



Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Agenda Item H.9. Consideration of Inseason Adjustments

Dear Chair Lowman & Council members,

Please accept this request for an inseason transfer of darkblotched (DKB) rockfish on behalf of Midwater Trawlers Cooperative (MTC) and United Catcher Boats (UCB). Collectively MTC and UCB represent the majority of midwater catcher vessels that participate in the mothership (MS) and shoreside (SS) sectors of the Pacific whiting fishery. We request that the Pacific Fishery Management Council (Council) recommend to National Marine Fisheries Service (NMFS) a transfer of 8.0 mt of darkblotched (DKB) rockfish to the At---sea MS Cooperative (Coop) under an inseason action at the September 2015 meeting. We believe that accelerating catches of DKB rockfish are substantially different than anticipated and that the initial allocation amount does not allow us a reasonable expectation that the MS sector will be able to achieve optimum yield (OY) management objectives for Pacific whiting without an inseason adjustment.

Background

Darkblotched rockfish was declared overfished in 2000 and have been managed under a rebuilding plan since 2001. The rebuilding plan projected that the stock would be rebuilt in 2025. Hence, the stock was under an aggressive rebuilding plan during the Council deliberations for Amendment 21 (Intersector Allocation) to the Pacific Groundfish Fishery Management Plan (PGFMP). During final action on Amendment 21 in 2009 it was determined that 9% (or 25 mt whichever is greater) of the trawl allocation of DKB rockfish should be allocated between the three whiting sectors on a pro---rata basis. The Environmental Impact Statement for Amendment 21 describes how the allocation decision accommodated catches made between 1995---2005. It was further determined that this allocation amount was sufficient for the sectors to prosecute their whiting allocations at that time and would not be constraining *into the future*. However, despite aggressive bycatch avoidance measures employed in the whiting fishery, accelerated rebuilding of the DKB population has caused these allocation amounts to be insufficient.

Current Situation

Six years after final action was taken on Amendment 21, we find ourselves in a situation where the DKB rockfish stock is increasing and will likely be declared rebuilt nine years earlier than projected (2016 versus 2025) and the Pacific whiting total allowable catches (TACs) have been at all---time high

levels. The good news of increasing whiting and DKB populations has sadly conspired to increase unwanted DKB encounters on the grounds. Unfortunately under the current management regime a meaningful increase in the DKB allocated to the whiting fishery will not be realized until at least 2019 during the next stock assessment cycle.

For 2015---2016, the three whiting sectors are collectively allocated 26.4 mt of DKB rockfish (9% of trawl allocation of 293.7 mt) to accompany a Pacific whiting TAC of 266,684 metric tons. The At---sea MS Coop received 6.5 mt, or 24% of the DKB set aside for the whiting sectors. The 6.5 mt is a hard---cap that requires closure of the fishery if exceeded. Unlike the shoreside IFQ fisheries (whiting and non---whiting) there is no opportunity for the catcher vessels in the at---sea fishery to obtain access to more DKB in the event the hard cap is projected to be met. For instance, on August 13th there were seven offerings of DKB available on an IFQ auction website for a cumulative total of over 9 mt, well more than the annual MS sector allocation (Attachment 1). As of this date, the NMFS ITQ page shows there is approximately 243 mt of unused DKB quota in the shoreside IFQ program. For the past four years an average amount of 180 mt of DKB has been left unused while the MS sector struggles to prosecute a growing whiting fishery with an allocation of only 6.5 mt annually. This has increasingly forced the MS sector into exigent circumstances creating a fishery that is not operationally practicable.

In 2014 the mothership fishery was suddenly and unexpectedly closed when over 5 mt of DKB was caught in four simultaneous lightning strikes on the morning of October 11th. The MS Coop immediately closed the fishery that afternoon upon realization that the hard cap had been exceeded stranding over 20,000 mt of whiting in the water worth approximately \$5 million to the catcher vessels and another \$5 million to the at---sea processing companies. After determining that there was unutilized DKB remaining in the set---aside for Incidental Open Access fisheries, MTC and UCB worked with the Council and NMFS to determine a way to transfer some of the unused DKB from the Incidental Open Access Set---aside to the MS Coop in order to reopen the MS fishery. In an extraordinary effort, the Council held an emergency meeting via teleconference on October 17th in order to consider taking an inseason action to transfer unutilized DKB between sectors and reopen the MS fishery. The fishery reopened within a week and participants were allowed the opportunity to achieve their allocation. It is our hope to avoid an emergency Council meeting this year.

To---date in 2015 the MS sector has taken just over 38% of its initial whiting allocation using about 30% of its DKB allocation. However, at this time last year the MS sector bycatch rate was *less than half* of what it has been so far this year. Based on last year's experience we know that the small allocation of bycatch can trigger a closure with just a couple of unfortunate bycatch lightning strikes. While the MS sector has been off the whiting fishing grounds since early July when vessels headed north to harvest pollock, the SS whiting fleet has been hard at work. The encounters of DKB in the SS Whiting Cooperative (SWC) fishery during this period have tripled its DKB bycatch rate compared to this time last year. Specifically, the current SS whiting rate is approximately 3.5 times higher than the previous highest bycatch rate during the past four years, the highest of which occurred last year. So far this year, the SWC has been over the MS Whiting Coop .1/kg bycatch base rate for DKB, 81 out of 200 deliveries, 11 of which were more than 10 times the base rate. By contrast in 2014, for the full year, there were just 42 out of 578 SS deliveries over the MC Coop base rate. The MS sector fleet will be returning to the whiting grounds in September and, based on the encounter rate of DKB described above, does not have a reasonable expectation to harvest its full allocation of whiting without an inseason adjustment of DKB. To put this in perspective, if the MS fishery were to experience the same

