisheries in the Bering Sea and Gulf of Alaska and prohibiting these vessels from increasing their participation in their historic non-pollock fisheries. Again, the net result in the North Pacific Region is that AFA vessels are not able to adversely affect other fisheries.

The American Fisheries Act (AFA) also recognized that there could be adverse impacts caused by AFA within the region managed by the Pacific Fishery Management Council (PFMC). The AFA also required the PFMC to take action as follows:

**"By not later than July 1, 2000, the PFMC established under.....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....."**

David Jincks, President

880 SE Bay Blvd \* Newport, OR 97365 \* Phone: (541) 265-9317 \* Email: jincks@pioneer.net

The Council did begin work to comply with AFA and announced control dates of September 16, 1999 and June 29, 2000 advising owners of AFA vessels in effect that their participation in the West Coast fisheries was likely to be limited as required by the AFA. Amendment 15 was initiated by the PFMC to comply with its obligation but before completing its work the PFMC dropped this agenda item from its workload. At the time the PFMC had a huge backlog of other work. The bottom line is that the Whiting fishery (and other West Coast fisheries) has not been protected by sideboards as required by the American Fisheries Act.

The greatest adverse affects of AFA now being felt on the West Coast is in the Inshore Whiting fishery. Since enactment of AFA, large AFA catcher vessels (without pre-AFA inshore whiting history) have been entering the shoreside whiting fishery. Most of these catcher vessels had pre-AFA history in the mothership whiting fishery but did not have significant participation in the inshore whiting fishery because as explained above, most had to return to the Bering Sea by mid June for the Olympic pollock fishery. Now that the pollock fishery is no longer in an Olympic mode some of these large capacity AFA pollock vessels are now leasing or otherwise delaying their participation in the pollock fishery by virtue of its rationalized nature, and contributing to the creation of a full on derby Olympic fishery in the West Coast shoreside whiting fishery by entering this fishery without having pre-AFA history within the Inshore sector. This is in direct violation of the directives and intent of the American Fisheries Act. The net result will be additional capitalization in the processing sector, shortening of the season and the risk of higher bycatch due to the extreme Olympic rush for fish.

The historic participants who have a long term dependency on the inshore whiting fishery are now urging the Pacific Council to move ahead swiftly and provide the Inshore Whiting fishery with the protection to which it is entitled by virtue of the American Fisheries Act. The continued overcapitalization occurring in the inshore whiting fishery is destabilizing this fishery.

The approach MTC recommended in 1999 to protect the Inshore Whiting fishery and other West Coast fisheries, was a direct and non-complicated set of sideboards which we are again asking for at this time. I am enclosing a copy of what we presented in 1999 which became the basis of the PFMC Amendment 15 analysis. That analysis became overly complex on an issue that was clear cut and required decisive action. We are now facing huge adverse effects on the West Coast by AFA boats ignoring the intent of the protective measures of the American Fisheries Act and who are taking advantage of the large workload of this Council which prevented it from doing its work. We are now asking for the protection we deserve under the American Fisheries Act.

Sincerely,

[Signed Copy Mailed]

David Jincks  
541-270-3208  
[jincks@pioneer.net](mailto:jincks@pioneer.net)

**David Jincks, President**

880 E. Bay Blvd \* Newport, OR 97365 \* (541) 265-9317 \* Fax 265.4557 \* Email: [jincks@pioneer.net](mailto:jincks@pioneer.net)



Midwater Trawlers Cooperative  
AFA Sideboard Proposal

1. AFA qualified CV's that have not harvested at least 50 tons of whiting in the mothership fishery in the years 1994 through September 16, 1999 will be ineligible to participate in the mothership fishery for whiting in the future.
2. AFA qualified vessels that have not landed at least 50 tons of whiting in the inshore whiting fishery in the years 1994 through September 16, 1999 will be ineligible to participate in the inshore whiting fishery in the future.
3. AFA qualified vessels that do not have inshore landings of groundfish other than whiting in the years 1994 through September 16, 1999 will be prohibited from participating in those fisheries in the future. Bycatch amounts of other groundfish in the Pacific whiting fishery shall not be eligible for qualifying a vessel under this provision.
4. The Council should immediately announce a control date of September 16, 1999 to the extent necessary to preserve the status quo.

**David Jincks, President**

880 E. Bay Blvd \* Newport, OR 97365 \* (541) 265-9317 \* Fax 265.4557 \* Email: [jincks@pioneer.net](mailto:jincks@pioneer.net)



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JUN 05 2006

PFMC

June 5, 2006

Mr. Donald K. Hansen  
Pacific Fisheries Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220

Re: American Fisheries Act (AFA) Sideboards for the West Coast Groundfish Industry

Dear Chairman Hansen,

It has been brought to my attention that there are a number of large AFA protected vessels set to enter the shoreside whiting fishery this year with no prior landing history in that fishery. As the Administrator of the Oregon Trawl Commission, which represents all vessels landing trawl products into the State of Oregon, this is very disturbing news.

When the AFA passed, it was very clear that those participating vessels would benefit greatly from the rationalization and would have increased flexibility to participate in other "new" fisheries as a direct result of its passage. The legislation was very clear in its intent to put controls into place to avoid this spillover. While the shoreside whiting fishery has not experienced much impact up until this year, the reason for having those protections in place are quickly becoming apparent due to this year's strong whiting market.

Currently there are five AFA vessels, with no prior history, lined up to participate in the shoreside fishery with a combined hold capacity of nearly 2 million pounds. This extra fishing effort combined with the additional capitalization in the processing sector, is setting the stage for not just adverse, but severe impacts to the shoreside whiting fishery. With the small amount of bycatch available to the whiting fleet and all fisheries in general, the possibility of an early closure is only one tow away, and the "trickle down" effect that could ultimately impact all West Coast groundfish fisheries.

While it is unfortunate that the Pacific Council did not complete the work that was started with regard to this issue, I strongly urge you to move forward with the 1999/2000 control dates and implement the sideboards that protect the historical participants in our West Coast groundfish fisheries.

Sincerely,

Brad Pettinger  
Administrator  
Oregon Trawl Commission

June 2, 2006

Carlos M. Gutierrez, Secretary  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, DC. 20230  
Via E-mail: cgutierrez@doc.gov

**RECEIVED**  
**JUN 02 2006**  
**PFMC**

D. Robert Lohn, Regional  
Administrator, Northwest Region,  
NMFS, 7600 Sand Point Way N.E.,  
Seattle, WA 98115-0070,  
Fax: 206-526-6426;

Rod McInnis, Regional  
Administrator, Southwest Region,  
NMFS, 501 West Ocean Boulevard, Suite  
4200, Long Beach, CA 90802-4213,  
Fax: 562-980-4018.

Dr. Donald O. Melsaac,  
Executive Director, Pacific Fishery Management Council,  
7700 NE Ambassador Place, Suite 200,  
Portland, OR 97220-1384,  
Fax: 503-820-2209

Re:

A Formal Petition for Emergency Rule to Amend the West Coast Salmon Fisheries 2006 Management Measures and Temporary Rule; as Published In The Federal Register May 4 2006, Volume 71 Number 86 Page 26254.

Please consider the following a formal Petition for an Emergency Rule to Amend the above referenced Management Measures and Temporary Rule.

It has come to our immediate concern and interest that these regulations be held invalid as being administratively incompliant, illegal, constitutionally invalid, in violation of The Magnuson Stevens Fishery Conservation and Management Act, 16 U.S.C.~ 1801-1882, the Administrative Procedures Act, 5 U.S.C. 551, et seq, the Regulatory Flexibility Act, 5 U.S.C. 601, et seq, Executive Presidential orders, international treaties, exceedingly burdensome on State and Local governments, not in the interest of the public, as well as arbitrary and capricious.

On behalf of all licensed and permitted commercial salmon fishermen who engage in the Ocean Troll Salmon Fishery in the waters of the Pacific Ocean off the West Coast of the States of Oregon and California, between Cape Falcon and Point Sur, the related fish processors, receivers, wholesalers, chandleries, shipyards, fuel docks, ice production facilities, trucking firms, and all residents of our coastal communities impacted by these Rules and Regulations, we formally request that said regulations be revised, reconsidered, and reallocated equally, fairly, legally and consistently.

We contest the model application used this year. To date there has still been no updated model information provided justifying the newly adopted management measures. NMFS provides a title page of the latest KOHM model at [http://santacruz.nmfs.noaa.gov/publications/doc\\_detail.php?document\\_ID=637](http://santacruz.nmfs.noaa.gov/publications/doc_detail.php?document_ID=637), but announced that distribution copies are not available. Further, we object to promulgation of the 75 fish trip limit without the application of any model at all. More particularly we formally object to the arbitrary method to which the measures have been heretofore justified and adopted. We object to emergency procedures being taken when no real emergency situation has occurred. It is improper for agencies to "short circuit" the established rule making process by acting under a cloak of a premeditated "emergency action." This results in unnecessarily ramming flawed regulations through without providing due process for all affected individuals.

According to the Federal Register on December 28, 2005 (70 FR 76783) The Council announced its annual preseason management process for the 2006 ocean salmon fisheries. This notice announced the availability of Council documents as well as the dates and locations of Council meetings and public hearings comprising the Council's complete schedule of events for determining the annual proposed and final modifications to ocean salmon fishery management measures. The agendas for March and April were also published prior to the actual meetings.

Additionally, Council met in Seattle, WA from March 6 to 10<sup>th</sup> 2006 in order to develop management options. The Council proposed three "options" of commercial and recreational fisheries management for analysis and public comment. These measures were specifically designed to protect weak stocks, and to provide ocean harvests of more abundant stocks. None of the published proposed options were actually adopted. Public comment however was gathered in response to these specific options that were proposed. Public Comment was not taken at all with regards to the improperly noticed option that was adopted. The affected parties and the public were not afforded with an opportunity for public comment, which is in direct violation of MSA, APA, constitutional and common law. Furthermore, the adopted option was not afforded consideration by the Pacific Council Advisory Committees, the Salmon Advisory Sub Committee, and was not analyzed with the KOHM by the STT and SSC.

We further object to the arbitrary and capricious manner in which the 2006 season has been fabricated. The 2005 post-season estimate was approximately three times the pre-season projection. As a result of the post-season estimate, being three times the pre-season projection the STT modified the KOHM to more accurately represent recent

trends, but have failed to notify any of the public as to exactly how they are attempting to more accurately represent these recent trends. We object to this failure to disclosure. Furthermore, we object to this modification to the KOHM without disclosure. The arbitrary and capricious nature of the regulations is objectionable.

In addition to the arbitrary and capricious manner that the new regulations were established, the Pacific Council, STT, SSC and NMFS failed to apply the best available science.

