


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: January 31, 2000

SUBJECT: Pacific Cod LLP Endorsements

ESTIMATED TIME 4 HOURS
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**ACTION REQUIRED**

Review analysis and release it for public review.

**BACKGROUND**

In June 1995, the Council approved the groundfish License Limitation Program (LLP) for vessels operating in Federal waters off Alaska's coast (BSAI Plan Amendment 39). This program went into effect January 1, 2000. Since the LLP was approved, the Council also passed Plan Amendment 46, which allocated BSAI P. cod among the various gear sectors. Under the amendment, 51% of the P. cod TAC is allocated to fixed gear, 47% to trawl gear, and 2% to jig gear. To continue toward the goal of comprehensive rationalization and stabilization of the fishery, the Council passed Amendment 64 in October 1999. This amendment further allocated the fixed gear portion of BSAI P. cod TAC (51%) among the fixed gear fleets: 80% to freezer longliners; 0.3% to catcher longliners; 1.4% to pot or longline vessels less than 60 feet LOA; and 18.3% to pot vessels.

Given the recent increases in the market value of cod products and the threat of new entrants in an already fully utilized fishery, a follow-up amendment (Am. 67) was initiated in April 1999 to add a P. cod endorsement to BSAI fixed gear licenses for vessels that meet specified qualification criteria. The intent of Amendment 67 is to curb increasing competition for P. cod and protect fishermen with extensive catch histories who are dependent on the resource.

In October 1999, the Council selected the list of alternatives for analysis, including years of participation and harvest requirements for each sector of the fixed gear fleet. The alternatives count landings made in 1995-99, or a subset of those years. Qualification is based on numbers of landings or poundage minimums during the relevant years. The Council voted to drop a discussion of a grandfather clause from this initial review document. However, they did notice the public that they would reconsider the grandfather provision at the February meeting, whereby they may add a grandfather provision into the analysis that would be available for final Council review in April.

At the December meeting, the Council indicated that a separate qualification criteria may be necessary for pot catcher vessels and pot catcher/processors. Therefore, the list of options with regard to pot vessels may be applied differently to the catcher processor and catcher vessel sectors.

The analysis was mailed to you on January 20, and is scheduled for initial review at this February Council meeting. Final review is scheduled for April. Under the planned time line for final Council action, the program will likely not have any affect until the 2002 fishing season given due process issues and current staff work loads. The analysis maintains all the options and suboptions for limiting entry to the BSAI P. cod fishery as approved by the Council in December 1999 and is provided in the executive summary, attached as item C-4(a).

Finally, Table 4.1 was inadvertently left out of Chapter 4 of the analysis. It should have appeared on page 51, under the section 4.2.1 No Action Alternative. We have included it below.

**Table 4.1: Fixed gear vessels qualified in the BSAI P. cod fishery under the no action alternative<sup>1</sup>**

Length	Catcher/Processors	Catcher Vessels
<60'	1	117
60-124'	25	179
125'+	41	69
<b>Total</b>	<b>67</b>	<b>365</b>

<sup>1</sup>Designations under the current LLP do not differentiate by gear type. Numbers for catcher/processors include both freezer longliners and pot c/p. Numbers for catcher vessels include longline, jig, and pot vessels.

## Executive Summary

The groundfish License Limitation Program (LLP) for vessels operating in Federal waters off Alaska's coast (BSAI Plan Amendment 39) went into effect on January 1, 2000. Since the LLP was approved by the Council, changes have occurred in the fixed gear fisheries which have prompted members of industry to petition the Council to add a BSAI Pacific cod endorsement to fixed gear licenses, if the vessel meets a specific recent landings criteria. This analysis studies the impacts of adding the Pacific cod endorsement to vessels that are currently LLP qualified to participate in Bering Sea or Aleutian Islands groundfish fisheries.

Participants in the BSAI fixed gear Pacific cod fishery include longline and pot fishermen with extensive catch histories. However, given the current economics of the Pacific cod fishery, vessel owners with limited history in the BSAI cod fisheries may be tempted to bring vessels into the fishery. Currently there is no mechanism in place that would limit entry into the fishery by substantial numbers of vessels that hold an LLP endorsement for those areas, but have not participated, or have not participated at a level that could constitute significant dependence on the fishery, in the past.

### Alternatives Considered

#### Alternative 1: No Action

The no action alternative would continue to allow for entry into the BSAI Pacific cod fixed gear fisheries, within the eligibility constraints of the current License Limitation Program for the groundfish fisheries in the BSAI. No mechanism would be in place to control entry of LLP qualified vessels that have limited or no historical dependence on the fixed gear Pacific cod fishery.

#### Alternative 2: Limit entry to the BSAI P. Cod fixed gear fisheries based on historical participation

The Council selected a list of alternatives that have differential qualification criteria for freezer longline, longline catcher vessels, and pot gear vessels. The landings criteria are based on a combination of years of participation and the amount of Pacific cod landed by year. The complete suite of alternatives under consideration for each sector is provided below:

#### Freezer Longline Vessels

##### Qualification Years:

- Option 1: Any one year 1996, 1997, 1998
- Option 2: Any one year 1996, 1997, 1998, 1999

##### Minimum poundage requirement during any qualifying year:

- Option 1: 100 metric tons
- Option 2: 200 metric tons
- Option 3: 300 metric tons

#### Catcher Longline Vessels

##### Qualification Years:

- Option 1: Any one year 1995, 1996, 1997, or 1998
- Option 2: Any one year 1995, 1996, 1997, 1998, or 1999

**Minimum poundage requirement during any qualifying year:**

- Option 1: A landing only (no minimum poundage)
- Option 2: 7.5 metric tons
- Option 3: 15 metric tons
- Option 4: 25 metric tons

- Suboption 1 : Allow catcher vessels less than 60' LOA to use their jig landings as part of their catch history to apply towards a minimum landing requirement.
- Suboption 2 : Allow catcher vessels of any length to use their jig landings as part of their catch history to apply towards a minimum landing requirement.

**Pot Gear Vessels (a different criteria could be applied to catcher vessels and catcher/processors)**

**Qualification Years:**

- Option 1: Any three years of 1995, 1996, 1997, 1998
- Option 2: Any three years of 1995, 1996, 1997, 1998, 1999
- Option 3: Any two years of 1995, 1996, 1997, 1998
- Option 4: Any two years of 1995, 1996, 1997, 1998, 1999
- Option 5: Any two years of 1995, 1996, 1997
- Option 6: Any two years of 1996, 1997, 1998
- Option 7: Any two years of 1996, 1997, 1998, 1999
- Option 8: Any one year 1995, 1996, 1997, 1998
- Option 9: Any one year 1995, 1996, 1997, 1998, 1999
- Option 10: Any one year 1996, 1997, 1998

**AND**

**Qualification landings (minimum landing requirements):**

**(A) - Minimum pounds required for delivery during each qualifying year:**

- Option 1: A landing only (no minimum poundage required)
- Option 2: 25,000 lbs. - 50,000 lbs.
- Option 3: 50,001 lbs. - 100,000 lbs.
- Option 4: 100,001 lbs. - 300,000 lbs.
- Option 5: Greater than 300,000 lbs.

**OR**

**(B) - Minimum pounds required for delivery during any of the qualifying years:**

- Option 1: A landing only (no minimum poundage required)
- Option 2: 25,000 lbs. - 50,000 lbs.
- Option 3: 50,001 lbs. - 100,000 lbs.
- Option 4: 100,001 lbs. - 300,000 lbs.
- Option 5: Greater than 300,000 lbs.

**OR**

**(C) - Minimum aggregate pounds required for delivery during the qualifying years (applies only to qualification year options numbered 3, 4, and 5)**

**Option 1: 200,000 lbs. - 600,000 lbs.**

**Option 2: Greater than 600,000 lbs.**

There are few biological impacts of the alternatives and options being considered by the Council. None of the options will change the amount of cod harvested by a particular gear type within the fixed gear sector. A more restrictive LLP for cod may create a more stable pool of vessels which participate in the directed fishery. If more experience results in better fishing practices, then reductions in bycatch may result. However, other factors impacting where and when vessels fish may further complicate the issue. Therefore, incidental catch of species such as crabs, sharks, skates, and squid may increase or decrease with changes in the number of vessels that can participate in the fixed gear sector for cod, but the totals would still be far below the level of overfishing and would not be cause for any biological concern.

Summaries of cod catch in the directed fishery, bycatch of other species in the cod fishery, bycatch of cod in other fisheries, and ex-vessel and first wholesale price information is provided in Chapter 3. The number of vessels participating in the BSAI cod fishery has varied from a low of 85 to a high of 193 from 1992-99. Most of the vessels used pot gear, but they usually accounted for less than 20 percent of the total fixed gear cod harvest. Freezer longliners generally accounted for over 80 percent of the fixed gear cod harvest, and between 36 and 56 vessels participated annually. Longline catcher vessels have never accounted for more than 1 percent of the fixed gear cod harvest, and since 1995, there has never been as many as 30 vessels in the fishery.

The catch history of vessels using jig gear was also included in Chapter 3. The number of jig gear vessels ranged from 45 (1995) to 10 (1998). These vessels have never harvested their entire 2 percent allocation of the BSAI quota.

Ex-vessel prices in the 1998 fixed gear cod fishery were estimated to be \$0.193 for catcher vessels using longline gear and \$0.192 for catcher vessels using pot gear. First wholesale revenue per metric ton of round cod was estimated for each sector in BSAI Amendment 64. That analysis found that freezer longliners received \$1,010, pot catcher/processors \$1,166, and shorebased/inshore floating processors \$923 per metric ton of round cod. These ex-vessel and first wholesale estimates are used in Chapter 4 to approximate the average cod revenue per qualified vessel.

The alternatives under consideration result in a range of 39 to 43 freezer longline vessels qualifying. Currently 67 fixed gear catcher/processors are expected to be issued a license under the current LLP program, as passed by the Council. Therefore, 24 to 28 fewer freezer longliners would be allowed to participate in the fixed gear cod fishery if this amendment is implemented. Given the estimated first wholesale value per ton of round cod, the current fixed gear cod split passed by the Council, and the 2000 TAC, this translates into an average gross revenue of about \$1.7 to \$1.9 million per freezer longline vessel.