encounter rates that the SS fishery is currently experiencing (which we can reasonably expect since the CVs are mostly the same and fish in the essentially the same locations), we estimate just 16 days of fishing (at 800 mt/day) before the MS fishery is closed due to DKB. This closure would strand over 26,500 mt of the MS initial season allocation of whiting worth approximately \$4.7 -- \$5.8 million to the catcher vessels alone. This does not include any reapportioned tribal whiting. In order to achieve OY, NMFS routinely reapportions a percentage of the unused tribal whiting to the three whiting sectors in September of each year. To---date anecdotal information suggests that of the 56,888 mt allocated to the tribes, very little has been caught so we would expect at least a limited reapportionment of unused tribal whiting sometime next month.

The MS sector Coop has strict bycatch avoidance protocols in place to avoid all species of bycatch. A copy of the "Wheel House Guide" is attached to this letter (Attachment 2) and it summarizes the numerous mandatory actions required by MS Coop participants to avoid bycatch. Because the MS CV's lack horsepower to avoid bycatch encounters by escaping to deeper waters and lack access to the 243 mt of DKB remaining in the shoreside IFQ fisheries, its avoidance protocols are extremely strict. Many required movements of the MS CV fleet have occurred so far earlier this season and will occur again when the fishery resumes in September. In addition to DKB the CV's are avoiding widow and canary rockfish, Pacific Ocean Perch, and Chinook salmon. It is not uncommon that movement to avoid bycatch of one species pushes vessels into areas of increased bycatch of another species.

In the SS whiting fishery the SWC imposes a DKB bycatch base rate of .361 kg/mt of whiting. The MS rate is much more restrictive at .102 kg/mt of whiting. In order for the MS fishery to match the base rate used in the SWC, the MS sector would need an additional 15.91 mt of DKB. Our request is for half that amount, or 8.0 mt (7.95 rounded up to 8.0 mt).

There are significant concerns about the likelihood of a closure to the MS fishery in the fall due to increased encounters with DKB and this request is an attempt to head off a premature and costly closure by transferring unused DKB into the MS sector.

Where Will the DKB Come From?

There are several different ways that an additional 8 mt of DKB could be transferred to the MS sector for the remainder of the 2015 season:

- Transfer unutilized Off---The---Top Set---Asides to MS Coop
- Transfer of unutilized non---trawl allocation to the MS Coop
- Allow a DKB ACL overage and access to the 221 mt buffer between the ACL and ABC

Transfer Unutilized Off---the---top Set---asides

For the 2015 ---2016 biannual specifications period, 20.5 mt of DKB rockfish is set---aside before any additional trawl/non---trawl allocations are made. The set---asides include projected impacts of exempted fishing permits; research activities; tribal fisheries and incidental take in open---access non---groundfish fisheries. For 2015 18.4 mt of DKB rockfish has been set---aside for the Incidental Open Access category. This set---aside is primarily to accommodate the pink shrimp fishery that historically took DKB rockfish as bycatch. Following the mandatory requirement for shrimp vessels to use bycatch reduction devices with a $\frac{3}{4}$ inch grate in 2012 and the industry implementation of LED lights in October of 2014, the catch of darkblotched rockfish has been significantly reduced in that fishery.

Actual mortality associated with the Incidental Open Access category has been much less than the set-aside in recent years as described in Table 1 below. PacFIN reports no landed catch of DKB has occurred in 2015 in the Incidental Open Access category. While the 2014 & 2015 total mortality numbers from the Groundfish Observer Program are not yet publically available there is some preliminary indication at the time of this request that the total mortality of darkblotched rockfish in the 2014 pink shrimp fishery may be much higher than the average of the last few years (3-year average is 4.85 mt) and may have been potentially higher than the set-aside. 2015 numbers (even preliminary) are not currently available to the public.

Table 1., Incidental Open Access Mortality

Year	Incidental Open Access Set-aside	Total Mortality
2011	15.0 mt	5.4 mt
2012	15.0 mt	5.0 mt
2013	18.4 mt	4.17 mt
2014	18.4 mt	Not yet available
2015	18.4 mt	Not yet available

The total mortality numbers are derived from limited observed pink shrimp trips extrapolated out to the entire shrimp fleet. This would also mean that positive identification of juvenile darkblotched less than $\frac{3}{4}$ of an inch in size was accurate, as the $\frac{3}{4}$ inch grates will not allow any larger darkblotched into the net. The industry adoption of the LED lights did not occur until October of 2014 and it is thought that these lights reduce bycatch of rockfish by approximately 90%.

Because the 2014 numbers are preliminary it is not known at this time whether the current information is accurate as the Groundfish Observer Program is still working through their data quality check process. In any event, transferring fish from this set-aside category to the MS sector is allowed under the current groundfish regulations. A similar mechanism was used in 2014 to transfer 3 mt to the catcher processor sector under an Inseason Action as described in the final rulemaking published in the Federal Register on November 14, 2014.