As a final comment, the issuance of the "guidance letter" directive to the PPMC dated Friday March 31<sup>st</sup> from Mr. Robert Lohn and Mr. Rodney R McInnis of NMFS was contrary to the expressed guidelines for the process of adopting rules to establish a season under the council framework and effectively corrupted the entire process by throwing out options I and II. There was, however, much effort by all attendees at the meeting over the next several days to find some solution other than the complete closure required by the "guidance" letter. Late on Wednesday an agreement was agreed to by the various working groups, including the STT, subjecting it to the KOHM to ascertain that it provided for the minimum spawner escapement of at least 21,000. We will refer to that agreement as "Option IV," copies of which were printed up and distributed to the meeting attendees. Prior to public comments and testimony on Thursday morning, April 6, 2006, members of the SAS met with the council representative from their State. In the California meeting there was no mention of any alterations of the "Option IV" agreed on the day before. Extensive public testimony was given.

Upon completing the public comments agenda item the council immediately proceeded to a motion to approve the request for a season as had been agreed. When the Oregon representative introduced the details for Oregon Waters he inserted an amendment to "Option IV" with brief discussion by the various members and a vote, which passed creating a new option we identify as "OPTION IV (a)." This same amendment was offered by the California member and passed with even less discussion. This option as adopted provided for the inclusion of an individual weekly maximum quota of 75 fish per boat for most of the season for waters off California North of Pt. Sur (The exception being the Fort Bragg area in September which remained at 30 fish per day limit on a 4,000 total take limit). This amendment to the SMP was adopted without being reviewed by the SAS, STT, and SSC or modeled by the KOHM as required. This failure to follow the proper procedure has resulted in very serious reallocation of the resource without due process. There is a further matter of improper allocation. The caps on the allowable take as by-catch in the Pacific Whiting Fishery were not altered during the process that reduced the take by all others. This does not constitute a fair and equitable allocation of the available resource.

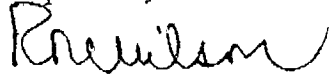
We further contend there appear to be serious flaws in the KOHM, the assumptions and data used therein and the projections resulting there from.

It is our desire that these matters be subjected to immediate review in accordance with the provisions of the Magnuson Stevens Act, the Administrative Procedures Act,

Presidential Executive Order 12866 and all other applicable Federal Laws, Rules and Regulations. At the very least we petition for an immediate elimination of the 75 fish per week limit, the imposition of which appears to have been made in an arbitrary and capricious manner and will cause irreparable damage to the fishing fleet and coastal communities, the lives and well being of many families, the infrastructure of the fishery and the industry as a whole. A correction of this nature will also help solve some of the allocation issues. It will be necessary to reevaluate the allocation structure upon completion of the above noted corrections.

We hope that you will take immediate action to correct these problems before any further unnecessary damages are sustained. Please notify us as to your decision regarding these matters within 10 days of your receipt of this letter.

Respectfully submitted,



Robert D Wilson

Owner

Empress Seafood LLC

D/F/V "Empress"

Fish Legal (a 501 c6 association being formed)

E-mail [fishlegal@mcn.org](mailto:fishlegal@mcn.org)

P.O. Box 2479

Mendocino, CA 95460

Office (707) 937-2233

Fax (707) 937-2244

Cell (707) 489-3711

#### ADDITIONAL PETITIONERS

Seafood Suppliers Inc  
Wm T Dawson, President

North Coast Fisheries Inc.  
Michael T Lucas, President

Coos Bay Trawlers Association, Inc.  
Steve Bodnar, Executive Director  
F/V "Bernadette"  
F/V "Cape Foulweather"  
F/V "Stormic C"

Ray Monroe  
F/V "No Name"

Joe Zelfer  
F/V "Royal"

F/V "Coast Pride"  
F/V "Ms Julie"

Richard Goche  
Aquatic Resources, Inc



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Sustainable Fisheries Division F/NWR2  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115-0070

MAY 31 2006

Editte Lerman, Esq.  
45060 Ukiah St.  
PO Box 802  
Mendocino, CA 95460

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JUN 02 2006

**PFMC**

Dear Ms. Lerman:

I appreciate your letter regarding the 2006 ocean salmon fisheries and the effect of this years' fishery reduction on the fishing community. As you know, recent forecasts of the run sizes of salmon populations on the West Coast indicate that the number of fall Chinook returning to the Klamath River to spawn in natural areas will be just over 25,000 fish, even if all ocean fishing is closed for the year. This spawning return will be one of the lowest in many years and below the spawning escapement floor of 35,000 naturally spawning adults identified as necessary to allow a fishing season under the Pacific Coast Salmon Fishery Management Plan (FMP). Under these circumstances, the FMP requires a closure of the salmon fisheries impacting Klamath River fall Chinook. The only option for allowing salmon fisheries in the Klamath impact area from northern Oregon to central California is to manage the fishery this year under an emergency rule.

The Pacific Fishery Management Council (Council) met in March and again in April to consider these circumstances and whether fishing could be allowed without jeopardizing the long-term health of the stock. Through the preseason planning process, the Council considered options that ranged from no fishing in the Klamath impact area to fisheries similar to those in 2005. In your letter, you took particular exception to the application of weekly trip limits to commercial fisheries in the Klamath impact area. The use of trip limits was considered at length through the Council process. Options I and II, adopted for public comment at the March Council meeting, contained a mix of possible weekly trip limits. At the same time, the Council asked the Salmon Technical Team (STT) to evaluate the effectiveness of trip limits for reducing fishery impacts. At the April meeting, the STT reported on the results of their analysis. The STT concluded that there were too many untested assumptions related to the effects of trip limits, and recommended that they not be explicitly incorporated into the management model. Nonetheless, there was a qualitative expectation that trip limits would help reduce catch. The Council therefore included trip limits as part of their recommended regulations as a precaution to reduce the likelihood of exceeding the expected catch, and further reducing the escapement below projected levels as has occurred in recent years.

After careful consideration of the conservation issues and the needs of the fishing community, the Council recommended a package of management measures allowing





**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

JUN 1 2006

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JUN 05 2006  
PFMC

W.F. "Zeke" Grader, Jr.  
Executive Director  
Pacific Coast Federation of Fishermen's Associations  
P.O. Box 29370  
San Francisco, CA 94129-0370

Dear Mr. Grader:

Thank you for your recent comments regarding the 2006 west coast salmon fisheries. We appreciate your recognition of the need, and support for implementation of the 2006 ocean salmon fishing regulations by emergency rule. However, we note your strong exception to the inclusion of weekly trip limits as part of the package of regulations.

Please be advised that the use of trip limits was considered at length through the Council process. Options I and II, adopted for public comment at the March Council meeting, contained an extensive mix of possible weekly trip limits. At the same time, the Council asked the Salmon Technical Team (STT) to evaluate the effectiveness of trip limits for reducing fishery impacts. At the April meeting, the STT reported to the Council on the results of their analysis. The STT concluded that there were too many untested assumptions related to the effects of trip limits, and recommended that they not be quantified in the management model. Nonetheless, there was a qualitative expectation that trip limits would help reduce catch. The Council therefore included trip limits as part of their recommended regulations as a precaution to reduce the likelihood of exceeding the expected catch, and further reducing the escapement below projected levels as has occurred in recent years. After careful consideration, NOAA's National Marine Fisheries Service (NMFS) concluded that the Council's recommended management measures addressed the immediate conservation needs of Klamath River fall Chinook while mitigating, to the degree possible, the adverse effects to the fishing community.

We are aware of the severe consequences these restrictive measures will have on the fishermen and the businesses and communities they support. Our priority is to conserve the long-term health of Klamath River fall Chinook so that they support the kinds of fishing opportunities in the future that are so important to you and the fishermen you represent.

I appreciate your interest in this matter.

Sincerely,

*for Joe Scordin*  
D. Robert Lohn  
Northwest Regional Administrator

*for Joe Scordin*  
Rodney R. McInnis  
Southwest Regional Administrator.



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JUN 06 2006

*North Coast Consumers Alliance**P.O. Box 351**Redwood Valley, Ca 95470*

PFMC

To: Pacific Fisheries Management Council

June 6, 2006

Comments on Salmon Policy and Closures

Here's a quote from Tim Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere at NOAA: " We're still in the hunter-gatherer mode when it comes to catching fish. We need to become more sophisticated in raising and harvesting them, like we have with other animals".

Like beef, for instance? Is a feed-lot "sophisticated"? Have the big beef corporations solved their problems with waste disposal, environmental degradation or the overuse of antibiotics? Have they even solved the problems involved with producing beef that isn't diseased?

The big fish farms on the East Coast are plagued with the same problems as the big beef feedlots. This resulted in millions of dollars of farmed salmon having to be destroyed because of disease; they showed up the following year as salmon compost. Is this sophistication? Is the "by-catch", the fish ground up and thrown back to sea from the big factory ships, --is this an elegant way to treat resources? Does it make any environmental sense? Both fish farms and factory fishing operations have proven themselves to be unsustainable.

The hunter-gatherer mode of our small-boat fisherman is infinitely to be preferred. Wild fish taste much better than farmed fish and are much better for us as well. We all know this. Therefore I am demanding that the salmon fishing season remain open so we can keep the small trolling operations in business.

Yours truly,



Ellen Faulkner

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JUN 06 2006

PFMC

6/6/06

**Ad Hoc Committee**

P.O. Box 484  
Occidental, CA 95465  
707 874-3855

Pacific Fisheries Management Council

At the last Council Meeting, I asked what analysis of the carrying capacity of the Klamath had been completed. How much food was available to feed the young Chinook while in inland waters. I was told to check out the Salmon Technical Team (STT) 2005 report because one of the computer models used to assess the appropriate number of spawners for the Klamath, took "Habitat" into consideration!

But what I found was that model used only one variable, namely square miles of accessible waterway. No studies of food. How can we pretend to know what's wrong with the carrying capacity if no one knows whether there is enough food in the system to feed the young of 50,000 spawners? All the computer models in the world won't help us. Also, the STT model used is from the Canadian department of fisheries but it is in *DRAFT* form, *not yet approved*, *not yet in use in Canada*, with no history or track record. Out of all the research that has been done in the US and Canada, the best your salmon technical team could come up with is a Canadian computer model in "draft" form?!

As to loss of salmon, and "ocean conditions" and the "disappearance" of jacks, what research have you done on tonnage of dead fish thrown overboard by other industry fishermen as "bycatch" they cannot legally bring to port? What about your quota system? *Have you analyzed the impact of the implementation of your quota system on numbers of chinook?* Have you figured out in practical reality what it means for a whiting fisherman to have a salmon and a whiting quota?

I believe that some fresh eyes interested in maintaining a West Coast fishery needs to take a fresh look at your *programs* as well as your data.

Sincerely,



Ann Maurice

*Salmon  
2 pages*

**DRAFT – Not approved for release**

Pacific Scientific Advice Review  
Committee

Salmon Subcommittee Working Group  
Paper S2004 -05

Habitat-based methods to estimate escapement goals for data limited Chinook salmon stocks  
in British Columbia

by

C. K. Parken, R. E. McNicol and J. R. Irvine

2006

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PFMC

Fisheries and Oceans Canada  
Science Branch  
Pacific Biological Station  
Nanaimo, B.C. V9T 6N7

Not Citable

PSARC Working Papers document the scientific basis for fisheries management and advice in the Pacific Region. As such, they provide one component of the assessment process and are not intended as comprehensive treatments of stock management.



