

GROUND FISH ADVISORY SUBPANEL REPORT ON PROCESS FOR IMPLEMENTING 2011-2012 SPECIFICATIONS AND MANAGEMENT MEASURES

The Groundfish Advisory Subpanel (GAP) received a report from Ms. Mariam McCall and Mr. Frank Lockhart on the process for implementing 2011 harvest specifications and management measures. The GAP offers the following comments.

Regarding the record building process, the GAP is concerned that it appears that neither oral testimony without written comment, nor spoken answers to questions before the Council after providing written testimony make it into the record. In this litigious environment, a robust record is critical. As we have seen, even well reasoned decisions reached by the Council are vulnerable if the record is not adequately documented. The GAP is frustrated that much of the necessary information was actually provided and hopes the Council and National Marine Fisheries Service (NMFS) will explore ways to get that valuable information into the record in the future. We ask that the entire transcript be placed on the record rather than continuing the current process of relying on written minutes.

Broadly speaking, the GAP has grave concerns about NMFS' preferred harvest specification alternatives for cowcod and yelloweye. Reducing the cowcod annual catch limit (ACL) from 4 to 3 metric tons (mt), and the yelloweye ACL from 20 to 17 mt will result in significant hardship for individual fishermen, processors, fishing communities, and seafood consumers. The cowcod reduction represents an immediate 25 percent decrease in the ACL and the yelloweye reduction represents 15 percent over what the Council approved - major reductions for species that already drive (or choke) the management engine due to low allocations and interactions with target species. In exchange, rebuilding timelines are reduced insignificantly decades from now by percentages that amount to statistical noise.

Yelloweye

Speaking specifically to the issue of yelloweye, the GAP would prefer a 20 mt ACL. At 20 mt, most sectors of the fishery have enough yelloweye to at least have a chance of harvesting their target species without being forced so far inside or having trip limits reduced to such an extent that fishing becomes an exercise in futility. At 17 mt the constraints will continue to result in loss of jobs both at sea and shoreside. At 14 mt, we will be faced with disaster because there is simply not enough yelloweye in the system for many fisheries to continue to operate at all.

For example, at 17 mt of yelloweye there are 13 boats in the northern California charter boat fleet. At 14 mt, we would expect to see the fleet reduced to 3 boats with consequent negative impacts on the fishery sector and the fishing communities of northern California. CDFG projections suggest \$7 million per month would be lost in northern California as a result of a reduction in the yelloweye ACL from 17 to 14 mt.

Likewise, a 14 mt ACL has many negative effects on Oregon recreational fisheries. These are economic, biologic, and social in nature.

Economically, Oregon has some ports that have already lost all of their access to groundfishing due to depth closures from 17 mt yelloweye constraints. This has resulted in the collapse of many fishing and supporting businesses in those ports (e.g. Winchester Bay). With a 14 mt ACL, even more communities would be subject to this outcome with ancillary losses to supporting businesses such as tackle shops, motels, restaurants, fuel stations and the ports or harbors.

Biologically, the Oregon recreational groundfish fishery consists of a variety of species. A 14 mt ACL would create even more limiting depth restrictions. A 50 percent reduction of fishing area would result. There would be less diversity of species creating more fishing pressure on nearshore species with the potential for localized depletion.

Socially, a 14 mt ACL creates issues of conflict between users from different fishing sectors. The crowding in the small remaining areas open to fishing would place harvesters in closer proximity and unable to avoid impacting one another.

Garibaldi, OR is an example where predicted economic impacts resulting from loss of infrastructure and fishing-related business could have a magnitude of \$3.3 million (Dean Runyan Associates, 2009) if an ACL of 14 mt was implemented. Coastwide impacts in Oregon are estimated at approximately \$54 million (Dean Runyan Associates, 2009).

As in California and Oregon, 14 mt in the WA recreational sector would result in exceedingly restrictive fathom lines (30 fathoms in area 2 and 20 fathoms in area 4). This puts pressure on nearshore stocks and prevents access to abundant stocks (e.g. yellowtail rockfish is abundant but wouldn't be accessible at 14 mt), and harms charter businesses and other recreational infrastructure.