Transfer DKB rockfish from non-trawl allocation to At-sea Mothership Cooperative

Amendment 21 to the PGFMP created several trawl / non-trawl allocations. In the case of DKB, after the off-the-top set-asides described above, the trawl fishery receives 95% of the commercial harvest guideline and the non-trawl fishery receives 5%. The DKB allocation was essentially based on sector usage between 1995-2005. While it is almost certain that the DKB SS allocation (whiting and non-whiting) will not be achieved there is still not a pot of “unutilized” fish available for other fisheries because the trawl allocation is allocated 100% to permit holders. However, for 2015 the “non-trawl allocation” of DBK is 15.9 metric tons. In June 2015 the Council’s Groundfish Management Team (GMT) projected that only about 1/3 (5.7 mt) of this allocation would be utilized for all of 2015. If a portion of this unused non-trawl allocation were transferred to the At-sea Coop to facilitate harvest of the remaining MS sector whiting, there would be no conservation concern for DKB because the overall ACL will not be exceeded and the DKB ABC will certainly not be exceeded.

Transfer DKB rockfish from the 211-mt buffer between the ACL and ABC

The DKB Annual Catch Limit (ACL) is 338 mt. The Acceptable Biological Catch (ABC) is wet 211 mt higher at 549 mt. The Overfishing Level (OFL) is an additional 25 mt higher at 574 mt. These levels were set by the SSC / Council under the DKB rebuilding plan that predicted that the stock would be rebuilt in 2025. The latest stock assessment indicates that the DKB stock has been increasing more rapidly than anticipated and the stock will likely be rebuilt in 2016. If the entire ACL were taken – which it almost certainly will not be – an ACL overage of 8 mt will NOT pose any conservation concern to the DKB stock status. This is because the ABC and OFL are both quite a bit larger than the ACL and would certainly not be exceeded.

Authority & Rationale

Management measures are set on a bi---annual basis with the general presumption that these measures will have to be occasionally adjusted in order to achieve attainment of ACLs without exceeding those limits. These adjustments are considered at each of five annual Council meetings under the Inseason Action agenda item.

The West Coast groundfish regulations designate changes to inseason management measures as “routine”. The regulations state:

(ii) Non---tribal deductions from the ACL. Changes to the non---tribal amounts deducted from the TAC, ACLs, or ACT when specified, described at § 660.55 (b)(2) through (4) and specified in the footnotes to Tables 1a through 1c, and 2a through 2c, to subpart C, have been designated as routine to make fish that would otherwise go unharvested available to other fisheries during the fishing year. Adjustments may be made to provide additional harvest opportunities in groundfish fisheries when catch in scientific research activities, non---groundfish fisheries, and EFPs are lower than the amounts that were initially deducted off the TAC, ACL, or ACT when specified, during the biennial specifications. When recommending adjustments to the non---tribal deductions, the Council shall consider the allocation framework criteria outlined in the PCGFMP and the objectives to maintain or extend fishing and marketing opportunities taking into account the best available fishery information on sector needs. {added at 78 FR 580, 01/03/2013}

Our request to transfer 8 mt of DKB into the MS Sector meets the criteria described in the regulation excerpt above. Further, Inseason Adjustment regulations describing allocation framework criteria at 6.5.3.2 allow that the Council may increase a sector limit if the following criteria are met:

- 1) Catch monitoring indicates a constraining species sector total catch limit is likely to be exceeded and
- 2) Monitored and projected total catch in the other sectors indicates that the ACL/OYs for the constraining species in question will not be exceeded,

Our request meets this bar.

If the use of routine management measures for inseason adjustments circumvents some typical notice and opportunity for public comment that a regulatory change would provide, the review of the information available should indicate that the rate of landings is substantially different than anticipated and that the current routine management measures will hinder achievement of the whiting OY. Specifically, the bycatch rate of DKB for the SS whiting fishery is 3.5 times higher than the

highest shown in the previous four years. If the CV bycatch rate is similar when the MS sector recommences fishing in September, then an inseason transfer of DKB to the MS sector will be necessary to achieve the whiting allocation.

Our request meets this bar.

Conclusion

The MS sector has a little less than 40,000 mt of whiting left to harvest from their initial sector allocation. At the same time the MS sector has only 4.5 mt of DKB available to harvest the remaining whiting allocation. The new information available to decision makers includes the accelerated bycatch rates of DKB both the MS and SS whiting CV's have experienced this season. At this point in time, based on the best available information, the MS participants do not have a reasonable expectation under the current circumstances that they will achieve their initial whiting allocation for the 2015 season. With the knowledge that the DKB resource is steadily increasing and likely to be rebuilt 9 years earlier than projected, MTC and UCB request that the Council and NMFS determine a way to make an addition 8 mt of DKB available to the MS Coop in order to facilitate the successful achievement of the annual whiting OY.

The MS fleet will return to the fishing grounds around the beginning of September. Even with all of the mandatory bycatch avoidance protocols employed by the MS Coop, CV's are likely to experience the same bycatch rates as the shoreside fleet is currently experiencing. If this holds true, the MS sector has approximately 16 days to harvest whiting before their fishery will be closed when the 4.5 mt DKB hard---cap is reached, stranding over 26,500 mt of whiting in the water worth millions of dollars to the sector's participants, secondary and tertiary support businesses and coastal communities.

