

Public Testimony Sign-Up Sheet

Agenda Item C-2(A) LLP Recency

12/08

	NAME (PLEASE PRINT)	AFFILIATION
1	HAL LEWIS	UNALASKA NATIVE Fish Association
2	Dariusz Kosprzak	FIV Malika
3	Lewis May	Fisherman
4	Theresa Peterson	Self -
5	Art Schultz	FV Lindsey Marie
6	Robert Gustafson	Self
7	Kenny Down	Freezer Longline Coalition
8	Fred Holmberg	
9	Fred Holmberg	F/V Malachi
10	Bob Krueger	FV Mar Del Norte
11	Donna Peterson	OLD Harbor Tribal Council
12	Jeddie Christianson	Old Harbor Native Camp Koniag
13	Chuck McClellan	Lake & Peninsula Borough
14	Tony Gregoria	Chignik
15	Ernie Christensen	Old Harbor Native Camp
16	Ernie Christensen	Old Harbor Native Camp
17	Blake Painter	FV Tradition
18	John Moller	
19	Elia Kuzmin	Fisherman
20	Buck LAUKITIS	fisherman
21	Erin Campbell	FV Tenacious
22	al Cratty	fisherman
23	Jeff Peterson	fisherman
24	Linda Kozak / Brian Young	Kodiak Vessel Owners
25	Yakov Reutov	K-Bay Fisheries Assoc.

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.

Public Testimony Sign-Up Sheet

Agenda Item C-2(A) LLP

	NAME (PLEASE PRINT)	AFFILIATION
1	Dan Hull	CDFU
2	Jerry Bongen	F/V Jeannah
3	Mike Alfieri	WGOAF
4	Matt HEHLE	FV OCEAN BAY ASSN
5	Rhonda Hubbard	F/V Kruz
6	David Polushkin	K-Bay Fishing Assoc.
7	Stephen Tanen	Groundswell Fisheries Movement
8	Julie Bonney	Alaska Groundfish Data Bank
9	Sachie Mueller	Ouzinkie Water Corp
10	Gale K. Vick	GORAZ
11	Jeff Stephan	UFMA
12	Chris & Ken Hollawa	F/V Point Omega
13	Kurt Cochran	F/V MARATHON
14	Seremie Pitkus	F/V Polar Star
15	STEVE AARVIK	INDEPENDENT COD TRAWLERS
16	Ryan Johnson	Kodiak Fisherman
17	Mike Shelton	Shelton Fisheries
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MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *DS*
Executive Director *FOR*

DATE: December 2, 2008

SUBJECT: Fixed Gear Recency

ESTIMATED TIME 6 HOURS (all C-2 items)
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ACTION REQUIRED

Initial review of fixed gear recency analysis. Refine components and options for analysis as needed, and determine whether the document will be released for public review.

BACKGROUND

In June, the Council reviewed a draft analysis that examined the environmental, economic, and socioeconomic aspects of the proposed amendment to revise the groundfish License Limitation Program (LLP). The proposed action has two parts. First, the action would remove Western and Central GOA area endorsements from fixed gear LLP licenses that do not have recent catch history in the parallel or Federal waters groundfish fisheries. Second, the action would add Pacific cod endorsements to fixed gear licenses. Licenses would be required carry a Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in the Western and Central GOA. The Council could choose to implement both parts of this action, or could add Pacific cod endorsements to fixed gear licenses without removing licenses from the fisheries.

At that time, the Council made several additions and refinements to the components and options for analysis, and requested information on the following:

- The number of additional licenses that qualify when catch during the period from Jan 1, 2007 – June 4, 2008 is credited to licenses, in addition to catch during one of the four initial qualifying periods (2000-2006, 2002-2006, 2000-2005, or 2002-2005). Any endorsement retained or granted under this action that qualifies only when this additional period is included will be extinguished upon transfer of the license to another vessel or person.
- Effect of dividing catch among stacked licenses, so that, for example, if 2 Central GOA fixed gear licenses are stacked on one vessel, each license receives credit for half of any qualified catch made while the licenses were stacked on the vessel. If this option is not selected, all stacked licenses will receive full credit for all qualified catch.
- Discussion of an option to exempt <60 ft vessels that do not exceed a specified capacity (tonnage) limit from the recency action.

The Council may wish to consider adding hardship provisions for licenses that do not meet the selected catch or landings thresholds as a result of a sunk vessel or other circumstances.

A revised analysis was mailed to you on November 12. The Executive Summary is attached as Item C-2(a)(1).

EXECUTIVE SUMMARY

This EA/RIR/IRFA examines the environmental, economic, and socioeconomic aspects of the proposed amendment to revise the groundfish License Limitation Program (LLP). The proposed action has two parts. First, the action would remove Western and Central GOA area endorsements from fixed gear LLP licenses that do not have recent catch history in the parallel or Federal waters groundfish fisheries. Second, the action would add Pacific cod endorsements to fixed gear licenses. Licenses would be required carry a Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in the Western and Central GOA. The Council could choose to implement both parts of this action, or could add Pacific cod endorsements to fixed gear licenses without removing licenses from the fisheries. The action would result in an amendment to the GOA Fisheries Management Plan (FMP).

Competition among fixed gear participants in the Western and Central GOA groundfish fisheries has intensified in recent years, and long-term participants are concerned about the potential for latent fixed gear licenses to re-enter the fisheries. The proposed amendment would address this concern by extinguishing fixed gear licenses that do not have recent participation in the GOA groundfish fisheries. This action may enhance stability in the fisheries, reduce competition among fixed gear participants, and protect historic catch shares of participants. If latent licenses are not extinguished, future entry of latent effort into the Western and Central GOA groundfish fisheries could further intensify competition among fixed gear participants and erode catch shares of long-term participants.

To address these concerns, the Council adopted the following problem Statement in October 2007:

GOA Fixed Gear Recency Purpose and Need Statement

Western GOA and Central GOA groundfish fisheries are subject to intense competition, particularly in the A season, when fish are aggregated and of highest value. Competition among fixed gear participants in the Western GOA and Central GOA fisheries has increased for a variety of reasons, including increased market value of Pacific cod products and a declining ABC/TAC. The possible future entry of latent effort would have detrimental effects on LLP holders that have exhibited participation in, and dependence on, the fixed gear groundfish fisheries. Many fixed gear vessel owners have made significant investments, have long catch histories, and are dependent on WGOA and CGOA groundfish resources. These long-term participants need protection from those who have little or no recent history and who have the ability to increase their participation in the fisheries. The intent of the proposed amendment is to prevent latent fixed gear groundfish fishing capacity that has not been utilized in recent years, from future entry or re-entry into the fisheries. This requires prompt action to promote stability in the fixed gear sectors of the GOA groundfish fisheries, and is expected to be implemented concurrently with the division of GOA Pacific cod among sectors which is currently under consideration.

Alternatives, Components, and Options

There are two alternatives currently under consideration. **Alternative 1** (no action) would not make any changes to the current License Limitation Program. **Alternative 2** would remove area (Western GOA and/or Central GOA) endorsements from fixed gear LLPs unless the license meets a minimum catch or landings threshold in that management area. If a fixed gear license has only one area endorsement and does not meet the catch or landings threshold in that area, the entire license would be extinguished. If a license has multiple area endorsements and does not meet the landings threshold for a specific area, the license would be reissued with only the qualifying area endorsements. If a license has both trawl and

fixed gear designations and does not meet the landings threshold for an area, the license would lose eligibility to participate as a fixed gear vessel in that area, but would remain eligible to fish using trawl gear in that area, assuming the license qualified to retain that area endorsement under the recent trawl recency action. **Alternative 2** would also add Pacific cod endorsements to fixed gear licenses, which would limit entry into the directed Pacific cod fisheries in Federal waters in the GOA. Table E-1 reports the number of fixed gear licenses that are currently eligible to participate in the Federal groundfish fisheries in the Western and Central GOA.

Table E-1 GOA fixed gear LLP licenses by endorsement area, operation type, MLOA, and gear designation.

	Number of endorsements		Licenses that also have an endorsement (or designation) for:					
	All licenses	Licenses with MLOA <60 feet	Central GOA	Western GOA	Aleutian Islands	Bering Sea	Southeast Outside	Trawl
Central GOA CV	884	703	--	176	62	159	179	114
Central GOA CP	49	5	--	27	41	45	5	8
Western GOA CV	266	156	176	--	64	158	43	78
Western GOA CP	31	1	27	--	30	31	3	4

Source: NMFS RAM groundfish license file, October 2008.

Component 1 identifies the management areas subject to the proposed action, the Western GOA and Central GOA. Note that under the LLP program, the Central GOA area endorsement also authorizes vessels to fish in the West Yakutat management area. **Component 2** identifies the sectors subject to the proposed action. There are also options to exempt jig vessels from any LLP requirement, or to exempt jig vessels from being required to carry fixed gear Pacific cod endorsements to fish during the directed Pacific cod fisheries in Federal waters, if such endorsements are created. Finally, there is an option to exempt vessels that are both <60 ft and under a capacity limit to be determined by the Council. Sector definitions currently parallel those in the sector allocation motion. The Council could use the proposed sector divisions to establish different landings or catch (mt) thresholds for vessels based on the maximum length overall (MLOA) on the license.

- Hook-and-line CP
Option: Hook-and-line CP ≥ 125
Hook-and-line CP < 125
- Hook-and-line CV
Option: Hook-and-line ≥ 60
Hook-and-line < 60
- Pot CP
- Pot CV
Option: Pot CV ≥ 60
Pot CV < 60
- Jig

Component 3 identifies the qualifying years for purposes of calculating catch history. There are 4 options for defining recent participation in the fisheries: 2000 to 2005, 2000 to 2006, 2002 to 2005, and 2002 to 2006. There is a suboption to also credit licenses with catch history during 2007 through June 4, 2008 in addition to one of the above qualifying periods.

Option 1: 2000-2005

Option 2: 2000-2006

Option 3: 2002-2005

Option 4: 2002-2006

Option 5: Add the qualifying period January 1, 2007 through June 4, 2008 (this option would be selected in addition to one of the qualifying periods listed above in Options 1-4). If an LLP license qualifies only when this supplemental range of years is included, any area endorsements

retained by licenses or Pacific cod endorsements granted to licenses under this option would be designated non-transferable. Endorsements retained by licenses or granted to licenses under this option will be extinguished upon transfer of the LLP license to another vessel or owner.