**OCEANA**

Protecting The  
World's Oceans

4189 SE Division Street, North Suite +1 503.235.0278  
Portland, OR 97202 USA [www.oceana.org](http://www.oceana.org)

June 14, 2006

Mr. Donald Hansen, Chair  
Council Members  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, OR 97220

Dear Mr. Hansen and Council members:

The issue of bycatch in the Pacific, irrespective of differing data perspectives at the June Pacific Fishery Management Council meeting<sup>1</sup>, remains serious and continues to have major implications for individual species, ecological communities, and sustainable fisheries. For example, we are concerned about the bycatch of canary rockfish. In 2004, groundfish fisheries bycatch resulted in the Optimum Yield of canary rockfish to be exceeded by 11 metric tons.

To avoid such irresponsible management in the future, we urge the Council to join us in calling on NOAA Fisheries to produce a comprehensive annual bycatch report that details discards by fishery, and to establish and enforce hard caps on bycatch. We believe this is crucial in order for managers and the public to have a more accurate understanding of exactly what is being harvested and to make informed decisions that protect the health of our ocean ecosystems. Further, we request that there be annual hearings to discuss bycatch as a way to review the data and find out where improvements can be made.

While measures like the Rockfish Conservation Area and Essential Fish Habitat protection have likely reduced bycatch, it is necessary that we strive to count, cap and control discards in West Coast fisheries. We look forward to continuing work with the Council on the issue of bycatch; and we hope you will pursue a request to NOAA Fisheries for annual discard reports and hard caps, and will conduct public hearings on this information.

Sincerely,

Jim Ayers  
Vice President

---

<sup>1</sup> In July 2005 a report was prepared for Oceana, Wasted Resources: Bycatch and discards in U.S. Fisheries by Jennie Harrington of MRAG Americas, Ransom Myers, Dalhousie University and Andy Rosenberg, University of New Hampshire. The authors also published an article based on the results of this report in a peer-reviewed academic journal (Harrington, J.M., Myers, R.A., and Rosenberg, A.A. 2005. Wasted fishery resources: discarded bycatch in the USA. *Fish and Fisheries*: 6, 350-351). During the June Pacific Fishery Management Council meeting, questions were raised about the bycatch discard estimates presented in the report and article compared to total mortality estimates prepared by NMFS. We have requested under separate correspondence that the authors speak with Dr. Elizabeth Clarke to resolve any misunderstandings regarding the methodology and results.

**OCEANA**Protecting The  
World's Oceans2501 M Street NW, Suite 300  
Washington, DC 20037 USA+1.202.833.3900  
www.oceana.org

June 15, 2006

Dr. Andrew Rosenberg  
Ocean Process and Analysis Laboratory  
Institute for the Study of the Earth, Ocean and Space  
Morse Hall 142  
University of New Hampshire  
Durham, NH 03824

Dear Andy:

At the current meeting of the Pacific Fishery Management Council (PFMC), there was extensive discussion of the groundfish discard estimates presented in your report *Wasted Resources: Bycatch and Discards in U.S. Fisheries* and the associated article published in *Fish and Fisheries*. The estimates presented in the report and paper were questioned after NOAA Fisheries scientists stated to the Council that they have been unable to reproduce the groundfish discard results you presented, and that the estimates in your report are much higher than their estimates of discards.

In order to resolve these questions, I urge you to get in touch with Dr. Elizabeth Clarke of NOAA Fisheries regarding the methodology used in the Wasted Resources report to help iron out any confusion or misunderstanding. I know you did not re-estimate discard rates or levels from raw data and that discard rates for each species were obtained from publicly available published reports. However, because of the questions raised at the PFMC meeting regarding the methodology, and the discrepancies between their estimates and those in the Wasted Resources report, I hope you will speak with Dr. Clarke about this matter as soon as possible. She can be reached by email at [Elizabeth.Clarke@noaa.gov](mailto:Elizabeth.Clarke@noaa.gov) or by telephone at 206-860-3381.

Very truly yours,

Michael F. Hirshfield, Ph.D.  
Senior Vice President, North America and Chief Scientist

cc: Jennie Harrington, MRAG Americas Inc.  
Dr. Ransom Myers, Dalhousie University  
Dr. Donald McIsaac, Executive Director, Pacific Fishery Management Council



MTC

# MIDWATER TRAWLERS COOPERATIVE

P.O. Box 2352

NEWPORT, OREGON

PHONE: 541-265-9317 FAX: 541-265-4557

jincks@pioneer.net

*Supp. Public Comment*  
*Dave Jincks*  
*Open Public*  
*Comment*

Oregon Department of Fish and Wildlife letter to Chairman Hansen.	Pages 1-2
Midwater Trawlers Cooperative, letter to Chairman Hansen.	Pages 3-4
Midwater Trawlers Cooperative, AFA sideboard proposal.	Page 5
Pacific Fisheries Management Council's letter to Ms. Margaret Spring.	Pages 6-7
AFA and non-AFA shoreside whiting history.	Pages 8-9
Shoreside whiting history 1992 – 2005.	Page 10
Wednesday, November 24, 1999 / Federal Register.	Pages 11-12
Wednesday, September 13, 2000 / Federal Register.	Pages 13-14
NOAA restricted access management, American Fisheries Act catcher vessels.	Pages 15-20

David Jincks, President

880 SE Bay Blvd \* Newport, OR 97365 \* Phone: (541) 265-9317 \* Email: jincks@pioneer.net



# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Fish Division

3406 Cherry Avenue NE

Salem, OR 97303

(503) 947-6200

Fax (503) 947-6202/6203

[www.dfw.state.or.us](http://www.dfw.state.or.us)



May 24, 2006

Mr. Donald K. Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

Dear Chairman Hansen:

The Oregon Department of Fish and Wildlife recently learned of developments potentially affecting the 2006 Pacific whiting fisheries, raising concerns for the Pacific Fishery Management Council (PFMC). In addition to the large catcher/processor (CP) vessel whose acquisition of permits for the CP sector of the West Coast whiting fishery was noted in the PFMC's March 17, 2006 letter to Ms. Margaret Spring of the U.S. Senate Committee on Commerce, Science, and Transportation, there is at least one new applicant for entry into the 2006 Exempted Fishing Permit (EFP) shoreside whiting fishery which is also a high capacity vessel eligible for American Fisheries Act (AFA) benefits with little or no prior catch history in our region. Prior to the 1998 AFA, the height of the Bering Sea Aleutian Islands pollock fishery occurred at the beginning of the season, which opened at the same time as the shoreside Pacific whiting fishery (effectively preventing vessels from participating in both). AFA benefits such as cooperatives and individual vessel allocations enable vessels to rearrange their pollock fishing schedules, allowing them the time to participate in the Pacific whiting fishery.

Concerns related to the entry of additional Alaska-based AFA vessels include the possibility that significant catching and processing capability by new participants will negatively impact the fishery by leading to derby-style fishing in the catcher-processor sector, thereby increasing the rates of both whiting harvest and potentially increase the bycatch of prohibited species and other groundfish. This altered dynamic, along with increased effort in the shoreside sector, could result in increased monitoring costs and potential emergency closures of other whiting sectors and other fisheries if any of the depleted species caps are reached or exceeded. With significant constraints on prohibited and depleted species bycatch on the West coast, this should pose an immediate concern for the Council and NOAA Fisheries.

When the AFA was passed, Congress directed the PFMC to take action to "develop measures to protect west coast groundfish fisheries from potential harm caused by the AFA." In 1999 and 2000, the PFMC established control dates for the purposes of any future rules establishing limited entry in this fishery. These actions alerted potential and future entrants to the Pacific coast groundfish fisheries that minimum participation requirements may be established at any

time in the future, and would, as a result, exclude vessels not meeting those requirements from participation. The intent was to discourage speculative entry into Pacific coast groundfish fisheries, particularly by those vessels eligible for AFA benefits and those that have not participated in the PFMCM-managed west coast groundfish/whiting fisheries. The concern was to be addressed further in Amendment 15 to the groundfish Fishery Management Plan; however, due to lack of any imminent threat and competing workload, the development of Amendment 15 has been suspended.

We urge the Council's consideration in scheduling time to discuss this matter during the June 2006 meeting, with the goals of identifying a process and timeline to establish controls that will prevent future problems in the operation and management of this fishery, and taking in-season action if necessary to forestall problems in the 2006 fishery.

This fishery is a vital component of our West coast groundfish fishery (30-35 vessels participate), as well as a significant contribution to the coastal economy (\$6 -\$8 million dollars ex-vessel value annually). Attention to these concerns is time sensitive and the consideration of the Council at this June meeting is greatly appreciated.

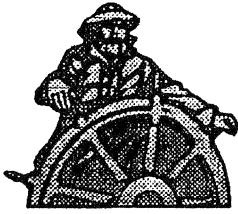
Sincerely,

[Signed original sent via U.S. Mail]

Curt Melcher, Assistant Division Administrator  
Fish Division  
Oregon Department of Fish and Wildlife

Cc Burke





MTC

## MIDWATER TRAWLERS COOPERATIVE

P.O. Box 2352

NEWPORT, OREGON

PHONE: 541-265-9317 FAX: 541-265-4557

jincks@pioneer.net

May 27, 2006

Mr. Donald K. Hansen, Chairman  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1348

Dear Chairman Hansen:

Midwater Trawlers Cooperative (MTC) members, along with non-members that fish shoreside whiting in California, Oregon and Washington, are extremely concerned over the continued build up of large AFA trawlers entering the shoreside whiting fishery since the implementation of the American Fisheries Act (AFA) in the North Pacific Region. For catcher vessels in the whiting fishery there have traditionally been two distinct and separate whiting fisheries with separate seasons and quotas. The first season on an annual basis is the Mothership whiting fishery that begins off the West Coast May 15 and traditionally ends towards the end of the first week of June. The second season is the Shoreside whiting fishery that begins June 15 and depending on the size of the quota runs 6 to 8 weeks with smaller catcher vessels supplying whiting to the inshore markets.

Many of the larger AFA pollock vessels have a significant history in the Mothership whiting fishery because it was conducted at a time between the two major Pollock fisheries in the Bering Sea. However, on an annual basis, prior to AFA the motherships and most of their larger pollock vessels all returned to the Bering Sea to participate in the more lucrative pollock B Season by mid June. Prior to AFA there was very little participation by the larger AFA pollock vessels in the inshore whiting fishery.

Congress adopted the American Fisheries Act (AFA) and in the year 2000 the pollock fishery in the Bering Sea was rationalized. The net result is that pollock fishing rights can now be sold, leased or stacked by owners between multiple AFA vessels providing owners of pollock vessels a tremendous competitive advantage over non-rationalized fisheries. The AFA required the North Pacific Council to adopt sideboards to prevent AFA vessels from causing adverse effects on other fisheries within its jurisdiction. The North Pacific Council moved promptly and adopted sideboard regulations limiting AFA vessels to their historical fisheries in the Bering Sea and Gulf of Alaska and prohibiting these vessels from increasing their participation in their historic non-pollock fisheries. Again, the net result in the North Pacific Region is that AFA vessels are not able to adversely affect other fisheries.