MTC and UCB believe that there is adequate DKB resource and a well---demonstrated need to make adjustments at the September meeting to resolve this issue. Making an 8 mt of DKB available to the MS sector will in no way pose a conservation concern to the DKB resource which is rebuilding much quicker than anticipated and of which the ACL will likely not be exceeded. Even if the ACL were to be exceeded (which we doubt) the ABC and OFL would certainly not be by the proposed action. We believe we meet the criteria required for an Inseason adjustment and we look forward to working with the Groundfish Advisory Panel, the Groundfish Management Team, the Council and NMFS to seek a solution to this problem as quickly as possible.

In pursuit of a reasonable expectation to achieve OY in the 2015 MS sector fishery, MTC and UCB respectfully request that the Council recommend to NMFS a transfer of 8.0 mt of DKB rockfish to the MS sector Coop.

Thank you for your consideration.



Heather Mann
Midwater Trawlers Cooperative



Brent Paine
United Catcher Boats





Thursday, August 13, 2015 10:47 AM
All Standard Auction Listings for: Darkblotched rockfish

Attachment 1

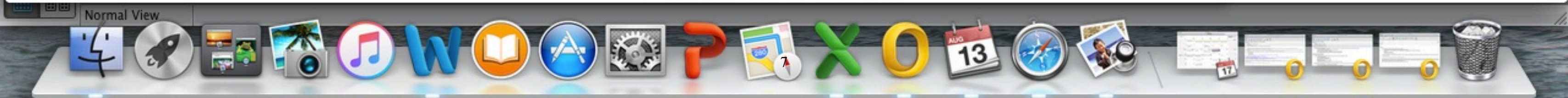
Current Time: Thu Aug 13, 2015 10:47 AM PDT

Status Icon Key: **D** = Dutch Auction **E** = Auction Ending soon **R** = Item has a Reserve Price = Reserve Price has been met

Standard Auction Listings In Categories > Quota Pounds by Species for 2015 > Darkblotched rockfish

Status	Item	Description	#Bids	Starting/High Bid	Closes
	1,000 Lbs Darkblotch	1,000 Lbs Darkblotched Rockfish	0	\$500.00	5 Days 21 Hrs
	2,000 Lbs Darkblotch	2,000 Lbs Darkblotched Rockfish	0	\$1,000.00	5 Days 21 Hrs
	Darkblotched rockfish	1,092 lbs Darkblotched rockfish	0	\$900.00	10 Days 23 Hrs
	Darkblotched Rockfish	1,857 LBS of Darkblotched Rockfish	0	\$1,000.00	15 Days 3 Hrs
	Darkblotched Rockfish	5,000 LBS of Darkblotched Rockfish	0	\$2,500.00	15 Days 3 Hrs
	Darkblotched rockfish	4,274 lbs Darkblotched rockfish	0	\$2,200.00	12 Days 2 Hrs
	5,000 Lbs Darkblotch	5,000 Lbs Darkblotched Rockfish	0	\$2,400.00	3 Days 22 Hrs

| 1 of 1 |



2015 WMC Bycatch Rules

Condensed from MS Coop Membership and Bycatch Agreements

1. Base Rates will be used as the basis for modifying fishing practice obligations by Member's vessel.

The Board has set 2015 bycatch "base rates" for 4 "Overfished" rockfish species (POP, Canary, Darkblotched, and Widow rockfish) as well as for Chinook salmon. The rockfish base rates are shown in the following table:

Base Rates in Kg's per Mt	CANARY	DKB	POP	WIDOW
2015 Pro-rata Base Rates	0.09	0.10	0.11	1.87

For 2015 we will continue to use a Base Rate for Rougheye at 0.33kg/mt for purposes of high bycatch alerts. The Rougheye base rate will not be used for pool performance tests during 2015.

The 2015 Chinook base rate has two stages:

- a) 0.04 Chinook/mt is the base rate for fleets that have taken more than their pro-rata share Chinook relative to whiting harvested, and,
- b) 0.06 Chinook/mt is the base rate for fleets that have taken less than their pro-rata share of Chinook relative to whiting harvested.

See Section 5 for how the base rates are used.

2. Mothership Reporting to Sea State:

Each Mothership is responsible for obtaining the catch data and other information that may be necessary for effective fishery management, and providing that data to the Monitoring Agent (Sea State) soon as reasonably possible after receiving such data.

3. Sea State will provide daily report (*Bycatch Agreement 3.2*) with:

- catch to date
- bycatch rates for MS sector
- bycatch rates by harvesting vessel
- aggregated bycatch rates by 'fleet'
- 3 day rolling average bycatch rates by 'fleet'
- maps of bycatch hotspots
- any other useful bycatch avoidance information

4. Each Mothership must provide daily "fleet to fleet" reports of bycatch encounters (not through Sea State) (*Bycatch Agreement 3.3,4&5*)

Mothership Daily Reports (prior to 9 am) to include:

- Total amount of whiting received in past 24 hours
- Its fleet's aggregate bycatch rate for each Overfished Species of rockfish in kg/ mt of whiting – the report should also include Rougheye rockfish.
- It's fleet's aggregate Chinook bycatch rate in # of salmon/mt.

Elevated Bycatch Tows to be identified in *Daily Report* for any tow that includes bycatch of overfished species and Chinook that above the Base Rate but less than 150% of the Base Rate.

- Name of vessel, mt of whiting in tow and bycatch rate of each species that exceeds Base Rate (including Rougheye).
- Tow set and haul location and time, and tow depth.
- The vessel captain's best estimate of location of bycatch event.

