

**REC'D**  
MAR 3 2009  
**N.P.F.M.C.**

Christopher P. Bourgeois  
P.O. Box 1945  
Cordova, AK 99574

N.P.F.M.C.

605 W 4<sup>th</sup>, Suite 306

Anchorage, AK 99501-2252

March 4, 2009

Re: Gulf of Alaska Fixed Gear Recency

I own and operate a longline vessel home ported in Cordova, AK. The vessel is able to operate 9 or 10 months/year with a combination of IFQ, tendering for salmon and open access Pacific Cod fishery. The vessel provides 5 good jobs for our small, coastal community. I am a career fisherman who only recently moved from deckhand to vessel ownership. Please accept the following comments regarding fixed gear recency:

Component 3:

I urge you to "leave the window open" for as many people who invested in and participated in the fishery recently. I favor option Option 3, Suboption 2. I agree with the idea of stabilizing the fishery. Anyone who was going to invest in the fishery would have known and done it by 2008. Many small operations struggled to buy a permit and gear for the fishery to get inside the cut off dates they should not be penalized. For the same reason I oppose Suboption 3. There will be some ebb and flow of participation and effort in the fishery dictated by economics including the financial health of other fisheries.

Component 4:

I believe those presently participating in the fishery should be allowed to continue. Even a single delivery shows participation. Taking this approach you

can be consistent with your goals of providing stability and prevent future entry to the fishery while still being consistent with historical threshold limits for other Alaska fisheries.

Component 5:

Every other component has the goal of limiting participation and avoiding expansion of participation. Component 5 offers the expansion of effort and windfall profit. Please oppose component 5 which has the potential to be "winning lottery ticket" windfall to stacked permit holders. The multiplying effect of catch history on stacked permits is offensive in its potential for effort expansion and windfall profit to stacked permit holders.

Component 6:

I strongly oppose component 6. Fishery managers should not be telling fishermen what they cannot do to their boats to make them safer! Economics will sort out the inefficient and unsafe operations. I think that accepting a minor increase in fishing efficiency for a few boats is inconsequential to the health of the resource, but may make a safer job-site for some fishermen. You should not be dealing in vessel safety issues, leave that to the U.S.C.G. !

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. H. ...".

Larry R. Ward  
875 Sixth Ave.  
Trinidad, CA 95570

RECEIVED  
FEB 15 2009  
N.P.F.M.C.

N.P.F.M.C.  
605 W 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

15 February 2009

Re: comments Gulf of Alaska Fixed Gear Recency

I have a longline vessel home ported in Cordova, AK and employing 5 fishermen nearly year round. I have built my fishing program through a combination of IFQ fisheries, open access GOA cod, and tendering. I have invested heavily in LLP and gear for the Pacific Cod fishery. Please accept the following comments regarding fixed gear recency:

**Component 3:**

I believe the qualifying years should be as liberal as possible. I favor option Option 3, Suboption 2. Keeping in mind the goal of promoting stability to the fishery, this appears to be the most un-litigious route. Anyone who was going to invest in the fishery would have known and done it by 2008. For the same reason I oppose Suboption 3. There will be some ebb and flow of participation and effort in the fishery dictated by economics including the financial health of other fisheries.

**Component 4:**

I believe those presently participating in the fishery should be allowed to continue. Even a single delivery shows participation. Taking this approach you can be consistent with your goals of providing stability and prevent future entry to the fishery while still being consistent with historical threshold limits for other Alaska fisheries.

**Component 5:**

Every other component has the goal of limiting participation and avoiding expansion of participation. Component 5 offers the expansion of effort and windfall profit. Please oppose component 5 which has the potential to be "winning lottery ticket" windfall to stacked permit holders. The multiplying effect of catch history on stacked permits is offensive in its potential for effort expansion and windfall profit to stacked permit holders.

**Component 6:**

I strongly oppose component 6. Fishery managers should not be telling fishermen what they cannot do to their boats to make them safer! Be consistent with the letter Class restrictions in the IFQ program (A,B,C,D, ) with no width restriction. Widening a boat does not increase fishing capacity by very much but may make the boat much safer and more comfortable for the crew.

*[Handwritten signature]*

192nd Plenary Session  
North Pacific Fishery Management Council  
April 1 – April 7, 2009  
Hilton Hotel – Anchorage, Alaska

*For the Official Record*

**RE: C-1 GOA Groundfish Management – Revision of License Limitation Program**

Final action: Fixed Gear recency to add P.Cod endorsement to WGOA & CGOA licenses.

Public Comment of: Walter F. Sargent, Jr.  
F/V Major  
Kodiak, AK 99615

Mr. Secretary, Chairman Olson & NPFMC Council Members:

My name is Walter Sargent of Kodiak, and I have been fishing in the Gulf of Alaska since before statehood. I hold LLPs for Southeastern Outside, GOA, and the Western GOA.

**I am opposed to the removal of LLPs and to the implementation of P.Cod endorsement requirements.**

In some areas, I've held LLPs since their inception and in other areas have purchased them. Like all of my licenses for fishing privileges, I consider my LLPs to be part of my legacy in Alaskan fisheries. When earned or purchased, an LLP is an investment backed by sound business reasoning – and it is absurd to have them arbitrarily removed by the Council. Fishermen need the operational options that they provide, in order to move from area-to-area according to operating and seasonal schedules.

To have these privileges deliberately removed or restricted in order to create more super-concentrated, privatized and tradable assets will simply make for more of the same economic hindrances and problems of other irrational management schemes this Council has already erred in creating.

So far, it is clear that the continued consolidation of our fisheries has not been good for coastal communities like King Cove, Sand Point, and even Dutch Harbor – where many small businesses have closed. Further consolidation will be no different in the harms it will bring to GOA communities. And no different in the fact that it only hurts Alaska – because more consolidation will mean more revenue flight, as there is no reason GOA privatization will be any different.

Individual fishermen already share a responsibility for the resource, and they do not need to be privatized to make good stewardship and management possible. Just because a person has fished

one area for a long time is not a reason for an assignment of ownership rights – it still remains a privilege only. And that is a privilege which must be maintained for future generations, along with the ability for fishermen to become more innovative and efficient of their own choice.