The American Fisheries Act (AFA) also recognized that there could be adverse impacts caused by AFA within the region managed by the Pacific Fishery Management Council (PFMC). The AFA also required the PFMC to take action as follows:

**"By not later than July 1, 2000, the PFMC established under.....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....."**

David Jincks, President

880 SE Bay Blvd \* Newport, OR 97365 \* Phone: (541) 265-9317 \* Email: jincks@pioneer.net

Page 3

The Council did begin work to comply with AFA and announced control dates of September 16, 1999 and June 29, 2000 advising owners of AFA vessels in effect that their participation in the West Coast fisheries was likely to be limited as required by the AFA. Amendment 15 was initiated by the PFMC to comply with its obligation but before completing its work the PFMC dropped this agenda item from its workload. At the time the PFMC had a huge backlog of other work. The bottom line is that the Whiting fishery (and other West Coast fisheries) has not been protected by sideboards as required by the American Fisheries Act.

The greatest adverse affects of AFA now being felt on the West Coast is in the Inshore Whiting fishery. Since enactment of AFA, large AFA catcher vessels (without pre-AFA inshore whiting history) have been entering the shoreside whiting fishery. Most of these catcher vessels had pre-AFA history in the mothership whiting fishery but did not have significant participation in the inshore whiting fishery because as explained above, most had to return to the Bering Sea by mid June for the Olympic pollock fishery. Now that the pollock fishery is no longer in an Olympic mode some of these large capacity AFA pollock vessels are now leasing or otherwise delaying their participation in the pollock fishery by virtue of its rationalized nature, and contributing to the creation of a full on derby Olympic fishery in the West Coast shoreside whiting fishery by entering this fishery without having pre-AFA history within the Inshore sector. This is in direct violation of the directives and intent of the American Fisheries Act. The net result will be additional capitalization in the processing sector, shortening of the season and the risk of higher bycatch due to the extreme Olympic rush for fish.

The historic participants who have a long term dependency on the inshore whiting fishery are now urging the Pacific Council to move ahead swiftly and provide the Inshore Whiting fishery with the protection to which it is entitled by virtue of the American Fisheries Act. The continued overcapitalization occurring in the inshore whiting fishery is destabilizing this fishery.

The approach MTC recommended in 1999 to protect the Inshore Whiting fishery and other West Coast fisheries, was a direct and non-complicated set of sideboards which we are again asking for at this time. I am enclosing a copy of what we presented in 1999 which became the basis of the PFMC Amendment 15 analysis. That analysis became overly complex on an issue that was clear cut and required decisive action. We are now facing huge adverse effects on the West Coast by AFA boats ignoring the intent of the protective measures of the American Fisheries Act and who are taking advantage of the large workload of this Council which prevented it from doing its work. We are now asking for the protection we deserve under the American Fisheries Act.

Sincerely,

[Signed Copy Mailed]

David Jincks  
541-270-3208  
[jincks@pioneer.net](mailto:jincks@pioneer.net)

Midwater Trawlers Cooperative  
AFA Sideboard Proposal

1. AFA qualified CV's that have not harvested at least 50 tons of whiting in the mothership fishery in the years 1994 through September 16, 1999 will be ineligible to participate in the mothership fishery for whiting in the future.
2. AFA qualified vessels that have not landed at least 50 tons of whiting in the inshore whiting fishery in the years 1994 through September 16, 1999 will be ineligible to participate in the inshore whiting fishery in the future.
3. AFA qualified vessels that do not have inshore landings of groundfish other than whiting in the years 1994 through September 16, 1999 will be prohibited from participating in those fisheries in the future. Bycatch amounts of other groundfish in the Pacific whiting fishery shall not be eligible for qualifying a vessel under this provision.
4. The Council should immediately announce a control date of September 16, 1999 to the extent necessary to preserve the status quo.

# PACIFIC FISHERY MANAGEMENT COUNCIL

7700 NE Ambassador Place, Suite 200  
Portland, Oregon 97220-1384

CHAIRMAN  
Donald K. Hansen

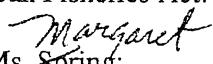
EXECUTIVE DIRECTOR  
Donald O. McIsaac

Telephone: 503-820-2280  
Toll Free: 866-806-7204  
Fax: 503-820-2299  
[www.pcouncil.org](http://www.pcouncil.org)

March 17, 2006

Ms. Margaret Spring  
U.S. Senate Committee on Commerce, Science, and Transportation  
508 Dirksen Office Building  
Washington, DC 20510

Re: Pacific Fishery Management Council recommendations on potential amendment of the American Fisheries Act.

  
Dear Ms. Spring:

The Pacific Fishery Management Council (Council) appreciates the opportunity to comment on legislative proposals regarding modifications of the American Fisheries Act (AFA). I provided some initial comments to U.S. Senate staff on February 2, 2006 in order to meet the then presumed deadline on conference committee action on the U.S. Coast Guard authorization bill. Because of that timing constraint, those comments were made without the full Council having the opportunity to review them. Please take the content of this letter as a supplementation of the prior comments provided on the behalf of the Council.

On March 6, 2006, the Council's Legislative Committee (Committee) undertook a formal review of proposed AFA amendments and considered how they might affect fisheries under the Council's jurisdiction. The Committee's primary focus was on the effect of potential new entry into the Pacific whiting fishery by AFA vessels. After public comment and Committee discussion, the Committee recommended to the Council that our initial comments be amended to request that all AFA qualified vessels (original or replacement) - not just catcher/processor vessels - without West Coast landing history prior to June 29, 2000 be prohibited from participating in the Pacific whiting fishery. This would conform with the statutory obligations of the Council to prevent increasing capacity as a result of enactment of the AFA and would be consistent with the control date adopted by the Council in 2000. The Committee's recommendation was adopted unanimously by the Council on March 10, 2006.

Currently, it appears that the owners of a large catcher/processor vessel with no history in the West Coast groundfish fishery is acquiring the permits required to enter the catcher/processor sector of the West Coast whiting fishery. If this were to occur, it could be very disruptive to the existing whiting cooperative that has so responsibly fished cleanly with regard to the incidental catch of depleted rockfish species and salmon; these boats may abandon the cooperative and once again participate in a derby-style race for fish if a new entrant does not join the cooperative. This in turn would almost inevitably lead to higher bycatch of the depleted rockfish that have stringent quotas (canary, widow, and darkblotched rockfish) and salmon, which would

Ms. Margaret Spring

March 17, 2006

Page 2

consequently shut other fisheries down, including shore based whiting, non-whiting groundfish, and even recreational fisheries. This is a potentially catastrophic scenario that has generated great concern on the West Coast given the razor-thin margins of incidental take of depleted species in the various groundfish fisheries and the recent U. S. Ninth Circuit Court decision on minimizing those incidental takes.

Please let me know if you have any questions regarding the Council's actions on this matter or if there are other issues on which Council comment is requested.

Sincerely,

A handwritten signature in black ink, appearing to read "D. O. McIsaac", with a long horizontal flourish extending to the right.

D. O. McIsaac, Ph.D.  
Executive Director

MDB:rdd

c: Council Members

	AFA Vessels With Trawl LE Permits	Estimated Hold Capacity	Length	One or More Years Shoreside Whiting Landings 94 - 99	Vessels without Shoreside Whiting Landings 94 - 99
1	<i>Pacific Prince</i>	1M	150		1. <i>Pacific Prince</i> 1M
2	Seadawn	600	124	1. 94	
3	Sea Storm	300	120	2. 94	
4	<i>Nordic Fury</i>	450	116		2. <i>Nordic Fury</i> 450K
5	<i>Mar-Gun</i>	350	112		3. <i>Mar-Gun</i> 350K
6	Neahkahnie	300	109	3. 99	
7	<i>Western Dawn</i>	350	108		4. <i>Western Dawn</i> 350K
8	<i>Caitlin Ann</i>	600	106		5. <i>Caitlin Ann</i> 600K
9	<i>Pacific Fury</i>	350	106		6. <i>Pacific Fury</i> 350K
10	American Beauty	450	105	4. 96/97/98/99	
11	<i>Starward</i>	500	105		7. <i>Starward</i> 500K
12	<i>Traveler</i>	400	104		8. <i>Traveler</i> 400K
13	<i>Pacific Challenger</i>	500	103		9. <i>Pacific Challenger</i> 500K
14	Muir Milach	300	99	5. 95/99	
15	<i>Mark I</i>	400	97		10. <i>Mark I</i> 400K
16	Raven	300	92	6. 94/95/96/97/98/99	
17	Seeker	260	92	7. 94/95/96/97/98/99	
18	<i>Leslie Lee</i>	280	91		11. <i>Leslie Lee</i> 280K
19	Collier Brothers	220	90	8. 95/96/97/98	
20	Pegasus	280	90	9. 96/98/99	
21	Predator	240	90	10. 94/95/96/97/98/99	
22	Perseverance	260	87	11. 94/95/96/97/98/99	
23	Miss Berdie	250	83	12. 94/95/96/97/98/99	
24	Lisa Melinda	220	81	13. 94/95/96/97/98/99	
25	Blue Fox	210	81	14. 94/95/96/97/98/99	
26	Pacific Ram	210	77	15. 94/95/96/97/98/99	
27	Aleutian Challenger	270	75	16. 98/99	
	Total Estimated Hold Capacity	9,850,000		Estimated Hold Capacity 4,670,000	Estimated Hold Capacity 5,180,000

Non-AFA Trawl Vessels		Estimated Hold Capacity	Length	History 94 - 05	
1.	Miss Sarah	300	103	95/96/97/98/01/02/03/05	
2.	Sea Clipper	170	90	94/95/96/97/98/99/2000/01/02/03/04/05	
3.	Chellisa	250	90	96/97/98/99/2000/01/02/03/04/05	
4.	Marathon	300	86	95/96/02/04/05	
5.	Bay Islander	300	85	94/95/96/97/98/2000/01/02/03/04/05	
6.	New Life	180	78	94/95/96/97/	
7.	Warrior	140	78	94/95/96/97/98/01/02/03/04/05	
8.	Fishwish	115	78	94/95/96/97/99/2000/01/02/03/04/05	
9.	Nicole	120	78	94/95/96/97/98/99/01/03/04/05	
10.	Miss Sue	160	77	97/98/99/2000/01/02/03/04/05	
11.	Pacific	160	75	94/95/96/97/98/99/2000/01/02/03/04/05	
12.	Grumpy J	140	75	97/99/2000/01/02/04/05	
13.	Pacific Future	120	75	94/95/96/97/98/99/2000/01/04/03/05	
14.	Pioneer	110	72	94/95/96/97/98/99	
15.	Western Seas	110	72	95	
16.	Last Straw	120	70	98/99/2000/01/02/03/04/05	
17.	Stormie C	120	69	98/2003	
18.	Jeanette Marie	110	67	94/2000/01/02/03/04/05	
19.	Miss Mary	110	63	95	
20.	Excalbur	120	60	98/99/2000/01/02/03/04/05	