Between 7 and 126 longline catcher vessels are projected to qualify for a Pacific cod endorsement, depending on the alternative selected. A total of 365 fixed gear catcher vessels are expected to qualify for the LLP as passed by the Council. Selecting any of the alternatives (other than the no action alternative) would reduce the number of longline catcher vessels eligible for the Pacific cod fishery by at least 239. If the option is selected that allows only seven vessels to qualify, the pool of eligible vessels would decrease by about 98

percent. Given that range of outcomes, the average longline catcher vessel's gross revenue from BSAI cod would range between \$3 and \$55 thousand.

Table E.1 provides a summary of the number of pot catcher vessels expected to qualify under each of the pot gear alternatives. The number of vessels that would qualify under the most restrictive alternative (300,000 lbs. of landings in at least 3 different years 1995-98) is 21, yet 203 vessels would qualify under the most liberal criteria (one landing from 1995-99). The remaining alternatives allow the Council to select almost any number of vessels between those represented by the most and least restrictive options. Table E.2 provides information on the number of pot catcher/processors. Between four and 20 pot catcher/processors would qualify depending on the alternative selected. Detailed information for each of the alternatives may be found in Appendix A. The Council has indicated that they may select a different qualification criteria for pot catcher vessels and pot catcher/processors. Therefore the tables were separated. The total number of pot vessels that could qualify would equal the sum of the vessels under the alternative selected from the pot catcher vessel table and the pot catcher/processor table.

**Table E.1: Summary of Pot Catcher Vessel Alternatives**

Option (a) <sup>1</sup>	Qual. Years <sup>4</sup>	Years Required	A landing	25,000+	50,001+	100,001+	>300,000
1a	95-98	3	58	38	35	30	21
2a	95-99	3	72	50	43	38	27
3a	95-98	2	99	66	60	54	38
4a	95-99	2	112	78	72	65	45
5a	95-97	2	90	62	53	46	34
6a	96-98	2	72	42	42	38	29
7a	96-99	2	91	62	72	53	38
8a	95-98	1	183	135	116	101	73
9a	95-99	1	203	157	137	118	83
10a	96-98	1	140	104	98	88	68
Option (b) <sup>2</sup>	Qual. Years <sup>4</sup>	Years Required	A landing	25,000+	50,001+	100,001+	>300,000
1b	95-98	3	58	57	57	55	49
2b	95-99	3	72	72	72	71	61
3b	95-98	2	90	91	85	77	64
4b	95-99	2	112	105	101	92	76
5b	95-97	2	90	83	79	73	60
6b	96-98	2	72	67	65	59	53
7b	96-99	2	91	91	88	80	69
8b	95-98	1	183	135	116	101	73
9b	95-99	1	203	157	137	118	83
10b	96-98	1	140	104	98	88	68
Option (c) <sup>3</sup>	Qual. Years <sup>4</sup>	Years Required	200,000-600,000 lbs		>600,000 lbs		
3c	95-98	2	74		50		
4c	95-99	2	89		59		
5c	95-97	2	69		47		

<sup>1</sup> Options 1-10a refer to alternatives in which the minimum poundage is required of *each* qualifying year.

<sup>2</sup> Options 1-10b refer to alternatives in which the minimum poundage is required of *any* qualifying year.

<sup>3</sup> Options 3-5c refer to alternatives in which an *aggregate* poundage is required of at least two qualifying years.

<sup>4</sup> Qual. Years refers to the series of qualification years associated with Options 1-10 and the (number) of years the vessel must have participated

**Table E.2: Summary of Pot Catcher/Processor Alternatives**

Option (a) <sup>1</sup>	Qual. Years <sup>4</sup>	Years Required	A landing	25,000+	50,001+	100,001+	>300,000
1a	95-98	3	5	5	5	4	4
2a	95-99	3	7	7	7	6	5
3a	95-98	2	9	9	9	8	7
4a	95-99	2	11	11	11	11	8
5a	95-97	2	7	7	7	7	7
6a	96-98	2	8	8	8	6	5
7a	96-99	2	10	10	9	10	7
8a	95-98	1	16	15	15	14	14
9a	95-99	1	20	18	18	16	16
10a	96-98	1	15	15	15	14	14
Option (b) <sup>2</sup>	Qual. Years <sup>4</sup>	Years Required	A landing	25,000+	50,001+	100,001+	>300,000
1b	95-98	3	5	5	5	5	5
2b	95-99	3	7	7	7	7	7
3b	95-98	2	9	9	9	9	9
4b	95-99	2	11	11	11	11	11
5b	95-97	2	7	7	7	7	7
6b	96-98	2	8	8	8	8	8
7b	96-99	2	10	10	10	10	10
8b	95-98	1	16	15	15	14	14
9b	95-99	1	20	18	18	16	16
10b	96-98	1	15	15	15	14	14
Option (c) <sup>3</sup>	Qual. Years <sup>4</sup>	Years Required	200,000-600,000 lbs		>600,000 lbs		
3c	95-98	2	9		9		
4c	95-99	2	11		11		
5c	95-97	2	7		7		

<sup>1</sup> Options 1-10a refer to alternatives in which the minimum poundage is required of *each* qualifying year.

<sup>2</sup> Options 1-10b refer to alternatives in which the minimum poundage is required of *any* qualifying year.

<sup>3</sup> Options 3-5c refer to alternatives in which an *aggregate* poundage is required of at least two qualifying years.

<sup>4</sup> Qual. Years refers to the series of qualification years associated with Options 1-10 and the (number) of years the vessel must have participated in within the series.

The total ex-vessel revenue for the pot catcher vessels, as estimated based on 1998 prices and allocation percentages passed under BSAI Amendment 64, is \$5.36 million. Given the number of pot vessels expected to qualify and the total ex-vessel revenue, the average revenue per vessel is expected to range between \$26,000 and \$255,000.

The first wholesale revenue for pot catcher/processors is estimated to be about \$5.4 million per year. Therefore, depending on the alternative selected, the average revenue per vessel would range between \$0.27 million and \$1.35 million.

None of the alternatives is expected to result in a "significant regulatory action" as defined in E.O. 12866. None of the alternatives is likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations. Relative to the Regulatory Flexibility Act, some of the alternatives could have a significant impact on a substantial number of small entities; however, a definitive assessment cannot be made until the Council identifies a preferred alternative for each sector.

**POLAR SEA PARTNERSHIP**

17010 12<sup>TH</sup> Ave NW  
Shoreline, WA. 98177-3825

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January 22, 2000

Clarence G. Pautzke  
Executive Director  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252

**RECEIVED**

JAN 26 2000

**N.P.F.M.C**

Dear Council Members,

This letter is in regards to Pacific Cod LLP Endorsement. The Polar Sea has made cod landings this past decade and is LLP qualified at this time. My concern is with the landing requirements. Although we would qualify under most scenarios it seems radically different from crab qualifications where poundage requirements don't seem to be an issue. Our opinion is that participation is a main factor and poundage is secondary. Due to commitments to other fisheries, scheduled vessel maintenance required by insurance company and contract obligations, sometimes make it impossible to attain poundage level required to reach some of these landing requirements.

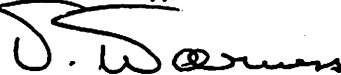
We always want to catch as much as possible, that is the nature of the beast, but are not always able to fulfill this desire.

On this note we would request that participation be a main factor in your decisions and poundage requirements kept at a minimum to allow fair access to this important fishery.

I urge the council to consider Option 1 for qualification year – any three years of 1995, 1996, 1997 and 1998. For poundage requirements we would ask that the minimum catch be seriously considered.

The council has many important issues before it and we appreciate your consideration on our viewpoints.

Respectfully,



Vidar Warness  
Owner/Operator – F/V Polar Sea



# MATTSEN FISHERIES INC.

## F/V SHAMAN

P.O. BOX 2686, POULSBO, WA, 98370  
PHONE: (360) 697-2551  
TELEX: 430356610@STRATOSMOBILE.NET  
EMAIL: danielmatt@msn.com

January 29, 2000

North Pacific Management Council  
605 West 4<sup>th</sup> Ave.  
Suite 306  
Anchorage, Ak 99501-2252

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JAN 31 2000

N.P.F.M.C

Dear Council Members:

I am a Bering Sea/ Aleutian Islands crab and cod fisherman. I own and operate the F/V Shaman, a 110-foot pot vessel, ADF&G number 00036. I am writing to comment on the proposed recency requirement for a pacific cod endorsement under the license limitation program (LLP).

If you choose to use a minimum poundage requirement during the qualifying period, I urge you to choose one of the options from **ANY** of the qualifying years. Please do not choose an option which requires a minimum from **EACH** of the qualifying years.

I suppose it was easy for absentee owners to order their hired captains to keep fishing cod at \$.15/lb., for little or no profit. As an owner/operator, I sometimes had to make a choice between fishing for no money and spending time with my wife and three children at home. Between spending money to fish, or spending time at home, the choice is clear! In both 1996 and 1998, I made only nominal deliveries. I am a bona fide pot cod producer, however. In 1997, I made 18 deliveries for over 700,000 pounds. In 1999, I delivered over 240,000 pounds. Picking any relatively short window through which to view participation in a fishery runs the risk of excluding bona fide fishermen, and I, for one, cannot afford to lose my cod endorsement.

My hope is that you will choose an option which will keep all Bering Sea LLP- qualified vessels fishing, as long as they made some level of commitment to P-cod fishing during 1996, '97, or '98. I do think that a Bering Sea LLP groundfish endorsement should be required, since otherwise vessel owners will be forever encouraged to fish whatever is open, on the hope that the council will change its collective mind in the future.

To reiterate my views: throw out any options which require a specific minimum in **EACH** year: rather, choose any minimum poundage you desire for **ANY** one of the qualifying years. Alternatively, the aggregate poundage requirement of 6000,000 pounds also works; surely a serious cod vessel would have landed that amount during the three or four year qualifying periods you are considering.

There are many of us out here fishing who are counting on continued access to the Pacific Cod fishery. All bona fide pot cod boats, of which the F/V Shaman is one, should be properly and permanently endorsed for the fishery. Only those boats which made only a "sham" delivery in 1995, or who have failed to show any commitment to the fishery in the years following, should be excluded from future participation.

Thank you for your time and consideration.



