



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

RE: Agenda Item F.6.b. Preliminary Preferred Management Measure Alternatives for 2017-2018

Madam Chair and Council Members

Please accept these comments on behalf of Midwater Trawlers Cooperative (MTC). MTC represents 23 trawl catcher vessels that participate in the at-sea and shoreside whiting fisheries as well as traditional bottom trawl. The at-sea and shoreside whiting fisheries together with the bottom trawl groundfish fishery provide substantial economic benefits to west coast communities.

MTC urges the Council to take action now to make more bycatch available to the at-sea whiting fishery for the 2017-2018 biennium by whatever mechanism can be successfully implemented by May 15th, 2017. The amounts of bycatch we believe will make achieving our whiting allocation of 72,000 mt practicable is:

- Canary rockfish 30 mt
- Darkblotched rockfish 20 mt
- Widow rockfish 261 mt
- Pacific Ocean Perch 15 mt

Canary rockfish is rebuilt and each sector will be receiving an increase due to the higher ACL. While canary rockfish has not been an overly constraining species in the mothership fishery, there has been more than one occasion during years of low abundance when over 4 tons was caught in a single tow. Further, the Seeker tow in 2015 was over 22 tons – harvested with a hake net while midwater trawling.

Darkblotched rockfish has been a constraining species in recent years and caused the premature closure of the mothership fishery in 2014. Darkblotched is on the cusp of being rebuilt and the co-occurrence of darkblotched on the whiting grounds is increasing.

Pacific Ocean Perch has also been constraining in recent years and an increase would provide insurance that the whiting allocation can be achieved without causing conservation or equity concerns in the other sectors. When the fleet encounters POP in the fishery, they are forced to move south where they may encounter more Chinook another species we are actively avoiding.

The mothership sector has a 10-page bycatch agreement that is updated annually. This written guide has been made public to the Council on several occasions. It describes the strict bycatch avoidance measures contained in the agreement that all participants must uphold to avoid specific rockfish species and Chinook salmon. All these bycatch avoidance measures will still be employed.

Most everyone agrees that the amounts of choke species available to the at-sea mothership sector are inadequate to allow attainment of the whiting allocation. Unlike the shoreside whiting fishery and the bottom trawl groundfish fishery, the at-sea sector does not have the ability to access additional pounds of fish above their hard cap allocations.

The Pacific Whiting stock is very healthy. Even utilizing a conservative approach, in 2016 the mothership sector has been allocated 72,000 mt of whiting (over 158 million pounds of fish). We expect this trend in high biomasses to continue into the near future. At the same time we have access to just 5.7 mt canary (12,562 pounds), 6.5 mt of darkblotched (14,326 pounds), 7.2 mt of Pacific Ocean Perch (15,868 pounds) and 120 mt of widow rockfish (264,480 pounds). At these higher whiting abundance levels we do not have a reasonable expectation of achieving our whiting allocation without exceeding one of our choke species allocations, which would result in a premature closure of the at-sea whiting sector, potentially stranding millions of dollars worth of fish in the water impacting harvesting and processing businesses as well as coastal communities. On Tuesday, April 12th there was a total of 5.8 mt of darkblotched rockfish available on the Jefferson State Auction site – more darkblotched than the entire annual mothership allocation, but mothership catcher vessels are prohibited from accessing that fish because the current regulations prevent cross-sector transfers of fish.

The Council and NMFS have already acknowledged the inadequate amounts of bycatch species available to the mothership whiting sector and have taken several short-term actions over the last 18 months to address the issue:

1. In late 2014 the Council held an unprecedented emergency Council meeting to address a premature closure of the mothership sector following attainment of the darkblotched rockfish allocation in October. Ultimately the mothership fishery was reopened following action taken at the emergency meeting.
2. In September 2015 the Council made more darkblotched rockfish available to the at-sea whiting sectors through an inseason action in order to protect the sectors from facing a premature closure.
3. In October 2015 a majority of the Council forwarded an industry-developed concept that would make more bycatch available to the mothership sector under the new management provisions of the 2017-2018 specifications process. In November when the Council was narrowing their list of new management measures they retained this industry-developed concept in the package of new management measures.