Component 4 identifies options for setting catch and landings thresholds. More than one of these options could be selected. Options 1 and 3 define the criteria licenses must meet to retain their area endorsements. Licenses are credited with all retained catch of groundfish from the Federal and parallel fisheries, excluding incidental catch of groundfish from the IFQ halibut and sablefish fisheries. Under these options, licenses that meet a landings threshold of 1, 3, or 5 landings or a catch threshold of 5, 10, 25, or 100 mt of groundfish in the Western or Central GOA would qualify to retain the respective area endorsement. Options 2 and 4 define the criteria licenses must meet to qualify for a Pacific cod endorsement. Under these options, licenses are only credited with retained catch from the directed Pacific cod fisheries in Federal and parallel waters. Licenses that meet a landings threshold of 1, 3, or 5 landings or a catch threshold of 5, 10, 25, 100 mt in the respective management area would receive a Pacific cod endorsement. The Council could select either Option 1 or 3 to determine which licenses qualify to retain area endorsements, and could also select either Option 2 or 4 to determine which licenses qualify for Pacific cod endorsements. **Component 4** options include:

- ✓ Option 1 – All groundfish 1, 3, 5 landings
- Option 2 – All directed Pacific Cod 1, 3, 5 landings (resulting in a Pcod endorsement)
- Option 3 – All groundfish 5, 10, 25, 100 mt
- Option 4 – All directed Pacific Cod 5, 10, 25, 100 mt (resulting in a Pcod endorsement)

Component 5 addresses issues related to vessels that have multiple LLPs, or ‘stacked’ licenses.

Option 1: Where there are multiple LLPs registered to a single vessel, also known as ‘stacking’ of LLPs, groundfish harvest history will be fully credited to all stacked licenses, each carrying its own qualifying endorsements and designations.

Option 2: Catch history could be divided among stacked licenses. License owner(s) may choose which license will be credited with landings so that one of the stacked licenses may qualify. In the absence of an agreement among license owner(s), catch history could be split evenly among stacked licenses.

Number of licenses meeting recency thresholds

Tables E-2, E-3, and E-4 report the number of fixed gear licenses that meet the various landings and catch thresholds based on 2 definitions of qualifying catch: (1) all retained catch of groundfish in the parallel and Federal fisheries, and (2) retained catch of directed Pacific cod in the parallel and Federal fisheries. Both catch definitions exclude IFQ and State waters landings. The upper portion of each table shows the number of licenses that would qualify to retain Western and Central GOA endorsements based on all qualified groundfish landings in the respective management area. The lower portion of each table shows the number of licenses that meet the catch and landings thresholds based on catch in the directed Pacific cod fisheries. This portion of each table indicates the number of licenses with each area endorsement that would potentially qualify for Pacific cod endorsements. The Council could choose to implement both parts of this action, or could add Pacific cod endorsements to fixed gear licenses without removing latent licenses from the fisheries.

Catcher vessel licenses

Table E-2 reports the number of fixed gear catcher vessel licenses that meet each landings and catch threshold. The number of licenses that would qualify to retain Western and Central GOA area endorsements depends on the catch definition, landings or catch threshold, and qualification period selected. There are currently 266 Western GOA fixed gear licenses, and 51 to 101 of these licenses meet the various landings and catch (mt) thresholds based on all groundfish landings during the qualifying

periods in Options 1 through 4 and would retain Western GOA area endorsements. Under the second part of the action, 51 to 94 of these licenses would qualify for a Pacific cod endorsement. There are 884 Central GOA fixed gear licenses, and under Options 1 through 4, 98 to 296 licenses would retain Central GOA area endorsements, and 97 to 269 licenses would qualify for a Pacific cod endorsement. If landings during 2007 through June 4, 2008 are included (Option 5), approximately 10% to 15% more licenses meet the various catch and landings thresholds. Note that licenses qualifying under Option 5 will be non-transferable. Endorsements retained under this option will be extinguished upon transfer to another vessel or owner.

Table E-2 Number of fixed gear catcher vessel licenses that meet the landings and catch thresholds. The columns on the right-hand side of the table include landings from 2007-June 4, 2008.

Western GOA – 266 CV licenses

		2007- June 4, 2008 plus the period:							
Fishery	Threshold	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	101	98	89	83	114	114	104	102
	3 landings	85	82	78	74	99	96	94	91
	5 landings	77	73	71	67	93	89	88	85
	5 mt	85	84	77	74	101	101	95	94
	10 mt	79	78	73	69	95	95	91	89
	25 mt	74	72	66	63	89	87	83	81
	100 mt	55	53	54	51	62	61	62	59
Directed Pacific cod	1 landing	94	92	83	79	107	107	97	96
	3 landings	83	81	76	73	95	93	90	88
	5 landings	74	71	68	64	87	85	82	80
	5 mt	85	84	77	74	101	101	95	94
	10 mt	79	78	73	69	94	94	90	88
	25 mt	74	72	66	63	88	86	82	80
	100 mt	55	53	54	51	62	61	62	59

Central GOA – 884 CV licenses

		2007- June 4, 2008 plus the period:							
Fishery	Threshold	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	296	278	215	193	327	320	256	249
	3 landings	251	239	185	168	279	275	223	218
	5 landings	232	218	169	150	258	255	206	201
	5 mt	250	235	187	166	281	274	224	216
	10 mt	236	222	178	160	264	258	214	207
	25 mt	202	190	162	142	233	227	196	189
	100 mt	151	141	111	98	171	165	142	132
Directed Pacific cod	1 landing	269	252	198	176	297	292	234	229
	3 landings	240	226	179	160	266	262	215	210
	5 landings	219	206	164	144	246	242	200	195
	5 mt	237	223	180	161	267	261	216	209
	10 mt	223	211	171	154	250	245	205	199
	25 mt	190	180	154	137	220	217	188	183
	100 mt	151	141	110	97	169	161	139	128

Source: ADFG Fish Tickets and RAM LLP groundfish license file dated October 2008.

The number of licenses that meet each landings and catch threshold based on catch made while using a specific gear type is reported in Table E-3. It is important to note that the gear type columns are not mutually exclusive. Licenses may have qualified landings using more than one fixed gear type, and as a result, the number of licenses in the columns in Table E-3 may sum to more than the number of qualifying licenses in Table E-2. In the absence of specific fixed gear type endorsements (i.e., pot, hook-and-line, or jig endorsements), these licenses could continue to fish using any fixed gear type.

A number of catcher vessel licenses have fixed gear landings using more than one gear type. These licenses could potentially qualify for more than one gear-specific Pacific cod endorsement. Under

Amendment 67, individual licenses were eligible to qualify for up to two gear-specific BSAI Pacific cod endorsements (pot and hook-and-line). Under the current landings and catch thresholds, the number of gear-specific Pacific cod endorsements that would be added to fixed gear catcher vessel licenses includes:

Central GOA

- 162 to 169 hook-and-line endorsements (up to 196 under Option 5)
- 35 to 111 pot endorsements (up to 120 under Option 5)
- 0 to 19 jig endorsements (up to 22 under Option 5)

Western GOA

- 0 to 8 hook-and-line endorsements (up to 13 under Option 5)
- 51 to 83 pot endorsements (up to 93 under Option 5)
- 0 to 9 jig endorsements (up to 9 under Option 5)

The Council could choose different catch or landings thresholds for different gear types and MLOAs to account for differences in catch history among licenses in each sector. There are additional tables in Chapter 3 of this document that report the number of licenses in each gear type and MLOA that meet the various criteria, and the number of additional licenses in each gear group and MLOA that qualify when landings during 2007 through June 4, 2008 are credited to licenses.

Table E-3 Number of fixed gear catcher vessel licenses qualifying under the various catch thresholds based on catch using a specific gear type. The lower table includes landings from 2007-June 4, 2008.

Western GOA licenses - 266 CV licenses

		Hook-and-line				Jig				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	13	11	10	8	13	12	13	12	85	83	74	70
	3 landings	4	3	4	3	7	7	7	7	79	76	71	67
	5 landings	2	2	1	1	5	5	5	5	73	70	67	63
	5 mt	6	5	5	4	6	6	6	6	78	77	69	66
	10 mt	3	*	3	*	3	3	3	3	75	75	68	65
	25 mt	0	0	0	0	*	*	*	*	71	69	63	60
	100 mt	0	0	0	0	0	0	0	0	55	53	54	51
Directed cod	1 landing	8	6	8	6	9	9	8	8	83	82	72	69
	3 landings	4	3	3	2	7	7	7	7	77	75	69	66
	5 landings	1	1	1	1	5	5	5	5	71	68	64	60
	5 mt	6	5	5	4	6	6	6	6	78	77	69	66
	10 mt	3	*	3	*	3	3	3	3	75	75	68	65
	25 mt	0	0	0	0	*	*	*	*	71	69	63	60
	100 mt	0	0	0	0	0	0	0	0	55	53	54	51

Western GOA licenses - 266 CV licenses

2007-June 4, 2008 plus the period below:

		Hook-and-line				Jig				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	18	18	15	15	13	12	13	12	97	96	87	85
	3 landings	8	7	8	7	7	7	7	7	90	88	84	82
	5 landings	6	6	5	5	5	5	5	5	85	82	80	77
	5 mt	12	12	11	11	6	6	6	6	88	88	81	80
	10 mt	10	10	10	10	3	3	3	3	86	86	81	79
	25 mt	6	6	6	6	*	*	*	*	81	79	75	73
	100 mt	0	0	0	0	0	0	0	0	62	61	62	59
Directed cod	1 landing	13	13	13	13	9	9	8	8	93	93	83	82
	3 landings	8	7	7	6	7	7	7	7	86	85	80	79
	5 landings	5	5	5	5	5	5	5	5	80	78	74	72
	5 mt	12	12	11	11	6	6	6	6	88	88	81	80
	10 mt	10	10	10	10	3	3	3	3	85	85	80	78
	25 mt	6	6	6	6	*	*	*	*	80	78	74	72
	100 mt	0	0	0	0	0	0	0	0	62	61	62	59

Source: ADFG Fish Tickets and RAM LLP groundfish license file dated October 2008. *Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, and the number of licenses in the columns in Table E-3 may sum to more than the number of qualifying licenses in Table E-2.