Contrary to those goals, the Purpose and Need Statement clearly states “the intent of the proposed amendment is to prevent the future entry or re-entry of latent fixed gear groundfish capacity that has not been utilized in recent years into the Pacific cod fisheries, and to preserve the traditional vessel operational efficiencies within the fisheries.”

Likewise, that flawed and unsound Purpose and Need statement alludes to increased market value and intense competition. The Council is fully aware of dropping prices; and may I ask, “What is wrong with good old fashioned competition?”

I wholly disagree that “the possible future entry of latent effort and disproportionate vessel efficiency would have detrimental effects on LLP holders.” As a long-term participant, I do not “need protection from those who have little or no recent history.” As a long-term fishing business manager, I also do not need regulatory theories about how to attain efficiency forced upon my operations.

Don't be fooled. Fewer options are not good for management or for free and open markets. And processor linkages are certain to be coming along with this. There are already enough hindrances to good business practices and too few opportunities. Alaskans need no more privatization of the Public Commons.

Again, I oppose the removal of LLPs and this new ploy of requiring P.Cod endorsements as a means of attaining the same harmful consolidation.

*Walter F. Sargent, Jr.*

Submitted by fax to NPFMC: 907-271-2817 — Tuesday, March 24, 2009 2:25 p.m.

## Polar Star, Inc.

Patrick J. Pikus, President  
P.O. Box 2843 Kodiak, AK 99615  
907-486-5258 pikus@acsalaska.net

March 24, 2009

Eric Olson, Chair, North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Ave., Ste. 306 Anchorage, AK 99501

RE: Agenda item C-1: GOA Pacific Cod Endorsements

Dear Chair Olson:


I own and operate the 58-foot F/V Polar Star, which participates in the pot Pacific cod fishery here in the Gulf of Alaska. I have lived in Kodiak since 1972, and I have fished in the pot p-cod fishery since 1991. The p-cod fishery is important to me, so I would like to comment on the p-cod endorsements action currently before you.

I support final action on p-cod endorsements at this meeting. The purpose and need statement accurately describes the situation in the Gulf, and I believe that the analysis shows that the suite of components provides the tools necessary to address the issues described in the statement. There are currently 883 central Gulf fixed-gear LLPs, which is vastly more than is needed to actually prosecute the p-cod fishery. Those of us that are currently active in the fishery and that are dependent on it need the protection that this endorsements action would provide. It is time to move forward with final action on adding p-cod endorsements to the GOA fixed-gear LLPs. I have itemized my main concerns below for your consideration.

- *Component 3: Qualifying years.* I support the selection of option 2, 2002-2006, for the qualifying years. This range of years should be adequate to capture the universe of LLPs that are active in the GOA p-cod fishery. If the council feels it necessary to include more recent history, then I believe that option 3, suboption 1 (adding history through June 4, 2008) should be the preferred option.
- *Component 4: Catch thresholds.* I support the selection of option 2, with a threshold of 10 mt for vessels <60 ft MLOA and a threshold of 50 mt for vessels ≥ 60 ft MLOA. These seem to be reasonable thresholds for determining whether or not an LLP is truly active in the Gulf p-cod fisheries.
- *Component 6: Capacity/efficiency limits.* I support an action to limit the efficiency of future entrants to an accepted historical efficiency. To that end, I believe that a width restriction is the most logical and practical method of defining an efficiency limit. I strongly encourage the council to include an efficiency limit as a part of the p-cod endorsements action.

Thank you for your consideration.

Sincerely,



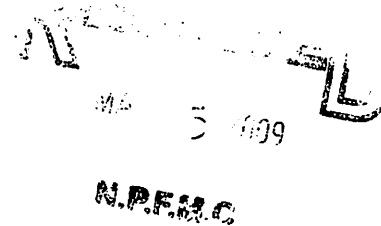
Patrick J. Pikus  
Polar Star, Inc.

# Alaska State Legislature



March 24, 2009

Mr. Eric Olson, Chairman  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252



Dear Mr. Olson:

You are likely aware that the Alaska State Legislature has been considering a resolution regarding the North Pacific Fishery Management Council's (NPFMC) pending action on the Gulf of Alaska Fixed Gear Recency package. I am writing today to give you an update on the status of that legislation.

House Joint Resolution (HJR) 21 passed the Alaska State House on March 23, 2009 on a vote of 30-0. HJR 21 has been transmitted to the Alaska State Senate, and will be assigned to Senate Resources. The resolution's sponsor, Representative Alan Austerman, continues to work to see that HJR 21 will pass the Senate and be transmitted to the Governor for signature by the time of the April NPFMC meeting.

HJR 21 received a thorough hearing in the House Special Committee on Fisheries and the House Resources Committee. Both committees received significant public testimony and written comment. While multiple perspectives were aired at the hearings, the concerns addressed by the sponsor's resolution are significant, and the House members have clearly voiced these concerns through this resolution.

Please find a copy of HJR 21 attached. It is my hope that this resolution can be included in the packets for the Council's April meeting. Please note that this resolution presently carries the full support of the House of Representatives.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Chenault".

Mike Chenault, Speaker  
Alaska House of Representatives

26-LS0668VE

**HOUSE JOINT RESOLUTION NO. 21**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES AUSTERMAN, Thomas, Ramras, Muñoz, Millett, Edgmon, Seaton, Wilson, Harris, Neuman, Johnson, Johansen**

**Introduced: 2/27/09**

**Referred: House Special Committee on Fisheries, Resources**

**A RESOLUTION**

1 **Requesting the North Pacific Fishery Management Council to cease consideration of an**  
2 **amendment package that would require a Pacific cod endorsement for a license**  
3 **limitation program license holder to participate in the Pacific cod fisheries in the Gulf of**  
4 **Alaska.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the Alaska seafood industry is the largest private sector employer in the  
7 state; and

8 **WHEREAS** the commercial fishing industry generates the most revenue of any  
9 renewable resource industry in the state; and

