


MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director
DATE: January 28, 2004
SUBJECT: Scallop Management

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

- (a) Review and approve SAFE report
- (b) Discuss FMP Update

BACKGROUND

Scallop SAFE Report

The Scallop Plan Team met in Juneau on October 29-30, 2003 to review the status of the weathervane scallop stocks in Alaska and to prepare the Stock Assessment and Fishery Evaluation (SAFE) report. This SAFE report was mailed to you on January 22. The minutes from the Scallop Plan Team meeting are attached as Item D-2(a). The SAFE report provides an overview of scallop management, scallop harvests and the status of the regional weathervane scallop stocks. Scallop stocks are neither overfished nor approaching an overfished condition.

Scallop FMP Update

At their October 2003 meeting, the Scallop Plan Team discussed updating the Scallop FMP to reflect the current management of the scallop fishery. The current FMP has been amended 7 times since the FMP was approved in 1995. A summary of the FMP and amendments is attached as Item D-2(b) and the amended FMP will be handed out separately. Staff seeks guidance on the type of FMP revisions needed to increase clarity and include updated information on biology and management of the scallop stocks.

Public comments submitted regarding scallop management issues are attached as Item D-2(c).

DRAFT

Draft Minutes Scallop Plan Team
October 29-20, 2003
Sustainable Fisheries conference room
Federal Building
709 W. 9th St.
Juneau, AK

Plan Team members present: Jeff Barnhart, Doug Woodby, Gregg Rosenkrantz, Gretchen Harrington, Diana Stram, Herman Savikko

Additional agency personnel and public attending: Teresa Kandianis, Tom Meyer (NOAA GC)

The meeting was conducted with the following approved agenda:

1. Approve Agenda
2. Draft Terms of Reference for Scallop Plan Team
3. Review Status of Stocks and SAFE Report
4. Discuss updating the Scallop FMP
5. Update on Alaska Board of Fisheries regulation changes from the 2003 meeting
6. Membership and Officers
7. New Business:
 - Presentation by Mike Stanley regarding problems with the current LLP
 - Other new business
8. Wrap up of SAFE report and FMP update scheduling

Plan Team Terms of Reference

The team discussed the role and function of the Scallop Plan Team. The Team had not convened a formal plan team meeting since 1997. However, in revising their terms of reference and in discussing the function of the team, Plan Team members agreed that annual meetings and the production of an annual SAFE report would be beneficial for the public and provide an opportunity for the presentation of new scientific findings as they relate to the Scallop fisheries off Alaska on an annual basis. The team made several revisions to the terms of reference to reflect the function and role of the plan team under the Scallop FMP. The revised Scallop Plan Team Terms of Reference are attached with the associated strike-outs shown to indicate all Plan Team revisions to the previous document.

Review Status of Stocks and SAFE Report

The Plan Team reviewed the draft materials for the SAFE report. The draft Table of Contents for the report is attached. The Team worked on compiling the Executive Summary for the report and discussed the need for additional summary information on regional assessments and closure areas. The Team discussed the current increased emphasis and research aimed at advancing regional assessments methodologies and the increased confidence in regional assessments as these methodologies are expanded and improved upon. While overfishing is assessed on the stock as a whole, updating regional assessment information on an annual basis in the SAFE report serves to inform the public as to the status of Scallop Stock by management area and the Team agreed to continue to summarize the information in this manner. A summary of the existing

voluntary Scallop Cooperative was provided by Teresa Kandianis. This represents an important addition to the SAFE report and the first summary section on the formation of the Coop. The Team discussed the utility of expanded socio-economic information in the report and decided to attempt to expand this information in future reports in as much as possible. The Team will internally circulate the executive summary to continue revise it as necessary. The SAFE report will be finalized in early January and presented to the Council at the February 2004 meeting. The SAFE report will also be made available to the public at that time.

FMP Update

The Team discussed updating the FMP to reflect the current management of the Scallop fishery. The existing FMP from 1995 has been amended 9 times thus the existing Plan is actually the total of the original FMP plus the management actions resulting from each subsequent amendment. The FMP could be reorganized to better serve as a useful tool for the public. Council staff will add the amendment text into the FMP text in order for the Plan Team and the Council to review the fully amended FMP text by February. At that time staff will then look for guidance as to whether or not the FMP needs to be amended to include any additional, updated information and to be reorganized for increased clarity.

BOF Regulation Changes

Jeff Barnhart informed the Plan Team of the Board of Fisheries Regulations changes from the 2003 meeting. These changes are summarized in the Executive Summary of the SAFE Report.