High Bycatch Tows for any tow that includes bycatch of Overfished Species or Chinook that is over 150% of the Base Rate the Mothership must report the same information as described above for "Elevated Bycatch Tows" ASAP to all vessels in its fleet and to all other Motherships.

5. The Fleet (the group of vessels delivering to a mothership) must relocate their fishing effort (Bycatch Agreement 4.3) if any of the following occur:

(i) a Fleet's three (3) day rolling average bycatch rate of Overfished Species or Chinook salmon exceeds the Base Rate for any such species, and that Fleet's cumulative annual bycatch rate for such species exceeds fifty percent (50%) of the Base Rate for such species,

(ii) a Fleet's three (3) day rolling average bycatch rate for any of such species exceeds one-hundred twenty-five percent (125%) of the Base Rate for such species, or

(iii) a Fleet's bycatch rate during any single day exceeds two-hundred percent (200%) of the Base Rate for such species,

That Fleet and the Mothership to which it delivers shall relocate their fishing effort to an area where that Fleet could reasonably expect to achieve a lower Overfished Species and Chinook salmon bycatch rate.

The movement provisions of this section do not apply to Chinook salmon bycatch until a seasonal pool has taken 50% of its pro-rata share of Chinook. For purposes of the Chinook movement requirements, a vessel that has not completed its harvest from an earlier pool is deemed to be fishing in the in the pool in which the majority of the vessels delivering to that mothership are fishing.

During 2014, the Board adopted a movement trigger for Rougheye, as follows:

Fleets with a three (3) day rolling average bycatch rate for Rougheye that exceeds two hundred fifty percent (250%) of the Base Rate, or single day bycatch rate that exceeds five hundred percent (500%) of the Base Rate shall relocate to an area where that Fleet could reasonably expect to achieve a lower bycatch rate.

The board did not re-adopt a mandatory rougheye movement trigger for 2015, however rougheye is still a concern and voluntary avoidance is encouraged.

Policy on Notice of Relocation

Section 4.4 of the WMC Bycatch Agreement was modified relative to Relocation Notices.

“If a movement is required, information identifying the trigger type, the bycatch species and the location and depth of the bycatch event(s) shall be sent to all other Motherships by email, fax or method of electronic transmission. Copies of Notices of Relocation shall be sent to the Monitor and Manager notifying them that a move has been made.”

Best Practices for High Bycatch Events

The Board adopted the following “Best Practices” regarding high bycatch events:

- All MS captains must utilize a bycatch spreadsheet that signals when bycatch rates trigger any of the three conditions that require relocation by their fleet. (Each MS can develop their own spreadsheet to suit their needs as long as it also alerts them as soon as a trigger has been reached).
- Mothership operators should use best practices to gather bycatch rate information (including deck estimates and observer data) ASAP, and expedite getting it to wheelhouse for dissemination to CVs in their fleet at the earliest indication of a bycatch event.
- If a movement is required, information identifying the trigger type, the bycatch species, the location and depth of the bycatch event(s), should be emailed to the other MS’s with cc’s to the coop monitor and manager notifying them that a move has been made. Notices should be sent to all other MS operators whether or not the MS is on the grounds.
- When a test tow is required following relocation, the Bycatch Agreement specifies that only one vessel out of a fleet shall tow until the results of the test tow are evaluated. The agreement doesn’t specify a limit on the size of tow, but does specify test tows should be “short.” While the board didn’t seek to define ‘short’ it was generally agreed that 30 minutes was reasonable, but that if fishing is scratchy it would not be appropriate to stretch out a test tow for an hour or more. Results of test tows above the base rate should be shared with other fleets.

6. Closed Areas:

- Preseason closures - The Board has identified several areas that have had high bycatch problems in the past and has defined closures based on that information. The coordinates of the closures are included with this document. **Fishing - including shortwiring or longwiring - in these areas is a violation of the Coop Agreements.**
- Advisory Cautionary Areas - In addition to the closed areas defined by the Board, it has also identified area where caution is advised based on depth and time of day.
- The coordinates of the closed and cautionary areas are listed in tables below in section 10 of this document. **(There are no changes from the initial 2014 area restrictions.)**

- In-season Closures - The Board has also given Sea State authority to issue additional closures based on what happens with bycatch in-season.
- NMFS Closures - If NMFS closes areas in-season for the Shorebased IFQ whiting fishery, the coop will comply with those closures as well.
- Information - Vessel operators should not assume that just avoiding closed areas will protect them from bycatch encounters. The Coop has compiled as much observer and VMS data as possible and made it available to be displayed on plotters so that skippers can make their own informed decisions on additional areas to avoid.

7. Other Fishing Restrictions include:

- No Night Fishing between 10:00 pm and 5:30 am until Sept. 1 when night fishing will be permitted until the end of the year.
- Vessels may short-wire or long-wire gear and may make deliveries at night.
- Test Tows are required when entering a new fishing area.

8. Enforcement Actions:

- Vessel Master Damages. Any vessel master that fails to comply with these rules shall be liable for damages in the maximum amount of \$2,500 for each violation.
- Owner Damages. Each vessel owner shall cause the vessel it owns or manages to conduct its fishing operation in compliance with this agreement or it shall be liable for damages in the maximum amount of \$10,000 for each violation.