10 **WHEREAS** there are more than 125 communities in Alaska that depend on  
11 commercial fisheries for their economic well-being; and

12 **WHEREAS** there are numerous interior Alaska communities and regional hubs like  
13 Anchorage, Juneau, and Fairbanks that indirectly depend on commercial fisheries for their  
14 economic well-being; and

15 **WHEREAS** commercial fisheries provide tax revenue to the state and municipalities;



26-LS0668E

1 and

2 **WHEREAS** commercial fishing vessel owners, skippers, crewmembers, processing  
3 workers, and their families are residents of Alaska; and

4 **WHEREAS** many Alaska businesses provide goods and services to the commercial  
5 fishing industry and exist for the support of the industry; and

6 **WHEREAS** the fishery resource in both state waters and federal waters off of Alaska  
7 is a public resource; and

8 **WHEREAS** broad participation in the harvest of this public resource by Alaskans  
9 supports stronger local economies; and

10 **WHEREAS** the fishery management in 900,000 square miles of ocean off the coast of  
11 Alaska is managed by the North Pacific Fishery Management Council; and

12 **WHEREAS** federal fishery management programs implemented by the North Pacific  
13 Fishery Management Council increasingly favor the award of limited access privileges, in the  
14 form of individual transferable quotas, to individuals and corporations without requiring their  
15 active participation in Alaska's commercial fisheries; and

16 **WHEREAS** these limited access privilege programs are also known as fishery  
17 rationalization; and

18 **WHEREAS** these rationalized fishery management programs have led to significant  
19 job losses and fishing fleet consolidation in Alaska's fisheries and coastal communities; and

20 **WHEREAS** these fishery management programs have caused significant negative  
21 effects on businesses in coastal Alaska communities and regional hubs; and

22 **WHEREAS** the same fishery management programs have enabled many owners to  
23 stop active participation in Alaska's commercial fisheries, while continuing to extract  
24 significant income from the fisheries; and

25 **WHEREAS** federal fishery rationalization programs have been largely responsible for  
26 the 35 percent decline in the number of commercial fishermen in the state since 1990; and

27 **WHEREAS**, in rationalized and consolidated fisheries, the costs of access to fishing  
28 permits and individual transferable quotas have increased substantially and created significant  
29 barriers to entry for new entrants in commercial fisheries; and

30 **WHEREAS**, because of these increased economic barriers, the median age of  
31 Alaska's commercial fishermen has increased to 47 years of age; and

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1           **WHEREAS** the fixed gear groundfish fisheries are among the last significant fisheries  
2 in the Gulf of Alaska not to have been limited through a fishery rationalization program; and

3           **WHEREAS** fixed gear groundfish fisheries are typically prosecuted by small-boat  
4 fishermen; and

5           **WHEREAS** Pacific cod is the most important species for fixed gear fishermen in the  
6 Gulf of Alaska groundfish fisheries; and

7           **WHEREAS** access to these fisheries requires possession of a groundfish limited  
8 license program permit; and

9           **WHEREAS** the possession of a groundfish limited license permit allows fishermen to  
10 harvest all groundfish species in the Gulf of Alaska identified under federal law, including  
11 Pacific cod; and

12           **WHEREAS** the North Pacific Fishery Management Council is considering placing  
13 Pacific cod endorsements, a form of license restriction, on only those licenses that are  
14 currently being used; and

15           **WHEREAS** placement of cod endorsements on currently active fixed gear licenses  
16 would have the effect of rendering all other Gulf of Alaska fixed gear licenses valueless to  
17 their owners; and

18           **WHEREAS** placement of cod endorsements on currently active fixed gear licenses  
19 would preclude license holders without the endorsement from using their licenses to  
20 participate in the Pacific cod fishery; and

21           **WHEREAS** elimination of currently inactive limited license program licenses or  
22 placement of cod endorsements on currently active licenses would have nearly identical  
23 effects, namely rendering all other limited license program licenses worthless to their owners;  
24 and

25           **WHEREAS** this action would hinder fishermen from entering or reentering the  
26 commercial fisheries for Pacific cod; and

27           **WHEREAS** Alaskans own an estimated 75 percent of the Central Gulf limited license  
28 program permits and 65 percent of the Western Gulf limited license program permits that  
29 would be affected by those actions; and

30           **WHEREAS** Governor Palin requested a halt in the progress of rationalization of the  
31 groundfish fisheries in the Gulf of Alaska because of the likely negative effects on Alaskans;

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1 and

2 **WHEREAS** the reduction of the number of limited license program permits or the  
3 placement of cod endorsements on permits is a step toward fishery rationalization; and

4 **WHEREAS** the reduction of the number of limited license program permits by more  
5 than 60 percent will consolidate the vessels in the fishery, reduce the number of participants  
6 in the fishery, eliminate crew jobs, diminish the demand for shore side support goods and  
7 services, increase the costs of entry to the fishery, and serve as a step toward rationalization of  
8 the fishery; and

9 **WHEREAS** consolidation of vessels, reduction of participants, elimination of crew  
10 jobs, decreased demand for shore side support goods and services, and the increased costs of  
11 entry will cause harm to Alaska's fishery dependent communities and reduce commercial  
12 fishing related revenue to these communities and other regional hubs in Alaska; and

13 **WHEREAS** the Alaska State Legislature is a voice on behalf of its constituents, the  
14 citizens of the State of Alaska;

15 **BE IT RESOLVED** that the Alaska State Legislature supports a policy of broad  
16 participation in the harvest of marine resources in the Gulf of Alaska; and

17 **FURTHER RESOLVED** that the Alaska State Legislature supports the retention of  
18 the current license limitation program so that Gulf of Alaska fixed gear license limitation  
19 program license holders will be able to continue participation in all groundfish fisheries; and

20 **FURTHER RESOLVED** that the Alaska State Legislature requests the North Pacific  
21 Fishery Management Council to cease consideration of an amendment package that would  
22 require a Pacific cod endorsement for a license limitation program license holder to  
23 participate in the Pacific cod fisheries in the Gulf of Alaska.