In the northern California nearshore commercial fishery, we saw the loss of a fish buyer as a result of the reduction in yelloweye ACL to 14 mt at the end of last year. That reduction forced the open fishing area to inside of 20 fathoms making it impossible to continue to land benthic species in the volumes necessary to maintain a buyer. As a direct result of the loss of that market, one long-time fisherman in that fishery lost his house and was forced to move back in with his parents.

In the Oregon nearshore commercial fishery, a similar result will occur. Reducing the ACL from 17 mt to 14 mt would force fishermen inside and severely restrict the fishery for lingcod and China rockfish. The sablefish fishery will feel similar effects, although its line will have to be moved far to the outside rather than inside. North of 40°10' N. lat., the open access sablefish fishery would be moved far outside of their current fishing areas resulting in significantly increased costs, as well as safety concerns for the smaller boats that make up the bulk of this fleet. That fishery is the bread and butter for many fishermen and therefore for many fishing communities on the coast, and increased costs and safety concerns reducing participation in the fishery would create widespread impacts on jobs.

In 1980, there were six fish processing plants on the Seattle waterfront employing over a thousand jobs shoreside and four to seven vessels delivering fish to each plant. Those 30 vessels operating off of the Washington coast were employing four to five crew each. The decline in

critical fishery species such as yelloweye rockfish has contributed to the loss of all of these processing plants and jobs on the Seattle waterfront over the past 30 years. Similar losses have occurred in the communities of Neah Bay, Westport, Bellingham, and Ilwaco, and other fishing communities in the State of Washington. The loss of shore-based jobs and harvesting vessels that delivered to shore-based plants has significantly eroded the economic infrastructure of fishing communities in Washington.

The difference in allowing a harvest of 20 mt of yelloweye versus harvesting 17 or 14 mt results in an almost immeasurable shortening of the time to rebuild this long-lived species. However, the reduction to 17 or 14 mt will seriously jeopardize the success of the new catch share program and the ability to harvest the many healthy fishery resources off the coast. The inability to harvest the healthy stocks of fish will result in those fishing communities that remain losing critical infrastructure such as fuel docks, ice plants, and processing plants. Without the collective activities of all the above elements of commerce, a fishing community will lose its economic viability – vessels, processing plants, other infrastructure and jobs. Moreover, groundfish landings have long been the backbone of infrastructure for other west coast fisheries. If it goes, those fisheries will soon follow.

At 17 mt, the trawl sector has roughly 1200 pounds of yelloweye – less than 10 pounds for each permit. At 14 mt, the trawl sector sees its yelloweye allotment reduced by half resulting in allocations of less than 5 pounds (less than one fish) per permit if the fish was distributed evenly. Because it is not distributed evenly, many fishermen are left with fractional fish and will simply not be able to fish the shelf. This will impact not only the fishermen and crews, but also processing facilities, processing employees, communities and consumers.

In the National Resources Defense Council (NRDC) lawsuit, much was made of the fact that revenues are up over the past several years. That is not a good measure of harm for several reasons. First, we have still not recovered from the 2000 disaster declaration. We have been in a slow moving disaster since then. Second, this formulation fails to account for increased costs – fuel, insurance, and other operating costs are up dramatically. This formulation also doesn't take into account the dramatically increased value of the whiting fishery. The remainder of the groundfish fishery has remained relatively stagnant in the face of the increased costs mentioned above. Most importantly, that formulation doesn't take into account effects on different fishery sectors, either by fishery and gear type or geographically. As illustrated above in the trawl example, a roughly 20 percent reduction in yelloweye ACL would be a 50 percent reduction for the trawl fishery completely eliminating the opportunity for a shelf fishery. Reduction of the yelloweye ACL could also lead to the failure of the trawl catch share program.

In their public comment letter under Agenda Item H.1, the NRDC claims that yelloweye rockfish rebuilding is behind schedule according to the 2009 assessment and a lower ACL with a shorter rebuilding period should therefore be implemented. The SSC noted yelloweye rockfish rebuilding is three years behind schedule. However, the probability of recovering by the current T_{TARGET} of 2084 is well above 40 percent under status quo (i.e., the rebuilding plan prior to Amendment 16-5 considerations). This was not a cause of undue concern to the SSC who stated that progress towards rebuilding was considered adequate for yelloweye. They recommended no modification of T_{TARGET} or adjustment to the rebuilding harvest rate was necessary.