Membership and Officers

The Plan Team discussed the importance of broadening the backgrounds of the Plan Team members. The Plan Team agreed that it would benefit from increased participation outside of the regulatory environment. The Team expressed interest in gaining independent academic expertise preferably by membership of someone with a background in shellfish biology or stock assessment. The Team also felt that additional expertise would be necessary in order to improve the economic section of the SAFE Report, however it was not determined whether or not this would need to be via an additional active member of the Plan Team. The Team noted that there is limited economic data available, and with the LLP already in place, the Team was unsure if additional economic analysis in the SAFE would be beneficial. The Team agreed to seek suggestions from the SSC on the degree of additional economic detail that would be recommended for the annual SAFE report.

The team discussed additional membership by another management biologist and discussed the potential advantage of including membership from a management region that is not already covered by the current Plan Team membership. The team also discussed the inclusion of someone from outside of the state, federal or academic realm and expressed concerns that this could compromise the integrity of the Plan Team decisions.

The Team voted unanimously to re-elect Jeff Barnhart as the chairman.

New Business

Mike Stanley presented an update on behalf of his clients, Max and Scott Hulse, with respect to their lawsuit challenging the restricted endorsement under the LLP which limited them to a single 6ft. dredge. The lawsuit was settled recently in favor of the government, upholding the restricted endorsement. The Hulses are considering approaching the Council with a proposal which would allow for some relief from their current licence restriction. As this was not on the formal agenda for the plan team meeting, the Team did not make any recommendations with respect to their situation, however any formal proposal to the Council would likely be reviewed by the Plan Team at the appropriate time.

There was no additional new business for the Plan Team at this time.

The Team discussed the timing of future Plan Team meetings and tentatively agreed that an annual meeting could be held in September of each year whether in person or by teleconference. The annual SAFE report would be made available shortly thereafter and an update to the Council on the status of stocks would then be scheduled for the October Council meeting.

Meeting Adjourned

The meeting was adjourned at 2:30pm on Thursday, October 30th.

PLAN TEAM FOR THE ALASKA SCALLOP FISHERIES
DRAFT
TERMS OF REFERENCE
Revised by Scallop Plan Team (10/29/03)

1. **Establishment.** The North Pacific Fishery Management Council (Council) shall establish a Plan Team for the Alaska scallop fisheries and this ~~The Plan Team will inform~~ provide the Council regarding issues with advice in the areas of regulatory management, natural and social science, mathematics, and statistics as they that relate to the scallop fisheries off Alaska.
2. **Membership.** Plan Team members will be appointed from government agencies, academic institutions, and organizations having expertise relating to the scallop fisheries. Normally, the Plan Team will consist of at least one member from the Council staff, the National Marine Fisheries Service (NMFS), the Alaska Department of Fish & Game, and other universities and institutions as appropriate. Alternate members may be assigned to participate in case a member cannot attend a meeting. With the consent of the sponsoring agency or institution, nominations may be made by the Council, the Scientific and Statistical Committee (SSC), the Advisory Panel (AP), or the Plan Team. All nominations will be subject to approval by the SSC, with the Council retaining final appointment authority. Appointments should reflect the Plan Teams' responsibility to evaluate and make recommendations on management, biological, economic and social conditions of the fisheries.
3. **Organization.** The Plan Team will be directed by a chairperson, and may divide some of its responsibilities among work groups organized according to subject matter. A work group may also include members from the groundfish or crab Plan Team or members with other expertise as necessary. Each work group will be directed by a work group leader.
 - (a) **Rules of order.** In general, rules of order will be informal. Plan Team decisions will be reached by consensus; whenever possible. If a decision is required and consensus cannot be reached, the opinion of the majority will prevail. In representing the Plan Team publicly, the spokesperson. (meaning the chairperson or the chairperson's designee) will take care to relate Plan Team opinions accurately, noting points of concern where consensus cannot be reached.
 - (b) **Meetings.** The Plan Team will meet annually. ~~An annual Plan Team meeting will be held to discuss guideline harvest levels, status and management of the scallop stocks.~~ The Plan Team chairperson may call other meetings as necessary. The Plan Team may meet separately or jointly with the BSAI Crab or Groundfish Plan Teams to discuss areas of joint concern. A draft agenda will be prepared in advance of each meeting by the Council staff in consultation with the chairperson, and may be revised by the Plan Team during the meeting. Minutes of each meeting will be prepared by the Council staff or designee, distributed to Plan Team members, and revised as necessary at or before the subsequent Plan Team meeting. The Chairperson (or designee) will report the Team's findings to the Council.
 - (c) **Selection of officers.** Officers (Plan Team chairperson and work group leaders) will be selected for one year terms at the annual Plan Team meeting ~~preceding the annual Plan Team meeting~~ or as vacancies arise. ~~The Plan Team chairperson will be selected at the annual meeting for a one year term. Work group leaders will be selected for one-year terms.~~ There will be no limit on the number of consecutive terms that officers may serve.
 - (d) **Public participation.** Public participation is encouraged but may be limited due to time or other

constraints and participation will be generally informal and at the discretion of the chairperson.