24 **COPIES** of this resolution shall be sent to the members of the North Pacific Fishery  
25 Management Council; Robert D. Mecum, Acting Administrator, Alaska Region, National  
26 Oceanic and Atmospheric Administration Fisheries; the Honorable Denby Lloyd,  
27 Commissioner, Department of Fish and Game; and Cora Crome, Fisheries Policy Advisor,  
28 Office of the Governor.

Norman Mullan Fisheries, Inc.  
Norman Mullan, Owner/Operator  
F/V Cindria Gene  
Box 92, Kodiak, AK 99615  
Tel: 907-486-5012  
March 24, 2009

Mr. Eric Olson, Chair  
North Pacific Fishery Management Council

**C-1: Final Action on GOA Fixed Gear Recency.**

Dear Mr. Olson,

I support Recency Endorsements in the CGOA p. cod pot fishery.

I am a third generation fisherman, born and raised on Kodiak. I have been fishing for 38 years. I own and operate the 58' combination vessel F/V Cindria Gene. I am a small independent businessman. Commercial fishing represents 100% of my income.

I have been harvesting Central GOA p. cod with pots in the federal fishery with an LLP and a Federal Groundfish Permit continuously since 1991. I have also fished the state pot cod season since 1998. My entire crew are local residents. My crewmembers, their families and myself have a very important economic dependence on the federal pot cod fishery.

My crew and I have taken a great deal of risk to participate in the federal CGOA p. cod fishery during these past 19 years. I have invested a great deal of money and sweat equity on a continual basis over these past 19 years to continually re-equip my vessel so that it is safe, efficient, and competitive.

The economic underpinnings of my business, and my future ability to survive and compete in the CGAO p. cod pot fishery depend on stability in the CGOA p. cod pot fishery.

I hope that the Council and NMFS move forward with implementing Recency Endorsements in the GOA p. cod pot fishery as soon as possible. Please do not delay any longer. This fishery, and the ability of those pot fishermen who depend on this fishery, need the stability that CGOA Recency Endorsements will provide.

Sincerely,



Norman Mullan



March 24, 2009

Eric Olson, Chair  
North Pacific Fishery Management Council  
605 W. Fourth Ave.  
Anchorage, AK 99501

RE: Agenda Item C1 – GOA Fixed Gear Recency

Dear Chairman Olson,

As the NPFMC considers final action to add pacific cod endorsements to Western and Central GOA fixed gear licenses, we urge Council members to recognize and address the following issues:

- Gulf of Alaska community based fishermen are losing access to local and traditional fisheries through the cumulative effects of limited access programs.
- Increased restricted access has consequences for coastal communities and future generations that are observable, predictable and self perpetuating.
- Community based fishermen need to retain opportunity to participate in multiple fisheries. Diversified 'combination fishing' is the backbone of viable coastal communities.
- The fixed gear cod endorsement action by the Council should be held to the Limited Access Privilege Program requirements in the Magnuson-Stevens Act (Section 303A)

The dynamics of the Alaskan based small boat fleet and their contribution to the stability of coastal communities must be taken into account in the limited access program under consideration. It is important to realize that the choice of economic efficiency over employment or community well being is a policy that may contribute to the collapse of a coastal community with a working waterfront. No single action occurs in a vacuum and our communities are experiencing the cumulative effects of a variety of management decisions that are occurring in a 'piece meal' manner. A comprehensive review of all actions limiting access should be taken into consideration while pursuing this option and measures to mitigate negative impacts need to be built in. While this action may not meet the definition of rationalization under some interpretations, it is clearly a potential means to this end.

Alaska needs a model that promotes, rather than eliminates, community fishing options and policy makers have a responsibility to maintain access for community-based fishing opportunity. Alaskan fishermen, who live close to the resource year round, are able to participate in smaller, more marginal fisheries, and take advantage of modest opportunity in the fishing industry while supporting community businesses and infrastructure. This approach to harvesting, drawing on multiply fisheries over the course of a year or multi year cycles, is called "combination fishing". Many of the vessels which participate in combination fishing are designed primarily to seine for salmon and as such are shallow draft and limited in size. Combination vessels tend to be self-limiting due to length, hold size, horsepower, etc. These attributes limit their capacity and ability to harvest cod in the harsh winter fishery. In today's economic climate, combination fleets need the ability to move around in fisheries as prices fluctuate and the elimination of small boat opportunity to prosecute federal cod may be the final blow for some fishermen. The end result of this action will be a loss of access to fisheries and the loss of licenses held by local combination fishermen means the loss of local access.

The fixed gear recency action is moving forward without adequately analyzing the potential impacts on affected Gulf of Alaska communities. The Council needs to consider these effects under the Magnuson-Stevens Act National Standard 8 which provides that "conservation and management measures should provide for the sustained participation of fishing communities, and minimize adverse economic impacts on such communities." Although, the fixed gear recency action is not subject to the Limited Access Privilege Program requirements in the Magnuson-Stevens Act (Section 303A) (because it does not meet the narrow definition of a catch share system) the Council should be consistent with such community considerations to comply with the spirit of the Act. Fixed gear recency is the first step toward a catch share system, and sets the stage for future fishing opportunity.

We urge the Council to step back and address the above mentioned issues prior to final action. While we recognize the tremendous amount of time and effort that Council members and Council staff have contributed in the analysis of fixed gear recency, the analysis is focused on a single issue and is operating in a vacuum. We are beginning to benefit from comprehensive understandings of the long term cumulative effects on Alaskan coastal communities in limiting access and policy must be structured to ensure their ability to access adjacent resources. Diversified fishing fleets are the central structure of viable coastal communities and as such mechanisms need to be built in to ensure that opportunities to move around are recognized as important strategic opportunity.

**In response to the above mentioned concerns, the following action is recommended if the NPFMC continues to pursue the proposed action to add cod endorsements to GOA fixed gear LLP licenses:**

- Add cod endorsements on licenses of vessels = 50 feet that do not meet the criteria threshold to retain their cod endorsements on LLP licenses. The

The above action would serve to preserve the opportunity for combination vessels which contribute to the infrastructure of coastal communities in the Gulf of Alaska. The limiting characteristics of these vessels, with consideration of additional restrictions, will offset the ability to significantly impact the historical participants the proposed action seeks to protect. The retaining of cod endorsements on licenses of active vessels with an MLOA of 50 feet and under would also provide opportunity for future generations in addition to entry opportunity found within the jig sector.