Central GOA licenses – 884 CV licenses

		Hook-and-line				Jig				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	192	179	139	124	45	42	30	26	113	106	79	69
	3 landings	158	148	115	104	19	14	11	7	102	98	70	62
	5 landings	144	134	103	92	12	9	8	5	93	89	66	57
	5 mt	160	147	119	104	7	5	6	4	103	99	72	64
	10 mt	146	135	111	100	4	3	4	3	99	95	69	61
	25 mt	121	112	101	90	*	0	*	0	84	81	62	53
	100 mt	85	80	70	64	0	0	0	0	66	61	42	35
Directed cod	1 landing	169	158	123	110	19	17	15	12	111	104	78	67
	3 landings	149	138	111	100	9	6	6	4	100	96	70	62
	5 landings	133	124	98	87	7	5	5	3	91	87	66	56
	5 mt	149	137	112	99	7	5	6	4	99	95	72	64
	10 mt	135	126	104	94	4	3	4	3	96	92	69	61
	25 mt	112	105	94	85	0	0	0	0	83	80	62	53
	100 mt	84	79	68	62	0	0	0	0	66	61	42	35

Central GOA licenses – 884 CV licenses

2007-June 4, 2008 plus the period below:

		Hook-and-line				Jig				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	220	213	172	165	51	50	36	35	125	123	95	92
	3 landings	182	178	143	139	23	21	16	14	109	108	83	81
	5 landings	164	161	127	124	16	15	12	11	101	100	79	77
	5 mt	187	179	148	140	10	8	9	7	110	109	82	80
	10 mt	171	165	139	133	4	3	4	3	106	105	80	78
	25 mt	143	140	123	120	*	0	*	0	92	91	74	71
	100 mt	96	95	84	83	0	0	0	0	75	69	59	50
Directed cod	1 landing	196	191	154	149	22	21	18	16	120	118	90	87
	3 landings	172	169	138	135	10	8	7	6	106	105	82	80
	5 landings	155	152	123	120	9	7	7	5	98	97	78	76
	5 mt	176	169	141	134	8	6	7	5	106	105	82	80
	10 mt	159	154	130	125	4	3	4	3	103	102	80	78
	25 mt	134	132	116	114	*	0	*	0	91	90	74	71
	100 mt	94	92	81	79	0	0	0	0	75	69	59	50

Source: ADFG Fish Tickets and RAM LLP groundfish license file dated October 2008. *Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, and the number of licenses in the columns in Table E-3 may sum to more than the number of qualifying licenses in Table E-2.

Table E-4 Number of fixed gear catcher processor licenses qualifying under various landings and catch thresholds. The lower table includes landings from 2007-June 4, 2008.

Western GOA – 31 CP licenses

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	23	20	21	17	20	17	18	14	5	5	3	3
	3 landings	20	18	18	14	16	14	15	11	5	5	3	3
	5 landings	19	17	16	13	15	13	13	10	3	3	3	3
	5 mt	20	18	18	14	17	15	15	11	5	5	3	3
	10 mt	20	18	18	14	17	15	15	11	5	5	3	3
	25 mt	19	18	17	14	16	15	14	11	5	5	3	3
	100 mt	*	*	*	*	15	14	14	11	*	*	*	*
Directed cod	1 landing	21	18	19	14	18	15	16	11	5	5	3	3
	3 landings	20	18	17	14	16	14	14	11	5	5	3	3
	5 landings	18	15	16	12	15	12	13	9	3	3	3	3
	5 mt	20	18	18	14	17	15	15	11	5	5	3	3
	10 mt	19	18	17	14	16	15	14	11	5	5	3	3
	25 mt	19	18	17	14	15	14	14	11	5	5	3	3
	100 mt	*	*	*	*	15	14	14	11	*	*	*	*

Western GOA – 31 CP licenses

2007-June 4, 2008 plus the period below:

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	23	20	22	19	20	17	18	15	5	5	4	4
	3 landings	22	19	20	17	18	15	17	14	5	5	3	3
	5 landings	20	19	18	17	16	15	15	14	4	4	3	3
	5 mt	21	19	20	18	18	16	16	14	5	5	4	4
	10 mt	21	19	20	18	18	16	16	14	5	5	4	4
	25 mt	20	19	19	18	17	16	15	14	5	5	4	4
	100 mt	18	17	*	*	15	14	14	13	4	4	*	*
Directed cod	1 landing	22	19	21	18	19	16	17	14	5	5	4	4
	3 landings	21	19	19	17	17	15	16	14	5	5	3	3
	5 landings	19	17	17	15	15	13	14	12	4	4	3	3
	5 mt	21	19	20	18	18	16	16	14	5	5	4	4
	10 mt	20	19	19	18	17	16	15	14	5	5	4	4
	25 mt	20	19	19	18	16	15	15	14	5	5	4	4
	100 mt	18	17	*	*	15	14	14	13	4	4	*	*

Source: Catch Accounting/Blend data and RAM LLP license file, October 2008. *Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, because some licenses have catch history using more than one gear type. The number of licenses in the gear columns may sum to more than the total number of licenses qualifying.

Central GOA – 49 CP licenses

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	24	21	22	17	21	18	19	15	4	3	3	2
	3 landings	15	11	14	8	13	9	12	8	3	2	2	0
	5 landings	14	9	13	6	12	7	11	6	3	2	2	0
	5 mt	18	14	15	*	15	11	12	8	4	3	3	*
	10 mt	15	*	*	8	13	9	12	8	3	*	*	0
	25 mt	14	*	*	6	12	7	11	6	3	*	*	0
	100 mt	*	*	*	5	7	5	7	5	*	*	*	0
Directed cod	1 landing	14	11	12	7	12	9	10	6	3	2	2	1
	3 landings	12	8	11	5	10	6	9	5	3	2	2	0
	5 landings	11	7	9	4	8	5	7	4	3	2	2	0
	5 mt	14	*	*	5	12	8	9	5	3	*	*	0
	10 mt	12	*	*	5	10	6	9	5	3	*	*	0
	25 mt	12	*	*	5	10	6	9	5	3	*	*	0
	100 mt	*	*	*	5	7	5	7	5	*	*	*	0

Central GOA – 49 CP licenses

2007-June 4, 2008 plus the period below:

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	29	27	27	23	26	23	24	20	4	4	3	3
	3 landings	21	19	20	17	18	15	17	14	4	4	3	3
	5 landings	18	15	17	13	15	11	14	10	4	4	3	3
	5 mt	24	22	21	18	21	18	18	15	4	4	3	3
	10 mt	22	20	21	18	19	16	18	15	4	4	3	3
	25 mt	21	19	20	17	18	15	17	14	4	4	3	3
	100 mt	15	13	14	12	11	9	11	9	4	4	3	3
Directed cod	1 landing	21	19	19	15	18	15	16	12	4	4	3	3
	3 landings	18	16	17	14	15	12	14	11	4	4	3	3
	5 landings	14	12	12	10	10	8	9	7	4	4	3	3
	5 mt	21	19	18	15	18	15	15	12	4	4	3	3
	10 mt	19	17	18	15	16	13	15	12	4	4	3	3
	25 mt	18	16	17	14	15	12	14	11	4	4	3	3
	100 mt	15	13	14	12	11	9	11	9	4	4	3	3

Source: Catch Accounting/Blend data and RAM LLP license file, October 2008. *Withheld for confidentiality.

Note: Gear type columns are not mutually exclusive, because some licenses have catch history using more than one gear type. The number of licenses in the gear columns may sum to more than the total number of licenses qualifying.

Table E-4 reports the number of CP licenses meeting the various catch thresholds. There are 31 Western GOA catcher processor licenses, and 12 to 23 licenses meet the various landings and catch thresholds based on all groundfish landings during the qualifying periods in Options 1 through 4, and would qualify to retain Western GOA area endorsements. The majority of Western GOA licenses that have catch history during the various qualifying periods also meet the highest catch threshold (100 mt) and landings threshold (5 landings). There are 49 Central GOA licenses, and 5 to 24 licenses meet the landings and catch thresholds in Options 1 through 4 based on all groundfish catch and would qualify to retain Central GOA area endorsements. Only 4 to 14 of Central GOA CP licenses would qualify for a Pacific cod endorsement. If landings during 2007 through June 4, 2008 are included (Option 5), 5 additional Central GOA licenses meet the 1 landing threshold for all groundfish and 7 additional licenses have 1 landing of

directed cod. No additional Western GOA licenses meet the 1 landing criteria for all groundfish, but 1 additional license has 1 landing of directed cod.

The number of catcher processor licenses that would qualify for gear-specific Pacific cod endorsements includes:

Western GOA

- 9 to 18 hook-and-line catcher processor endorsements (up to 19 under Option 5)
- Up to 5 pot catcher processor endorsements
- 2 licenses have both hook-and-line and pot landings

Central GOA

- 4 to 12 hook-and-line catcher processor endorsements (up to 18 under Option 5)
- 0 to 3 pot catcher processor endorsements (up to 4 under Option 5)
- 1 license has both hook-and-line and pot landings

Potential Range of Outcomes from this Action

Based on the existing set of options, there is a range of possible outcomes from this action:

1. Status quo: No fixed gear licenses are removed from the Western and Central GOA fisheries.
2. Remove Western and/or Central GOA area endorsements from fixed gear licenses with no recent participation in the fisheries.
3. Add Pacific cod endorsements to fixed gear licenses to limit entry to the directed Pacific cod fisheries in Federal waters of the Western or Central GOA.
4. Add gear-specific Pacific cod endorsements to fixed gear licenses to limit entry to the directed Pacific cod fisheries and to limit access to the Pacific cod sector allocations.
5. Add gear-specific Pacific cod endorsements to fixed gear licenses, and restrict licenses to the operation type on their license, i.e. licenses with a catcher processor designation could only fish off the catcher processor sector allocations.

Interactions with Pacific Cod Sector Allocations

In refining the alternatives and options for analysis, the Council may wish to consider interactions between the proposed GOA Pacific cod sector allocations and the GOA fixed gear recency action. A comparison of the components and options currently under consideration for the two actions is found Table E-5. The Council is considering options to add Pacific cod endorsements to fixed gear licenses to limit entry into the directed Pacific cod fisheries in the Western and Central GOA. Pacific cod endorsements could also restrict licenses to using the specific fixed gear type (e.g., pot or hook-and-line) and operation type (catcher processor or catcher vessel) specified on the endorsement. The pot, hook-and-line, and jig catcher vessel sectors and pot and hook-and-line catcher processor sectors could also be subject to the Pacific cod endorsement requirement. The Council may wish to make the Pacific cod endorsement sector definitions consistent with the sector allocation definitions to ensure that vessels that contributed catch history to the sector allocations have access to those allocations. The Council could choose different landings or catch (mt) thresholds for licenses based on gear type, operation type, or MLOA on the license.