MS Transfer Concept

The MS transfer concept was identified as a way that the mothership sector could solve the problem of not enough bycatch by providing mothership catcher vessels with limited access to the four choke

species contained within their own shoreside ITQ accounts. In essence, the impacted industry developed the concept to solve our bycatch problem using our own fish versus reallocating fish from non-whiting trawlers or other sectors – thus holding other sectors harmless. The ability to transfer limited amounts is voluntary and would have to be done on an annual basis. Every mothership-endorsed catcher vessel permit received some amount of initial shoreside ITQ (even if they had not participated in the shoreside fishery) as a result of an equal sharing component related to the fish associated with permits that had been bought back during the Trawl Buyback Program that retired 91 trawl permits and associated vessels in 2003. Mothership catcher vessels are paying approximately \$500,000 per year towards the Buyback loan, yet they are prohibited from accessing the fish they were issued associated with the Buyback.

I want to thank Jim Seger for a thorough and straightforward analysis. Its not clear that others have understood the analysis. I would note that the GMT report unfortunately suggests that motherships would be buying quota pounds from the shoreside sector – this is false and was never a part of the concept. The fish is already in catcher vessel accounts and is not immediately available to the rest of the shoreside participants and it is not being sold to the at-sea sector, it is being transferred from a mothership-endorsed quota holders shoreside account to the at-sea cooperative, there is no financial transaction involved.

The NMFS report related to this management measure was disappointing. NMFS is contemplating a much more complex alternative than what we have proposed. Our concept is very simple. What NMFS would have to do to implement the proposal contains two steps: each year they must publish our transfer limit for each of the four species - that task requires a simple math exercise that applies the % allowed for each species to its ACL. And then NMFS would receive notification from the coop of transfers made. After that the fish is managed by the cooperative.

Concerns about queue jumping are unfortunate and frankly in conflict with the other NMFS recommendations. The omnibus was prioritized prior to the premature closure of the mothership fishery and subsequent emergency council meeting in 2014. If the prioritization had been done in November its pretty clear that this concept would have been the top priority of the mothership sector. The NMFS statement is inconsistent because the four new management measures that NMFS is proposing to move forward in the specifications process were never even considered and/or prioritized within the omnibus exercise, this seems to conflict with their rationale opposing our proposal.

It was troubling to read that NMFS does not believe there is a compelling reason to provide more access to choke species in the mothership sector and when they voiced this same position in November, we were thankful that the Council did not agree. NMFS raises equity and fairness concerns and I cannot think of anything less fair or more inequitable than the fact that the mothership catcher vessels who pay half a million dollars a year in buyback loan payments cannot access the fish they received in return for those payments.

The last sentence in the NMFS report appears more like a veiled threat than anything else. “NMFS also wishes to inform the mothership sector that all work on this issue will be tracked towards cost recovery

for the mothership sector". In no other portion of any analysis related to the trawl sector for the groundfish specifications is the threat of cost recovery mentioned. Further, the lack of access to bycatch is not an incremental cost, we would likely be constrained by choke species and arguing that we needed more bycatch regardless of the trawl catch share program.

Washington Department of Fish and Wildlife (WDFW) Proposal

In Agenda Item F.3.a Supplemental WDFW Report, the state of Washington has proposed a different approach for managing the four choke groundfish species encountered in the whiting fishery. While the numbers that are proposed in the WDFW proposal are less than what the MS Transfer concept would allow access too, managing these species as Set Asides is an attractive approach because it affords harvesters and managers much more inseason flexibility. If this proposal can be in place for the 2017 whiting fishery we would strongly support this approach. I wish to thank Michele Culver for recognizing the compelling need for action for the at-sea fishery and developing this thoughtful approach.

Conclusion

At the end of the day there is agreement that the at-sea mothership sector needs access to more bycatch. MTC will support whatever vehicle gets us there in 2017. We have put a lot of time and energy into the development of our mothership transfer proposal. We think it is simple to administer and uses our own fish to solve the bycatch problem. The WDFW proposal is another viable approach and while it provides access to less fish, would also work if it can be implemented for the 2017 whiting season.

The 5-year review is a perfect time to assess the needs of all sectors and consider breaking down regulatory walls so that all sectors have access to the fish they need in order to successfully achieve their optimum yield of their target fisheries. However the need for the mothership sector has been well documented over the last two years and we need relief as soon as possible, not six years from now. Whiting TACs are at all-time highs, our rockfish stocks are rebuilding or rebuilt and are showing up in greater concentrations on the fishing grounds and there is a desperate need to provide access to additional bycatch species now to prevent premature closures and meet the MSA requirement to achieve optimum yield.

Thank you for your consideration.



Heather Mann