Cod is a valuable resource for viable coastal communities with diversified fishing fleets and means must be sought to keep access to the resource within Alaska communities. As the Council considers the proposed amendment to add cod endorsements on fixed gear LLP licenses for final action, we urge policy makers to apply the requirements consistent with the Magnuson-Stevens Act National Standard 8 to help ensure a future for our fishing communities.

Sincerely,



Theresa Peterson  
Kodiak Outreach Coordinator  
Alaska Marine Conservation Council

March 25, 2009

Eric Olsen, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, Alaska 99501-2252

RE: Agenda Item C1 – GOA Fixed Gear Recency


Dear Chairman Olsen,

Please do not sink my cod LLP. I am a twenty three year old fisherman from the Kodiak village of Port Lions. I have been fishing since I was eleven years old, starting with my dad, Harry (Fuzzy) Nelson. I have seined salmon and herring, longlined halibut and cod, pot fished and trawled. I bought a boat of my own last winter and have been fishing hard as crew to help me with my start up costs. Currently, I am a crewman on the F/V Elizabeth F with Capt Stormy Stutes. Fishing is a way of life for me, but I don't want to spend my life as crewman. I need to be able to grow. But each time a new regulation or rule is created that gives away the resources of the Gulf of Alaska to the big players, it diminishes the opportunity I need to make a life for myself. The LLP I bought will be extinguished if the NPFMC takes its planned action at the April meeting. It does not have specified recency to qualify it for continued use under the NPFMC's preferred alternatives. Each new regulation closing off opportunity for people like me helps kill communities like Port Lions, Ouzinkie, Larsen Bay, and Old Harbor. We are Alaska. We live here. We need opportunities to fish. We are not asking for the ownership rights to the North Pacific, we are asking for a right to earn a living in our communities and to contribute to the employment opportunities for our neighbors.

Perhaps you can help keep the big money interests from extinguishing Alaska's coastal citizens' right to earn a living from the resources right outside our front doors.

Sincerely,

Michael Nelson





**Native Village of Ouzinkie  
P.O. Box 130  
Ouzinkie, AK 99644  
PHONE: (907) 680-2259 FAX: (907) 680-2214  
E-Mail [otcadmin@ouzinkie.org](mailto:otcadmin@ouzinkie.org)**

March 24, 2009

Eric Olson, Chair  
North Pacific Fishery Management Council  
605 W. Fourth Ave.  
Anchorage, AK 99501

RECEIVED  
MAR 24 2009  
NPFMC

RE: Agenda Item C1 – GOA Fixed Gear Recency

Dear Chairman Olson,

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- Gulf of Alaska community based fishermen are losing access to local and traditional fisheries through the cumulative effects of limited access programs.
- Increased restricted access has consequences for coastal communities and future generations that are observable, predictable and self perpetuating. Actions limiting access should be taken into consideration while pursuing this option and measures to mitigate negative impacts need to be built in. While this action may not meet the definition of rationalization under some interpretations, it is clearly a potential means to this end.
- Community based fishermen need to retain opportunity to participate in multiple fisheries. Diversified 'combination fishing' is the backbone of viable coastal communities.
- The fixed gear cod endorsement action by the Council should be held to the Limited Access Privilege Program requirements in the Magnuson-Stevens Act (Section 303A)

The dynamics of the Alaskan based small boat fleet and their contribution to the stability of coastal communities must be taken into account in limited access program under consideration. It is important to realize that the choice of economic efficiency over employment or community well being is a policy that may contribute to the collapse of a coastal community with a working waterfront. No single action occurs in a vacuum and our communities are experiencing the

cumulative effects of a variety of management decisions that are occurring in a 'piece meal' manner. A comprehensive review of all act Alaska needs a model that promotes, rather than eliminates, community fishing options and policy makers have a responsibility to maintain access for community-based fishing opportunity. Alaskan fishermen, who live close to the resource year round, are able to participate in smaller, more marginal fisheries, and take advantage of modest opportunity in the fishing industry while supporting community businesses and infrastructure. This approach to harvesting, drawing on multiply fisheries over the course of a year or multi year cycles, is called "combination fishing". Many of the vessels which participate in combination fishing are designed primarily to seine for salmon and as such are shallow draft and limited in size. Combination vessels tend to be self-limiting due to length, hold size, horsepower, etc. These attributes limit their capacity and ability to harvest cod in the harsh winter fishery. In today's economic climate, combination fleets need the ability to move around in fisheries as prices fluctuate and the elimination of small boat opportunity to prosecute federal cod may be the final blow for some fishermen. The end result of this action will be a loss of access to fisheries and the loss of licenses held by local combination fishermen means the loss of local access.

The fixed gear recency action is moving forward without adequately analyzing the potential impacts on affected Gulf of Alaska communities. The Council needs to consider these effects under the Magnuson-Stevens Act National Standard 8 which provides that "conservation and management measures should provide for the sustained participation of fishing communities, and minimize adverse economic impacts on such communities." Although, the fixed gear recency action is not subject to the Limited Access Privilege Program requirements in the Magnuson-Stevens Act (Section 303A) (because it does not meet the narrow definition of a catch share system, the Council should be consistent with such community considerations to comply with the spirit of the Act. Fixed gear recency is the first step toward a catch share system, and sets the stage for future fishing opportunity.

We urge the Council to step back and address the above mentioned issues prior to final action. While we recognize the tremendous amount of time and effort that Council members and Council staff have contributed in the analysis of fixed gear recency, the analysis is focused on a single issue and is operating in a vacuum. We are beginning to benefit from comprehensive understandings of the long term cumulative effects on Alaskan coastal communities in limiting access and policy must be structured to ensure their ability to access adjacent resources. Diversified fishing fleets are the central structure of viable coastal communities and as such mechanisms need to be built in to ensure that opportunities to move around are recognized as important strategic opportunity.