Table E-5. A comparison of the components and options included in the proposed GOA sector allocations and GOA fixed gear recency actions.

COMPARISON OF GULF OF ALASKA ACTIONS		
ACTION	GOA Pacific Cod Sector Allocations	GOA Fixed Gear LLP Recency
PURPOSE OF ACTION	Allocate Western and Central Gulf Pacific cod TACs to the various sectors	(1) Remove latent fixed gear licenses with WG and/or CG endorsements from the groundfish fisheries (2) Add Pacific cod endorsements to licenses to limit entry to directed Pacific cod fisheries in WG and CG
MANAGEMENT AREAS	Western and Central Gulf of Alaska	Western and Central Gulf of Alaska (CG endorsement also includes West Yakutat)
SECTORS	(1) Hook-and-line CVs <u>Option:</u> Hook-and-line CVs <60 and ≥60 <u>Option:</u> Hook-and-line CVs <50 and ≥50 (CGOA) (2) Hook-and-line CPs <u>Option:</u> Hook-and-line CPs <125 and ≥125 (3) Pot CVs <u>Option:</u> Pot CVs <60 and ≥60 (4) Pot CPs (5) Jig (6) Trawl CVs (7) Trawl CPs <u>Option:</u> Combined <60 ft trawl and pot CV (WG only)	(1) Hook-and-line CVs <u>Option:</u> Hook-and-line CVs <60 and ≥60 (2) Hook-and-line CPs <u>Option:</u> Hook-and-line CPs <125 and ≥125 (3) Pot CVs <u>Option:</u> Pot CVs <60 and ≥60 (4) Pot CPs (5) Jig
VESSEL CAPACITY	<u>Option:</u> Vessels participating in the <60 ft sectors may not exceed a capacity limit to be determined by the Council.	<u>Option:</u> Exempt vessels that are both <60 ft and under a capacity limit to be determined by the Council.
QUALIFYING CATCH	All retained catch of Pacific cod from parallel and Federal waters State waters catch is excluded	(1) All retained catch of groundfish from parallel and Federal waters (2) Retained catch from the directed Pacific cod fisheries in parallel and Federal waters State waters and IFQ catch is excluded
QUALIFYING YEARS	(1) 1995-2005: best 7 years (2) 1995-2005: best 5 years (3) 2000-2006: best 5 years (4) 2000-2006: best 3 years (5) 2002-2007: best 5 years (6) 2002-2007: best 3 years	(1) 2000-2005 (2) 2000-2006 (3) 2002-2005 (4) 2002-2006 <u>Option:</u> Include 2007-June 4, 2008 in addition to one of the above qualifying periods
LANDINGS THRESHOLDS	None	(1) 1, 3, or 5 landings during qualifying years (2) 5, 10, 25, or 100 mt during qualifying years
JIG	1%, 3%, 5%, or 7% allocation Step up provision (1%, 2%, or 3%) if allocation is 90% harvested during a given year Step down provision if allocation is not 90% harvested during 3 consecutive years, but allocation will not drop below its initial level	(1) Exempt jig vessels from any LLP requirement (2) Exempt jig vessels from Pacific cod endorsement requirement
OTHER COMPONENTS	Options to allocate hook-and-line halibut PSC to CVs and CPs Options to cap mothership processing shares	Stacked license provisions: (1) Credit catch to stacked licenses; or (2) Divide catch history among stacked licenses

Jason Tandler
F./V. Lady Kathryn
P.O. 4471
12834 Middle Bay Drive
Kodiak, Alaska, 99615
(907) 486-0205 539-6113

11/20/2008

Dear North Pacific Council,

I own an up to 50' central gulf L.L.P.(LLG2177), the F./V Lady Kathryn, a Kodiak salmon seine & herring permit & my home here in Kodiak where I live & fish year round. I raise my 3 year old Daughter here solely with the income derived from our fish catch. My Daughter's Dad (me), her Mom, her big sister, her Grandfather & her Great Grandfather all have participated in the Central Gulf cod fishery either here in Kodiak or based in Seward since the 1950's. All have fished on family owned & operated boats. I delivered my last cod fish trip Monday, 11/17/08, just a few days ago. I will once again this year fish for cod from January until salmon & then after salmon until it closes. Without our cod fish income this year, we would not have survived our lackluster pink salmon run financially. I have been a full time commercial fisherman since I was 16 years old, I'm now 48. My L.L.P. recency only includes starting in January 2008 although my participation in the fishery is extensive.

I purchased my L.L.P. & first boat in 2004 to go along with the salmon permit I purchased in 2002. Very soon after the acquisition of my first boat the main engine catastrophically failed so I had to purchase a brand new Tier 2 engine, new exhaust top to bottom, new Pitts clutch since the perfectly good P.T.O. wasn't compatible which meant having to purchase a new, compatible hydraulic pump and on & on. There was the expensive jet skiff needed to salmon fish, the boom & winches & rigging & blocks & nets & power block & on & ON. I'm boring you with all this to demonstrate that for a life long, career fisherman to achieve the American dream & promise of owning one's own business without someone financially backing you is a long process. Unless already wealthy from some other means, working ones way up the ladder requires a long time, an incredible amount of work & dedication & a faith in the United States government system that does not change the rules in the middle of financial struggle & in effect say sorry, your long owned & recently fished permit can now be thrown in the trash can & no there will be no buy back or compensation or retraining program. While I was busy cod fishing in the central gulf attempting to support my family & squeeze another piece of the dream out of my earnings on someone else's boat, that same someone else was busy lobbying & schmoozing their way to exclusive rights to the fishery they don't even participate in other then as an equipment rental source (their boat ownership) at my expense. Wow, great, now they can buy & sell & borrow against their now private rights which in effect becomes a subsidy enabling the consolidation of the fleet. Better yet, that consolidation creates a surplus of good fisherman so no more need for fair wages as the participants of the fishery must now jump through all the hoops you care to provide for what ever crumbs you throw them in a vain attempt to feed their families.

Before buying my first boat (Denise Marie), I fished for 7 years on the Walter N

Page 2

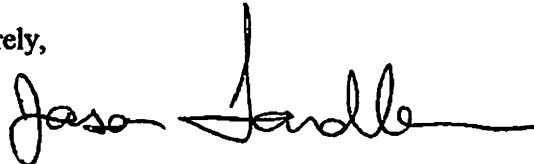
(Kodiak longliner, dragger, crabber), 3 years on the Dusk (Al Burch's dragger), 2 years on the Mar Del Norte, Sea Barb, Ocean Hope 3, Ocean Hope 1, Elizabeth F, Pacific Star, Legacy & Forum Star just to name a few of the Kodiak boats that I have cod fished on in the Gulf over a long career. I don't think too many can really boast of having actually helped catch more lbs. of cod then I & I have the settlement sheets to prove it. My income is historically largely derived from central gulf ground fish. The reason I recently left the Walter N/ Elizabeth F cartel is after 7 years of loyal service, the owner significantly altered the crew settlement to the point that raising a family in Kodiak would no longer be sustainable as did almost every other large boat in Kodiak. I feel as though there is a lot of misinformation provided to those such as the North Pacific Council members. From our perspective, each rationalization has created a hardship to all but the golden few who are rewarded with exclusive rights to a public resource located in our backyard. I would appreciate the opportunity to I feel prove this to you but this is not the forum or time.

I have spent years getting to the already precarious position I'm in without this potentially catastrophic hurdle thrown in during the middle of the race. There has never been a clear line drawn in the sand during the years I have owned & worked towards independence with my L.L.P. stating if your not on this side, you are out. Please consider the cost of the gear & equipment & the V.M.S. that I still am not reimbursed for, the insurance & dock fees, the maintenance & on & on that is involved with starting. If you take away my L.L.P., you will basically prove that it is impossible to achieve the American dream in this industry without previous wealth or financial backing. I suppose the good that will eventually develop is the precedent of eliminating bought rights enabling the future elimination of crab or other rights.

I have been warned that campaigning for what I perceive as the best thing which is pretty much just leave what is in place now alone will be counter productive towards trying to protect my family's & my interest. I ask that you include my dedicated cod landings starting in January 2008 as qualifying me to keep my L.L.P & cod endorsement. I request that my L.L.P. not be reduced in size to my present smaller boat but retain it's original good to 50 foot length. I ask that it at the very least be transferable to what ever boat I choose to fish it on annually within it's already existing limits as opposed to the language that now seems to suggest I would be limited to my present small, crappy boat or lose my right to fish. That raises safety issues in addition to moral concerns. I would be grateful for the here to fore mentioned but to be honest, I don't think it is right to strip us of the option to transfer our permit be it to my daughter some day or to enable it to be used as collateral to improve my operation exactly like every other rationalized permit. Why should I receive less then others that largely don't even really do this (absentee owners) creating a situation that they can borrow against their permit to improve their efficiency & be more competitive or safe then I. I also do not see a need in restricting my permit to longline only, it should be good for what I purchased which may include pots in the future. I have attempted to for several years to put together a situation to utilize my L.L.P. for pot codding but just never had enough funds to cover the large cost of the gear.

I wish to Thank you for your time in reading this & for your consideration.

Sincerely,



Jason Tandler

EXCELLER FISHERIES, INC.
P.O. Box 2269
326 Center Ave., Ste 200
Kodiak, AK 99615

December 1, 2008

Mr. Eric A. Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252
Sent via fax to 907.271.2817

Re: Agenda item C-2: GOA fixed gear LLP recency

Dear Chairman Olson:

My name is Dan Macdonald. I have owned and operated the 58' fishing vessel EXCELLER out of its home port of Kodiak since 1985. It has participated in the groundfish fisheries of the Gulf of Alaska since 1987 when I was recruited by a Kodiak processing company to convert the boat into a trawler to fish for cod and pollock. Since then it has also made significant GOA landings into the ports of Sand Point and Akutan.

