

COMMENTS ON NON-AGENDA ITEMS

This agenda item provides opportunity for advisory bodies, management entities, and members of the public to submit comments to the Council on matters that are not part of the scheduled meeting agenda. Such comments may be comprised of both written documents and oral testimony.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item B.1.c, Robinson Open Comment: Regarding Trip Limit Table 2.

Agenda Order:

- a. Agenda Item Overview
- b. Reports and Comments of Advisory Bodies and Management Entities
- c. Public Comment
- d. Council Discussion

Chuck Tracy

PFMC
5/29/14

GROUND FISH ADVISORY SUBPANEL REPORT ON OPEN PUBLIC COMMENT

The Groundfish Advisory Subpanel (GAP) was made aware of the Council Coordinating Committee (CCC) response letter to Oceana regarding their recently released report “Wasted Catch.” The GAP would like to take this opportunity to applaud the Pacific Council and the rest of the regional fishery management councils for their coordinated response to the misinformation printed in this nationally circulated report.

U.S. Federal fisheries are the most highly regulated fisheries in the world. Bycatch reduction is a primary objective for the regional councils and together we have made enormous strides on the west coast to reduce unwanted catch. In particular, the west coast groundfish industry (both commercial and recreational) has undergone significant changes in recent years in response to bycatch concerns – these changes have been at great cost to the industry both in terms of lost opportunity as well as in direct expenditures.

When misinformation is spread (on purpose or otherwise) by nationally recognized organizations it diminishes the hard work and sacrifices we in the industry and management communities have made. Our actions have demonstrated without a doubt that on the West Coast we are, in fact, responsible stewards of the ocean and its fishery resources. Similar dedication to bycatch reduction activities is occurring in all the other regions where the Councils operate.

If Oceana refuses to retract, correct and re-release the report in the ways suggested by the CCC letter then the GAP recommends that the Pacific Council encourage the CCC, in cooperation with the National Marine Fisheries Service, provide a media release which details the inaccuracies in the report as well as reiterates the harm caused to the nation’s fishing industry, coastal communities and management entities by publishing inaccurate and misleading information.

PFMC
06/19/14

May 20, 2014

PFMC Meeting June 2014 Agenda Item B.1

Pacific Fishery Management Council
7700 NE Ambassador Pl., Suite 101
Portland, Oregon 97220-1384

Madame Chair and Council,

This is a letter requesting an amendment to Table 2 in the Federal Registry. Specifically, to amend the trip limits for Near Shore and Deeper Near Shore species to allow more than one State issued Near Shore or Deeper Near Shore permit holder to make landings on the same vessel. I propose NMFS add to Table 2 a section that states that vessels with more than one State issued Near Shore Permit aboard may retain twice the limit set by NMFS.

I want to clarify that in California the Near Shore and Deeper Near Shore species are retained only through State issued permits that are issued to individual licensees and that trip landings are allocated to these individual permit numbers, not to the fishing vessels. This is different from the Federal Limited Entry permits, which are registered to the fishing vessel with the associated vessel based cumulative trip limits. Federal LE permits do not allow retention of the Near Shore and Deeper Near shore species of rockfish in California but because these species are managed by the NMFS they are subject to the vessel based cumulative trip limits detailed in Table 2. Because Table 2 refers only to vessels, it doesn't account for licenses that issued to individuals. Fishermen who share a vessel but possess individual and separate Near Shore or Deeper Near shore permits are left without the ability to retain their individual trip limits. This is the issue that we are seeking to address with an amendment to Table 2.

My brother and I, along with many other partnered fishermen in California, are being greatly affected by this aspect of Table 2. We are partners in our fishing business and co-owners of our vessel, and we both possess State issued Near Shore permits. Currently we cannot land our individual Sebaste quotas on our boat because of the vessel based cumulative trip limit specification in Table 2. The only way for each of us to retain our Sebaste quota would be to buy another vessel. A new vessel along with the slip fees, VMS, and added maintenance and fuel costs is not financially feasible or ecologically responsible. The Sebaste allotment is only 600 to 1,000 pounds of fish over a two-month period; this is not worth the costs of obtaining another vessel but does impact our ability to make a living as commercial fishermen in the Near Shore and Deeper Near Shore fishery. We have invested in these permits and should be able to fully utilize them as they are intended.

I respectfully propose that NMFS add a section to Table 2 that states that vessels with more than one State issued Near Shore or Deeper Near Shore permit holder aboard may retain twice the limit set by NMFS and listed in Table 2.