**In response to the above mentioned concerns, the following action is recommended if the NPFMC continues to pursue the proposed action to add cod endorsements to GOA fixed gear LLP licenses:**

- Add cod endorsements on licenses of vessels  $\leq 50$  feet that do not meet the criteria threshold to retain their cod endorsements on LLP licenses. The exemption will only apply to licenses attached to active vessels. MLOA on the license may be modified to reflect the LOA of the associated vessel.

The above action would serve to preserve the opportunity for combination vessels which contribute to the infrastructure of coastal communities in the Gulf of Alaska. The limiting characteristics of these vessels, with consideration of additional restrictions, will offset the ability to significantly impact the historical participants the proposed action seeks to protect. The retaining of cod endorsements on licenses of active vessels with an MLOA of 50 feet and under would also provide opportunity for future generations in addition to entry opportunity found within the jig sector.

Cod is a valuable resource for viable coastal communities with diversified fishing fleets and means must be sought to keep access to the resource within Alaska communities. As the Council considers the proposed amendment to add cod endorsements on fixed gear LLP licenses for final action, we urge policy makers to apply the requirements consistent with the Magnuson-Stevens Act National Standard 8 to help ensure a future for our fishing communities.

Sincerely,



Robert W. Katelnikoff, Administrator  
Native Village of Ouzinkie  
Ouzinkie Tribal Council

Dave Kubiak  
F/V Mythos  
810 Mission Rd, Kodiak, Alaska 99615

March 25, 2009

Eric Olsen, Chair  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, Alaska 99501-2252

RE: Agenda Item C1 – GOA Fixed Gear Recency

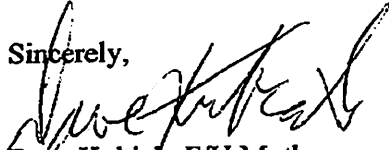
Dear Chairman Olsen,

I suspect that by the time a problem statement is approved, the solution has found its trajectory, the outcome may be accurately forecast. The latent LLP issue is a perfect example. Once Council Members accept the problem statement, the checkmate solution is a foregone conclusion. Like hungry dogs, we fishermen end up fighting over the scraps offered to us as options and alternatives. Please change this outcome.

I am a sixty year old 'boots on deck fisherman,' I have fished halibut, salmon, cod, and crab. I have been fishing off and on here in Kodiak since 1964. I fished state waters cod and saw that the LLP boats scooped up the inshore waters first, so in 2006, I purchased an LLP and fished it in 2007. I intend to fish it again if allowed. I am not interested in renting my permit, hiring a skipper, stretching my boat, sponsoning my boat, finding investors for a new expansion of my operation, or any such thing. You may attach any and all such conditions to my LLP, but do not extinguish my opportunity to earn a living with my boat and my gear when the fish are there and the price is right. While I understand the "fears" of my colleagues who wish to cut my economic throat, put me out of business, and expand their fortunes, I do not see their argument as a valid. Extinguish me and those others like me for the benefit of themselves is something the NPFMC should be working to prevent, not aide. These kinds of actions are killing the viability of the communities of the coast of the Gulf of Alaska. These actions will not stop the inevitable changes that occur to the fisheries over time, they will not remove the risks inherent in fishing, they will, however forever indenture independent small fishermen to the benefit of the lords of the fisheries, those very heads that you will crown.

If every fishery regulation you promote demanded that the licensee had to be on the boat during all fishery operations, most of the problems would not need these exclusionary and draconian solutions.

Sincerely,

  
Dave Kubiak, F/V Mythos

**United Fishermen's Marketing Association, Inc.**

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

Fax: 907-486-8485

March 25, 2009

Mr. Eric Olson, Chair  
North Pacific Fishery Management Council

**Re: C-1; Final Action On GOA Fixed Gear Recency; GOA Groundfish Management**

Dear Eric,

The United Fishermen's Marketing Association, Inc. (UFMA) includes member harvesters who participate in the Gulf of Alaska (GOA) Pacific cod (p. cod) pot fishery. UFMA members are impacted by Council action that proposes to add p. cod Endorsements to Western Gulf of Alaska (WGOA) and Central Gulf of Alaska (CGOA) fixed gear (non-trawl) licenses (LLPs).

The proposed action would add fixed gear-specific (i.e., pot and hook-and-line) and area-specific (i.e., WGOA and CGOA) Endorsements to GOA fixed gear LLPs, and would require that a GOA fixed gear LLP carry the requisite fixed gear-specific and area-specific Endorsements that would permit such LLP to participate in the directed GOA p. cod fisheries.

We believe that the "Gulf of Alaska Fixed Gear Recency Purpose and Need Statement" ("Purpose and Need Statement") is an accurate portrayal of the circumstances that currently exist, that are anticipated to occur in the future, and that indicate the necessity for the proposed Amendment to the GOA Fishery Management Plan (FMP). Moreover, the Purpose and Need Statement, together with the "Public Review Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a Proposed Amendment to the Fishery Management Plan for Groundfish of the GOA Management Area to Add Pacific Cod Endorsements to Western and Central GOA Fixed Gear LLP Licenses" (March 3, 2009) form a realistic and accurate foundation, rationale and justification for the proposed action of adding p. cod pot gear Endorsements to Central Gulf of Alaska (CGOA) fixed gear licenses.

We recognize that the CGOA p. cod pot fishery and the WGOA p. cod fixed gear fisheries each possess operational, management and gear sector structures that are respectively different and distinct, and that may require respectively different solutions to address the current and anticipated circumstances and needs that exist in each distinct area. Therefore, we will generally indicate that our comments address the CGOA p. cod pot fishery.

## **Alternatives, Components and Options, Alternative 2.**

### **Component 3: Qualifying Years**

We support Option 2 that establishes 2002-2006 as the set of qualifying years for the purpose of calculating catch history. We do not support the adoption of Suboption 1 or Suboption 2; nevertheless, we prefer Suboption 1 to Suboption 2. If either Suboption 1 or Suboption 2 is adopted, we support action that adopts Suboption 3 as a mandatory supplement to either Suboption 1 or Suboption 2.