Total non-AFA vessels with shoreside whiting history	20	Estimated capacity	3,255,000
Total AFA and non-AFA vessels with shoreside whiting history 94-99	36	Estimated capacity	7,925,000
Total AFA and non-AFA vessels with whiting history	47	Estimated capacity	13,105,000
Total AFA vessels without shoreside whiting history 94-99	11	Estimated capacity	5,180,000

<b>Year</b>	<b>Whiting TAC</b>	<b>C/Vs</b>	<b>Processors</b>	<b>Season</b>	<b>Days</b>
1992	80,000	23	7	4/15 – 10/30	199
1993	42,000	24	13	4/15 -8/24	132
1994	97,000	33	8	4/15 – 11/23	223
1995	75,776	35	15	4/15 – 7/25	102
1996	87,001	37	11	5/15 – 9/10	119
1997	87,499	38	12	6/15 – 8/22	69
1998	87,627	35	13	6/15 – 10/13	121
1999	83,388	36	14	6/15 – 9/13	91
2000	85,653	36	14	6/15 – 9/15	93
2001	73,326	29	13	6/15 – 9/26	104
2002	45,276	29	8	6/15 – 7/17	64
2003	51,061	35	9	6/15 – 7/14	30
2004	89,251	26	9	6/15 – 8/14	61
2005	97,378	29	10	6/18 – 8/18	65

**Midwater Trawlers Cooperative**  
**6/2/06**



**SUPPLEMENTARY INFORMATION:** In a notice of proposed rulemaking (NPR) served July 13, 1992 (published in the *Federal Register* on July 14, 1992, at 57 FR 31165), the Interstate Commerce Commission (Commission) proposed to expand the scope of its 49 CFR 1180.2(d)(2) class exemption. That exemption, as it existed in 1992 and as it continues to exist today, exempts from the otherwise applicable prior approval requirements the acquisition or continuance in control of a nonconnecting railroad or one of its lines where (i) the railroads would not connect with each other or any railroads in their corporate family, (ii) the acquisition or continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family, and (iii) the transaction does not involve a Class I railroad. In the NPR, the Commission proposed to expand the 49 CFR 1180.2(d)(2) exemption so that it would embrace any transaction that required approval and authorization under former 49 U.S.C. 11343, provided that the transaction did not involve (i) the merger or control of at least two Class I railroads, (ii) a reduction in the number of noncommonly-controlled railroads conducting operations between any two points, or (iii) a reduction from three to two in the number of noncommonly-controlled railroads serving any interchange point.

The ICC Termination Act of 1995, Public Law 104-88, 109 Stat. 803 (ICCTA), which was signed into law by President Clinton on December 29, 1995, abolished the Commission, established the Board, reenacted (with certain changes not presently of consequence) the relevant statutory provision, and transferred to the Board responsibility for the performance of functions respecting that statutory provision. See ICCTA section 101 (abolition of the Commission); new 49 U.S.C. 701(a), as enacted by ICCTA section 201(a) (establishment of the Board); new 49 U.S.C. 11323, as enacted by ICCTA section 102(a) (this is the post-1995 version, as respects railroads, of what had been 49 U.S.C. 11343); new 49 U.S.C. 702, as enacted by ICCTA section 201(a) (except as otherwise provided, the functions previously performed by the Commission shall henceforth be performed by the Board); ICCTA section 204(b)(1) (any proceeding pending before the Commission at the time of the enactment of ICCTA shall be transferred to the Board, insofar as that proceeding concerns functions transferred to the

Board). In accordance with the mandate of ICCTA section 204(b)(1), the Ex Parte No. 282 (Sub-No. 15) rulemaking proceeding, which had been instituted by the Commission in the 1992 NPR, was transferred to the Board.

We have decided to withdraw the rule proposed by the Commission in the 1992 NPR and to discontinue the Ex Parte No. 282 (Sub-No. 15) rulemaking proceeding. Our experience with the administration of cases handled under new 49 U.S.C. 11323 has led us to conclude that there is no pressing necessity for the expansion of the 49 CFR 1180.2(d)(2) class exemption. Any 49 U.S.C. 11323 transaction that is not embraced by any of the existing 49 CFR 1180.2(d) class exemptions but that would be embraced by the expanded 49 CFR 1180.2(d)(2) class exemption proposed by the Commission can be handled under the individualized exemption procedures now codified at 49 CFR part 1121, and appropriate determinations can be made on a case-by-case basis.

#### Small Entities

The Board certifies that the action taken in this proceeding will not have a significant economic impact on a substantial number of small entities.

#### Environmental and Energy Considerations

The action taken in this proceeding will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### Board Releases Available Via the Internet

Decisions and notices of the Board, including this notice, are available on the Board's website at "WWW.STB.DOT.GOV."

Decided: November 17, 1999.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,  
Secretary.

[FR Doc. 99-30542 Filed 11-23-99; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 991118308-9308-01; I.D. 101899C]

RIN 0648-AN33

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Control Date

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

**ACTION:** Advance notice of proposed rulemaking; notice of control date for the Pacific Coast groundfish fishery; request for comments.

**SUMMARY:** This document announces a control date of September 16, 1999, after which vessels eligible for benefits under the American Fisheries Act (AFA) may be subject to restrictions on participation in the Pacific Coast groundfish fisheries. The intended effect of announcing this control date is to discourage speculative entry into the Pacific coast groundfish fisheries by AFA-qualified vessels while the Pacific Fishery Management Council (Council) develops recommendations to protect the Pacific Coast groundfish fisheries from adverse impacts caused by the AFA.

**DATES:** Comments may be submitted in writing by December 27, 1999.

**ADDRESSES:** Comments may be mailed to Jerry Mallet, Chairman, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** The Pacific Fishery Management Council at 503-326-6352; or Bill Robinson at 206-526-6140; or Svein Fougner at 562-980-4000.

**SUPPLEMENTARY INFORMATION:** The Pacific Fishery Management Council (Council) established under section 302(a)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(F)) is considering recommendations for approval by NMFS of conservation and management measures to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by the AFA (Pub.L. 105-277, Div. C, Title II, October 21, 1998, 112 Stat. 2681-616; 16 U.S.C. 1851 note; 46 U.S.C. 101 note, 12102, 31322; 46 App. 1274 note), or by any

fishery cooperatives in the Alaska pollock fishery, as required by section 211(c)(3)(A) of the AFA. Pursuant to the AFA, the Council's recommendations are due to NMFS not later than July 1, 2000. The AFA at section 211(b)(5) also provides that catcher/processors and motherships eligible under the AFA are prohibited from harvesting or processing fish in any U.S. fishery outside Alaska, except the Pacific whiting fishery, unless harvesting or processing by those catcher-processor motherships is specifically authorized under a fishery management plan. Pacific whiting is a major component of the species aggregate in the Pacific Coast groundfish fisheries.

Conservation and management measures under consideration by the Council to offset adverse impacts of the AFA include possible restrictions on participation in the Pacific coast groundfish fisheries by vessels eligible for benefits under the AFA (AFA-qualified vessels). During its September 13-17, 1999, meeting in Portland, Oregon, the Council adopted September 16, 1999, as a control date to be used in placing restrictions on participation in the Pacific Coast groundfish fisheries by AFA-qualified vessels. In making this announcement, NMFS and the Council intend to prevent speculative entry into the fisheries after the control date by AFA-qualified vessels, while the Council develops and analyzes its recommendations. The control date applies to catcher vessels in the mothership and shore-based sectors of the Pacific whiting fishery, and to all other non-whiting groundfish fisheries in which catch is landed shoreside. The control date provides notice to AFA-qualified vessels that might seek to participate in the Pacific Coast groundfish fisheries that current requirements for accessing these fisheries may change. Vessels entering the fisheries after the control date may be subject to new restrictions that do not

currently exist, and they may not receive credit for fishing after the control date.

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982 (47 FR 43964, October 5, 1982), and has been amended 10 times. Implementing regulations for the FMP and its amendments are codified at 50 CFR part 660, Subpart G.

The AFA, enacted in 1998, reduced the harvest capacity in the Alaska pollock fishery by retiring nine Bering Sea catcher/processors. It also redistributed pollock allocations between the inshore and offshore sectors, and defined conditions for creating fishery cooperatives in the pollock fleet. Vessels that participate in such cooperatives are likely to have increased flexibility in arranging their fishing schedules and could consider entering additional fisheries.

At its September 13-17, 1999, meeting, the Council and its Groundfish Advisory Panel heard proposals from West Coast fishers and processors concerned that some AFA-qualified vessels with no previous or low levels of participation in the Pacific groundfish fishery will increase their fishing effort in the Pacific Coast groundfish fishery. A particular problem is posed if AFA-qualified vessels participating in pollock fishing cooperatives rearrange their pollock fishing schedules to allow them time to fish in non-pollock fisheries such as the Pacific Coast groundfish fishery. To participate in most limited entry groundfish fisheries vessels only need to purchase a general limited entry permit. No permit is required to participate in the open access fisheries. Because new permit holders and entrants into the open access fishery currently have access rights that are equal to those who have historically participated in the fishery, speculative entry may be encouraged. Additional effort could exacerbate existing management problems and erode the effectiveness of

future measures recommended by the Council.

The Council unanimously voted to establish a control date of September 16, 1999, and to initiate the development of recommendations to restrict AFA-qualified vessels from participating in the Pacific Coast groundfish fishery if, during a qualifying period between January 1, 1994, and September 16, 1999, the vessel: (1) did not harvest at least 50 metric tons (mt) of Pacific whiting in the mothership sector; (2) did not land at least 50 mt of Pacific whiting in the shore-based sector; or (3) did not land groundfish shoreside in the Pacific Coast groundfish fishery (not including fish landed in the Pacific whiting fishery).

Implementation of any management measures for the fishery will require amendment of the regulations implementing the FMP and may also require amendment of the FMP itself. Any action will require Council development of a regulatory proposal with public input and a supporting analysis, NMFS approval, and publication of implementing regulations in the *Federal Register*. If catch history is used as basis for participation, it is likely that AFA-qualified vessel participation in the fishery after the control date will receive little or no credit. Fishers are not guaranteed future participation in the groundfish fishery, regardless of their date of entry or level of participation in the fishery.

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

**Authority:** 16 U.S.C. 1801 *et seq.*; Pub. L. 105-277, Div. C, Title II, October 21, 1988.

**Dated:** November 18, 1999.

**William Fox,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 99-30657 Filed 11-23-99; 8:45 am]

**BILLING CODE 3510-22-F**

paragraphing) make the rule easier to understand?

- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this document.

#### B. Review Schedule

In conjunction with our section 610 reviews, we will be performing plain language reviews over a ten-year period on a schedule consistent with the section 610 review schedule. We will review Parts 571.131, 571.217, and 571.220 through 571.222 to determine if these regulations can be reorganized and/or rewritten to make them easier to read, understand, and use. We encourage interested persons to submit draft regulatory language that clearly and simply communicates regulatory requirements, and other recommendations, such as for putting information in tables, that may make the regulations easier to use.

#### Comments

##### *How do I prepare and submit comments?*

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21.) We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing your comments electronically.

