

limited use in evaluating the overall adequacy of measures adopted for the entire year. While recreational and commercial fixed gear vessels are usually more active in the region south of 40°10' N. lat. early in the year, these groundfish fisheries were closed during two of the first four months of 2002, restricting their usefulness. As data for May and June became available during the summer, they were examined, and incorporated into 2003 projections where appropriate.

In this letter of comment, the commenter refers to the Quota Species Monitoring (QSM) system, asserting that this system collects and reports data within about two weeks of landings and is used for inseason management. This comment expresses a common confusion between the best available science and the most recently available science. The QSM system provides estimates of total landings for managed species that are used for inseason fishery monitoring to show managers general fishery trends, such as whether a particular species is being landed at higher or lower amounts than the previous year or cumulative limit period. QSM data is not used in stock assessments because assessments require more accurate and specific landings data, data that comes from fishtickets. Data from fishtickets is also needed and used to predict individual vessel behavior within different management scenarios. Information from fishtickets, which detail the landings of individual vessels, is not available until several months after the landings recorded by those fish tickets were made. Accurate landings data from fishtickets represents the best available scientific information about how landings of the different groundfish species are distributed between various ports coastwide. Landings levels predicted by the QSM system represent only the most recently available information on general landings trends and cannot substitute for the accuracy and specificity of fishticket landings data.

Stock assessments conducted during 2002 were initiated very early in the year, and were completed by April. Catches are specified in the models on an annual basis, and given the Council's ability to respond to early trends through use of inseason adjustments, it would not have been appropriate to have modified the models' assumptions regarding expected 2002 catch, based on only 2 months of landings data.

Comment 10: We disagree with NMFS's statement that "[N]ew legislative mandates . . . gave highest priority to preventing overfishing and

rebuilding overfished stocks." National Standard 1 requires fisheries management measures to prevent overfishing "while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry."

Response: The Magnuson-Stevens Act contains ten National Standards that characterize the nation's primary objectives for Federal fisheries management. National Standard 1 reads as follows: "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." National Standard 8 reads as follows: "Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize the adverse economic impacts on such communities." Balancing these two national standards is at the heart of the challenge faced by NMFS and the Council in managing West Coast groundfish fisheries. National Standard 8 does recognize the importance of fishing communities, but it makes that recognition while reminding managers of their obligation to prevent overfishing and rebuild overfished stocks.

Bycatch and Discard

Comment 11: The 2003 groundfish management measures are a complex combination of trip limits and depth-based closures; however, the agency lacks much of the scientific information needed to ensure the success of this management scheme. The agency must establish an accurate accounting system to measure total catch and must establish a monitoring system to measure the depths at which the different species are caught. We fully endorse the use of vessel monitoring systems (VMS) to both enforce depth-based closures and to provide much-needed data on the catch locations for particular species.

Response: NMFS agrees. The groundfish management measures are certainly complex and will require monitoring systems to both enforce regulations and to provide scientific information on the effectiveness of the regulations at protecting overfished groundfish species. NMFS is investigating VMS units and preparing its computer database facilities for

receiving and organizing VMS data. The agency expects to soon publish a proposed rule that would set out requirements for all limited entry vessels that fish for groundfish to carry VMS. These proposed regulations would undergo public review and comment while the burden of increased public reporting duties associated with VMS were also under public review and Office of Management and Budget review under the Paperwork Reduction Act. If NMFS approves final VMS regulations for implementation, the agency expects that this system would provide much-needed data on the locations and depths at which vessels fish. Such information would be subject to Magnuson-Stevens Act confidentiality restrictions, but is expected to be very useful to NMFS enforcement and science centers. Data from the groundfish observer program and from the VMS program are expected to notably improve NMFS scientific information on West Coast groundfish and groundfish fishing activities. Data from the NMFS observer program will enhance the agency's ability to estimate the total catch of not only bycatch species, but target species, as well. Appropriate application of observer discard data to entire fleets requires substantial data review and modeling; this work is now underway.

Comment 12: Three commenters discussed the current model for bycatch analysis and suggested that NMFS needs to update and improve the data used in that analysis. In particular, the commenters were critical of the use of trawl logbook data in the current bycatch analysis, saying that the data is old and does not accurately reflect current fishing patterns. Commenters also suggested that NMFS incorporate observer data into its bycatch rate analyses, and use that data to check its bycatch rate assumptions for 2003. One of these commenters further noted that the bycatch model only addresses the trawl fisheries and asked that NMFS conduct a review of its data sources on fishing-related mortality and update the FMP to specify the types of data needed to improve estimates of total mortality.

Response: NMFS agrees that the bycatch model needs to be updated and needs to incorporate observer data, and the agency and the Council are working toward those ends. On January 27–29, 2003, the Council's SSC sponsored a workshop to review the bycatch model and the data sources for that model. The SSC plans to evaluate the report of the workshop review panel at its March 2003 meeting, which will be held concurrently with the Council's March 9–14, 2003 in Sacramento, California,