In the beginning our boat was an efficient Kodiak trawler as were other 58's in the fishery, however, the trawl fleet later expanded in numbers, size, and capacity with many new entrants. As our efficiency became compromised, we attempted to seek out additional opportunities in the cod fishery, first landing cod with pots in 1995, and longline gear in 2001. While we did make fixed gear directed landings for cod during those years we continued to fish with trawl gear also. Exceller made its last trawl landing in the Gulf of Alaska in 2003, and I have previously testified to the Council in 2005 that we suspended trawl operations out of Kodiak after incurring large operating losses. Due to the impact of various economic factors, it simply had become a bigger boat fishery.

We have also been active in the fixed gear pot cod fishery during State water seasons in Chignik during the late 1990's, Kodiak in 2004, and Area M the past two years. After earlier attempts to adapt our operation for cod fishing following our exit from trawling, we have made a full scale financial commitment to pot fishing.

This background information is intended to demonstrate to the Council our tenure in the groundfish industry (20+ years), our financial commitment, and our attempts to find the most efficient method of accessing cod in a rapidly changing environment.

With regard to the Agenda item, if the Council determines that it must move forward with fixed gear LLP recency, I am in favor of:

- The least restrictive landing criteria for component 4.
- Selecting option 5 of component 3 as the preliminary preferred alternative. It appeared to me during the June council meetings that this option was being offered up as a concession to cod operations which were newly vested with vessel or LLP purchases.

It could also be a way to allow long-time participants in Gulf of Alaska groundfish, such as us, to continue to fish and finish their careers (I am 59 and still run the boat). Incidentally, the State of California employs a similar strategy in their limited entry programs. The "grandfather" provision of California law provides for inclusion of any twenty-year participant who has some limited amount of historic participation in any fishery under consideration for limited entry, and who would not otherwise satisfy the landings criteria for a transferable permit. A more lenient window

period of participation years was also employed for grandfather permits (specific information available upon request) in recent legislation to move the market squid fishery to limited entry status.

In the *Initial Review Draft* document, it is estimated that Option 5 would only increase the number of participants by 10-15%. That increase should not substantially diminish the position of long term fixed gear stakeholders.

- I would also like to comment on the option to exempt vessels less than 60', subject to a *capacity limit yet to be determined*. While I am not necessarily opposed to the idea of an exemption, using capacity is not a good idea because;
 - Those of us who have been serious fishers of cod have had to operate in the world's harshest weather, and at generally, the worst time of year. EXCELLER was sponsored in 1992 because it had become unseaworthy once we added the weight of additional fishing gear. The same stability factors affect all gear types for boats fishing cod.
 - It has been suggested to use simple gross tonnage, i.e., vessel length x width x depth x .66. It would be unfair to allow, for example, an 18' wide x 58' long vessel an exemption; and then deny an exemption to a vessel of our dimensions, 24' wide x 58'. Vessels are individually unique, and whereas a fiberglass boat 18' wide may be safe, a steel one may need to be wider to carry the same amount of gear.
 - It has been suggested by some that there should be a different landing threshold requirement for 58' vessels than for 57' and under. Where will this end? We have been classed at <60 for all these years, and there should be no change to that distinction.

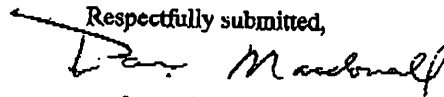
Because of our history of landings in the fixed gear LLP recency qualification windows, and depending on the difficult decisions of the Council, we could lose our right to fish cod in the Gulf with pots, longline gear, or both in the future. We would like to be able to continue to fish with both gear types, but if given the choice of one or the other we would choose pots.

I know what it feels like to lose LLP privileges, as our western gulf *trawl* subarea endorsement did not meet the recency requirements. In the 1990's, cod was plentiful and Sand Point or King Cove markets for Kodiak based vessels were hard to get, and so we fished for a floating processor. The floater left the business after the 1999 season, and we returned to fish Kodiak. EXCELLER caught millions of pounds of cod over a period of four fishing years, however, none of that counted toward recency and did not result in a western gulf trawl cod endorsement.

EXCELLER is still in the cod business twenty one years after we started. I consider our operation as a Kodiak small boat cod pioneer. We have lost one LLP. It would be a severe hardship if we were to lose more. It has taken us some time to find our place in the cod fishery in the Gulf, which had been made more difficult by short seasons, Stellar sea lion restrictions, and a general lack of opportunity for us while operating as a trawler.

We will be grateful for your consideration of our situation.

Respectfully submitted,



Dan Macdonald
Exceller Fisheries, Inc.

Dear Chair,

I am a 35 year old second generation commercial fisherman from Unalaska, AK. For the last five years, I have targeted P Cod primarily in the BS with a 50' vessel that I own. I also own a fixed gear LLP with BS and WG endorsements. The WG portion is latent and no longer will allow me to fish in the federal waters of the WG if any of the recency requirements presently under consideration are adopted. This year I purchased a 58' vessel and am concerned that I may soon lose my ability to fish the federal waters of the WG. A component should be added to alternative 2 that establishes a set of options for excluding aspects of the GOA P. Cod fisheries from any recency requirements, should some be adopted.

Throughout the discussion paper it is made clear that increased participation is causing problems during A season and not B season. Table 2-2 on page 22 shows that in 2006 and 2007 less than 75% of the GOA TAC was harvested. Most of these unharvested fish were a "result of low harvests during the B season" (pg 21). This fact should be reflected by an option that makes it so any adopted recency requirements apply only to A season. Any LLPs that meet the requirements would get a P Cod endorsement, but an endorsement would only be needed to fish in federal waters of the GOA during A season.

On page 33, the discussion paper notes that there have "been notable increases in participation in the directed P Cod fisheries in the GOA during recent years." But then it goes on to acknowledge that "in the WG, pot CV participation declined somewhat during the past 2 years." WG pot CVs should not be penalized for problems they are not contributing to. A component outlining a set of exemptions should include an option excluding WG pot vessels from needing to meet any recency requirements that are adopted.

Finally, there is a small body of water south of Unalaska Island the access of which is of growing importance to the <60' fixed gear fleet out of Dutch Harbor. 100% of the BS P Cod allocated to the <60' sector is harvested during A season. Very little cod is available to the BS <60' fixed gear fleet, mostly from jig roll-over, during B season. It is frustrating that Unalaska resents who have, or may get, latent WG LLPs are going to be restricted from local federal waters of the WG by a movement that is being pushed from many miles away. An options should exist that establishes a sub area in the WG west of Unimak Pass where vessels <60' using fixed gear to harvest P Cod do not need to have LLPs that meet any recency requirements to fish in federal waters.

Please recognize that it is unjust to adopt any new policies that blindly apply recency requirements to all aspects of the GOA fixed gear fisheries. Exclusions need to be looked at. Alternative 1 will be the only acceptable choice if they are not

Thank you for your time,
Zachary Nebus
nehuster@yahoo.com

Robert Gustafson
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Kodiak, AK 99615
(907) 487-4430, fax (907) 487-2327
Rjgustafson907@hotmail.com

RECEIVED
NOV 24 2008
N.P.F.M.C.

Mr. Eric Olson, Chairman
North Pacific Fisheries Management Council
605 West 4th Ave, Anchorage, AK

Re: Fixed Gear LLP Recency, June Meeting

Dear Chairman Olson:

I had the opportunity to testify on my behalf June 2008 with respect to the Council's discussions on LLP Recency considerations. I appreciate the opportunity to have the Council consider my request to allow for a 'Sunk Boat' provision when considering your 'Recency Requirements' with respect to my LLP fixed gear cod, central gulf. I followed up my testimony with a letter to you and the Council discussing my concerns. I have included that letter again with this letter. Since the December meeting will be further discussing the Recency issue in the Gulf of Alaska fixed gear cod, I once again request that my LLP be allowed to remain in full force with no exceptions or limitations based on the 'Sunk Boat' provision that has been used in the past on many other issues. My boat, the F/V Alska went down off Cape Douglas while fishing cod, March 1999. My earlier letter discusses the details of my fishing since the sinking of my boat, so I won't repeat them at this time. I plan on attending the meetings in December to discuss my request with the Council again. Please remember, I am an active commercial fisherman, who has been fishing State and Federal waters for Pacific cod every year from 1984 to 2008 except for the year 2000. Thank you very much for your consideration of my request.

Sincerely,



Robert J Gustafson
Fisherman
Kodiak, Alaska

Polar Star, Inc.

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

December 3, 2008

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

RECEIVED
DEC 11 2008
NPFMC

RE: Agenda item C-2a: Fixed Gear Recency in the Gulf of Alaska.

Dear Chair Olson:

I own and operate the 58-foot F/V Polar Star, which participates in the pot p-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 Pacific cod fishery is important to me, so I would like to offer some comments regarding the GOA fixed-gear recency action that is before the council for initial review.

I believe that the purpose and need statement effectively describes the situation here in the gulf. The GOA groundfish fishery is one of the last fisheries under the council's purview that remains unrationalized. We potentially face an influx of fishing effort from participants of other fisheries that now have the flexibility to also fish in the Gulf. There are a large number of LLPs with a GOA area endorsement that have very little or no historical participation in the fixed-gear Gulf p-cod fishery; if a significant number of these LLPs become active, then the true historical participants that have a significant investment in the fishery and are dependent on it stand to lose much of their livelihood. I believe that the fixed-gear recency action that the council is now reviewing is needed to stabilize the Gulf p-cod fisheries, and I fully support moving forward as quickly as possible. I have itemized my specific concerns about the components of fixed-gear recency below.

- *Pacific Cod endorsements.* I support adding Pacific Cod endorsements to LLPs as a means of addressing the issues presented in the purpose and need statement. Giving the recent participants p-cod endorsements would protect them from latent effort and help stabilize the fishery. However, I do not believe it necessary to also extinguish LLPs that do not meet the catch thresholds. This action is specifically targeted at the p-cod fishery, but there are many other species of groundfish out there, some underutilized, and I would not want to preclude anyone from using their LLP to develop a new fixed-gear fishery where there is room for them to grow.
- *Component 2: <60 ft exemption.* I do not support a blanket exemption for vessels less than 60 ft in the pot sector. As the staff noted in the discussion paper, it is not practical to assign capacities to the LLPs, and by exempting <60ft MLOAs you would leave 566 fixed-gear CV licenses that do not qualify for recency still able to enter the fishery. Leaving that many latent licenses would all but negate the point of doing recency in the first place. There are plenty of other entry

opportunities available, including the jig, parallel waters, and state waters fisheries. I would urge the council to remove this option from Component 2.