Daniel R. Mattsen

Owner/ Operator, F/V Shaman

NPFMC, Rick Lauber Chairman  
Feb. 2000 agenda item C-4  
P. cod endorsement for LLP

Jan. 30, 2000

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Dear Sir,

I am opposed to the application of P. cod endorsement to vessels under 60 feet. The LLP limits the possible number of participants to a manageable number for NMFS. As is stated on page 3 of the analysis " There are few biological impacts of the alternatives and options being considered by the Council."(LLP Jan. 00 page 3)

National Standard # 8 was placed into the Magnuson/Stevens Act in 1996. "(8) Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities."

The analysis admits it does not effectively consider the National Standard 8 implications. "The information presented here does not attempt to trace the full economic impact of these revenues through the communities involved, nor does this analysis attempt to predict changes in such economic activity from the alternatives;" ( Jan. 00 Pacific cod LLP page 72) Further, the analysis does a 'qualitative-based' IRFA. It identifies small governmental jurisdictions (towns, villages etc.) as small entities but does not consider them as affected in the IRFA, other than to direct to the National Standard 8 discussion (detailed above). Consideration of these communities would show a significant impact as defined in RFA, specifically E.O. 12866 (1) ..."adversely affect in a material way the economy ...(of) ...local, or tribal governments or communities;"(Jan. 00 Pacific cod LLP page 50) This amendment should require a full analysis under RFA if the under 60 foot vessels are included in the final option.

Communities along the Alaska coast have been attempting in recent years to develop sustainable fisheries which will support local economies based on groundfish species, primarily P. cod. For such relatively localized operations to exist, a diversity of small vessels are needed to supply the product. I specify small vessels because large vessels have the opportunity to remove the product from the local area. The LLP limitations function to constrain the fleet while providing the opportunity for local communities to build local participation of small vessels to a number that could support a processor. Without the ability to utilize more LLP vessels, many coastal communities will not be able to have "sustained participation". The coastal communities were very instrumental in getting the State Waters P.cod Fishery enacted because of the season constraint placed upon the fishery when it is managed by NMFS primarily for the large

fleet. (Winter fishery with no gear restraints). In these succeeding years, the communities have moved towards economically viable operations coming on-line. As these new local processing operations open, the Council would place "adverse economic impact on such communities" if it so severely limits which licenses can be fished that these communities cannot get a reliable source of product. Examples would be Adak and False Pass. Adak just opened and has been trying to develop a jig, pot, and longline fleet. False Pass has spent the last two years developing a small processor which should be just going into place this year. If the endorsement option goes into effect for vessels under 60 feet, these operations will have to "steal" vessels from another locale. In Unalaska where the jig fleet has not yet developed enough to adequately support a processor, loss of several licenses to either of the other ports without ability to replenish with other vessels would doom their effective "sustained participation". Since the annual BS jig fishery allocation has not yet been taken, there is not a TAC reason to limit that gear beyond the LLP numbers. Other communities such as Egegik have been attempting to develop their ability to harvest and process P. cod but with severe endorsement restrictions, they will not succeed. Exempting specific communities would politicise the process and open the Council to continual requests for exemptions.

The interaction of this potential endorsement with the IFQ program is not analyzed. (Jan. 00 P. cod LLP page 47) IFQ vessels are required to retain all P. cod during the open season and the bycatch limit while fishing in the closed P. cod season. Would these vessels be exempt? Or would this enable a LLP non-P. cod endorsed vessel to just buy a little sablefish or halibut IFQ and retain all P. cod as required under the IFQ regulations? Would the same interaction occur while LLP non-cod endorsed fishing for rockfish and the IR/IU requirements?

I am the holder of an LLP for groundfish which includes the BS and AI. I think much of the support for the LLP was based upon the knowledge - or assumption - that the LLP would be good for all groundfish. Since P. cod is about the only current viable fishery, an LLP without the ability to utilize this specie in a vessel's fishery mix, would make that LLP just about worthless.

If the Council wishes to modify the groundfish LLP for P. cod endorsements, please limit the application of endorsements to vessels over 60 feet.

Thank you for your consideration.

Sincerely,



Paul K. Seaton

58395 Bruce Street

Homer, Alaska 99603

Ph. & Fax (907) 235-6342

Kevleen K LLC  
4241 W Suite 100  
Seattle, WA 98199

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FEB - 2 2000  
N.P.F.M.C

February 1, 2000

Clarence G. Pautzke  
Executive Director  
North Pacific Fisheries Management Council  
605 West 4th Suite#308  
Anchorage AK 99501-2252

RE: BSAI Pot Cod Endorcement

Dear Council Members

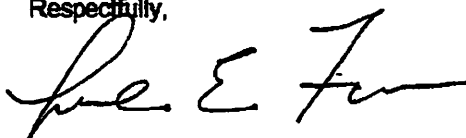
I am writing you this letter about what I believe the qualifying criteria in the pot cod fisheries for a cod endorsement for BSAI fisheries should be. The Kevleen K has fished for cod with pots in the BSAI area since 1988. The vessels that developed the fisheries should be the boats that get endorsements for the fisheries.

When the council made the split between the cod fixed gear groups, they made the split based on the historical catch history of the different gear types. It only seems fair that you should go the next step and give the endorsements to the boats that created the history, that the split was based on. The pot boats that created the history have made long term investment in the fisheries and need protection from others who have little or limited history in the fishery.

I would like to see you adopt Option 1 for Qualification years and Option 1A for Qualification landings. If a boat were real pot cod boat they would easily qualify under these options. The boats that qualify under these options are the boats that created the catch history for the split.

I believe the council would be making the fair decision by choosing these options

Respectfully,



Lance E. Farr  
Owner/Operator  
Kevleen L LLC

David Hillstrand  
Box 1500  
Homer, Alaska 99603  
(907) 235-8706

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N.P.F.M.C

Richard Lauber: Chairman

Agenda Item: C-4  
Concerning the Pacific Cod in the GOA


I support Al Burch and the Alaska Dragger's Association in splitting the cod quota among the gear types; Trawl, Longline, and Pot. Such as in the Bering Sea.

The percentages vary depending on the years chosen. I think that using the last 5 years and averaging them out would be the best, for coming to an agreement. If allowed to continue the Pot percentage will increase. The NPFMC will have to consider the most current year at the time of the proposal in the analysis.

I have not considered the 5000 metric tons a year, or 20% that is reserved for bycatch and overages. This percentage can be 8% - 10% that has been added to the trawlers catch records; which are the years we are determining percentages from.

The State water allocation for pots and jigs is also not considered because both pot and trawl gear can participate in this fishery. There are exceptions that hinder fishing. The 58' limiting the Sandpoint, Chiknik area restricts larger vessels, and the 75% of the quota in Kodiak for boats under 58' restricts trawl and pot vessels over 58'.

For this reason both of these are left out of the proposal.

David Hillstrand  


**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

**DAVID HILLSTRAND  
BOX 1500  
HOMER, ALASKA 99603  
(907) 235-8706**

**Date: 7/3/95  
2/1/00**

**Fishery Management Plan: Gulf of Alaska, Pacific Cod fisheries.**

**Brief Statement of Proposal: Percentages of the Quota will be allocated to each gear type that fishes the GOA Western Gulf such as the BS/AI. Trawl 69%, long line 21% and Pots 10%,**

**Objectives of Proposal: To encourage the vessels to use there percentage in the most beneficial and economical way possible . Prolong the seasons for safety and increased prices; in that we will have an increase in fresh Cod on the market, with increased quality.**

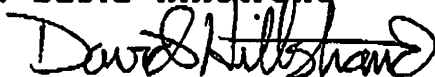
**Need and Justification for Council Action: (Why can't the problem be resolved through other channels?) The NPFMC regulates the fishery, To Maximizes catches of other species, increase prices, create stable fisheries for each gear type.**

**Foreseeable Impacts of Proposal: (Who wins, who loses?) All gear types will benefit; economically and in safety.**

**Are There Alternative Solutions? If so, what are they and why do you consider your proposal the best way to solving the problem? We support Al Burch and would like to see a more rational fisheries created.**

**Supportive Data & Other Information: What data are available and where can they be found? NMFS catch statistics**

**Signature: David Hillstrand**



**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

**DAVID HILLSTRAND  
BOX 1508  
HOMER, ALASKA 99603  
(907) 235-8706**

**Date: 7/3/95  
2/1/00**

**Fishery Management Plan: Gulf of Alaska, Pacific Cod fisheries.**

**Brief Statement of Proposal: Percentages of the Quota will be allocated to each gear type that fishes the GOA Central Gulf such as the BS/Al. Trawl 61%, long line 13% and Pots 26%,**

**Objectives of Proposal: To encourage the vessels to use there percentage in the most benifical and economical way possible . Prolong the seasons for safety and increased prices; in that we will have an increase in fresh Cod on the market, with increased quality.**

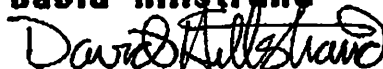
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**Supportive Data & Other Information: What data are available and where can they be found? NMFS catch statistics**

**Signature: David Hillstrand**



Percentages

Gulf of Alaska Pacific Cod  
By gear type, & area

Area

Western Gulf

Year 1999	Trawl	H&L	Pot	Total
Inshore	15040	3989	1161	20190
Offshore	111	1242	1608	2961
Total	15151	5231	2769	23151
Percentage	0.65444257	0.22595136	0.11960606	1

Area

Central Gulf

Year 1999	Trawl	H&L	Pot	Total
Inshore	20320	6656	13441	40417
Offshore	1107	10	2502	3619
Total	21427	6666	15943	44036
Percentage	0.48657916	0.15137615	0.36204469	1

Area

Western Gulf

Year 1998	Trawl	H&L	Pot	Total
Inshore	14718	3312	1622	19652
Offshore	98	35	32	165
Total	14816	3347	1654	19817
Percentage	0.74764091	0.16889539	0.08346369	1

Area

Central Gulf

Year 1998	Trawl	H&L	Pot	Total
Inshore	23279	6033	8708	38020
Offshore	3233	172	0	3405
Total	26512	6205	8708	41425
Percentage	0.64	0.14978877	0.21021123	1

Area

Western Gulf

Year 1997	Trawl	H&L	Pot	Total
Inshore	18530	3461	1004	22995
Offshore	322	614	0	936
Total	18852	4075	1004	23931
Percentage	0.78776482	0.17028123	0.04195395	1