Thank you,
Jason Robinson

F/V J&C
Christian Aiello
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Dear Council Members:

I pass by derelict crab gear often while I am transiting through the RCA. I am required to leave the derelict crab gear in the water because limited entry vessels, under the VMS rules for the RCA, can't stop in the RCA. What's wrong with this regulation? Regardless of the fishery, we need to create the opportunity for the retrieval of derelict crab gear, any time we see it – anywhere.

I request that you start the process for regulation changes to allow for the retrieval of derelict crab pots in the RCA when the opportunity arises. As a member of the tri-state crab commission, I have brought this up at our meetings for three years. At our May 2014 meeting all the tri-state delegates and state agencies support this change. I was given the task of making this proposal to the PFMC with the full support of the CA, WA, OR members and state agencies.

I've been a commercial fisherman for 35 years and have come to realize that it's not just about catching fish and making money, but using the resource in a way that will benefit myself and future generations. The issue at hand is the retrieval of derelict crab pots in the RCA. This affects those of us who are limited entry fixed-gear, shrimpers, and draggers or any vessel under the VMS regulations. An example is the complication of salmon trollers, they have the ability to pick up derelict gear but can't do it if they have any groundfish bycatch on the boat. Another example, crabbers are able to retrieve pots outside the RCA boundaries without any restrictions; within the RCA we are prohibited from slowing down when the opportunity presents itself to retrieve a derelict crab pot – this is a regulation that impacts VMS boats. Because of the distances involved and the nature of the environment, current, weather and wind, encountering a pot in the RCA at a specific location and time could be the only opportunity to retrieve that derelict gear. It's a moment in time to do the responsible thing—to clean up the ocean from derelict gear and return gear to the owner.

The way things are now, if we declare crabbing with NOAA VMS program, at any time of the year we can go out and search for derelict gear within the RCA. Once the crab season closes, we are trying to develop a retrieval program that will allow the fleet in an organized way to retrieve derelict gear regardless of where it is. In direct response to the willingness of Oregon Fish and Wildlife and OR Dungeness Crab Commission to develop a program to retrieve gear four years ago, Oregon received \$800K from NOAA to facilitate development of an organized crab pot retrieval program. The program obviously ranked with a lot of merit and importance from NOAA in an effort to clean up derelict crab pots. The enforcement of the RCA through the VMS program is also under the auspices of NOAA to monitor vessel activity in the RCA. This is a contradiction of the reality between the federal VMS and state program to retrieve gear. On the one hand you want to fund a crab pot gear retrieval program and on the other hand you stop us from retrieving crab gear in the RCA. Through the NOAA gear retrieval grant we do have statistics that we can draw from to see the likelihood of catching any groundfish in derelict gear if that is a concern.

To leave thousands of crab pots in the RCA in lieu of NOAA's fear someone might catch a fish if a boat slows down – when they are actually retrieving derelict crab gear – should be adaptively managed so the single opportunity to retrieve the crab pot or bouquet of pots should be allowed for a boat regardless of the fishery involved in at that time. Since 650-800 boats on the west coast have a VMS reporting system depending on the time of year this is a significant number of vessels that could retrieve derelict crab gear.

A simple solution would be through the VMS declaration reporting system where fishermen could declare in real time using their cell phones the time, date, duration, and location that they are stopping to retrieve derelict crab gear. Lacking cell phone reception or even having a cell phone, upon completion of the trip the fishermen can report via land phone to NOAA the time, date, duration, and location of the retrieval. Whether a fisherman retrieves one to any number of pots, this critical opportunity should be encouraged and adapted for because the opportunity is usually a moment in time to get that particular derelict gear out of the water. Given the potential threat that this derelict gear left in the water poses to the environment, marine life, and gear conflicts between other west coast fisheries it would behoove us to improve the present RCA regulations so commercial fishermen can do the right thing. Derelict gear poses a threat to vessel safety, entangling props, entangling with troll salmon gear, problems with shrimp and groundfish nets; these pots are a significant problem.

It is a shame that NOAA treats all fishermen as if we're out to do something nefarious. 99% of the fleet are stopped from doing the right thing because of the 1% that none of us can trust.

I am asking you to consider a change to the RCA enforcement program that will allow derelict crab gear retrieval in the RCA. We need to look at all the VMS enforcement conflicts that make retrieval of crab gear impossible and find a simple solution for everyone. This is something that has to be fixed. If (the industry accepted standard) 10% of the gear is lost annually, we can generalize that 13,000 pots are derelict just in Oregon and 70% of the crab grounds are in the RCA. That translates to at least 9,100 pots annually left in the RCA. We are missing an opportunity to be good stewards and responsible agencies and fishermen.

Sincerely,
Christian Aiello F/V J&C