4. **Functions.** The Plan Teams' primary function is to provide the Council with the best available scientific information, ~~including scientifically based recommendations regarding appropriate measures for the conservation and management of the Alaska scallop fisheries and compliance with the FMP, the Magnuson Stevens Act and all applicable federal laws. All recommendations must be designed to prevent overfishing while achieving optimum yield (National Standard 1). All recommendations must also be scientifically based (National Standard 2), drawing upon the Plan Teams' expertise in the areas of regulatory management, natural and social science, mathematics, and statistics. Finally, uncertainty must be taken into account wherever possible (National Standard 6).~~

(a) **SAFE report.** The Plan Team compiles a SAFE report for the Alaska scallop fisheries on an annual basis. The SAFE report provides the Council with a summary of the most recent biological condition of the stocks and the social and economic condition of the fishing and processing industries. The SAFE report summarizes the best available scientific information concerning the past, present, and possible future condition of the scallop stocks and fisheries, along with ecosystem concerns.

(b) **Plan amendments.** The Plan Team may also play a role in the development and evaluation of amendments to the fishery management plan; as well as evaluate amendments to other management plans that may affect the conservation and management of scallop resources.

- (i) The Plan Team may evaluate amendment proposals and forward their recommendations to the Council.
- (ii) In addition, the Plan Team may develop their own amendment proposals.
- (iii) Once an amendment proposal has been accepted for consideration by the Council, an analytical team may be assembled by the responsible agencies. Every analytical team should include at least one member from the Plan Team, drawn from the appropriate working group(s), whenever possible.
- (iv) Once an amendment analysis has been completed, it may be reviewed by the Plan Team. The Plan Team's comments, if any, are then forwarded to the SSC, AP, and Council.

Alaska Scallop FMP Summary

Scallop stocks in Alaska have been managed under a federal fishery management plan (FMP), the *FMP for the Scallop Fishery Off Alaska* since July 26, 1995, which established a 1 year interim closure of federal waters to scallop fishing to prevent uncontrolled fishing. The management unit is the EEZ of the Bering Sea, Aleutian Islands, and Gulf of Alaska, and includes weathervane scallops and other scallop species not currently exploited.

Amendment 1, which allowed scallop fishing under a federal management regime, was approved July 10, 1996 and fishing resumed on August 1. Amendment 1 provided for fishery management through permits, registration areas and districts, seasons, closed waters, gear restrictions, efficiency limits, crab bycatch limits, scallop catch limits, inseason adjustments, and observer monitoring. Most of these regulations were developed by the State prior to 1995. Dredge size is limited to a maximum width of 15 feet, and only 2 dredges may be used at any one time. In the Kamishak District of Cook Inlet, only 1 dredge with a 6' maximum width is allowed. Dredges are required to have rings with a 4" minimum inside diameter. To reduce incentives to harvest small scallops, crew size on scallop vessels is limited to 12 persons and all scallops must be manually shucked. Dredging is prohibited in areas designated as crab habitat protection areas, similar to the groundfish FMPs.

A vessel moratorium was adopted as amendment 2. In June 1995, the Council adopted a 3-year vessel moratorium to restrict new entry into the scallop fishery while a more comprehensive plan was being developed. The moratorium approved as Amendment 2, effective August 1, 1997. To qualify under the proposed moratorium, a vessel must have made at least one landing in 1991, 1992, or 1993, or must have participated for at least 4 years between 1980 and 1993.