Area

Central Gulf



Percentages

Year 1997	Trawl	H&L	Pot	Total
Inshore	29238	6508	7660	43406
Offshore	271	0	0	271
Total	29509	6508	7660	43677
Percentage	0.67561875	0.14900291	0.17537835	1

Area  
Western Gulf

Year 1996	Trawl	H&L	Pot	Total
Inshore	12300	3904	1663	17867
Offshore	1097	797	2	1896
Total	13397	4701	1665	19763
Percentage	0.67788291	0.23786874	0.08424834	1

Area  
Central Gulf

Year 1996	Trawl	H&L	Pot	Total
Inshore	26712	5318	10183	42213
Offshore	5302	13	36	5351
Total	32014	5331	10219	47564
Percentage	0.67307207	0.11208057	0.21484736	1

Area  
Western Gulf

Year 1995	Trawl	H&L	Pot	Total
Inshore	11017	5193	2403	18613
Offshore	2884	949	128	3961
Total	13901	6142	2531	22574
Percentage	0.61579693	0.27208293	0.11212014	1

Area  
Central Gulf

Year 1995	Trawl	H&L	Pot	Total
Inshore	23656	4710	12986	41352
Offshore	4110	14	0	4124
Total	27766	4724	12986	45476
Percentage	0.61056381	0.10387897	0.28555722	1

Sheet4

Area/Year	Trawl	H&L	Pot	Total
CG 1999	48.6	15.1	36.2	99.9
CG 1998	64	14.9	21	99.9
CG 1997	67.5	14.9	17.5	99.9
CG 1996	67.3	11.2	21.4	99.9
CG 1995	61	10.3	28.5	99.8
95-99	308.4	66.4	124.6	
Percentage 5	61.68	13.28	24.92	99.88
Area/Year	Trawl	H&L	Pot	Total
WG 1999	65.4	22.5	11.9	99.8
WG 1998	74.7	18.8	8.3	99.8
WG 1997	79	17	4	100
WG 1996	67.7	23.7	8.4	99.8
WG 1995	61.5	27.2	11.2	99.9
Total	348.3	107.2	43.8	
Percentage 5	69.66	21.44	8.76	99.86

Rick Lauber, Chairman NPFMC  
Honorable 605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, AK 99501-2252

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N.P.F.M.C

**Comments on the Bering Sea cod recent sea requirements:**

There should be no exclusion of vessels under 60 ft. under any future regulations at this time.

Under 60 ft. vessels should be exempt from restriction at this time so as to allow opportunities in the Bering Sea that until recently only larger vessels enjoyed. Vessels in the under 60 ft. category have not found p-cod fishing to be economically feasible, until very recently. This has been primarily a large boat high volume, low per lb. value, winter time fishery.

Finally there is an alternative that make fishing a under 60 ft vessel economically feasible with the fish processing capabilities at Adak.

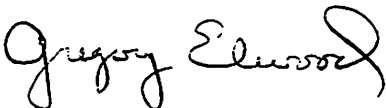
In the past fishing as Far West as Adak for p-cod meant low economic returns and a often perilous trip to Dutch Harbor.

Also, has there been such a need for the under 60 ft. vessels to have economic alternatives. With Salmon markets in serious decline, the struggle to keep your economic head above water has never been greater.

Before we move to close the door on the entrance to Bering Sea P-Cod fishery let under 60-ft. vessels fulfill the opportunities that only recently have been possible.

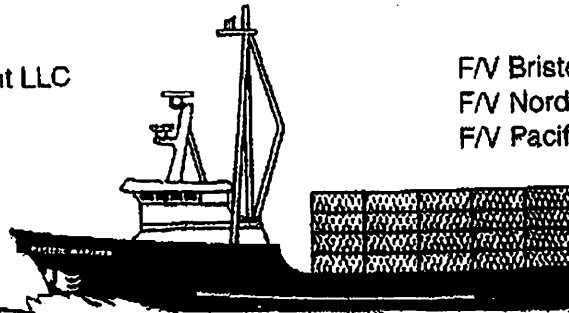
Please exclude under 60 ft. vessels from recent sea requirements for the Bering Sea P-Cod fishery.

Gregory Elwood  
Under 60 ft fishing vessel owner-operator



Kaldestad Management LLC  
F/V Aleutian Mariner  
F/V Arctic Mariner

F/V Bristol Mariner  
F/V Nordic Mariner  
F/V Pacific Mariner



5470 Shilshole Ave. N.W. #410 • Seattle, WA 98107 • (206) 783-3018 FAX (206) 783-3145

February 02, 2000

North Pacific Fishery Management Council  
605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Re: Agenda Item C-4, License Limitation Program

Dear Council Members,

I am writing concerning Amendment 67 for establishing species and gear endorsements for the Pacific Cod fishery. Our vessels have fished Bering Sea/Aleutian Island cod with pots since the early 1990's, being some of the first vessels to actively and regularly participate in the pot cod fishery. Fishing for pot cod has been traditionally a very marginal fishery with low ex vessel prices, difficulty in finding and keeping a good and stable crew and operating costs which are equal to or greater than higher value crab fisheries. Only recently has the ex vessel pot cod price crept above 30 cents, due to higher demand and reduced world wide cod stocks, which has made the pot cod fishery more attractive to participants. The recent reduction in various crab stocks has increased the opportunity for vessels to fish pot cod, including vessels which qualify with minimal landings during the qualifying years for LLP and little or none since.

Recently the Council has acted on a cod split which limits the Pot cod fishery to 18.3% of fixed gear TAC. Now the Council needs to stabilize the pot cod fleet for the dedicated pot cod vessels who have built the history for the pot cod split.

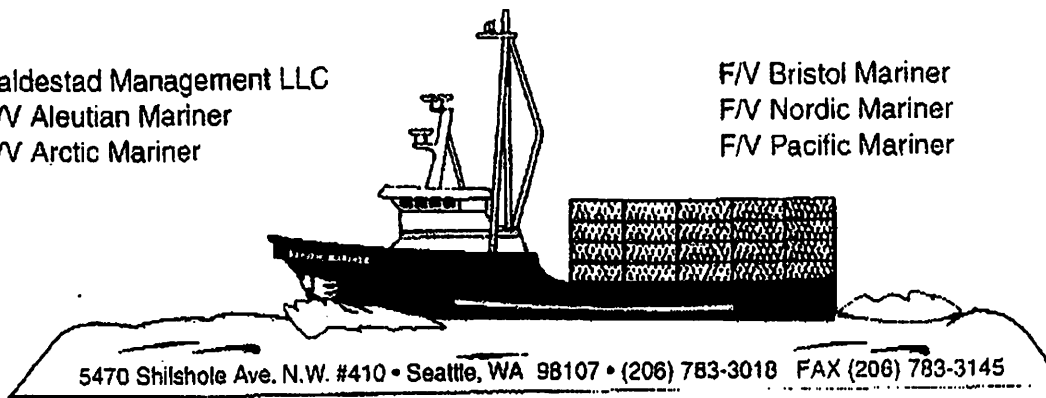
The only options which the Council should move forward for final action are: 4a, 7a, and 6b, with a minimum poundage for each alternative of 100,001 lbs. These alternatives, with the minimum poundage, leaves the pot cod fleet at 53 to 65 vessels, which although is probably more than has participated in the fishery each year, is a reasonable, manageable fleet size which can operate efficiently and economically. Setting the minimum poundage at 100,001 lbs. makes sense for the following reasons: 1) There have been historically three semester openings for pot cod and most any vessel could have made one or more throughout the year 2) A vessel could fish up to nine days a year without observer coverage (which requires effort and expense to obtain an observer) 3) With the high TACs for cod the past several years, catching 100,001 lbs. would require relatively little effort for any vessel in the cod fishery 4) To catch 100,001 lbs, a vessel would have to make a modest investment in gear modification and most likely have an RSW system which is necessary for a dedicated cod operation.

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Kaldestad Management LLC  
F/V Aleutian Mariner  
F/V Arctic Mariner

F/V Bristol Mariner  
F/V Nordic Mariner  
F/V Pacific Mariner



Another issue on this subject before the Council is the treatment of combining catch histories for the cod fisheries LLP. It is important to note that in the analysis, it states that allowing catch histories to be combined for permits will not increase the number of permits beyond what the numbers in the tables used for the analysis shows. Therefore I feel it is important to allow vessels to combine catch histories (as was done in the crab recency LLP requirement) to qualify for permits to allow for sunk vessels replacements and vessels which have purchased licenses to be able use original licenses and combine recent catch history to qualify for a permit.

Sincerely,

Kevin L. Kaldestad

Attention: Richard Lauber  
Chairman NPFMC

2/2/00

This letter is in regards to the Central Gulf ground fishery and more specifically, the Pacific Cod fishery in the Central Gulf. We own & operate a 58 ft boat that participates in the pot cod fishery in the greater Kodiak Area. We have qualified under the License Limitation Program to continue in this fishery.

The problems we are addressing are directly related to two of your agenda items and one non agenda problematic issue. The agenda items we are speaking of are C-3, the American Fisheries Act of 1998, and C-4, the License Limitation Program (LLP) of 1999.

It is widely felt that the LLP has failed in it's original intent. The broad scope of the LLP was to provide limited access to ground fish in Federal Waters. Because of it's broad qualifying definitions, the LLP has provided fishing rights to a greater number of vessels than have actually been utilizing the fishery.

It is also true that the implementation of the AFA, in 1998, has adversely affected the Pacific Cod fishery in the Central Gulf. From that piece of legislature, a significant number of vessels are now seeking a replacement fishery. Therefore they are turning to the Central Gulf, utilizing, what would be otherwise, unused LLP's.

A Third, unrelated factor, but one that plays a key role, is the decline in crab stocks in the Bering Sea. This creates an additional number of displaced boats. A number of which qualified for LLP's through token deliveries,.

What we suggest is a species endorsement for Pacific Cod in the Central Gulf. This Species Endorsement should look at several factors :

1. Long Term Participation
  - a. qualifying years 1992-1998

## 2. Level of Participation

- a. four out of six years
- b. six or more deliveries per year or  
deliveries totaling 300,000 lbs or  
more


The purpose of this Species endorsement would be to limit participation in the Central Gulf Pacific Cod fishery to vessels with long term historical participation and dependency on its resource. It would limit participation to a level compatible with the resource, in keeping with the original intent of the Limited License Program.