9. High Bycatch Vessels Are Ineligible to Fish in Subsequent Seasonal Fisheries:

After a seasonal pool closure, to Coop Manager reviews bycatch amounts and applies criteria to determine which vessels are eligible to fish subsequent seasonal pools. (*Membership Agreement 11.a.v*) The Coop Manager notifies vessels and permit owners of eligibility status based on the following test:

If the pool closed due to bycatch, and if amount of POP, Canary, Widow or Darkblotched rockfish harvested by a vessel in seasonal pool exceeds one hundred and twenty five percent (125%) of a vessel's pro-rata amount of bycatch allocated to their seasonal pool relative to the amount of whiting tonnage assigned the pool by a vessel, that vessel:

- shall not be eligible to harvest any Pacific whiting transferred from a closed pool to a subsequent pool, and
- shall not be eligible to harvest any Pacific whiting Harvest Share apportioned to a subsequent seasonal pool **other than** that assigned to such vessel at the time of initial Member election pursuant to Section 11(a)(iii),
- shall not accept transfers of fish from other members after the date the pool closed,
- shall not harvest quota they have received by transfer in another pool after the declaration date for such pool (and must cease harvesting such transferred quota at the time the their original pool closes and the test is applied if they fail the test)

- however, that vessel may declare the rest of their own undeclared quota for harvest in subsequent pools if the declaration date has not passed.

These restrictions apply unless and until all other vessels operating in compliance with such 125% performance standard have ceased harvesting Pacific whiting for the year, or the board determines there is available bycatch.

An exemption to the above restrictions applies to vessels that failed the 125% performance test at such time that the coop has more than 150% of the initial ratio of each bycatch species to whiting. The exemption would only apply to vessels that have not exceeded 200% of the performance standard. Vessels allowed to fish under the exemption must maintain a rate less than 100% of the ratio of each bycatch species to whiting at the time the coop reached the 150% criteria

1ST Seasonal Pool Whiting Allocations and Bycatch Limits

The bycatch limits are the basis for the test that vessels must pass. Exceeding 125% of a vessels pro-rata share of a bycatch species may limit the ability of a vessel to fish in a subsequent seasonal pool.

A seasonal pool shuts down for all vessels in the pool when the aggregate amount of any one of the 4 rockfish species is reached.

WMC 2015 BYCATCH LIMITS and 1st Seasonal Pool Pro-rata Amounts by Vessel							
Vessels that have declared into the 1st seasonal pool and their percentages and tonnages of whiting and bycatch.		WHITING	CANARY	DKB	POP	WIDOW	CHINOOK
		64,004.3	5.7	6.5	7.2	120	2166
1st Seasonal Pool	29.020815%	18,574.6	1.654	1.886	2.089	34.825	629
Arctic Fury	2.812313%	1,800.0	0.160	0.183	0.202	3.375	61
Lisa Melinda	2.408526%	1,541.6	0.137	0.157	0.173	2.890	52
Miss Sarah	2.247836%	1,438.7	0.128	0.146	0.162	2.697	49
Muir Milach	2.343594%	1,500.0	0.134	0.152	0.169	2.812	51
Nordic Star	2.343484%	1,499.9	0.134	0.152	0.169	2.812	51
Pegasus	2.812313%	1,800.0	0.160	0.183	0.202	3.375	61
Predator	2.851251%	1,824.9	0.163	0.185	0.205	3.422	62
Raven	1.753008%	1,122.0	0.100	0.114	0.126	2.104	38
Seadawn	0.937438%	600.0	0.053	0.061	0.067	1.125	20
Sea Storm	1.715511%	1,098.0	0.098	0.112	0.124	2.059	37
Seeker	5.233145%	3,349.4	0.298	0.340	0.377	6.280	113
Western Dawn	1.562396%	1,000.0	0.089	0.102	0.112	1.875	34
Totals	29.020815%	18,574.6	1.654	1.886	2.089	34.825	629

10. Coordinates of Closure Areas

Fishing in a closed area (including short-wiring and long-wiring) is a violation of the Coop Agreements. There are currently 9 closure areas shown in the following table. A file is available to vessel captains which can be loaded into ECC Globe or Olex. The closure areas show up as red boxes when the file is loaded.

WMC Closure Areas

	Closure Areas	(Red)			
#	Nickname	Lat	min	Lon	min
1	Nitnak	48	7.5	125	47.5
1	Nitnak	48	10	125	42.5
1	Nitnak	48	5	125	38
1	Nitnak	48	4	125	38
1	Nitnak	48	5.5	125	47.5
1	Nitnak	48	7.5	125	47.5
2	Juan de Fuca	48	15	125	15
2	Juan de Fuca	48	15	125	10
2	Juan de Fuca	48	0	125	10
2	Juan de Fuca	48	0	125	25
2	Juan de Fuca	48	5	125	25
2	Juan de Fuca	48	15	125	15
3	Yellowtail Canyon	47	19	124	48.3
3	Yellowtail Canyon	47	19	124	44.5
3	Yellowtail Canyon	47	16	124	44.5
3	Yellowtail Canyon	47	16	124	48.3
3	Yellowtail Canyon	47	19	124	48.3
4	Grandma's House	46	35	124	30
4	Grandma's House	46	35	124	25
4	Grandma's House	46	29	124	25
4	Grandma's House	46	29	124	30
4	Grandma's House	46	35	124	30
5	Shale Pile	46	0	124	38.5
5	Shale Pile	46	0	124	31
5	Shale Pile	45	45.5	124	31
5	Shale Pile	45	45.5	124	38
5	Shale Pile	46	0	124	38.5
6	Nelson Island	44	43.5	124	51.5
6	Nelson Island	44	43.5	124	48.5
6	Nelson Island	44	40.5	124	48.5
6	Nelson Island	44	40.5	124	41
6	Nelson Island	44	37.5	124	41
6	Nelson Island	44	37.5	124	50
6	Nelson Island	44	39	124	51
6	Nelson Island	44	43.5	124	51.5
7	Finger	44	31	124	43
7	Finger	44	30	124	41
7	Finger	44	28	124	41
7	Finger	44	29	124	43.5
7	Finger	44	31	124	43
8	SW Heceta	44	19	124	45
8	SW Heceta	43	58	124	38