Option for exemption for GOA hook-and-line catcher processor LLP holders: We do not support an exemption for GOA hook-and-line (H&L) catcher processor (CP) LLP license holders who were “voluntary non-participants in the Freezer Longliner Coalition informal PSC co-op effort of 2006, 2007 or 2008”, and who do not otherwise “qualify under Component 3, Options 1, 2, or 3”.

A review of both landings and catch (mt) threshold data appears to indicate that an additional 10 to 17 CGOA endorsed H&L CP LLPs could receive a p. cod endorsement as a result of this proposed exemption. The addition of between 10 and 17 H&L CPs would impose a very significant cost on those vessels that have participated in the CGOA p. cod fishery during whichever set of Qualifying Years, and according to such other criteria, that the Council may adopt, but with which criteria such H&L CP vessels will not be required to comply. This is unfair, arbitrary and inequitable, and represents an unjustifiable cost to those LLP holders who will have otherwise developed a demonstrable and significant economic dependence on this fishery through the definition of having met such actual participation criteria that the Council may otherwise adopt for those LLP holders who do not fit the criteria of the proposed H&L CP LLP exemption. Moreover, the proposed exemption would provide significantly disproportional benefits of the proposed Council action to those H&L CP LLP holders who seek such exemption, especially when considering that the subject H&L CP LLP holders have benefited for many years from the voluntary operational rules and structure that were agreed to by these same vessels; such rules that exempted such H&L CP LLP holders from the costs of participating in the subject fishery, and from the need for a direct operational economic dependence on and participation in this fishery.

If the Council does not subsequently take action to allocate the GOA p. cod TAC among sectors, the approximate 10 to 17 H&L CPs that would qualify under this proposed exemption would directly compete with all vessels in the Inshore and Offshore sectors for access to the WGOA and CGOA p. cod TACs. As a result, in the absence of an allocation of GOA p. cod among sectors, the subject exemption would have significant and direct impacts on the harvest of p. cod by all vessels in all other sectors. Additionally, H&L CPs <125 ft that process less than 126 mt per week are currently allowed to harvest p. cod from the Inshore p. cod TAC; therefore, the proposed exemption would permit these CPs to directly compete with catcher vessels that have a significant economic dependence on the Inshore p. cod TAC.

#### **Component 4: Catch Thresholds**

We support Option 2 with the inclusion of two Catch Threshold criteria that would serve as the basis of a qualification to receive a CGOA p. cod pot gear endorsement:

Option 2a: a 10 mt catch threshold for <60 ft vessels, and

Option 2b: a 50 mt catch threshold for >60 ft vessels

#### **Component 6: Capacity/Efficiency Limits to CV and CP Fixed Gear LLPs**

We support the provision for Component 6 that is included in the Public Review Draft of the EA/RIR/IRFA for this proposed action. We are concerned over the impacts to the economic stability and operational structure of the CGOA p. cod fixed gear fishery that are expected to occur as a result of an anticipated trend of new, high capacity 58 ft LOA vessels that are being built and are entering the GOA p. cod fisheries, and existing 58 ft LOA vessels that are being rebuilt with expanded capacity (i.e., "Super 8s"). We respectfully suggest that the Council should recognize the urgency and need to vigorously address this issue at the earliest opportunity.

#### **Component 7: CQ Community Resident Exemption**

We support the adoption of a catch threshold of 1 landing for CQE community residents within the constraints of any one of three combinations under Component 3 (i.e., Qualifying Years):

1. The 5-year period of Component 3, Option 2, Suboption 3 (2002-2006), or
2. The 6 & ½ year period of Component 3, Option 2, Option 3, Suboption 1, Suboption 3 (2002 to June 4, 2008), or
3. The 7-year period of Component 3, Option 2, Option 3, Suboption 2, Suboption 3 (2002 to December 8, 2008).

We do not support the adoption of an exemption for CQE community residents within the context of Component 3, Option 1 (i.e., Qualifying Years of 2000-2006), or any permutation thereof (i.e., Component 3, Option 1, with the addition of either Suboption 1 or Suboption 2).

Thank you for your consideration of our comments.

Sincerely,



Jeffrey R. Stephan

**North Pacific Fishery Management Council**  
604 West 4<sup>th</sup> Avenue Suite #306  
Anchorage, Alaska 99501

**192<sup>nd</sup> Plenary Session – April 1-7, 2009**  
Hilton Hotel, Anchorage, AK

**Re: C-1 GOA Groundfish Management**

**Public Comment By: Mr. Shawn C. Dochtermann**

Kodiak, Alaska 99615 — Tel: (907) 486-8777

Mr. Secretary, Chairman Olson, Council members,  
and Honorable Citizens of the United States,

My name is Shawn Dochtermann, a 2<sup>nd</sup> generation commercial fisherman from Kodiak. I have 31 years experience in the GOA, BS, Bristol Bay and in the Aleutian islands. I am here representing myself as well as many Alaskan citizens in the coastal communities.

**I'm in opposition to the removal of LLPs from GOA groundfish license holders and to the implementation of Pacific Cod endorsement requirements by the Council. Therefore, I ask for the Council to remain with Status Quo for the GOA Groundfish Management.**

The purpose and needs statements is flawed. There is no increased market value, in fact, the price has dropped by almost 50% from the 2008 to the 2009 cod season. Where is the intense competition, unless there are vessels that are racing for history that was perpetuated due to the Council moving forward with GOA rationalization, sector splits, and LLP removal threats?

Most of the federal fisheries in the state of Alaska have gone the way of privatization and it has disconnected the actual fishermen that prosecute the fisheries from having access to participate and ascend to vessel owner/skipper. If 500 of the 800 licenses that are in circulation at present are removed you will be handing 300 fixed gear license holders the keys to owning the resource as well as the trawler sector and it's past removal of LLPs from the GOA.

I ask only one question of the council:

**Where is the link to conservation, sustainability of the resource and habit protection in removing LLPs?**

The removal of the LLPs in the GOA Groundfish fisheries venomously violates NS #5 Sec. 600.330 " no such measure shall have economic allocations as it's sole purpose".