It would most likely benefit vessels with fishing history in the Central Gulf P-Cod fishery, Kodiak Island Borough, City of Kodiak, and Kodiak Residents. It would most likely adversely affect vessels without historical dependency on the aforementioned fishery.

Other solutions discussed have been rationalization, or IFQ's and CO-OP's, modeled after the AFA. Rationalization, or IFQ's, is under a moratorium. They have been under review and have their own inherent problems. Co-op's are a new option, but do not have a proven record to lend them credibility.

We feel that the Species Endorsement we have outlined follows the original intent of the Limited License Program. It is a vehicle to provide real and fair restrictions on a resource that is left at risk due to the shortfalls of the LLP and sideboard affects of the AFA of 1998.

Thank you for your time and review of our comment.

  
Ron & Julie Kavanaugh  
Owner/Operator  
F/V Sylvia Star  
PO Box 3890, Kodiak AK  
(907) 486-5061

**ARCTIC MARINER**  
5470 Shilshole Ave. N.W., #410  
Seattle, WA 98107

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N.P.F.M.C

February 1, 2000

Clarence G. Pautzke  
Executive Director  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, AK 99501-2252

Re: BSAI Pot Cod Endorsements

Dear Council Members,

I am writing this letter to address the issue of the BSAI Pacific Cod fixed gear allocation to pot catcher vessels. The Arctic Mariner has fished cod in the Bering Sea since 1991 and has made cod landings every year since.

At the NPFMC October meeting, the council created an allocation split between the fixed gear sectors. To determine this allocation the council used historical catch averages between the gear types for their basis. It is of my opinion that the vessels who created these historical catch averages, as well as being instrumental in the development of the fishery, are the vessels who should be included in future endorsements for the fishery.

I therefore urge the council to recognize Option 1 for qualification years - any three years of 1995, 1996, 1997 and 1998; and Option 5 under qualification landings greater than 300,000 lbs. These options can be found in Table E 1.

I believe the council would be making a fair and equitable decision in recognizing these vessels for qualification endorsements in the BSAI Pot Cod Fishery.

Respectfully,



Walter Christensen  
Owner/Operator-Arctic Mariner



**FAX# 907-271-2817**

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FEB - 2 2000  
N.P.F.M.C

**Richard Lauber, Chairman**  
**North Pacific Fisheries Management Council**

**February 2, 2000**

**re: Session 142 agenda item C-4, LLP P. cod endorsement**

**Dear Sir;**

**I am opposed to specie endorsements added to the LLP groundfish licenses. As fishermen, we need to be able to target a diversity of species to have a successful operation. This is especially true for the near shore, under 60 foot vessels.**

**Individual specie endorsements will increase bycatch and wastage which I am opposed to.**

**I qualify for a LLP and did fish cod in the Gulf of Alaska. I oppose this program also because I think that once you adopt such for the BSAI you will also get pressure and will apply the program to the GOA.**

**Thank you for stopping this bad idea.**

**Sincerely,**

**Thomas James**  
**PO Box 915**  
**Homer, AK 99603**

K & D FISHERIES  
18202 BELLEFLOWER ROAD  
BOTHELL, WA 98102

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FEB - 2 2000

N.P.F.M.C

February, 01, 2000

Clarence G. Pautzke  
Executive Director  
North Pacific Fishery Management Council  
605 West 4th, Suite 306  
Anchorage, Alaska 99501-2252

Re: BSAI Pot Cod Endorsements

Dear Council Members,

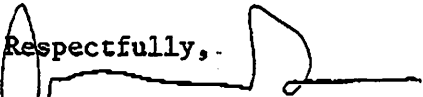
I am writing this letter to address the issue of the BSAI Pacific Cod fixed gear allocation to pot catcher vessels. The Bulldog has fished cod in the Bering Sea since 1991 and has made cod landing every year since.

At the NPFMC October meeting, the council created an allocation split between the fixed gear sectors. To determine this allocation the council used historical catch averages between the gear types for their basis. It is of my opinion that the vessels who created these historical catch averages, as well as being instrumental in the development of the fishery, are the vessels who should be included in future endorsements for the fishery.

I therefore urge the council to recognize Option 1 for qualification years - any three years of 1995, 1996, 1997 and 1998; and Option 5 under qualification landings greater than 300,000 lbs. These options can be found in Table E 1.

I believe the council would be making a fair and equitable decision in recognizing these vessels for qualification endorsements in the BSAI Pot Cod Fishery.

Respectfully,

  
Spencer Bronson  
F/V Bulldog

Jan 30, 2000

North Pacific Fisheries Mgmt Council

RE: Pac. Cod Endorsement for L.H.P., Item # C-4

I am against the Pac. Cod endorsement for vessels under 60 feet in the Bering Sea / Aleutian Islands.

I think folks in Bering Sea communities need to be free to fish in larger safer vessels. It is unfair to deny local residents the ability to upsize from their smaller boats as they can afford to, especially since the weather is so severe in the Bering Sea.

Most local folks aren't aware of this limitation program being proposed and how it might affect our ability to fish cod year round, as we may have to since the resources are dwindling.

Experience shows once these programs, like IFQs and limited entry salmon come to pass, they last forever. Please consider our future ability to provide for ourselves from the sea off our shores, in larger than 32' boats if we are to be safe out there. Thank you.

Walter Tellman  
Unalaska, Alaska. 99685

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N.P.F.M.C

B Hendrickson  
FV Martha Marie  
Box 1439  
Homer, Ak 99603-1439

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N.P.F.M.C

NPFMC, Rick Lauber Chairman  
Re: Feb 2000 agenda item C-4  
and cod LLP

Dear Sir:

I am opposed to Pacific cod endorsements and area endorsements for vessels under 60 feet in length over all. Additionally, I am against the application of the 20% maximum length rule for vessels under 60 feet.

Most of my reasons are included in Paul Seaton's letter dated January 30. I agree with everything Paul said. Furthermore, none of the LLP program for vessels under 60 feet could possibly be acceptable under National Standard #8 of Magnuson/Stevens requiring "sustained participation" of Coastal Alaskan Communities and requiring that NPFMC "minimize adverse economic impact s" against Coastal Alaskan Communities as it seeks to regulate fisheries in Federal waters.


For example, several of my fishing buddies here in Homer found that money they paid in order to purchase Groundfish Moratorium Permits in the late '90's was essentially stolen by owners of large vessels through the NPFMC LLP program, along with the Groundfish fishing rights that should have accrued to the owners of vessels under 60 feet that continued to fish the Moratoria purchased.

\* Check out the enclosed letter to RAM to find out what a ripoff LLP's are in my case. You could put 50 or 100 of my fishholds into the 20% extension on a vessel 100 to 125 feet in length. Yet when I sold my old 32 footer and bought a 43 footer I had to buy a moratorium to keep fishing cod. Now they are telling me I didn't use the right semantics to when I bought the moratorium permit for the 43 footer. We don't say "and all fishing rights" when we buy a salmon or herring permit or IFQ's. Why should Moratoriums or LLP's be any different.

I've had about all I can take from this NPFMC. I'm sorry, but I just can't afford to keep tightening my belt so that boats leasing their pollock quotas for a million or so bucks a year can come up and knock down the cod quota without having to consider the impact on small boat owners and the coastal communities they inhabit. Either start listening to the small boat owners or we will make sure that Greenpeace gets the attention of the big boat owners.

I'd say it's time to start over on a groundfish limitation program that is fair to owners of vessels under 60 feet.

Best regards,

  
Bruce Hendrickson

\* I'll send it ASAP



**From: F/V Pacific Mariner  
c/o Five K Fisheries  
8554 NE Point-No-Point Rd.  
Hansville, WA 98340**

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**FEB - 2 2000**

**N.P.F.M.C**

**To: Clarence G. Pautzke  
Executive Director  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501-2252**

**Re: BSAI Pot Cod Endorsements**

**February 2, 2000**

**Dear Council Members,**

I am writing this letter to address the issue of the BSAI Pacific Cod fixed gear allocation to pot catcher vessels. I have fished in the Bering Sea for crab since 1978. Upon seeing the overcapitalization of the crab fishery, we began fishing cod with pots in 1991 and every year since.

At the N.P.F.M.C. October meeting, the council created an allocation split between the fixed gear sectors. To determine this allocation the council used historical catch averages between the gear types for their basis. It is of my opinion that the vessels that created these historical catch averages are the vessels that should be endorsed to participate in the fishery.

I urge the council to approve Option 1 for qualification years – any three years of 1995, 1996, 1997, and 1998; and option 5 under qualification landings greater than 300,000 lbs.

I believe the council would be making a fair decision in recognizing these vessels for qualification endorsements in the B.S.A.I. Pot Cod Fishery. This decision would also halt the creation of yet another overcapitalized and exploited fishery.

**Respectfully,**

**Ronald Loyd  
Owner/Operator  
F/V Pacific Mariner**

January 21, 2000

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JAN 24 2000

N.P.F.M.C

Richard Lauber, Chairman  
North Pacific Fisheries Management Council  
605 West 4<sup>th</sup> Ave, Suite 306  
Anchorage, Alaska 99501-2252

In re: LLP Rights of F/V Bristol Storm

*Fax: (907) 271-2817*

Dear Mr. Lauber:

I am writing you this letter to address a concern that I have regarding the LLP Groundfish rights relative to my *lost* vessel the Bristol Storm. My vessel the Bristol Storm sank on November 4, 1996 while fishing crab in the Bering Sea. On March 4 & 5, 1995 I had entered into the pot cod fishery and had made two (2) significant landings prior to taking the vessel to the shipyard. These landings allowed the vessel to qualify under the LLP program.

Immediately following the sinking of the Bristol Storm I located another vessel which was suitable for the Bering Sea Crab and Ground Fish fisheries, the F/V Warrior. Unfortunately, there had been an administrative error made upon the moratorium certificate issued by NMFS. The error indicated that the MLOA of the Bristol Storm was 152 feet. The vessel which I had located as a replacement vessel was 147 feet. The Agency did afford me a prompt hearing as I had contested the fact that once they discovered the error they re-issued the Moratorium Certificate. The Agency re-issued the Moratorium Certificate to state the MLOA of the Bristol Storm was actually 126 feet the same as her actual length.

The result was that I was not able to go forward with the retrofit of the replacement vessel, the F/V Warrior, which would have allowed me to immediately return to fishing. The owners of the vessel declined interest in the project when they realized that my fishing rights would not work with their vessel, even if an interim permit were issued. The Agency issued their written opinion on January 3, 2000. I am enclosing a copy of that opinion which reiterates the aforementioned discussion.