- *Component 3: Qualifying years.* I support option 4 and option 5 together for the qualifying years. These two options together result in a 7-year period (2002 – June 4, 2008) that is a wide enough window to encapsulate the true historical participants of the fishery that are also recent participants, which is what I believe this recency action is meant to accomplish.
- *Component 4: Catch thresholds, all groundfish vs. directed p-cod.* I think that directed p-cod should be used for determining qualifying catch rather than all groundfish. This action specifically concerns the fixed-gear p-cod fishery, and I believe that the right course of action, and what is really needed, is to give p-cod endorsements to those LLPs that are used to target p-cod in the directed p-cod fishery. This identifies and protects those who are truly dependent on the GOA p-cod fishery. Delivering a small amount of p-cod as bycatch while targeting another fishery should not result in a permanent GOA p-cod endorsement.
- *Component 4: Catch thresholds.* I support the selection of option 4 with 25 mt for the qualifying catch threshold to receive a p-cod endorsement. If 2002 – June 4, 2008 are selected for the qualifying years, then 25 mt (~55,000 lbs) seems like a reasonable threshold for determining that you are a true active participant of the directed p-cod fishery, and not someone who made one tiny landing in a side-effort just to get an endorsement.

In conclusion, I support moving forward with fixed-gear recency as soon as possible with the selection of options 4 and 5 together for component 3 and option 4, 25 mt, for component 4.

Thank you for your consideration.

Sincerely,



Patrick J. Pikus
Polar Star, Inc.

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Mr. Eric Olson, Chairman
North Pacific Fisheries Management Council
605 West 4th Ave, Anchorage, AK

Re: Fixed Gear LLP Recency, June Meeting

Dear Chairman Olson:

I appreciate the opportunity to give verbal testimony, at the June 2008, Kodiak Council Meeting about the 'latent licenses' with respect to Cod LLPs. I also know that many of you on the Council have your own agendas which often don't coincide with some of us fishermen. I ask that you, and all on the Council, consider my situation as an active fisherman, who has lead the way in several fisheries on Alaskan waters. I qualified for an LLP for cod in the Central Gulf in the qualifying years between 1995 and 1999. Having gone through some problems, including the loss of my boat, F/V Alska, March of 1999, I ask that you allow for a 'Lost Boat' exception in my case, when you consider recency trying to get rid of latent licenses for fixed gear cod fishing. One thing to remember when considering my situation, I developed my qualifications for LLP while involved with directed fishery for Pacific cod, not as a by catch sale of product while either fishing halibut or sablefish.

I started fishing in Kodiak in June, 1979. I fished Dungeness, king and tanner crab in the Kodiak area. By 1982 I expanded to long lining halibut and sable fish, as one of the first local boats to prosecute that fishery. In 1984, I proceeded to long lining Pacific cod as one of the first Kodiak area boats to pursue that fishery. Along with a few other Kodiak boats, I was one of the first to switch my directed Pacific cod fishery to pot fishing. Then until March 1999 my boat, F/V Alska was involved in the directed fishery for Pacific cod until sinking in the pursuit of cod at Cape Douglas. Some of you may remember the Discovery Channel account of the saving of all crew by another boat and the Coast Guard in a spectacular rescue.

I spent the remainder of 1999 and most of 2000 searching for a used boat to replace the F/V Alska, a 63' fixed gear cod catcher boat. As you know the new construction moratorium only allowed for a 20% increase in overall length of a replacement boat. I had to spend time looking for a replacement that was maximum length 76' to stay within the moratorium requirements. Not finding a replacement, I was convinced to build a new boat. That replacement boat was the F/V Alpine Cove, a 76'x 30' x 14' boat. I was involved with the design, Jensen Maritime, and construction, Fred Wahl Marine in 2000

and the first half of 2001. I took possession of the F/V Alpine Cove July 1st, 2001. On arrival in Kodiak, we tendered for CIP until fall. Then I had halibut to get as well as king crab in Bristol Bay. I had no time to prosecute a directed fishery for Pacific cod that fall, but did sell Pacific cod as by catch in several trips halibut fishing. I had a miscellaneous fin fish permit but was told the cod had to go on the fish ticket as by catch, even though the directed cod season was open for the 'B' season. I took a load of halibut to Bellingham and brought the boat to Fish Expo. After Expo, I brought the boat back down to Fred Wahls, to modify the boat into a catcher processor for Pacific cod. I was going to fish state water and process cod. A C/P LLP for Pacific cod came available so with that opportunity, I arranged purchase of that permit so I could process in Federal waters. I had no intention of dropping the catcher LLP that I developed on the F/V Alska, but for the next 4 seasons, I pursued pot fishing and C/P production of cod. I sold 72,000 # of cod in King Cove in 2004 as bait for the opie fleet. It probably should have been put on a catcher fish ticket, but since I was a licensed seller, I put it on the C/P LLP.

For various reasons, on July 22, 2005, my boat F/V Alpine Cove was marshaled and I lost the boat financially. This caused me to have to file Chapter 7, Bankruptcy. Most of you don't know what that is like! As part of the bankruptcy, the trustee took charge of my LLP for cod as well as my Exxon Claim. I have been running a boat for Pacific cod for every year except 2000. I would have found another boat to work with my LLP if the trustee had made it available. As it is I was able to bid on it and just recently purchased it back from the trustee, so I could move on in the future. Not being aware of your recency plan to kill my permit, I spent all the money I made last winter to re purchase my own LLP permit (LLG 2198)

As I mentioned earlier, I hope that you will consider and authorize the complete reinstatement of my cod LLP based on a lost boat provision, so I can move forward with my fishing life.

Sincerely,



Robert J. Gustafson
Commercial Fisherman, 1979 to Present.
Kodiak, AK 99615

190th Plenary Session
North Pacific Management Council
December 10-16, 2008
Hilton Hotel

December 1, 2008

RE: C-2 (a) LLP Recency

Dear Chairman Olson and Council members,

My name is Leonard Carpenter and together with my wife Anita and family, we own and operate a 36 foot vessel. We are primarily a jig vessel, but have also longlined in the federal P. cod fishery for the last decade as a non-LLP vessel fishing inside three miles. With this in mind, I would like to present the Council with another option that needs to be considered and included in the options under C-2 (a), to address the following concerns that we and other non-LLP participants in both the longline and pot gear sectors have regarding LLP recency, should the Council choose to adopt latent LLP removal as their only measure to restrict future entry.

As contributors to our respective sectors catch, and participants in this fishery during the qualifying dates for LLP recency, we should also be afforded some measure of protection from new entrants that will only be able to fish inside three miles in the parallel fishery. This will have an adverse impact on my self and others in both longline and pot gear sectors that have historical participation in the federal P. cod fishery , but don't possess a LLP, by allowing increased competition and crowding of fishing grounds inside three miles. Latent LLP removal seeks to protect historical participants outside three miles but makes no provisions for those inside three, who in all fairness, should receive the same protections.

We request that the Council add an option to allow any non-LLP vessels that participated in the federal P. cod fishery under parallel rules, and meets the qualifying dates under Component 3, Options 1 through 4, and/or the landing thresholds in Component 4, Options 1 through 4, the opportunity to obtain a latent or extinguished LLP through purchase or transfer . This will provide a measure of security from new entrants into the parallel federal P. cod fishery, by allowing us to fish in federal waters, and will reduce gear and overcrowding conflicts that are sure to occur inside three miles by unchecked entry of new participants into the parallel fishery.

In regards to how many vessels this would effect, Council staff indicated that it would probably apply to about thirty or so vessels, and while we realize that it's the Councils intention to reduce the number of LLP holders, it's our belief that this addition would not have a dramatic impact on the intended goal of LLP reduction.

This may also serve to establish a qualifying date for entry into the parallel P. cod fishery as a new entrant, if it becomes necessary to restrict effort inside three miles for conservation reasons, such as localized depletion, or overcrowding, gear conflicts, ect.

While we generally disagree with any measures that result in consolidation of the fleet or loss of opportunity for small owner/operator participants, we also understand the implications of overcapitalization, and excessive catching capacity. If the Council feels compelled to limit an increase in future catching capacity in this fishery, we believe it is in the fleets best interest to do so by placing restrictions on the LLP through gross tonnage, and not by latent LLP removal, especially for vessels under 60 feet. In doing so, this will prevent a buildup of 100 ton plus, under 60 foot vessels from entering the fishery, either as new entrants by purchasing a latent LLP, or by the replacement of an existing vessel with a new vessel that exceeds the gross tonnage of the original vessel on the LLP. If you restrict replacement or new vessel construction to the gross tonnage of the original vessel on the LLP you can control catching capacity in a fairer more equitable way to the existing fleet. Even if all latent LLPs were removed, the existing fleet will continue expanding it's catching capacity by building bigger, wider boats within the confines of their LLP, simply to increase the individual's gross share of the quota, and this will come at the cost of smaller, financially disadvantaged operators that can't afford to build new vessels.

Thank you for your consideration .

Sincerely,

Leonard and Anita Carpenter
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fishtalerulz@yahoo.com
(907) 486-5149

North Pacific Fishery Management Council
190th Plenary Session Dec. 10-16 2008
Hilton Hotel , Anchorage AK
For the record: Testimony of Darius Kasprzak

Dec.3, 2008

RE: C-2 (a) LLP Recency

Mr. Chairman Olsen, council members, and secretary,

I'm Darius Kasprzak, a several decade participant of GOA ground fish harvests within all gear sectors, and currently focused on the GOA ground fish/rockfish jig fishery with my 39' FV Malka.

Please support alternative 1 (no action, and no change to the current LLP program) as regarding LLP recency. Reduction of latent LLPs is not an economic stimulus package for our Kodiak fleet; in fact, it is anything but. Removal of latent LLPs will sharply increase the price of surviving LLPs, accelerating the concentration of working vessels and wealth among a chosen elite while reducing opportunity to many dedicated entry level and parallel waters fishermen through prohibitive pricing. Sustainability of ground fish stocks should be achieved with readily available tools embodying fairness such as time/trip/gear/capacity limits and restructured opening/closing dates, not by restricting access to local hardworking "boots on deck" fishermen. At the very least, individuals with parallel water catch history should not be denied the ability to retain or purchase an affordable LLP.