Once you remove 500 licenses, it takes away future fishermen having the chance to participate and awards 300 license holders the access to a sector split, which in essence is an economic allocation.

I'd like to review a brief history of fisheries rationalization regimes:

- Fifty years ago, we became a state, and forced fisheries processors to start sharing profits of the resources that were being extracted from our state. The federal government was nowhere to be found in promoting conservation of fisheries, sustainability, and protection of fish habitat.
- Fast-forward to the early seventies, Limited Entry was introduced as state fishery law. **There was only one catch: in order to harvest the fish, the permit holder had to actually put his boots on and go down and work on the boat, go fishing, catch the fish and then deliver them for processing. It was an owner-on-board fishery, and the crews got paid well.**
- In 1995 the halibut and sablefish federal fisheries management program (FMP) was changed from open access to Individual Fish Quotas, a.k.a. IFQs, DAPs, LAPs, or 'Catch Shares'. The Council gave quotas to vessel owners and the program created a superior right so they would never have to step foot on boat again if they so chose. **This is what you would call an absentee owner model.**

For the record, approximately 15,000 halibut crewmen and skippers lost their jobs in one day. But at least when quotas are sold or the initial recipient expires from the fishery (my father will be 100 years old, I'll bet!) the IFQ has to be fished by the quota holder. That's what one would call fair – as compared to the newer privatization schemes. And the quotas were awarded only to fishermen as suppliers, not given to processors as buyers: who might dominate price setting.

- Next BS pollock was privatized in 1998 with the direct help of Ted Stevens and Trevor McCabe. **Now foreign owned companies that own processors and vessels are granted exclusive rights to catch and process pollock in the BS. This greatly degraded Alaska's sovereign abilities to control its own resources.**
- Lastly, in 2005 came Bering Sea Aleutian Island Crab Rationalization (CR) or CRAB RATZ. With a name like that one would know there's real "devils in the details", as over 1,000 crab crewmen were disenfranchised by Ted Stevens' Rider on a must-pass federal appropriations bill. **This gifted over 1 Billion Dollars in IFQ rights to about 100 individuals and corporations.**

The processing rights were given to 7 major processing companies. Japanese trading companies own 40-50% of the processing rights, while Trident Seafoods has over 25% of processing and a large amount of IFQs. All of the IFQs were given to the quota holders forever; consequently there is no program to get fishing privileges back into the hands of active fishermen.

Crewmen in the Bering Sea are now getting paid at unfair and inequitable

compensation rates due to high rent seekers taking exorbitant lease fees off the top. The average Bering Sea crabber now makes from 50-70% less than he did pre-rationalization. Now BS crab IFQ holders (who by majority live out of state) can play golf in Hawaii during the crab season — and collect a paycheck from Alaskan crab that was harvested without having to even own a boat or gear — by skimming 70% of the gross proceeds right off the top, before the boat it is fished on leaves the dock.

The next generation (myself included) is now sitting at this table and we've had enough of **fishery access removal** by the factions of fisheries lobbyists that have gotten us to this point and will continue to work for those that stand to gain the most monetarily. If you're not born into a fishing family, it will take millions of dollars invested just to go catch some fish. Where is the MSA protections for fisheries, not vessel and quota holders bank accounts and future revenues?

We fought Ben Stevens and his thuggery and stopped SB113 and coordinates GOA groundfish rationalization in the Alaska Legislature in 2005/6, and we won. Governor Palin was elected and she put the kibosh on the rush into GOA groundfish rationalization.

**The lobbyists and the Council have worked together to move GOA groundfish rationalization through by other means to suit the trawlers' need of getting quota ownership and securing the high value bycatch — incidental species now targeted that should be by the standards of the Magnuson Stevens Act and related fisheries laws be brought to a halt.** The gear groups that fish the dirtiest should be penalized for excessive bycatch, not awarded allocations as a prize for lobbying efforts and campaign financing.

The Council should make an amendment to the GOA Groundfish Management plan to hand the cleanest gear group more of the quota. The jig sector is recognized as the group that has the least bycatch (almost none), least mortality on any bycatch, the least footprint on the sea floor, and the least carbon footprint. We've been here for 4 years asking for an exemption to own an LLP, to be able to prosecute the federal cod/groundfish fishery. We are a small vessel fleet connected to the communities in the GOA and promote family fisheries. The jig sector never really had the chance to participate in GOA "A" season do due safety concerns from inclement weather. To abide by MSA law the gear groups with the least impact on the ocean should have the best opportunity to gain quota for their sector.

**In summary, removing the latent LLPs from the GOA groundfish permit holders will leave state waters as the dumping ground for new entrants.** Why shouldn't federal waters have a place for active fishermen as new entrants to transition into, for all of its fisheries? Where is the problem of too many fishing vessels? There is no great influx of vessels coming into the GOA Pacific cod fishery in the last 5-10 years. It's not financially viable for that many vessels to stay in the fishery, in any case — especially with the huge recent drop in ex-vessel cod prices.

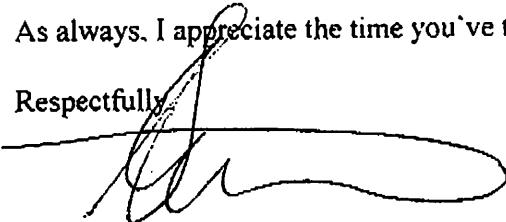
I'll be headed out jigging in state waters this week. But with these low prices, it looks like I'll be fishing first for my sanity and second to try to make an income. But there are no guarantees, it's fishing. I should be able to have access to the fisheries that are right outside of my doorstep, and the next generation should have that opportunity as well.  
**Fishing rights need to remain with those who go out on the boats.**

Removing these LLPs from the fixed-gear fishermen will simply **take rights from active and future fishermen and give exclusive rights to an investor-only faction who do not fish.**

**I urge the NPFMC to stay with status quo for the GOA groundfish fisheries and use tools that are already in the tool box, such as trip limits, pot, hook and trawl net size limits and even vessel capacity limits to keep the fisheries healthy.**

As always, I appreciate the time you've taken to listen to my comments.

Respectfully,



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