I looked diligently for the next year and a half before finding a vessel to purchase. In September of 1998 I purchased the F/V Endurance and immediately began fishing. In the Spring of 1999 immediately following the Opilio season the Endurance fished for Cod using the Moratorium rights from my *lost* vessel the Bristol Storm.

At this time I understand that the council has not made a final decision regarding a "grandfather provision" for a vessel that sank after the LLP qualifying date of June 17, 1995 yet was replaced and began fishing before December 31, 2000. This issue came up during the recent participation discussion of the council in the fall of 1998 as to crab. The council implemented an exemption for a vessel which qualified, sank after the moratorium cut off date and was replaced.

I am requesting that the council implement an exemption for the Bristol Storm's Cod LLP for the reasons enumerated above and reiterated below:


1. The vessel sank due to no fault of the owner.
2. The vessel owner immediately attempted to re-enter the fishery with the F/V Warrior. This attempt failed when the NMFS corrected their error on the Maximum Length Overall [MLOA] of the fishing rights of the Bristol Storm.
3. A replacement vessel the F/V Endurance was purchased and immediately began fishing in September 1998. This replacement occurred within the two (2) year time period provided by the Internal Revenue Service.
4. At the time the Endurance was purchased I detrimentally relied upon the fishing rights "specifically granted" on the Moratorium Certificate, ie., ground fish through the usage of Pots.

It would be inconsistent with the history of this council to deny a fisherman fishing rights simply because his vessel sank and he missed a subsequent qualification period, yet replaced the vessel within the time frame set forth by the I.R.S and immediately commenced fishing. If the Endurance loses her LLP rights under a Recent Participation Amendment significant economic harm will occur, possibly bankruptcy. I request that you reconsider a *limited exemption* for those vessels that sank after June 17, 1995 and were replaced and commenced fishing within the time required by the I.R.S.

Pursuant to the information that I have the Bristol Storm may be the only vessel that would come within this limited exemption. If the Bristol Storm had not sank unquestionably the vessel would have qualified for Cod under any imaginable Recent Participation clause.

Thank you for your attention to this matter. If possible could you please circulate this letter to other members of the council. I am making the required number of copies. I am available to discuss this matter with you or other members of the council at anytime. I can be reached 24 hours per day at (206) 890-1794 or in the evenings at (206) 367-0982.

Very truly yours,

  
Anthony M. Urie  
President, Endurance Fishing  
Co. of Alaska, Inc.



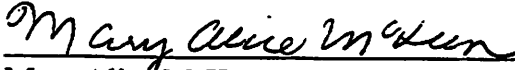


the moratorium permit and qualification of the vessel's MLOA as 151 feet<sup>1</sup> and invested substantial sums of money to retrofit a 148 foot vessel so that the 148 foot vessel could operate in the moratorium crab fisheries and receive a moratorium qualification by transfer from the F/V BRISTOL STORM.

The Moratorium Program ended December 31, 1999. Therefore, the question of whether AMU has proven that the government should be estopped from applying duly promulgated regulations to its application is moot and the appeal should be dismissed.<sup>2</sup>

This Dismissal is not a decision on the merits of any issues raised in this Appeal. This Dismissal also does not affect Appellant's right, if any, under the North Pacific License Limitation Program (LLP), 50 C.F.R. § 679.4(k). The LLP rights of the F/V BRISTOL STORM, if any, will be based on the fishing history of the vessel and the regulations of the LLP program, not on whether the vessel received a final moratorium permit or transferable certificate of moratorium qualification.

Therefore, the appeal is DISMISSED with prejudice. This Dismissal takes effect immediately.

  
Mary Alice McKeen  
Appeals Officer

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<sup>1</sup> For four months (from May 17, 1996 to November 20, 1996), AMU had a final vessel moratorium permit and a transferable certificate of moratorium qualification for the F/V BRISTOL STORM which listed 151 feet as the vessel's MLOA.

<sup>2</sup> This Office addressed claims of government estoppel in Sherry L. Tuttle and Lori Whitmill, Appeal No. 96-0010, December 3, 1999, Samish Maritime, Inc., Appeal No. 96-0007, December 2, 1999, Samish Maritime, Inc., Appeal No. 96-0008, December 2, 1999, Jamie Marie, Inc., Appeal No. 96-0086, December 2, 1999. The two Samish decisions are virtually identical.

**MUNDT MACGREGOR LLP.**  
A T T O R N E Y S A T L A W

Jay H. Zulauf  
Henry Howard Happel III  
Wm. Paul MacGregor  
J. David Stahl  
Matthew L. Fick  
Joseph M. Sullivan  
Lisa Riveland Pagán

Janet H. Chetani  
OF COUNSEL

999 Third Avenue - Suite 4200  
Seattle, Washington - 98104-4082

Telephone (206) 624-5950  
Facsimile (206) 624-5469

February 3, 2000

John H. Chun  
Christopher S. McNulty  
Joe B. Stansell  
Christopher R. M. Stanton  
Melissa A. Weiland  
Libby A. Williams

Mr. Richard Lauber  
Chairman  
North Pacific Fishery Management Council  
605 West Fourth Street, Suite 306  
Anchorage, Alaska 99501-2252

Re: Agenda Item C-4 - License Limitation Program: Cod Species / Area  
Endorsements

Dear Chairman Lauber:

Enclosed is a memorandum in support of our request that the Council incorporate a "grand father" clause into the fixed gear cod LLP amendments its is considering. Please have it included in the notebooks for the February 2000 meeting.

Very truly yours,

MUNDT MacGREGOR L.L.P.

  
Joseph M. Sullivan

JMS:tes  
Enclosure

\\MUNDT\USERDOCS\JMST\FLAUBER-1773.005A.DOC

## **A Proposal to Exempt Recently Purchased Vessels from the Recent Participation Criteria Under Consideration for the BSAI Fixed Gear Pacific Cod Fishery**

An exemption from recent participation requirements in the BSAI fixed gear Pacific cod fisheries for catcher processor vessels that have been recently transferred is proposed as follows:

Exempt from the recent participation and landings requirements for BSAI Pacific cod species and gear endorsements all catcher processor vessels that—

- (i) met the original License Limitation Program general qualifying period and area endorsement period requirements for BSAI groundfish, non-trawl, catcher-processor endorsements and designations
- (ii) applied for and received an interim or transferable license for groundfish as a C/P in the BSAI
- (iii) were purchased between July 1, 1997 and December 31, 1998 with the express purchaser intent of being employed in the BSAI fixed-gear Pacific cod fishery as evidenced by;
  - (a) execution and delivery of a U.S. Coast Guard Bill of Sale and subsequent recording of the Bill of Sale in the U.S. Coast Guard Abstract of Title on or before December 31, 1998, and
  - (b) documented processing equipment and/or vessel modification or improvement investments of not less than \$100,000 that are specific to groundfish (gear purchases would not count for purposes of the \$100,000 threshold), and
- (iv) were employed as a catcher vessel or a catcher processor in the BSAI fixed gear Pacific cod fishery during 1999.

Gear designations for these vessels would be based on the gear employed during the year in which the Council's final decision is made. If both pot and longline gear were used in the Pacific cod fixed gear fishery, then the gear designation would be determined by the gear with the higher catch volume of Pacific cod.

This proposal is made with the expressed intent of allowing the new owners of two catcher-processor (C/P) vessels to have a chance to recoup the vessel purchase and shipyard investments they made in 1997, 1998, and 1999 pursuant to the rules and regulations of the Council's License Limitation Program (LLP) that were in place or proposed at the time the initial investments were made. The two C/Ps that are known to benefit from this exemption are the *F/V Horizon* (formerly the *F/V Pengwin*) and the *F/V Westward Wind*. Both of these catcher-processors made landings that will qualify them in the original BSAI Groundfish LLP (as approved in June 1995) with C/P designations and with area endorsements for the Bering Sea (BS) and Aleutian Islands (AI). Under the October 1998 Amendments to the LLP these vessels would receive non-trawl gear endorsements. Both vessels were issued interim permits by NMFS to participate in the AI and BS in 2000 as C/P vessels.

The proposed exemption is similar to exemption that was before the Council at its December 1999 meeting with some minor changes for clarification. Changes include the following:

1. Specific guidelines for documenting the vessel transfer have been added. In the new language, the U.S. Coast Guard Bill of Sale must have been completed on or before December 31, 1998, and that Bill of Sale must have subsequently been recorded on the U.S. Coast Guard Abstract of Title on or before December 31, 1998. This language will preclude speculative transfers or post-dated transfers that were not duly recorded from entering the fishery.
2. Participation in 1999 must have occurred in the BSAI Pacific cod fixed gear fishery. This clarifies the earlier version that would have recognized participation in any fixed gear fishery.
3. Participation in 1999 as either a catcher vessel or as a catcher processor will be recognized. This clarifies the earlier version, which may have been interpreted to exclude participation in 1999 as a catcher vessel from qualifying the vessel with its C/P designation intact.
4. The exempted vessels would receive either longline gear designations or pot gear designations but not both. The designation would be based on the dominant gear used in the BSAI fixed gear Pacific cod fishery during

the year in which the Council makes its final decision. It should be noted this language could be changed to reflect the dominant gear used in 2000 through February 5, the week-ending date prior to the beginning of the February Council meeting. In either case the *F/V Horizon* would receive a longline gear designation and the *F/V Westward Wind* would receive a pot gear designation.

5. The other provision stating that \$100,000 dollar worth of additional investments (excluding fishing gear investments) has been left unchanged. This provision makes it clear that significant additional investment in the vessel as purchased must have been made in order that the vessel qualify.

### **Recent History of the *F/V Horizon* and the *F/V Westward Wind***

Neither the *F/V Horizon* nor the *F/V Westward Wind* would qualify for licenses under most of the recent participation criteria under consideration by the Council. The former owners of both of these vessels chose not to participate in the fisheries during the years 1996 and 1997.