In addition, a reduction of latent LLPs will force new participants (as their only option) to crowd the already near fully utilized parallel fishery, resulting in undue pressure on near shore fish stocks while heightening competition and gear conflicts among already established parallel water fisherman. In all fairness, operators on both sides of the three mile line should share the burden of new participants.

Regarding LLP exemptions for jig vessels. I urge the council to endorse option (1), which is to exempt vessels using jig gear from any LLP requirements. In order to keep gear regulations consistent with the state of AK, I ask that the council pursue the suboption exempting vessels using a maximum of 5 jigging machines, 5 lines, and 30 hooks per line or one line of 150 hooks.

Thank you for your time, consideration and the opportunity to comment.

Sincerely, Darius Kasprzak

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NPFMC
December 2008

December 8, 2008

*Public Testimony on Agenda item:
C2(a)*

FIXED GEAR RECENCY IN THE WESTERN AND CENTRAL GOA

Chairman Olsen,

Council members thank you very much for your time here today and for your consideration of the various issues surrounding the GOA Fixed Gear Recency and all items on the current agenda.

My Name is Kenny Down and I am here today representing the Freezer Longline Coalition (FLC). The FLC represents thirty-four of the thirty-six hook-and-line catcher processors operating in the Bering Sea and Aleutian Islands area with LLP's and cod endorsements for the federal fishery. This is a Washington and Alaska based and owned fleet. Twenty-eight of these vessels have endorsements for Western GOA, Central GOA, or both.

According to the analysis our fleet brings in roughly 9% of its annual revenues from operations in the GOA; however I would like to point out that several of our members have much larger reliance on GOA operations, for instance only ten of these vessels are in the less than <125' sector and many of these members have historically participated more than twenty years and have very large portions of their yearly income from fishing operations in the GOA. All of our owners and crew have direct or in-direct reliance and dependence on this yearly income.

I wholeheartedly agree with the AP's motion to make this action Pacific cod endorsement specific. In Addition I support the AP motion going forward.

I would like to draw your attention to the AP motion Component 3.

If a GOA hook-and-line catcher processor LLP license holder participated as a voluntary non-participant in the Freezer Longline Coalition informal PSC co-op efforts of 2006 and does not qualify under Component 3, options 1-4, the LLP would not be extinguished. If Pacific cod endorsements are a result of this action in the GOA hook-and-line CP sector, the LLP would receive a Pacific cod endorsement.

This is a necessary component of the GOA Fixed Gear Recency action by our members for the following reason.

In 2006, 2007, and again in "A" season 2008, the Freezer Longline Coalition members voluntarily formed an informal PSC co-op (discussed in the draft analysis pg. 57) , set self imposed halibut hard caps on each vessel, and limited the number of vessels allowed to fish. The majority of the members "stood down" so the fishery could go forward. During these ad-hoc co-ops participating vessels carried 100% observer coverage, even for those vessels less that 125' that could have carried only 30% coverage. Each vessel voluntarily communicated daily with an independent fisheries monitor and ceased fishing operations when they hit the self-imposed caps. In this way our vessels were able to fish when they might otherwise have forced a closure due to the difficulty of in-season management to manage halibut DMR and small remaining cod TAC's with a larger number of vessels. One of the greatest preconceived visions and realized gains of this effort by the Freezer Longline Coalition's members was the intentional termination of fishing operations in the Western and Central GOA leaving behind enough halibut PSC and P.cod for the local CV fixed gear fleets to operate unimpeded through the end of the year in 2006 and 2007. The B season 2008 GOA wide halibut DMR cap was reached this year prior to our vessels ability to form a late season cooperative. This 2008 situation highlights the need to have a specific P. cod sector allocations and GOA fixed gear recency issues addressed. Voluntarily holding together these fragile voluntary agreements would be difficult if not impossible long-term without these actions.

These types of cooperative efforts should be encouraged within and among sectors. However the GOA fixed gear LLP recency alternatives and components could in the right set of combinations, extinguish an LLP or fail to grant a P. cod endorsement to a vessel that would have liked to have participated in recent years, but has not, for the benefit of others, and to maintain good working relations among sectors. A specific vessel owner should not be penalized for their past good behavior. It would be a tragedy to see a vessel operator penalized in any way for these noble efforts to manage a fishery in the best way we know how.

I have attached to these comments our halibut reduction efforts. This graph shows the difference in the assumed mortality rate of halibut vs. the actual observed rates set by our co-op vessels. Keep in mind these are rates set with 100% observed vessels.

In closing; we request the Council move forward with this analysis and release it for public review so it can remain on the agenda for final action in March 2009.



Kenny Down
Executive Director
Freezer Longline Coalition

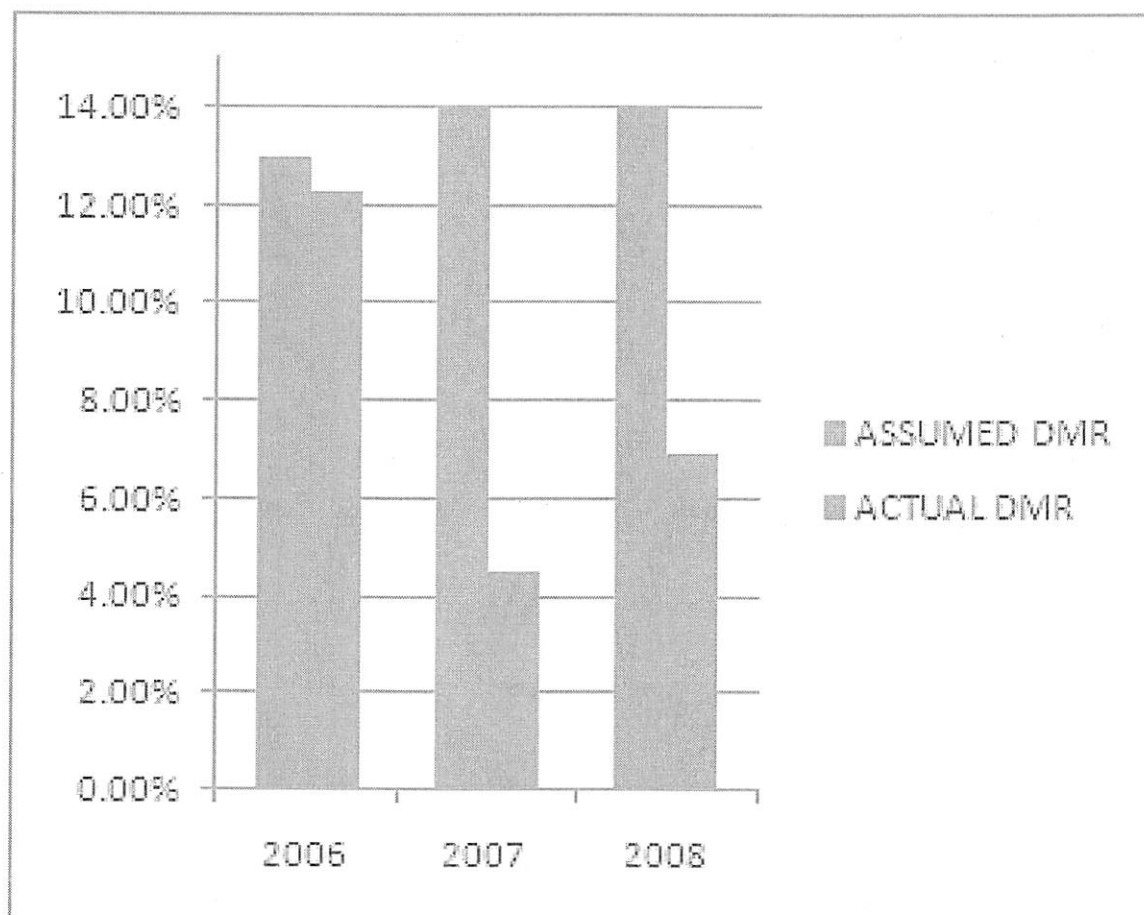


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TABLE Z. Halibut Mortality Information for Gulf H&L Coop Cod Fisheries

	2006	2007	2008
assumed DMR	13.00%	14.00%	14.00%
Coop actual* DMR	12.30%	4.56%	6.94%
NMFS halibut mort. (metric tons)	113.95	49.99	72.73
Halibut mort. with actual DMR	107.79	16.28	36.07
Difference	6.16	33.71	36.66

*based on inseason observer data on sampled halibut condition



C-2^(a) LLP
12-10-08

190th plenary session
NPFMC
Dec.10-16, 2008
Hilton Hotel, Anc. AK

RE: C-2 (a) LLP Recency

Mr. Chairman Olsen, Council members, and Secretary,

I'm Darius Kasprzak, a several decade participant of GOA Groundfish harvests within all gear sectors, currently focused on GOA groundfish /rockfish harvests with my 39' FV Malka. I'm testifying on my behalf and that of fellow GOA jig fishermen.

Please support alternative 1 (no action, and no change to the current LLP program) as regarding LLP recency. Reduction of latent LLPs is not an economic stimulus package for our GOA communities; in fact, it is anything but. Latent LLP removal will seriously increase the market value of surviving LLPs, accelerating the concentration of wealth and working vessels among a chosen elite while reducing opportunity to many dedicated entry level and parallel water fishermen through competitive pricing. Sustainability of groundfish stocks should be achieved with readily available tools embodying fairness such as time/trip/gear/capacity limits and restructuring opening/closing dates, not by restricting access to hardworking local "boots on deck" fishermen. **At the very least, individuals with parallel water catch history should not be denied the ability to retain or purchase an affordable LLP**

In addition, a reduction of latent LLPs will force new participants (as their only option) to crowd the already near fully utilized parallel fishery, resulting in undue pressure on inshore fish stocks while intensifying competition and gear conflicts among already established parallel water fishermen. In all fairness, operators on both sides of the 3 mile line should share the burden of new participants.

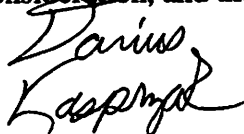
It is far more crucial to GOA communities and their fleet diversity to limit existing LLPs based on capacity (simple gross tonnage) than to remove latent LLPs

If the council proceeds with reducing latent LLPs, I support the following option under component 2: exempt vessels <60' and under a capacity limit to be determined by the council from latent LLP removal.