##### *How can I be sure that my comments were received?*

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

##### *How do I submit confidential business information?*

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

##### *Will the agency consider late comments?*

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

##### *How can I read the comments submitted by other people?*

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- (1) Go to the Docket Management System (DMS) Web page of the Department of Transportation (<http://dms.dot.gov/>).
- (2) On that page, click on "search."
- (3) On the next page (<http://dms.dot.gov/search/>), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were "NHTSA-1998-1234," you would type "1234." After typing the docket number, click on "search."

- (4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments. You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the "pdf" versions of the documents are word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments.

Accordingly, we recommend that you periodically check the Docket for new material.

William H. Walsh,

Associate Administrator for Plans and Policy.

[FR Doc. 00-23520 Filed 9-12-00; 8:45 am]

BILLING CODE 4910-59-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No.: 000830248-0248-01; I.D. 080400A]

RIN 0648-AN38

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Advance Notice of Proposed Rulemaking to Establish a Control Date

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

**ACTION:** Advance notice of proposed rulemaking; notice of control date for the Pacific Coast groundfish fishery; request for comments.

**SUMMARY:** The Pacific Fishery Management Council (Council) as authorized by the American Fisheries Act (AFA) is considering management measures to recommend to the Secretary of Commerce (Secretary) to protect the Pacific Coast groundfish fisheries from adverse impacts caused by the AFA. This document announces a control date of June 29, 2000; any limited entry permit on that date owned by an owner of a vessel eligible for benefits under the AFA (AFA-qualified) and registered for use with an AFA-qualified vessel that does not meet minimum participation requirements that may be established in the future may be subject to restrictions on being registered to participate in the Pacific Coast groundfish fisheries. Additionally, participation by AFA-qualified catcher/processors and motherships not previously active in the at-sea whiting fishery may be restricted. The intended effect of this action is to discourage speculative entry or increased effort in the Pacific Coast groundfish fisheries by entities eligible for AFA benefits and to provide notice of potential permit restrictions or revocation to purchasers or lessees of limited entry permits owned by AFA-qualified vessel owners and registered for use with AFA-qualified vessels.

**DATES:** Comments may be submitted in writing by October 13, 2000.

**ADDRESSES:** Comments may be mailed to Jim Lone, Chairman, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland OR 97201.

**FOR FURTHER INFORMATION CONTACT:** The Pacific Fishery Management Council at 503-326-6352; or Bill Robinson at 206-526-6140; or Svein Fougner at 562-980-4000.

**SUPPLEMENTARY INFORMATION:** The Pacific Council which was established under section 302(a)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852 (a)(1)(F) is considering conservation and management measures to recommend to the Secretary to protect fisheries under its jurisdiction and the participants in those fisheries from adverse impacts caused by the AFA (Pub.L. 105-277, Div. C, Title II, October 21, 1998, 112 Stat. 2681-616; 16 U.S.C. 1851 note; 46 U.S.C. 101 note, 12102, 31322; 46 App. 1274 note), or by any fishery cooperatives in the Alaska pollock fishery, as required by section 211(c)(3)(A) of the AFA. Section 211(b)(5) of the AFA prohibits catcher/processors and motherships eligible under the AFA from harvesting or processing fish in any U.S. fishery outside Alaska, except the Pacific whiting fishery, unless harvesting or processing by those catcher/processors and motherships is specifically authorized under a fishery management plan. The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982 (47 FR 43964, October 5 1982), and has been amended 11 times. Implementing regulations for the FMP and its amendments are codified at 50 CFR Part 660, subpart G.

Under the AFA, only certain vessels are eligible to participate in the Bering Sea pollock fishery. This eligibility provides greater operational flexibility in when and how these vessels participate in the pollock fishery. Because these AFA-qualified vessels are better able to arrange their schedules, they could potentially increase participation in other fisheries, including Pacific Coast groundfish fisheries. The concern is that AFA-qualified vessels will use benefits gained by the AFA to move into Pacific Coast groundfish fisheries, increase effort, and cause negative impacts on current participants. To prevent any

negative impact or "adverse impact", the AFA provides the Council the opportunity to recommend management measures to the Secretary to protect fisheries under its jurisdiction and participants in those fisheries.

To harvest fish in the limited entry groundfish fisheries, vessels only need to purchase a Federal limited entry permit. Currently, no Federal permit is required to participate as a mothership. Because new permit holders and motherships currently have access rights that are equal to those who have open access fishery currently have access rights that are equal to those who have historically participated in the fishery, speculative entry may be encouraged. Additional effort could exacerbate existing management problems and erode the effectiveness of future measures recommended by the Council. As a result, the Council is considering measures that would restrict the use of AFA-qualified vessels and their limited entry trawl permits in segments of the fishery in which the vessel had not been previously active, as determined by minimum participation requirements.

At its September 1999 meeting, the Council adopted September 16, 1999, as a control date to be used in placing restrictions on participation in the Pacific Coast groundfish fisheries by AFA-qualified catcher vessels in the mothership and shore-based sectors of the Pacific whiting fishery, and to all other non-whiting groundfish fisheries in which catch is landed shoreside (64 FR 66158, November 24, 1999). At the April 2000 meeting, the Council reviewed alternatives for providing protection to Pacific Coast groundfish fisheries and its participants from AFA-qualified vessels and processors that failed to meet minimum participation requirements in the Pacific Coast groundfish fisheries. In addition, the Council considered whether to restrict, suspend, or void permits registered to AFA-qualified vessels if the vessels did not meet the participation requirements.

At its June 2000 meeting, the Council gave further consideration to management measures aimed at protecting Pacific Coast groundfish fishery participants from impacts caused by the AFA. The Council voted to establish a control date of June 29, 2000. Any limited entry permit on that date owned by an owner of a vessel eligible for benefits under the AFA

(AFA-qualified) and registered for use with an AFA-qualified vessel that does not meet minimum participation requirements that may be established in the future, may be subject to restrictions on being registered to participate in the Pacific Coast groundfish fisheries, similarly to restrictions imposed on the vessel.

The Council is also considering restricting future participation in the whiting fishery by AFA-qualified 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-qualified motherships or catcher processors have entered the groundfish fishery since September of 1999.

This document notifies the public that the Council is considering measures to protect the Pacific Coast groundfish fisheries from adverse impacts caused by the APA. The intended effect of this document is to discourage speculative entry or increased effort in the Pacific Coast groundfish fisheries by entities eligible for AFA benefits or revocation to purchasers or lessees of limited entry permits owned by AFA-qualified vessel owners and registered for use with AFA-qualified vessels on June 29, 2000.

Implementation of any management measures for the fishery will require amendment of the regulations implementing the FMP, and may require amending the FMP. Any action will require Council development of a regulatory proposal with public input and a supporting analysis, NMFS approval, and publication of implementing regulations in the **Federal Register**. This advance notice of proposed rulemaking has been determined to be not significant for purposes of Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*; Pub. L. 105-277, Div. C, Title II, October 21, 1988.

Dated: September 7, 2000.

**William T. Hogarth,**

*Deputy Assistant Administrator, National Marine Fisheries Service.*

[FR Doc. 00-23536 Filed 9-12-00; 8:45 am]

**BILLING CODE 3510-22-S**

NOAA Fisheries Service  
PO Box 21668  
Juneau, Alaska 99802-1668

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Restricted Access Management  
800-304-4846

## American Fisheries Act Catcher Vessel Permits

Issued by  
National Marine Fisheries Service - Restricted Access Management

VESSEL NAME	ADFG	USCG	AFA PERMIT	INSHORE CO-OP	CO-OP ID	SECTOR ENDORSEMENTS			CRAB ENDORSEMENTS(2)						SIDEBOARDS EXEMPTIONS		
						C/P	MTH	INS	BBRK	STMBK	FRBK	AIBK	AIRK	BAOT	BABT	BSAI P COD	GOA GF
AJ	57934	599164	3405	PETER PAN	104	N	N	Y	Y	N	N	N	N	N	N	N	N
ALASKA ROSE	38989	610984	515	UNALASKA	105	N	N	Y	N	N	N	N	N	N	N	N	N
ALASKAN COMMAND	57321	599383	3391	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N	N
ALDEBARAN	48215	664363	901	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	Y	N	N
ALEUTIAN CHALLENGER	50570	603820	1687	OPEN ACCESS	0	N	Y	N	N	N	N	N	N	N	N	N	N
ALSEA	40749	626517	2811	UNISEA	106	N	N	Y	Y	N	N	N	N	N	Y	N	N
ALYESKA	00045	560237	395	WESTWARD	107	N	Y	Y	N	N	N	N	N	N	Y	N	N
AMERICAN BEAUTY	24255	613847	1688	PETER PAN	104	N	Y	Y	N	N	N	N	N	N	N	N	N
AMERICAN CHALLENGER	62152	633219	4120	OPEN ACCESS	0	Y	N	N	N	N	N	N	N	N	N	N	N
AMERICAN EAGLE	00039	558605	434	UNISEA	106	N	N	Y	Y	N	N	N	N	N	Y	N	N
ANITA J	00029	560532	1913	NORTHERN	103	N	N	Y	N	N	N	N	N	N	N	N	N
ARCTIC EXPLORER	57440	936302	3388	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N
ARCTIC WIND	01112	608216	5137	WESTWARD	107	N	N	Y	Y	Y	Y	Y	N	Y	Y	N	N
ARCTURUS	45978	655328	533	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	Y	N	N
ARGOSY	38347	611365	2810	UNISEA	106	N	N	Y	Y	Y	N	N	N	N	Y	Y	N
AURIGA	56153	639547	2889	UNISEA	106	N	N	Y	N	N	N	N	N	N	N	N	N
AURORA	56154	636919	2888	UNISEA	106	N	N	Y	N	N	N	N	N	N	N	N	N
BERING ROSE	40638	624325	516	UNALASKA	105	N	N	Y	N	N	N	N	N	N	N	N	N
BLUE FOX	62892	979437	4611	AKUTAN	101	N	N	Y	Y	Y	N	N	N	N	Y	Y	N

### Notes:

1. Crab Endorsements are: BBK (Bristol Bay red king); STMBK (St. Matthew blue king); PRBK (Pribilof Is. red/blue king); AIBK (Aleutian Is. brown king); AIRK (Aleutian Is. red king); BAOT (C. Opilio); BABT (C. Bairdi)
2. The PACIFIC ALLIANCE was replaced by the MORNING STAR (618797).
3. The OCEAN HOPE I was replaced by the MORNING STAR (1037811).
4. E = Exempt from crab sideboards.