Management of the fishery was delegated to the State of Alaska under Amendment 3. All management measures, except limited access, would be implemented by the State. Amendment 4 established a license limitation program that limited the fleet to only 9 vessels which would be allowed to fish for scallops in the EEZ. Amendment 5 describes and identifies EFH fish habitat for scallops and describes and identifies fishing and non-fishing threats to scallop EFH, research needs, habitat areas of particular concern, and EFH conservation and enhancement recommendations. Amendment 6 established an overfishing level for weathervane scallops as a fishing rate ($F_{\text{overfishing}}$) in excess of the natural mortality rate $M = 0.13$. An Optimum Yield (OY) range was specified at 0 - 1.24 million pounds of shucked scallop meats, the upper bound of this range is the established MSY for weathervane scallops based upon average catch from 1990-1997 (excluding 1995). Amendment 6 also added additional information to the FMP on bycatch data collection. Amendment 8 established sideboard measures for AFA qualified vessels, whereby a limited amount of scallops could be taken by a vessel that was qualified as a Bering Sea pollock vessel under the American Fisheries Act. Amendment 7 is currently a placeholder for the forthcoming amendment designating Habitat Areas of Particular Concern (HAPC).

A summary of management measures established under amendments to the federal scallop FMP.

<u>Amendment</u>	<u>Date</u>	<u>Action</u>
1	July 1996	Allowed fishing after a 1 year closure of Federal waters.
2	Aug 1997	Established a federal scallop vessel moratorium.
3	Dec 1997	Deferred all management (except limited access) to State.
4	Dec 2000	Established a permanent limited access system.
5	Apr 1999	Designated essential fish habitat.
6	2000	Established overfishing levels for weathervane scallops.
7	----	Habitat Areas of Particular Concern
8	2000	Established sideboard measures for AFA qualified vessels.

RECEIVED

JAN 14 2004

N.P.F.M.C.

Max & Scott Hulse
P O Box 770881
Eagle River, AK 9957
January 8, 2004

Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Re: Scallop FMP

Dear Ms. Madsen and Council Members:

We hold one of the nine permits that were issued under the scallop license limitation program (Amendment 4 to the Scallop FMP) and have used it on our vessel, the *F/V La Brisa*. Our LLP permit is one of two that is endorsed with a single 6-foot dredge restriction; the other seven permit holders are authorized to use the full complement of gear allowed by the State of Alaska, which is two 15-foot dredges. We understand that the Scallop FMP is on the agenda for the Council's next meeting. We are writing to request that the Council consider a revision to the Scallop FMP that would provide a measure of relief from the 6-foot dredge restriction.

Before discussing the basis for our request, we want to provide the Council a summary of our background in the fishery. Although many Council members may recall our situation from the written comments and testimony we provided when the scallop LLP was developed, it's been four years since you adopted Amendment 4 and there have been changes on the Council.

We began fishing scallops in the early 1980s and fished in both Cook Inlet and statewide waters, first using the *F/V Wayward Wind* and then a 150-foot vessel, the *F/V Shaylen Nicholas*. Circumstances forced us to sell the latter vessel in 1989, and in 1990, we began building the *F/V La Brisa*, with the specific intent of using it to fish scallops. The boat was completed in 1992 but a design error resulted in our having to replace the propulsion system, which set us back. Scott crewed on another scallop boat in 1993, and it wasn't until late summer 1994 that we were able to use the *F/V La Brisa* for fishing scallops.

Based on this history of fishing, we received one of the 18 permits that were issued under the vessel moratorium implemented in 1997 (as Amendment 2 to the Scallop FMP). We understand that ours was the only moratorium permit endorsed for fishing in both state and federal waters. We took that as recognition that we had an interest in scallop fishing in Cook Inlet and in statewide waters.

As you know, the scallop fishery was closed in early 1995 after the incident involving the *F/V Mr. Big*. We had planned to fish the summer openings (the size of our vessel generally precludes us fishing in the winter) but didn't know when the fishery would reopen. We felt compelled to put our new vessel to work, so we entered into an agreement to charter the vessel that ran through 1998. Because of this, when the scallop fishery finally reopened a year a half later, in July 1996, we didn't have the *F/V La Brisa* available to us. We were able to find vessels to lease and fished Cook Inlet in 1996 and 1997. But these vessels were not suited for fishing more distant statewide waters, so we didn't venture outside Cook Inlet. It wasn't until 1999, when the charter was over and we again had use of the *F/V La Brisa*, that we were able to resume fishing scallops in statewide waters.

When the Council adopted Amendment 4 in April 1999, the original motion included an option for limiting the amount of gear that could be used by vessels that qualified under the LLP. Under this option, if a vessel had *never* fished outside Cook Inlet – either in the “historical” qualification period (which was the same as the moratorium qualification period) or in the “recent” qualification period, 1996 through October 1998 – then it would be restricted to using a single 6-foot dredge. During deliberations, the Council approved an amendment to the motion so that this restrictive gear endorsement would be imposed on vessels that had not fished in statewide waters in the “recent” period. In other words, even if a vessel had an extensive record of fishing outside Cook Inlet during the “historical” period, that vessel would be limited to using a single 6-foot dredge if it hadn't fished statewide waters in the “recent” period.