Nevertheless, the Council's preferred alternative was to reduce the spawning biomass per recruit (SPR) harvest rate in the rebuilding plan to increase the probability of successfully rebuilding yelloweye by 2084 to 50 percent.

Lastly, the emerging Quileute tribal whiting fishery and the proposed modifications to the International Pacific Halibut Commission (IPHC) survey will both require additional yelloweye, limiting the amount available for other fisheries. Implementing a reduction in the ACL, while at the same time increasing impacts due to new fisheries and survey techniques will merely exacerbate the hardship mentioned above.

Cowcod

In their public comment letter under Agenda Item H.1, the NRDC claims that the 2009 assessment indicates cowcod is not rebuilding. Cowcod is rebuilding, albeit slowly, according to the 2009 assessment as evidenced in Figure 1. NRDC makes this claim based on the difference in the rebuilding outlook from the 2005 assessment relative to the 2009 assessment. This is a disingenuous statement that violates the best available science standard mandated in the MSA. The 2007 cowcod assessment corrected a model mis-specification in the 2005 assessment. The Council's use of the best available science in the last management cycle did not change the optimum yield (OY), but rather the target year, which was inappropriately set under Amendment 16-4 based on the results of the incorrectly specified 2005 assessment model. The Council's Preferred Alternative for 2011 and 2012 maintained the 4 mt ACL and the SPR harvest rate in the status quo rebuilding plan, while changing T_{TARGET} from 2072 to 2071.

Like yelloweye, a reduced ACL for cowcod has the potential to jeopardize the groundfish trawl catch share program. Trawl catch of cowcod represents the greatest variability bin catch for that species and in 2004, the trawl sector alone caught 3 mt. Of course, this variability in the trawl catch also has the potential to shut down other sectors.

CCA Management Measures

Two measures concerning nearshore fisheries in the Cowcod Conservation Area (CCA) adopted by the Council last June were disapproved under the NMFS Preferred Alternative. Currently, recreational fishing inside of 20 fm is allowed in the CCA and retention of shelf rockfish is prohibited while fishing in these waters. The Council Preferred Alternative would allow fishing opportunities inside 30 fm within the CCA and would also allow retention of shelf rockfish while fishing within this zone. The GAP understands that NMFS would like to see further research within the 30 fm zone in the CCA to ensure this change would not result in increased impacts to cowcod. However, the GAP believes the retention of shelf rockfish should still be allowed while fishing within the 20 fm zone that is currently open to fishing.

Retention of shelf rockfish in this area will not negatively impact cowcod nor is it likely to increase fishing effort in this area. Recreational fishermen in this area target nearshore rockfish, lingcod, cabezon, scorpionfish, and non-groundfish species such as California sheephead. Fishermen targeting these species are encountering shelf rockfish such as vermilion rockfish that are discarded with some consequent mortality. Allowing retention of shelf rockfish will not

draw more effort into the nearshore fishery within the CCA, but will turn wasted discards into landings. Effort will not likely be affected since the CCAs are far enough off the mainland coast that only the vessels that currently fish the area will continue to fish. Allowing retention of shelf rockfish will enable those vessels currently fishing the area to attain bag limits sooner, which reduces wasteful discards and decreases mortality of rockfish encountered when fishing those waters.