Regarding LLP exemptions for jig vessels, I urge the council to endorse option (1), which is to exempt vessels using jig gear from any LLP requirements. In order to keep gear regulations consistant with the state of AK, I ask that the council follow the suboption exempting jig vessels using a maximum of 5 jigging machines, 5 lines, and 30 hooks per line or one line of of 150 hooks.

Thank you for your time, consideration, and the opportunity to comment.

Sincerely, Darius Kasprzak



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c-2a



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**TESTIMONY TO
THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
December 10, 2008**

**Regarding: C2- GROUNDISH LICENSE LIMITATION PROGRAM (LLP)
FIXED GEAR LLP RECENCY – INITIAL REVIEW
FOR THE GULF OF ALASKA
DRAFT 2**

Chairman Olsen and members of the Council: My name is Gale Vick and I am the Executive Director of the Gulf of Alaska Coastal Communities Coalition (GOAC3.) I am addressing issue C2 – groundfish LLP fixed gear recency for the Western and Central Gulf of Alaska. In the interests of time, I will be reading our testimony but not the attached footnotes and references. I am providing the Council with written copies for the record.

As we have previously testified, the GOAC3 objects to any fixed gear LLP reductions in the central and western Gulf of Alaska until the issues of impacts and consultation have been adequately analyzed and addressed for affected GOA communities.

In general, the GOAC3 views the current proposal to eliminate latent fixed gear CV licenses within CQE¹ communities as an unjust and *arbitrary* barrier to groundfish access as well as a permanent barrier to future economic productivity for Gulf communities. The proposed reduction is yet another cumulative *negative* impact on combination fishing dependency which has, for centuries, sustained many communities of the Gulf. A five year qualifying period that disproportionately eliminates community owned licenses is unacceptable. Reducing existing fixed gear LLPs in CQE eligible communities by over 60% is unacceptable.²

We remain concerned that the Problem Statement does not justify the action. If conservation of the resource is the essential issue, we can address this without creating additional burdens for coastal communities that need flexibility for combination fishing in localized waters.

More is at stake here than loss of individual licenses. Gulf of Alaska fishing communities set the standard for what a true “fishing community” means. We can go back hundreds of years, in some cases, to document that fishing and marine access is *the only way most of our coastal communities have and can survive*. In a single generation, successive regulatory action has threatened collective survival in an unprecedented manner.

How do we think our remote, fishing-dependent communities are going to provide for current and future economic growth if regulatory action continually diminishes opportunities? How do we think we are going to prevent all Gulf of Alaska fishing effort from being controlled by Outside interests?

Small remote Gulf communities, under 1500 in population have only one primary resource base – fisheries. It does not take an economist to understand how regulatory strangulation has created the dynamics of loss of access, income, infrastructure and prohibitive cost of re-entry. Localized wealth is created only one way – through access. It cannot be recreated by “buy-ins” without a massive injection of capital. Small communities do not have that capital. Basically, the only access to capital has been taken away. It is an Orwellian dilemma that permanently disadvantages smaller- and often larger - fishing communities.

As an example, we already have seen the market price of trawl LLPs double and possibly triple in price since the February 2008 action of the Council to drastically reduce trawl-held licenses. We already know that the market price for halibut and sablefish IFQs has steadily climbed so that the price is totally out of reach for community ownership. The message is clear; reduction or other limitation equals extremes of increase in market cost.

Ignoring the fundamental basis for community fisheries – “combination fishing” – is not a responsible action. “Buying in” is not an appropriate option.³ Creating a much smaller closed class of LLPs or IFQs that benefit few and are ultimately subject to complete non-resident ownership is not an appropriate option. The appropriate action is to provide for the continued well being of fishing communities as required by MSRA.

The GOAC3 has many times testified that the action to reduce licenses and award sector allocations based on qualifying years is a major step toward full rationalization of GOA groundfish. It is disingenuous to think it is not. Even if not full rationalized, these actions will have consequences very similar to a LAPP⁴ and should be treated under the LAPP provisions of the MSRA.⁵ A similar example to an existing dedicated access privilege programs⁶ is the Georges Bank Cod Hook Sector Allocation of 2004.⁷

Piece-mealing what is an obvious rationalization plan⁸, without appropriate analysis and application of appropriate measures circumvents Congressional intent in protecting those communities. **We cannot analyze community impacts within the context of small windows of time and sector.** We need a model that looks at the big picture and can focus on what our Gulf of Alaska communities have lost due to similar regulatory actions and what they stand to lose in the future because of cumulative impacts of many regulatory actions. **We need a model that promotes rather than eliminates community fisheries options.**

The GOAC3 does not expect the Council to fully redress past regulatory action within the current context, but we do expect that the Council will consider that this current action is part of a broader picture and must be analyzed that way. Allowing CQE communities to fully retain existing LLPs while also re-allocating a small percentage of other latent licenses to CQE communities would still

meet the goals of LLP reduction but would allow CQE communities a basis for utilizing local fisheries as part of the overall combination fishing options over extended periods of time.

The GOAC3 concurs with the AP MINORITY REPORT options but would like to make those more specific. We therefore request that the North Pacific Council analyze the following:

Provisions for a set-aside of 7-10 (seven to ten) existing latent licenses per each of the 21 CQE⁹ communities within the central and western Gulf to be non-transferable out of the community, including the retention of all existing CQE community-based fixed gear LLPs without regard to qualifying years and landings

We further request that such analysis be conducted within

- (1) the context of the MSRA¹⁰ socio-economic requirements for fishery management plan amendments and NEPA requirements for Social Impact Assessment (SIA)¹¹
- (2) the required consultations with affected communities and tribes¹²
- (3) consideration of the *cumulative*¹³ impacts on the communities' ability to *combination*¹⁴ fish, including the escalating costs of re-entry

And finally, we request that the consideration of fixed gear LLP reductions and P-cod sector splits be done progressively not consecutively.

At the very least, an extended analysis of these options would provide far better information to the Council for making its final decisions. Without such an analysis, the Council does not have benefit of understanding the *cumulative* impacts of regulatory action on Gulf of Alaska communities.

Thank you.

¹ Community quota entity, under 1500 in population, not connected by road systems, per Federal Register Vol. 69, No. 84, April 30, 2004. amendment to halibut and sablefish IFQ program, defines 21 communities within Central and Western Gulf of Alaska eligible to purchase community quota

² In the WG, 62% (165) of existing fixed gear LLPs would be eliminated, 101 down from 266, In the CG, 67% (588) of existing LLPs would be eliminated, 296 down from 884
In the CQE communities over 60% of existing fixed gear licenses would be eliminated

³ We know from experience that *community ownership* is not only currently limited by law to halibut and sablefish for the Gulf of Alaska, but that without some kind of initial issuance or granted funding, it is virtually impossible for a community to overcome accelerating costs of entry *because there is a necessary extra layer of cost of business and fiduciary responsibility.*

⁴ Limited access privilege program

⁵ Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

⁶ DAP or LAPP, used interchangeably

⁷ The New England Council developed Amendment 13 to the Northeast multispecies fishery management plan to bring the plan into conformance with the plan for the sector, a contract signed by all sector participants indicating their agreement to abide by the operations plan, and an environmental analysis to comply with National Environmental Policy Act requirements. NMFS approved the proposal and allocated quota to the sector. Sector members can, in turn, allocate the fish among themselves in any way they choose. About 60 fishermen participated in the program in 2004. Magnuson-Stevens Act, including ending overfishing and rebuilding overfished stocks. Among other things, the amendment authorized the Georges Bank Cod Hook Sector, established the sector area, and specified a formula for allocating up to 20 percent of the total catch allowed for Georges Bank cod to the sector. The sector submitted a sector allocation proposal consisting of an operations plan for the sector, a contract signed by all sector participants indicating their agreement to abide by the operations plan, and an environmental analysis to comply with National Environmental Policy Act requirements. NMFS approved the proposal and allocated quota to the sector. Sector members can, in turn, allocate the fish among themselves in any way they choose. About 60 fishermen participated in the program in 2004. (GAO #06-289 Report to Congress on FISHERIES MANAGEMENT Core Principles and a Strategic Approach Would Enhance Stakeholder Participation in Developing Quota-Based Programs.)

⁸ *without benefit of appropriate analysis of socio-economic impacts on adjacent fishing communities, which is a violation of the limited access privilege program (LAPP) provisions of the MSRA.*

⁹ Community quota entity

¹⁰ Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

¹¹ “Guidance for Social Impact Assessment”, Peter Fricke, Ph.D., Office of Sustainable Fisheries, NOAA/ National Marine Fisheries Service, Silver Spring, MD

- a. Social and cultural systems are sensitive to change
- b. Small changes can have large cumulative impacts on fishery participants

¹² The 2006 Magnuson-Stevens Re-authorization Act (MSRA) has mandatory requirements for the contents¹² of an FMP to “include a fishery impact statement for the plan or amendment ... which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for participants in the fisheries and fishing communities affected by the plan or amendment” SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853 (a) REQUIRED PROVISIONS 303(a)(9) In addition, NEPA¹² requires consultation with affected tribal entities *and* consideration of *cumulative* impacts. **As far as we know, no such consultations have occurred.**

¹³ “Analysis of the potential cumulative effects of a proposed action and its alternatives is a requirement of NEPA, as well as MSRA. Cumulative effects are those combined effects on the quality of the human environment that result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of what Federal or non-Federal agency or person undertakes such other actions (40 CFR 1508.7, 1508.25(a), and 1508.25(c)). Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. The concept behind cumulative effects analysis is to capture the total effects of many actions over time that would be missed by only evaluating each action individually. At the same time, the CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action on the universe but to focus on those effects that are truly meaningful.” March 7, 2008 , Public Review Draft, EA/RIR trawl LLP regulatory amendment, NPFMC, page 73

¹⁴ “Combination fishing” allows fishermen to be able to adjust to fluctuating conditions beyond their control by fishing different species of fish based on market conditions, TAC, weather or regulatory factors. Alaska’s fishing communities started to lose their open access fishing, the basis for combination fishing, during the mid-1970’s when the State of Alaska implemented the salmon Limited Entry Act, but it was not until the mid-1990s when the Halibut and Sablefish IFQ program was implemented that the real cost of closing access undermined the ability of community residents to adjust, even marginally. (See CFEC reports that were the basis for Amendment #66 to the Halibut and Sabefish FMP,)