Information presented to the Council, both in the EA/RIR/IRFA and by Council staff during deliberations, demonstrated that the difference between the two options affected only one scallop operation – ours. Because we didn't fish outside Cook Inlet in 1996 and 1997, our LLP license is endorsed to use only one 6-foot dredge no matter where we might fish. (The other vessel that has this endorsement has never fished outside Cook Inlet and, as far as we know, has no desire to.)

The Council was also informed that with the gear restriction, it would not be economically viable for a vessel to fish in statewide waters. Our experience has borne out this expectation. We tried fishing the opening at Yakutat in 2001, but the trip didn't pay for itself. Restricted to a single 6-foot dredge, we simply cannot catch enough scallops to cover our costs (including the cost for an observer). As a result, we are effectively shut out of the statewide fishery. This strikes us as unfair, given our considerable history in the fishery and the efforts we made through the 1990s, in the face of numerous setbacks, to secure our ability to continue fishing for scallops.

We have heard the comment that our inability to fish statewide waters is not unfair because we can continue to fish in Cook Inlet as we did in 1996 and 1997. Not only does this ignore the circumstances which forced us to limit our activities to Cook Inlet during the “recent” qualification period, but it does not consider just how limited the

fishery in Cook Inlet is. The guideline harvest level is 0-20,000 pounds, which is only about 2-3 percent of the combined GHLS for all statewide waters, in excess of 700,000 pounds. Thus, while the "statewide" fleet of seven vessels is harvesting a resource with an ex-vessel value of several million dollars, the two or three "Cook Inlet" vessels are left to scrap over a fishery with an ex-vessel value of a little over one hundred thousand dollars.

Moreover, the nature of the Cook Inlet fishery has changed. In 2002, ADF&G closed the fishery after only 8,000 pounds were harvested because it was seeing a lot of dead scallops. When the fishery reopened in 2003, the traditional bed remained closed and effort was directed at an adjacent area where a harvestable amount of scallops was located. But this new area is deeper and more difficult to fish. As a result, it takes longer to harvest the GHLS and the costs of fishing are higher. We simply cannot sustain our scallop fishing business in Cook Inlet alone.

When the final regulations for the scallop LLP were published in December 2000, we felt we had little choice but to challenge the restrictive gear endorsement in court. The U.S. District Court for Alaska issued a judgment in favor of NMFS in January 2002. We appealed, and the judgment was summarily affirmed by the Ninth Circuit this past September. We do not intend here to restate the arguments advanced in the lawsuit – it would serve little purpose at this point. Instead, we want to focus on the future and our hope that the Council will agree to make a modest adjustment to the Scallop FMP that will allow us an opportunity to sustain our scallop fishing business.

We propose that you modify the restrictive endorsement provision so it applies only to vessels that have never fished outside Cook Inlet. In other words, return to the proposal as it was first put on the table – if a vessel fished outside waters in either the historic or recent qualification periods, it would not be subject to the 6-foot dredge restriction. Alternatively, the Council could revise the regulation so that restricted vessels could use two dredges with a combined width of no more than 20 feet. While this is a little more than three times the current 6-foot dredge limit, it is still only two-thirds the amount of gear which vessels without the endorsement can use. A 20-foot limit would allow us to use two 10-foot dredges when circumstances warranted, although there would likely be times when we would only fish two 8 or 9-foot dredges. Either way, we would still be a relatively small player in the scallop fishery – a small boat, with a small crew, operating only in the summer months – but we would at least have a meaningful shot at making a go of fishing scallops. We direct-market scallops and other shellfish under the name Eagle River Seafoods (you may have seen our stand

North Pacific Fishery Management Council

January 8, 2004

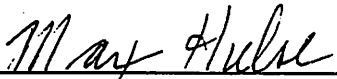
Page 4

along the Palmer highway), and being able to supply our own scallops, as we have in the past, would really help us out. Particularly for Scott, who primarily runs the fishing side of the operation.


One or both of us will be at the Council meeting, to testify concerning this request and to answer any questions that Council members may have. We made a brief presentation to the scallop plan team at its meeting in Juneau in November, and look forward to bringing our request to the Council when the Scallop FMP is on your agenda.

Thank you.