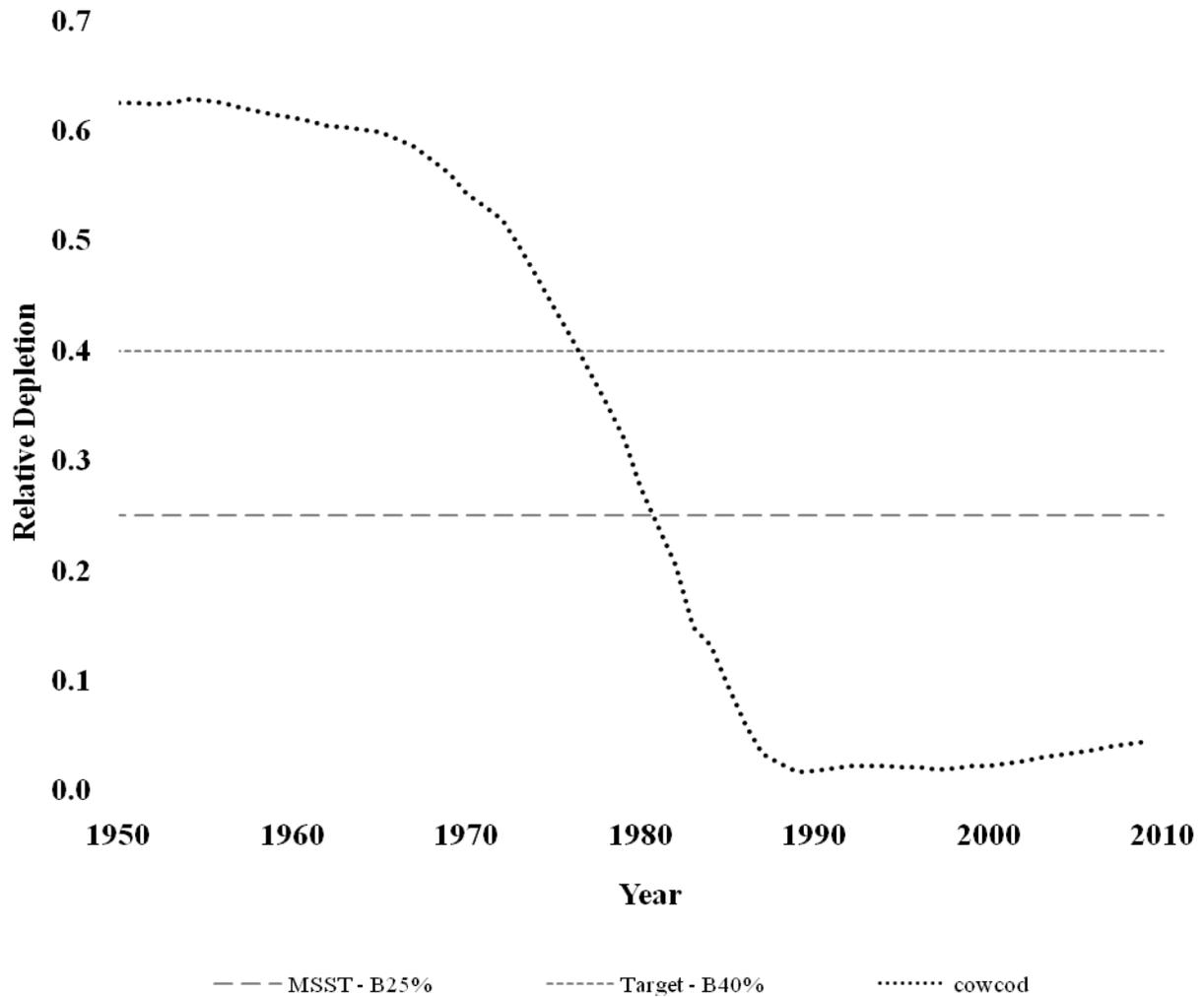


Figure 1. Cowcod spawning biomass time series estimated in the 2009 updated assessment.

Darkblotched Rockfish

The GAP is pleased that the NMFS Preferred Alternative darkblotched harvest specifications maintain the Council Preferred Alternative ACLs adopted last June. The GAP believes that specifying ACLs lower than the Council Preferred Alternative would result in significant negative impacts to the at sea and shoreside trawl fisheries and the west coast fishing communities that depend on those fisheries.

Finally, the GAP wishes to highlight the great letters on this topic by Washington Department of Fish and Wildlife, Oregon Department of Fish and Wildlife, and California Department of Fish and Game included in the briefing book. One important point made in those letters is that one of the goals of a rebuilding timeline is to maximize long term economic outcomes. We note that there will be no long term gain to rebuilding if the short term pain eliminates the fleet.

The GAP also wishes to incorporate by reference our past statements and past Harvest Specification Environmental Impact Statements. Those documents contain a wealth of information regarding impacts of reduced ACLs for critical overfished species on the various segments of the groundfish fishery.

PFMC
3/7/11