In the case of the *F/V Horizon* (formerly the *F/V Pengwin*), the former owner was a bank that had acquired ownership through a foreclosure. During its tenure as owner from through most of 1998 the bank kept the vessel tied up. The current owner of the *F/V Horizon*, did not receive possession of the vessel until September 1998, at which time it was put into the shipyard to be refurbished. On December 18, 1998 the U.S. Coast Guard Bill of Sale was completed. It was recorded on the U.S. Coast Guard Abstract of Title on December 31, 1998. The business plan of the *F/V Horizon*, with which it was able to secure financing, calls for it to function as a crab catcher vessel and freezer longliner. In 1999, the *F/V Horizon* left the shipyard before it completing its refurbishing and outfitting as a freezer longliner in order to participate in the Opilio fishery in early 1999. In the Opilio fishery it experienced a major leak in the cargo hold, and lost a propeller. The *F/V Horizon* spent the summer of 1999 in the shipyard and returned to the Bering Sea in the fall to participate in the King Crab fishery and the BSAI Pacific cod fixed gear fishery, in which, it participated as a pot catcher vessel. It was not feasible to outfit the vessel with longline gear following the crab fishery in time to participate in the 1999 BSAI fixed gear Pacific cod fishery.

In the case of the *F/V Westward Wind*, the former owner, Tyson Seafoods, elected to keep the vessel, along with several sister ships, out of the fishery following the 1995 fishing season. The *F/V Westward Wind*, was put up for sale and in December 1997 was purchased by Highland Light Seafoods, who intended to the vessel to participate in the crab fisheries and as a catcher processor in the BSAI Pacific cod fixed gear fishery. In January of 1998 the U.S. Coasts database indicates a vessel transfer. Unlike the *F/V Pengwin*, the *F/V Westward Wind* was relatively seaworthy but still required engine and repair work prior to going to sea. The *F/V Westward Wind* was able to participate in the Opilio fishery in the spring of 1998. From April 1998 through August 1998 it was in the Seattle for additional refurbishing and updating of the processing equipment and deck gear. In October 1998 it fished as a freezer longliner in the BSAI cod fishery and then participated in the St. Matthew King Crab fishery in November. In 1999 it fished the Opilio fishery, then returned to Seattle where it was reconfigured to operate as a pot catcher processor in the BSAI Pacific Pacific cod fishery. The *F/V Westward Wind* participated in the cod pot fisheries from April 1999 through June 1999, and from September 1999 through the first week in October 1999. It then fished the Bristol Bay Red King Crab fishery. In 2000 the *F/V Westward Wind* is participating as a pot catcher processor in the BSAI Pacific cod fixed gear fishery.

### **The Need For Action**

The current owners of the two vessels that are proposing the exemption have participated in and followed the Council process for many years. Both owners knew and understood the regulatory environment and closely followed the Council's actions regarding its LLP program. In December 1997, they noted the Council's intent to examine the idea of requiring recent participation in the crab and groundfish fisheries. In February 1998 they watched as the Council decided to exclude recent participation criteria in the groundfish fisheries from further consideration in its proposed amendments to the LLP program, even after additional requirements were recommended by the Advisory Panel (AP).

For the current owner of the *F/V Horizon*, the Council's decision in February to drop further consideration of recent participation for the groundfish LLP was essentially a green light to commit to the vessel's purchase. Similarly the new owner of the *F/V Westward Wind*, was convinced that additional investments in the cod processing ability of his vessel would not be ill-advised.

In October they watched as the Council approved the amendments to the Groundfish and Crab LLP. While the amendments included an exemption from the recent participation criteria in crab fishery for vessels with transfers of fishing history, the amendments did not even hint of further qualifying criteria for vessels wishing to participate in the BSAI cod fishery. It was not until the February 1999 Council meeting that the specter of additional participation requirements arose. By then however the owners of the *F/V Horizon* and the *F/V Westward Wind* had each invested more the \$1 million in their vessels.

If the Council, approves any of the additional participation criteria for fixed gear catcher processors, the *F/V Horizon* would be excluded from participation as a C/P. The *F/V Westward Wind* would be excluded from participating as a freezer longliner under all of the options, but would possibly qualify depending on the option chosen as a Pot C/P with options that rely on 1999 fishing history.

In summary, the vessel owners that have proposed this exemption have closely followed the Council process over the years, and have made their investment decisions relying on actions and decisions by the Council, NMFS and the Secretary of Commerce. In particular, they relied on the fact that in February 1998, the AP approved a motion to assess additional participation requirements for both the Groundfish and Crab LLP programs. At that meeting the Council chose to limit the analysis of additional participation requirements to the Crab LLP program. The fact that the Council did not ask that additional participation requirements be considered for the Groundfish LLP program was taken by the affected parties to mean that the significant investments they were considering would not be nullified by a Council action affecting their ability to participate in the fisheries in the future.

The Council, NMFS and the Secretary of Commerce must assume that their actions affect the business decisions of affected parties. Furthermore, affected parties must be able to take actions with a reasonable assurance that pronouncements of the Council, NMFS and the Secretary of Commerce will hold. Without this mutual recognition of responsibility, the regulatory process will suffer immeasurably.

### **Questions and Answers Regarding the Exemption**

The Council's preliminary assessment of the proposed exemption, which was presented to the Council in December 1999, posed several questions. Answers to these questions are included in this section.

*Why must a vessel have been purchased, as opposed to the existing owner making an investment to fish cod?*  
Current owners of vessels, even if purchased just prior to July 1, 1997 are likely to have had ample time to have participated in the fishery, and still qualify under the recent participation criteria, if indeed they planned on participating in the BSAI fixed gear fishery in the future.

*Why was the July 1 1997 through December 31, 1998 time period for vessel purchases selected?* The two vessels that are sponsoring the exemption were purchased within this time window. Both of these vessels required significant amount of shipyard work to before being able to participate. July 1, 1997 was selected because vessels that were purchased prior to that date are likely to have had ample time to enter the BSAI Fixed gear Pacific cod fishery in 1998. A vessel purchased on June 30, 1997 would have had nine months for shipyard work and nine months to make qualifying landings. Vessels purchased in 1999, are more likely to have been speculative purchases, particularly given indications in February 1999 that the Council would be once again considering additional participation criteria for continued participation in the BSAI fixed gear Pacific cod fisheries.

*What documentation will be required to prove at least \$100,000 worth of investment to participate in the fishery?*  
It is anticipated that properly signed invoices and contracts for purchases of goods and services necessary (excepting purchases of fishing gear) to outfit a vessel for participating as a catcher processor in the BSAI fixed gear fishery would be required. Furthermore, it is anticipated that a hearings officer will adjudicate on such matters and will establish criteria for evidence.

*Why is \$100,000 the appropriate minimum level of investment?* It is reasonable to assume that a vessel owner that can document this level of investment in addition to the full purchase price of the vessel is serious about using the vessels to participate in the fishery. Investments less than \$100,000 are more likely to be considered general maintenance and repairs rather than a serious investment to refurbish the vessel.

*Why should these vessels be grandfathered in, when other vessels that have been fishing cod in recent years may get excluded from the fishery, depending on the minimum landing requirements?* The vessels that may benefit from the exemption may fail to qualify, not by their current owner's choices and decisions, but by the choices and decisions of persons or institutions outside of their control. A vessel that was not transferred and that would not

qualify, would fail to meet the additional participation requirements because of its owner's business decisions. If vessels that had not been transferred are truly dependent on the BSAI fixed gear C/P Pacific cod fishery, then they would have been participating in that fishery at a level that would demonstrate that reliance. The key point is that vessels that have undergone recent transfers, could fail to qualify because of factors outside of their current owner's control, even though those owners have closely followed and adhered to the actions and decisions of the Council, NMFS and the Secretary of Commerce.

How many vessels would qualify because of the exemption? The answer to this question is not clear. At its December meeting Council staff reported that preliminary information based on the best available information. In discussions during the meeting it was determined that ambiguities in the proposed language led analysts to make assumptions that were unintended by the proposers of the exemption—the analysts assumed that 1999 participation had to have been as a C/P, while the proposers assumed that participation as a CV or as a C/P would be sufficient. Furthermore, a request to the U.S. Coast Guard for Abstract of Title information indicated additional inconsistencies.

In response to the apparent lack of definitive information, Table 1 on the following page has been developed using publicly available information from NMFS. While the table is not definitive provides a set of information that may be useful in discussions of the proposed exemption. Table 1 indicates that there were 42 currently licensed C/Ps that were observed to have targeted Pacific cod with fixed gear in the BSAI in 1999 according to NMFS Vessel Specific Bycatch Data. The 42 vessels include 4 vessels that have not (as of 1/22/00) been observed as participating in the longline fishery for Pacific cod including the *F/V Horizon*, one of the sponsors of the exemption (shown in the shaded cells). As indicated earlier the *F/V Horizon's* business plan calls for it to participate as a freezer longliner if the exemption is approved. Table 1 also indicates there were 5 vessels observed in the fishery that used both hook and line (HAL) and pot gear over the years, including the *F/V Westward Wind*. The *F/V Westward Wind* would continue to participate as a pot catcher processor if the exemption is approved.

The vessel specific bycatch information relies on observer data. Since vessels less than 125 feet do not have 100 percent observer coverage, it is possible that some additional vessels may qualify as C/Ps in the BSAI fixed gear Pacific cod Fishery. According to NMFS records, 30 additional vessels that are less than 125 feet have been issued licenses with C/P designations and endorsements for the BS or AI (See Table 2). Many of these vessels are likely to be trawl vessels. While these vessels were not observed in the BSAI fixed gear fishery in 1999, it is still possible that they might qualify under the recent participation criteria.

It is very likely that knowledgeable members of the industry could make a reasonable estimate of the number of qualifying vessels under the recent participation criteria and the number of vessels that may benefit from an exemption using the vessels listed in Table 1 and Table 2.

*Derivation of Table 1:* Table 1 uses data from the "Vessel Specific Bycatch Rates" postings on NMFS internet site as a proxy for actual catch data. The vessel specific bycatch data was filtered to include all vessels that were observed to have made fixed gear hauls targeting Pacific cod in the BSAI in 1999. The filtered list of BSAI Pacific cod fixed gear vessels from 1999 was combined with the vessel specific bycatch rate data for the years 1996 through 1998 and for 2000 (through 01/22/00). The combined haul data was set then matched to the "List of groundfish LLP licenses" from the NMFS Internet site. The list of groundfish LLP licenses includes all vessels that were issued either an interim or transferable groundfish licenses with endorsements in the BS or AI and C/P designations. Because the application period is closed and because NMFS has issued all interim permits that it intends to issue, it is extremely unlikely that any additional vessels could receive a C/P designation in the future.