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VESSEL NAME	ADFG	USCG	AFA PERMIT	INSHORE CO-OP	CO-OP ID	SECTOR ENDORSEMENTS			CRAB ENDORSEMENTS(D)					SIDEBOARD EXEMPTIONS		
						C/P	MTH	INS	BBRK	STMBK	PRBK	AIBK	BAOT	BABT	BSAI P COD	GOA GF
BRISTOL EXPLORER	55923	647985	3007	ARCTIC ENT	102	N	N	Y	N	N	N	N	N	N	N	N
	59779	960836	3800	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N
	33697	590758	412	OPEN ACCESS	0	N	Y	N	N	N	N	N	N	N	N	N
CALIFORNIA HORIZON	61432	618158	1235	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	Y
	62906	976753	4620	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N
CHELSEA K	54648	593809	2791	NORTHERN	103	N	N	Y	N	N	N	N	N	N	N	Y
	39056	615729	1228	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N
	53843	914214	2657	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N
COMMODEORE	56676	554030	3257	UNISEA	106	N	N	Y	N	N	N	N	N	N	N	N
DEFENDER	60655	571879	3988	UNALASKA	105	N	N	Y	N	N	N	N	N	N	N	N
DESTINATION	08668	602309	411	AKUTAN	101	N	N	Y	Y	N	N	N	N	Y	N	N
DOMINATOR	51672	651751	2047	WESTWARD	107	N	N	Y	Y	N	N	N	N	Y	N	N
DONA MARTITA	14767	526037	823	PETER PAN	104	N	N	Y	Y	N	N	N	N	Y	N	N
ELIZABETH F	54653	636602	410	NORTHERN	103	N	N	Y	N	N	N	N	N	N	N	Y
	33112	598666	1249	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	Y
	55111	588849	4133	WESTWARD	107	N	N	Y	E	E	E	E	E	E	N	N
FERCE ALLEGIANCE	59687	925863	4245	OPEN ACCESS	0	Y	N	N	N	N	N	N	N	N	Y	N
FORUM STAR	32473	598380	1318	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N
GLADIATOR	40309	521106	1868	NORTHERN	103	N	N	Y	N	N	N	N	N	N	N	Y

## Notes:

1. Crab Endorsements are: BBRK (Bristol Bay red king); STMBK (St. Matthew blue king); PRBK (Pribilof Is. red/blue king); AIBK (Aleutian Is. brown king); AIRK (Aleutian Is. red king); BAOT (C. Opilio); BABT (C. Bairdi)
2. The PACIFIC ALLIANCE was replaced by the MORNING STAR (618797).
3. The OCEAN HOPE I was replaced by the MORNING STAR (1037811).
4. E = Exempt from crab sideboards.

NOAA Fisheries Service  
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## American Fisheries Act

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VESSEL NAME	ADFG	USCG	AFA PERMIT	INSHORE CO-OP	CO-OP ID	SECTOR ENDORSEMENTS			CRAB ENDORSEMENTS(2)					SIDEBOARD EXEMPTIONS					
						C/P	MTH	INS	BBRK	STMBK	PRBK	AIBK	AIRK	BAOT	BABT	BSAI P	GOA COD	GF	
GOLDEN DAWN	35687	604315	1292	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	Y	N	N	N	N
GOLDEN PISCES	32817	599385	586	AKUTAN	101	N	N	Y	Y	N	Y	N	N	N	Y	Y	N	N	N
GREAT PACIFIC	37660	608458	511	UNALASKA	105	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
GUN-MAR	41312	640130	425	UNISEA	106	N	N	Y	Y	Y	N	N	N	N	Y	N	N	N	N
HALF MOON BAY	39230	615796	249	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
HAZEL LORRAINE	57117	592211	523	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N	Y
HICKORY WIND	47795	594154	993	WESTWARD	107	N	N	Y	Y	N	N	N	N	N	N	N	N	N	Y
INTREPID EXPLORER	64105	988598	4993	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
LESLIE LEE	56119	584873	1234	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N	Y
LISA MELINDA	41520	584360	4506	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N	Y
MAJESTY	60650	962718	3996	AKUTAN	101	N	N	Y	Y	Y	N	N	N	N	N	Y	N	N	N
MAR-GUN	12110	525608	524	UNISEA	106	N	Y	Y	Y	Y	N	N	N	N	N	Y	N	N	N
MARCY J	00055	517024	2142	AKUTAN	101	N	N	Y	Y	Y	N	N	N	N	N	N	N	N	N
MARGARET LYN	31672	615563	723	AKUTAN	101	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
MARK I	06440	509552	1242	AKUTAN	101	N	Y	Y	Y	Y	N	N	N	N	Y	N	N	N	N
MESSIAH	66196	610150	6081	UNALASKA	105	N	N	Y	Y	N	N	N	N	N	N	N	N	Y	N
MISS BEEDIE	59123	913277	3679	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
MISTY DAWN	68858	926647	5946	OPEN ACCESS	0	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
MORNING STAR	38431	610393	208	UNALASKA	105	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N

## Notes:

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VESSEL NAME	ADFG	USCG	AFA PERMIT	INSHORE CO-OP	CO-OP ID	SECTOR ENDORSEMENTS			CRAB ENDORSEMENTS(2)						SIDEBOARD EXEMPTIONS		
						C/P	MTH	INS	BBRK	STMBK	PRBK	AIBK	BAOT	BABT	PSAI	GOA	GP
MORNING STAR	41009	618797	7270	OPEN ACCESS	0	N	Y	N	N	N	N	N	N	N	N	N	N
MORNING STAR	70323	1037811	6204	PETER PAN	104	N	N	Y	N	N	N	N	N	N	N	Y	N
MS AMY	56164	920936	2904	UNALASKA	105	N	N	Y	N	N	N	N	N	N	N	N	N
MUR MILACH	41021	611524	480	OPEN ACCESS	0	Y	N	N	Y	N	N	N	N	N	N	N	N
NEAHKAHNE	32858	599534	424	OPEN ACCESS	0	Y	N	N	N	N	N	N	N	N	N	N	N
NORDIC EXPLORER	51092	678234	3009	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N
NORDIC FURY	00200	542631	1094	NORTHERN	103	N	Y	Y	Y	N	N	N	N	Y	N	N	N
NORDIC STAR	00961	384684	428	UNISEA	106	N	N	Y	Y	N	N	N	N	Y	N	N	N
NORTHERN PATRIOT	55153	637744	2769	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N
NORTHWEST EXPLORER	36808	609384	3002	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N
OCEAN EXPLORER	51073	678236	3011	ARCTIC ENT	102	N	N	Y	N	N	N	N	N	N	N	N	N
OCEAN HARVESTER	00101	549892	5130	OPEN ACCESS	0	Y	N	N	Y	N	N	N	N	Y	N	N	N
OCEAN HOPE 3	48173	652397	1623	WESTWARD	107	N	N	Y	N	N	N	N	N	N	Y	Y	N
OCEAN LEADER	00032	561518	1229	PETER PAN	104	N	Y	Y	N	N	N	N	N	N	N	N	N
OCEANIC	03404	602279	1667	PETER PAN	104	N	Y	Y	Y	N	N	N	N	Y	N	N	N
PACIFIC CHALLENGER	06931	518937	657	PETER PAN	104	N	Y	Y	N	N	N	N	N	N	N	N	N
PACIFIC EXPLORER	50759	678237	3010	ARCTIC ENT	102	N	N	Y	N	N	N	N	N	N	N	N	N
PACIFIC FURY	00033	561934	421	NORTHERN	103	N	Y	Y	Y	N	N	N	N	Y	N	N	N
PACIFIC KNIGHT	54643	561771	2783	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N	N

#### Notes:

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VESSEL NAME	ADFG	USCG	AFA PERMIT	INSHORE CO-OP	CO-OP ID	SECTOR		CRAB ENDORSEMENTS(2)								SIDEBOARD EXEMPTIONS		
						C/P	MTH	INS	BBRK	STMBK	PRBK	AIBK	AIRK	BAOT	EABT	BSAI	GOA	P COD
PACIFIC MONARCH	54645	557467	2785	UNISEA	106	N	N	Y	N	N	N	N	N	N	N	N	N	N
PACIFIC PRINCE	61450	697280	4194	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N	N	N
PACIFIC RAM	61792	589115	4305	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	Y	N
PACIFIC VIKING	00047	555058	422	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N	N
PEGASUS	57149	565120	1265	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N	N
PEGGY JO	09200	502779	979	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	Y	N
PERSEVERANCE	12668	536873	2837	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	Y	N
POPADO II	55512	536161	2087	OPEN ACCESS	0	N	Y	N	N	N	N	N	N	N	N	N	N	N
POSEIDON	37036	610436	1164	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N	N	N
PREDATOR	33744	547390	1275	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	Y	N
PROGRESS	00006	565349	512	UNALASKA	105	N	N	Y	N	N	N	N	N	N	N	N	N	N
PROVIDIAN	70709	1062183	6308	PETER PAN	104	N	N	Y	N	N	N	N	N	N	N	N	N	N
RAVEN	56395	629499	1236	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	N	N
ROYAL AMERICAN	40840	624371	543	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N
ROYAL ATLANTIC	00046	559271	236	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N	N	N
SEA STORM	40969	628959	420	OPEN ACCESS	0	Y	N	N	Y	N	N	N	N	N	N	N	N	N
SEA WOLF	35957	609823	1652	UNALASKA	105	N	N	Y	Y	N	N	N	N	N	N	N	N	N
SEADAWN	00077	548685	2059	UNISEA	106	N	N	Y	Y	N	N	N	N	N	N	N	N	N
SEEKER	59476	924585	2849	AKUTAN	101	N	N	Y	N	N	N	N	N	N	N	N	Y	N

## Notes:

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						C/P	MT	INS	BBRK	STMBK	PRBK	AIBK	AIRK	BAOT	BABT	BSAI	GOA	P	CO
SOVEREIGNTY	55199	651752	2770	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
STAR FISH	00012	561651	1167	UNISEA	106	N	N	Y	Y	N	N	N	N	N	N	Y	N	N	N
STARLITE	34931	597065	1998	UNISEA	106	N	N	Y	Y	N	N	N	N	N	N	Y	N	N	N
STARWARD	39197	617807	417	UNISEA	106	N	N	Y	Y	N	N	N	N	N	N	Y	N	N	N
STORM PETREL	39860	620769	1641	NORTHERN	103	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N
SUNSET BAY	35527	598484	251	NORTHERN	103	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
TOPAZ	40250	575428	405	PETER PAN	104	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y
TRACY ANNE	54654	904859	2823	OPEN ACCESS	0	Y	N	N	N	N	N	N	N	N	N	N	N	N	N
TRAVELER	58821	929356	3404	AKUTAN	101	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
VANGUARD	39946	617802	519	UNALASKA	105	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
VESTERAALEN	38342	611642	517	OPEN ACCESS	0	N	Y	N	Y	N	N	N	N	N	N	Y	N	N	N
VIKING	00008	565017	1222	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N	N	N	N
VIKING EXPLORER	36045	605228	1116	AKUTAN	101	N	N	Y	Y	N	N	N	N	N	N	Y	N	N	N
WALTER N	34919	257365	825	PETER PAN	104	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y
WESTERN DAWN	22294	524423	134	UNALASKA	105	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N
WESTWARD I	55247	615165	1650	WESTWARD	107	N	N	Y	N	N	N	N	N	N	N	N	N	N	N

## Notes:

1. Crab Endorsements are: BERK (Bristol Bay red king); STMBK (St. Matthew blue king); PRBK (Pribilof Is. red/blue king); AIBK (Aleutian Is. brown king); AIRK (Aleutian Is. red king); BAOT (C. Opilio); BABT (C. Bairdi)
2. The PACIFIC ALLIANCE was replaced by the MORNING STAR (618797).
3. The OCEAN HOPE I was replaced by the MORNING STAR (1037811).
4. E = Exempt from crab sideboards.