8	SW Heceta	43	55	124	38
8	SW Heceta	43	53	124	47
8	SW Heceta	43	55	124	59
8	SW Heceta	44	14	124	59
8	SW Heceta	44	16	124	57.4
8	SW Heceta	44	19	124	51
8	SW Heceta	44	19	124	45
9	Heceta DKB	43	51.5	124	42
9	Heceta DKB	43	51.5	124	40
9	Heceta DKB	43	50.5	124	40
9	Heceta DKB	43	50.5	124	42
9	Heceta DKB	43	51.5	124	42

Coordinates of Advisory Areas

There are additional “Advisory Areas” listed in the table below which have been identified as potential problem areas. Fishing is allowed in an Advisory Area, however, these are areas that are thought to be rockfish habitat or where higher than average bycatch can be expected. Skippers are advised to be cautious about fishing in these areas.

There are currently 12 advisory areas shown in the following table. A file is available to vessel captains which can be loaded into ECC Globe or Olex. The closure areas show up as yellow boxes when the file is loaded. The DKB advisory areas added during 2013 are highlighted at the end of this table.

Advisory Areas (Yellow)					
#	Nickname	Lat	min	Lon	min
10	<i>Juan de Fuca annex</i>	48	6	125	10
10	<i>Juan de Fuca annex</i>	48	6	124	59
10	<i>Juan de Fuca annex</i>	48	4	124	59
10	<i>Juan de Fuca annex</i>	48	4	125	10
10	<i>Juan de Fuca annex</i>	48	6	125	10
11	<i>Dark Blotch 44 55</i>	44	55.6	124	47.3
11	<i>Dark Blotch 44 55</i>	44	55.6	124	45.9
11	<i>Dark Blotch 44 55</i>	44	52.4	124	43.6
11	<i>Dark Blotch 44 55</i>	44	46.6	124	52.5
11	<i>Dark Blotch 44 55</i>	44	54.2	124	55.8
11	<i>Dark Blotch 44 55</i>	44	55.6	124	47.3
12	<i>Windy Island</i>	44	47	124	43
12	<i>Windy Island</i>	44	46	124	37
12	<i>Windy Island</i>	44	44	124	38
12	<i>Windy Island</i>	44	44	124	43
12	<i>Windy Island</i>	44	47	124	43
13	<i>Halibut Hill</i>	44	32.2	124	54
13	<i>Halibut Hill</i>	44	32	124	48
13	<i>Halibut Hill</i>	44	28.5	124	46.5
13	<i>Halibut Hill</i>	44	27.1	124	47.4

13	<i>Halibut Hill</i>	44	27.3	124	52.4
13	<i>Halibut Hill</i>	44	32.2	124	54
14	<i>Blanco High spot</i>	43	8	124	51.3
14	<i>Blanco High spot</i>	43	8	124	49
14	<i>Blanco High spot</i>	43	3.7	124	47
14	<i>Blanco High spot</i>	42	54.5	124	47
14	<i>Blanco High spot</i>	42	54.5	124	53.5
14	<i>Blanco High spot</i>	43	0	124	51.7
14	<i>Blanco High spot</i>	43	8	124	51.3
15	<i>Blanco Hen House</i>	42	41.2	124	44.8
15	<i>Blanco Hen House</i>	42	41.2	124	43.1
15	<i>Blanco Hen House</i>	42	38.4	124	41.3
15	<i>Blanco Hen House</i>	42	38.4	124	43
15	<i>Blanco Hen House</i>	42	41.2	124	44.8
16	<i>South Astoria DKB spot</i>	46	5	124	51
16	<i>South Astoria DKB spot</i>	46	5	124	45
16	<i>South Astoria DKB spot</i>	46	0	124	45
16	<i>South Astoria DKB spot</i>	46	0	124	51
16	<i>South Astoria DKB spot</i>	46	5	124	51
17	<i>Nelson Island advisory</i>	44	40.6	124	48.5
17	<i>Nelson Island advisory</i>	44	42.7	124	44.7
17	<i>Nelson Island advisory</i>	44	40.6	124	41
17	<i>Nelson Island advisory</i>	44	40.6	124	48.5
18	<i>NW Heceta corner</i>	44	16	124	57.4
18	<i>NW Heceta corner</i>	44	19	124	55
18	<i>NW Heceta corner</i>	44	19	124	51
19	<i>DKB 1</i>	42	47	124	45
19	<i>DKB 1</i>	42	47	124	53
19	<i>DKB 1</i>	42	57	124	53
19	<i>DKB 1</i>	42	57	124	45
19	<i>DKB 1</i>	42	47	124	45
20	<i>DKB 2</i>	42	35	124	42
20	<i>DKB 2</i>	42	35	124	45
20	<i>DKB 2</i>	42	42	124	45
20	<i>DKB 2</i>	42	42	124	42
20	<i>DKB 2</i>	42	35	124	42
21	<i>DKB 3</i>	43	18	124	54
21	<i>DKB 3</i>	43	18	124	47
21	<i>DKB 3</i>	43	8	124	47
21	<i>DKB 3</i>	43	8	124	54
21	<i>DKB 3</i>	43	18	124	54

Bycatch Avoidance Tips - Compiled by Bob Dooley (from 2011)

As we start the 2011 Mothership Whiting season, our first under the new Co-op and our first under Trawl rationalization, I was asked to compile a list of bycatch avoidance tips that might (or might not!) be useful to the fleet. It was described to me as a sort of "Bycatch for Dummies". I thought: This describes me to a Tee! This ought to be easy.