Sincerely,



Max Hulse



Scott Hulse

**PUBLIC TESTIMONY SIGN-UP SHEET FOR
AGENDA ITEM D-2 Scallop**

	NAME (PLEASE PRINT)	AFFILIATION
1	Max + Scott Hulse	Fishermen
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

D-2
Max Hulse

MADAM CHAIR AND COUNCIL MEMBERS

MY SON AND I HOLD A LIMITED LICENSE PERMIT IN THE SCALLOP FISHERY WHICH IS RESTRICTED TO THE USE OF A SINGLE SIX FOOT DREDGE. WE SENT A LETTER TO MADAM CHAIR, STEPHANIE MADSEN. A COPY IS ATTACHED TO THE BACK OF YOUR MEMO FROM CHRIS OLIVER REGARDING SCALLOP MANAGEMENT. OUR LETTER EXPLAINS HOW AND WHY WE HAVE A SIX FOOT DREDGE RESTRICTION WHICH WE FEEL IS UNFAIR DUE TO OUR EXTENSIVE HISTORY IN THE FISHERY.

THE HANDOUT IS A COPY OF MY PRESENTATION TODAY IN CASE YOU MIGHT HAVE A QUESTION AND WANT TO REFERENCE ANY POINT MADE. OUR FORMAL PROPOSAL IS ON PAGE 3 OF OUR LETTER. I ASK THAT YOU GIVE FAIR CONSIDERATION TO OUR REQUEST, WHICH IS TO MODIFY OR RELAX THE RESTRICTIVE ENDORSEMENT WHICH LETS US USE ONLY ONE 6 FOOT DREDGE.

WE ARE NOT ASKING TO USE THE FULL COMPLEMENT OF GEAR WHICH IS TWO 15 FOOT DREDGES, BUT SOMETHING IN THE AREA OF TWO 10 FOOT DREDGES WHICH WOULD ALLOW US TO COMPETE IN THE SCALLOP FISHERY. DUE TO THE INCREASE OF COSTS IN CREW INSURANCE, FUEL, AND THE KILLER BEING THE ONBOARD OBSERVER AT \$300. A DAY WE JUST CANNOT SUSTAIN OUR SMALL SCALLOP BUSINESS USING ONE SINGLE 6 FOOT DREDGE.

THE ALASKA SCALLOP FISHERY HAS CHANGED SOMEWHAT SINCE THE COUNCIL ADOPTED AMENDMENT 4 IN 1999. A SCALLOP COOPERATIVE HAS BEEN FORMED AND I UNDERSTAND THE TWO EAST COAST VESSELS HAVE LEFT THE FISHERY. THE (SAFE) STOCK ASSESSMENT AND FISHERY EVALUATION REPORT, INDICATES THAT SCALLOP STOCKS ARE NEITHER OVERFISHED NOR APPROACHING AN OVERFISHED CONDITION.

ALSO, IT SEEMS NOTEWORTHY TO MENTION THAT OUT OF ALL VESSELS NOW ACTIVELY INVOLVED IN THE SCALLOP FISHERY IN ALASKA STATEWIDE WATERS, WE ARE THE ONLY FISHERMEN WHO RESIDE IN ALASKA - WE HAVE BEEN RESIDENTS SINCE 1966.

WE HAVE BEEN ACTIVELY INVOLVED IN THE FISHERY SINCE 1979 IN BOTH COOK INLET AND WATERS OUTSIDE COOK INLET. IN FACT, DUE TO OUR EXTENSIVE HISTORY IN THE FISHERY WE WERE THE ONLY FISHERMEN DURING THE MORATORIUM TO RECEIVE A PERMIT TO FISH IN BOTH STATEWIDE WATERS AND COOK INLET.

DUE TO THE FACT THAT SOME OF YOU WERE NOT ON THIS COUNCIL WHEN IT ADOPTED THE FINAL SCALLOP LLP IN 1999, I THINK IT IMPORTANT TO MENTION THAT YOUR ADVISORY PANEL AT THAT TIME DID RECOMMEND THE ADOPTION OF THE OPTION THAT WOULD HAVE ALLOWED US TO USE THE FULL COMPLEMENT OF GEAR.

FINALLY, WE NEED TO REGAIN OUR LIVELIHOOD IN THE FISHERY SO I ASK YOU TO PLEASE TAKE THE TIME TO READ OUR LETTER WHICH CONTAINS A SHORT HISTORY OF OUR INVOLVEMENT IN THE FISHERY AND OUR PROPOSAL.