Open Public Comment  
by Brad Pettinger  
06/13/06 5:16 pm

**Comparison of Marine Fish Conservation Network's discard claims of the Pacific Coast Groundfish Trawl Fishery as the 6<sup>th</sup> dirtiest fishery in the Nation, relative to NMFS estimated discards for all sectors in 2003.**

Species	Discards	Discards	Over/Under Est.
	MFCN Est. * For Bottom Trawl only ( in Metric Tons)	NMFS Est. * All fisheries, Rec. & Com. (in Metric Tons)	
Whiting	5,117.90	1,422.70	360%
Arrowtooth Flounder	2,610.60	904.8	289%
Petrale Sole	691.7	144.4	479%
Dover Sole	1,619.90	956.6	169%
Longspine	407.10	323.9	126%
Shortspine	259.10	387.8	-67%
Sablefish	5,471.30	1,126.10	486%
Bocaccio	92.30	8.5	1086%
Chilipepper	96.80	15.4	629%
Canary	254.40	12.5	2035%
Yellowtail	489.80	22.1	2216%
Darkblotch	131.70	51.8	254%
Pacific Ocean Perch	39.20	21.9	179%
Splitnose	210.20	9.3	2260%
Lingcod	706.30	81.7	865%

\* Harrington, J.M., R.A. Myers, AA Rosenberg. 2005. Wasted Resources: Bycatch and discards in U.S. Fisheries. Table 90, page 175: Discards in the Pacific coast groundfish trawl fishery 2003.

\* Pacific Fishery Management Council. 2004. Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2005-2006 Pacific Coast Groundfish Fishery Final Environmental Impact Statement. Table 4-2: Draft estimated 2003 total catch mortality of selected groundfish species from West Coast commercial, tribal and recreational fisheries.

Table 90. The observer data for this fishery are categorized by depth (0-100, 100-200, >200fm), target species and area (two latitude ranges). However, the landings data only included the area stratum, and the resulting discard estimates could not be made by depth stratum or target species. The uncertainty in the estimates of discards is increased because of the inability to stratify the data within areas by target species and depth. Bycatch of halibut in the groundfish trawl fishery off Washington and Oregon is reported separately (Table 91). Bycatch in the sablefish fixed gear fisheries is reported in Table 92 (longline fishery) and Table 93 (pot fishery).

**Table 90: Discards in the Pacific coast groundfish trawl fishery, 2002-2003. Discards are reported in metric tons (NMFS, 2003b).**

Species	2002			2003		
	North of 40°10'	South of 40°10'	Total	North of 40°10'	South of 40°10'	Total
Whiting	4,350.5	344.3	4,694.8	4,886.7	231.1	5,117.9
Arrowtooth flounder	2,339.6	7.3	2,346.9	2,604.2	6.4	2,610.6
Petrale sole	584.9	7.2	592.2	684.8	6.8	691.7
Dover sole	1,055.6	413.1	1,468.7	1,240.5	379.4	1,619.9
Longspine thornyhead	220.5	144.0	364.5	274.9	132.2	407.1
Shortspine thornyhead	158.9	70.5	229.4	192.5	66.6	259.1
Thornyheads	193.7	77.1	270.7	241.1	71.2	312.3
Sablefish	4,321.4	509.3	4,830.7	5,097.7	373.7	5,471.3
Bocaccio	51.5	52.7	104.2	61.2	31.1	92.3
Chilipepper	17.4	171.7	189.1	17.4	79.3	96.8
Canary	220.5	0.7	221.2	253.8	0.7	254.4
Cowcod	0.0	3.2	3.2	0.0	1.5	1.5
Widow	2.1	0.7	2.8	1.9	0.7	2.6
Yellowtail	507.7	0.0	507.7	489.8	0.0	489.8
Yelloweye	0.6	0.2	0.8	0.7	0.2	0.9
Darkblotched	118.0	2.1	120.0	129.6	2.1	131.7
POP	37.1	0.1	37.2	39.0	0.2	39.2
Splitnose	135.5	52.4	187.9	145.4	64.8	210.2
Black rockfish	2.5	0.0	2.5	2.9	0.0	2.9
Lingcod	555.4	63.4	618.8	641.6	64.7	706.3
Pacific halibut	101.5	0.2	101.7	117.3	0.2	117.5
Salmon	97.0	1.4	98.4	113.8	1.2	115.0
Shark/skates	3,528.3	846.1	4,374.4	4,100.4	727.4	4,827.7
<b>Total</b>	<b>18,600.2</b>	<b>2,767.5</b>	<b>21,367.7</b>	<b>21,337.1</b>	<b>2,241.6</b>	<b>23,578.7</b>

Wallace and Hastie (2004) calculated bycatch of halibut in the groundfish trawl fishery off Washington and Oregon based on 2,812 observed bottom trawl tows. The strata used to estimate 2002 halibut bycatch were season (Jan-Aug and Sept-Dec), depth (0-100, 100-300, 300-700 fm), area (four latitude ranges) and catch of arrowtooth flounder (0-20 lbs per hour and >20 lbs). Wallace and Hastie (2004) applied bycatch rates for these strata to trawl effort summarized from logbooks by stratum, and the resulting bycatch amounts were expanded to account for landings not captured in logbooks. Halibut bycatch by the bottom trawl fleet was estimated by summing across strata (Table 91). If there was effort within a strata, but no observed tows, the researchers used the coast wide average bycatch rate: 15.083 kg per hour. These bycatch values are calculated as the unweighted averages of the stratum means.

**Table 91: Bycatch of halibut in the Washington and Oregon groundfish trawl fishery, 1998-2003. Bycatch is given in metric tons round weight (Wallace and Hastie, 2004).**

Year	Estimated halibut bycatch
1998	1,259
1999	1,144
2000	944
2001	962
2002	619
2003	559

Bycatch and discards in the sablefish fixed gear fishery were estimated from observer data (NMFS, 2004c). Observer data were expanded to give bycatch and discard estimates for the sablefish longline

TABLE 4-2. Draft estimated 2003 total catch mortality (mt) of selected groundfish species from West Coast commercial, tribal and recreational fisheries. (Page 1 of 2)

Species	LANDINGS AND MORTALITY			TARGETS				
	Estimated total catch	PRELIM. Estimated commercial fishery discard mortality <sup>a/</sup>	Actual landings <sup>b/</sup>	Total catch ABC	Total catch OY	Shoreside discard	Shoreside discard mortality	At-sea whiting bycatch
Lingcod	1,366.6	81.7	1,284.9	841	651	159.8	79.9	0.5
Pacific Cod	1,323.1	73.5	1,249.6	3,200	3,200	73.5	73.5	
Pacific whiting <sup>c/</sup>	142,913.8	1,422.7	141,491.1	188,000	148,200	1,422.7	1,422.7	
Sablefish (north)	6,386.6	1,126.1	5,260.5	8,209	6,500	2,067.4	1,033.7	92.4
Sablefish (south)	204.0		204.0	441	294			
Dover sole	8,342.2	956.6	7,385.7	8,510	7,440	956.6	956.6	
English sole	1,241.4	339.0	902.4	3,100		339.0	339.0	
Petrale sole	2,160.6	144.4	2,016.2	2,762		144.4	144.4	
Arrowtooth flounder	3,243.5	904.8	2,338.7	5,800		904.8	904.8	
Other flatfish	2,093.5	490.7	1,602.8	7,700		490.7	490.7	
Pacific ocean perch	160.1	21.9	138.2	689	377	15.5	15.5	6.3
Shorthelly	9.3	2.3	7.0	13,900	13,900	2.3	2.3	
Widow	57.9	16.1	41.8	3,871	832	1.7	1.7	14.4
Canary	46.8	12.5	34.3	272	44	10.9	10.9	0.9
Chillipepper	49.5	15.4	34.1	2,700	2,000	15.4	15.4	0.6
Bocaccio	29.1	8.5	20.6	198	20	8.2	8.2	0.3
Spilnose	118.8	9.3	109.5	615	461	9.3	9.3	
Yellowtail	504.5	22.1	482.4	3,146	3,146	22.1	22.1	

TABLE 4-2. Draft estimated 2003 total catch mortality (mt) of selected groundfish species from West Coast commercial, tribal and recreational fisheries. (Page 2 of 2)

Species	LANDINGS AND MORTALITY		TARGETS				Mortality from fixed gear sablefish (all, north of 36° N. lat.)
	Estimated total catch	PRELIM. Estimated fishery discard mortality <sup>a/</sup>	Actual landings <sup>b/</sup>	Total catch ABC	Total catch OY	Shoreside discard mortality	At-sea whiting bycatch
Shortspine thornyheads	1,220.2	387.8	832.4	1,004	955	387.8	
Longspine Thds. (north)	1,834.8	323.9	1,510.9	2,461	2,461	323.9	
Longspine Thds. (south)	153.1		153.1	390	195		
Cowcod, Monterey	0.4	0.2	0.1	19	2	0.2	
Cowcod, Concepcion	0.0		0.0	5	2		
Yelloweye	8.1	1.5	6.6	52	22	0.3	1.3
Darkblotched	139.9	51.8	88.1	205	172	47.3	4.3
Black rockfish (north)	174.0		174.0	615			
Black rockfish (south)	976.1		976.1	500			
Black rockfish total	1,150.1		1,150.1	1,115			

a/ Preliminary estimated discard mortality in the commercial fishery. Preliminary trawl discard calculated by applying discard ismortality rates from combined 2001-2003 WCGOP data to 2002 trawl logbook data, by area and depth strata. Discard totals estimated for tows recorded in logbooks is expanded using state-specific ratios of fish/ticket landings to retained logbook catch. Several trawl EFPs were conducted during 2003 and all required full retention of *Sebastes* species. Since all potential discards were landed and captured within the fish/ticket reporting system, application of non-EFP discard rates to all logbook tows would overstate the true amounts of discard (and total catch) for *Sebastes* species. Because an official listing of tows conducted as part of EFPs was not available at the time these estimates were made, an interim approach for categorizing EFP tows was used. During 2003, only EFP participants had ability to legally bottom trawl for groundfish within the trawl RCA. Utilizing this restriction, rockfish discard rates were not applied to target tows caught within the RCA depths off Oregon and Washington. Additionally, the principal EFP in Washington allowed large amounts of arrowtooth flounder to be landed in excess of trip limits. Accordingly, tows by Washington vessels that exceeded the 2-month allowance of arrowtooth flounder for non-EFP vessels also received the same analytical treatment.

b/ Includes shoreside commercial and tribal landings from PacFIN, observed total catch including estimated discards in the at-sea whiting fishery, and RecFIN recreational catch plus observed discard mortality (A+B1).

c/ Estimated commercial discards shown for whiting are from the non-whiting groundfish fishery. Total catches of whiting in all sectors of the directed whiting fishery are tracked inseason through full retention (shoreside) or observers (at-sea).