So after consulting many fellow skippers, guys whom I have fished Whiting with for the past 30 + years, Here goes with the high points.

A. Dusk and Dawn

The most likely time to run into trouble with Rockfish bycatch is the hours around Dusk and Dawn. At those times the Whiting are typically higher in the Water Column and closer to the edge. So in the morning if you wait for the Whiting to move off the edge and drop a little deeper it usually lessens the chance of bycatch. In the evenings it is very easy to chase the fish as they move up and in toward the edge. As they approach the edge they tend to mix with the rockfish that are moving up off the bottom. This all tends to be a much larger problem when the edge is steeper and particularly near the problem spots that have been identified.

B. SAY SOMETHING!

I am sure you have all studied the amount of bycatch that is available to you in this particular seasonal pool (If not you should!). The good news of this year is the Whiting quota has doubled. The Bad news is the bycatch numbers have remained the same as last year. We also have seasonal pools that limit the amount of bycatch and whiting available to a specific pool. When the bycatch of one or more of the 4 Rockfish species of concern is reached that pool must cease fishing regardless of an individual vessels bycatch to date. The long and short of this is : WE ARE ALL IN THIS TOGETHER! There is a lot of information being given to the fleet regarding locations that have given us trouble in the past. There are also Skippers that have many years of experience in the Whiting Fishery and some that do not. We need to help each other and in the process help ourselves to be able to successfully catch all of our Whiting. That being said it is vitally important to SPEAK UP if you see someone wandering into trouble. It could only take 1 bad tow to put everyone including future seasonal pools out of business for the year.

C. Long Tows

Tows of long duration also seem to increase the chance of bycatch. Scratch fishing (more time with the gear in the water) increases the likelihood of gathering rockfish. The advice here is with rationalization of the fishery and having your own quota it might be a better choice if you find yourself out of sign and 6 miles to the next school to haul back and deliver if possible. Then run the 6 miles and set again. We no longer lose opportunity with a slack bag. We can deliver that fish on the next tow. Our real currency here is limiting the bycatch so that we can catch our own fish. Limiting our towing time in general helps reduce bycatch so playing "Name That Tune" with you delivery schedule might be a good policy. By that I mean trying to back calculate from your delivery time the minimum amount of time you judge to catch a bag for that delivery given the current fishing conditions. " I can catch that bag in one hour" If you are a little short you only lose time since your quota is your quota. Just a thought.

D. Shortwiring

It has been shown over the last few years that shortwiring with the Doors on the surface and slowing down stops the net from continuing to fish. This eliminates bycatch of both Rockfish and Salmon since the net is no longer fishing as evidenced by your netsounder picture. Some say that longwiring in deep water works just as well (and is legal in our bycatch agreement). Personally I believe that Shortwiring with the doors on the surface is the safest bet and saves fuel since you can slow down to just above an idle when the doors are up and they wont cross. Slowing down keeps the bag from popping. Also it lets everyone know that you are truly shortwiring after dark since you can see the doors. I leave about 5 fathoms of wire out so the doors don't bang the stern.

E. RUN!

In the past most of us were reluctant to run away from a dwindling school or small rates of bycatch because if others fleets were catching and we were running, you could not make that lost fish up. That is not the case anymore. Bycatch controls this fishery and your ability to catch your Whiting. Take the time to get the information from your Mothership regarding bycatch from the last tow. If you find yourself in an iffy situation...My advice is to RUN.

F. Big Tides

Some of the guys have said and I have seen it a time or two that Big Tides will push the rockfish off the edge and out with the Hake. That seems to be particularly true when fishing outside the Trouble spots and any of the steeper edges. Of course this effect is most prevalent at the peak of the tides.

G. Use the Information

There is an abundance of information that has been compiled by our Co-op manager, SeaState and many of your fellow fisherman in an effort to help identify many of the past problem spots we have encountered. They have all put in a lot of effort to make this happen. Much of this information has been converted for use in your ECC Globe plotters and Simrad OLEX plotters as well as hard copies to manually place the info into whatever plotter you use. One of the best ways I can think of to avoid bycatch is to use this info when considering where to fish and to consult your fellow fisherman to find all the information you can about a new area.

H. Wrecks and Reefs

I am sure it goes without saying but I will anyhow! The many wrecks and small reefs along the coast attract rockfish. Avoiding them will go a long way toward limiting bycatch.

I hope all of this doesn't come off like I am some sort of an expert or being "preachy" and I hope it helps even if just for a laugh as a lot of you forgot more about this fishery than I will ever know. If you have any more suggestions please share them and we will get them out to everyone.

GOOD FISHING and be SAFE! - Bob Dooley