It should be noted that 4 vessels that were observed to have made BSAI fixed gear Pacific cod hauls in 1999 were not issued licenses as originally qualifying vessels. However, the owners of these four vessels are listed as having received licenses for other vessels that carry the appropriate designations and endorsements. Table 1 assumes that licenses issued to the qualifying vessels will be used on the vessels that are currently participating. The notes in Table 1 provide additional details regarding this issue.

*Derivation of Table 2:* Table 2 shows all vessels less than 125 feet MLOA, that were not observed participating in the BSAI Fixed Gear Fishery in 1999, but which are included in NMFS list of groundfish LLP licenses. To be included in Table 2 the vessels must have been issued a C/P designation and Area Endorsements for the BS or AI.

**Table 1. Observed BSAI Fixed Gear Pacific Cod Hauls of Licensed C/Ps from 1996-2000;  
A Vessel Must Have Been Observed Targeting Pacific Cod in a Fixed Gear Fishery in 1999 to be Included**

Item	Vessel Name	License Type	Gear	Number of Observed Hauls				
				2000	1999	1998	1997	1996
1	Alaska Mist	Interim	HAL / POT	37 / #NA	332 / 12	373 / 0	317 / 0	246 / 0
2	Alaska Patriot	Transferable	HAL	17	99	165	210	188
3	Alaska Pioneer	Transferable	HAL	18	114	165	203	163
4	Alaskan Leader	Transferable	HAL	34	426	326	356	262
5	Aleutian Lady	Interim	HAL / POT	#NA / #NA	59 / 21	62 / 7	94 / 40	0 / 202
6	Aurous	Interim	HAL	#NA	35	0	28	18
7	Baranof	Transferable	HAL	#NA	200	312	214	256
8	Beauty Bay	Interim	HAL	32	21	0	120	133
9	Bering Prowler	Interim	HAL	#NA	259	17	0	0
10	Blue Fin	Transferable	POT	#NA	13	19	41	40
11	Blue North	Interim	HAL	28 / #NA	128 / 23	300 / 0	328 / 75	325 / 0
12	Blue Pacific	Interim	HAL	19	255	459	383	213
13	Bristol Leader	not listed <sup>1</sup>	HAL	26	544	139	0	0
14	Clipper Endeavor	interim	HAL	12	98	121	198	124
15	Clipper Epic	interim	HAL	26	180	349	216	205
16	Clipper Surprise	transferable	HAL	18	85	169	156	127
17	Courageous	transferable	HAL / POT	15 / #NA	211 / 9	285 / 51	281 / 0	196 / 178
18	Deep Pacific	transferable	HAL	#NA	75	89	153	274
19	Frontier Explorer	transferable	HAL	28	177	323	349	229
20	Frontier Mariner	transferable	HAL	21	198	237	247	229
21	Frontier Spirit	Transferable	HAL	19	169	292	370	322
22	Galaxy	not listed <sup>2</sup>	HAL	49	368	511	0	0
23	Gulf Maiden	Interim	HAL	#NA	8	0	0	0
24	Hessafjord	Transferable	HAL	#NA	203	542	563	306
25	Horizon	Interim	POT	#NA	6	0	0	61
26	Kjevolja	Transferable	HAL	#NA	228	155	149	145
27	Lilli Ann	Transferable	HAL	31	185	276	363	315
28	Melissa Beth	Interim	HAL	#NA	21	31	12	32
29	Mr B	not listed <sup>3</sup>	POT	#NA	12	35	0	0
30	North Cape	Transferable	HAL	26	44	0	57	94
31	Northern Aurora	Interim	HAL	27	206	210	296	293
32	Norton Sound	Interim	HAL	30	408	439	319	241
33	Ocean Prowler	Interim	HAL	36	302	433	322	250
34	Pacific Lady	not listed <sup>4</sup>	HAL / POT	20 / #NA	216 / 37	141 / 0	125 / 0	0 / 0
35	Pathfinder	Transferable	HAL	19	344	275	378	160
36	Pavlof	Transferable	POT	#NA	18	0	14	91
37	Prowler	Interim	HAL	#NA	267	170	145	114
38	Seattle Star	Interim	HAL	17	123	256	288	285
39	Storfjord	Interim	HAL	18	204	371	416	287
40	U.S. Liberator	Interim	HAL	27	342	282	94	0
41	Westward Wind	Interim	HAL / POT	#NA / #NA	0 / 127	17 / 0	0 / 0	0 / 0
42	Zenith	Transferable	HAL	#NA	162	217	101	167

Sources: NMFS-RAM Listing of Groundfish Licenses (available on the Internet at [www.fakr.noaa.gov](http://www.fakr.noaa.gov)), NMFS-SFD Vessel Specific Bycatch Rates available (on the Internet at [www.fakr.noaa.gov](http://www.fakr.noaa.gov)).

Notes: Shaded cells shows the participation of the exemption sponsors.

1. F/V Bristol Leader appears to have acquired fishing rights from F/V New Star.
2. F/V Galaxy appears to have acquired fishing rights from F/V Northern Empire.
3. F/V Mr B appears to have acquired the fishing rights from F/V Aleutian Enterprise.
4. F/V Pacific Lady appears to have acquired the fishing rights from F/V Northern Lady.

**Table 2. Licensed C/P with BS or AI Endorsements and MLOA < 124 Feet  
That Were Not Observed in the BSAI Fixed Pacific Cod Fishery**

Item	Vessel Name	License Owner	License Type	Endorsements	MLOA
1	Tava	Schafer, Vincent	Interim	BS SE WG	50
2	Cape Falcon	Larson, Kristi	Interim	BS CG SE WG	58
3	Sea Dog	Moilanen, Donald	Interim	BS CG SE	59
4	Spectre	Hubbard, James	Transferable	BS CG SE WG	59
5	Sundancer	McVicker, John	Interim	AI BS CG	74
6	Sunset	Aritan, Murat	Interim	BS CG WG	77
7	Sundancer	Two Parties Applied	Interim	AI BS CG SE WG	79
8	Jessica B	Marathon Fisheries, Inc.	Interim	AI BS CG SE WG	92
9	Rebecca B	Apicda Joint Ventures, Inc.	Interim	AI BS CG WG	94
10	Kema-Sue	Cartwright, Jack	Interim	AI BS CG WG	96
11	Muir Milach	Muir Milach, Inc.	Interim	AI BS CG WG	103
12	Eagle	Eagle, Inc.	Interim	AI BS CG WG	103
13	Augustine	Augustine Partnership	Interim	AI BS CG SE WG	108
14	Pacific Breeze	Nornes, Peder	Interim	AI BS CG WG	108
15	Judi B	Alaska Sablefish, Inc.	Transferable	AI BS CG WG	110
16	Blue Ice	Golden Sable Fisheries Inc	Interim	AI BS CG	113
17	Harmony I	Two Parties Applied	Interim	AI BS CG WG	113
18	St Jude	Malley, Joseph	Interim	AI BS CG	114
19	Wild Thing	Wild Thing Marine Ltd	Transferable	AI BS CG	118
20	Golden Pisces	Golden Pisces, Inc.	Transferable	BS CG	118
21	Arctic Rose	Arctic Sole Seafoods, Inc.	Interim	BS CG WG	122
22	North Star	Mathisen, Richard	Transferable	AI BS	124
23	Alaskan Shores	Two Parties Applied	Interim	AI BS CG	124
24	Vaerdal	Jubilee Fisheries, Inc.	Transferable	AI BS CG WG	124
25	Lady Gudny	Laxfoss, Kristjan	Interim	AI BS CG WG	124
26	Michelle Renee	Farwest Leader, Inc.	Interim	AI BS CG WG	124
27	Silver Spray	Silver Spray Seafoods, Llc	Interim	BS CG	124
28	Beagle	Beagle Enterprises L.P.	Interim	BS CG WG	124
29	Alliance	Alliance Fishing, Inc.	Interim	BS CG WG	124
30	Defender	O'hara Corporation	Interim	BS CG WG	124

Sources: NMFS-RAM Listing of Groundfish Licenses (available on the Internet at [www.fakr.noaa.gov](http://www.fakr.noaa.gov)), NMFS-SFD Vessel Specific Bycatch Rates available (on the Internet at [www.fakr.noaa.gov](http://www.fakr.noaa.gov)).



February 1, 2000

Glen Carroll  
Box 551  
Homer, Alaska 99603

Chairman Richard Lauber  
North Pacific Fishery Management Council  
605 West 4th Avenue  
Anchorage, Alaska 99501

**RECEIVED**  
FEB - 2 2000  
N.P.F.M.C

Dear Mr. Lauber,

So that you may know where I'm coming from, I will briefly say I am a small boat owner and have been involved in the pot cod fishery in Cook Inlet for several years. I have worked to develop a fresh whole round cod market shipped daily to Korea. I have lived in Homer all my life and have fished for a living for 40 years.

What I would like you to consider is the impact of the NPFMC's past actions and the effect of the closure of the Bering Sea Opie season. As I look around it seems the council has created some boundaries and stability to certain fisheries, such as the IFQ system, the pollock fisheries, the CDQ system, etc. Is the cod fishery unworthy of similar consideration? I have heard that in the pollock regulations the council has been very concerned with the impact on other fisheries. Please consider the effect of the IFQ program on those of us who have none. In the last few years I have heard many ways of using IFQ's to leverage into huge advantages such as gaining salmon tendering contracts, herring markets, etc. A man just told me the other day he was sure he would not be put on limits if the docks were flooded with cod because he knew that his processor wanted his halibut and black cod----other boats would be shut down, but not him!. This goes on and on. Imagine a loan package backed by 40 or 80,000 pounds of IFQ's.

I am being desperately impacted by this situation. I am not sure if I will survive as a cod fisherman after this year. It is frustrating to try to run a business when things change so rapidly. Somehow it just doesn't seem right that the crab fleet, having had million dollar seasons while they cleaned the crab out of the Bering Sea, should now be allowed to land on

the cod fishery, turning it into a derby.

The license limitation plan may be helping but it seems to have some "holes". First, many boats were allowed to make token deliveries and get a license, having never really participated in the fishery. Secondly, those that didn't qualify have not been limited - they just fish in State waters, compounding the problem further. This concentration of additional gear has a serious impact on us. The net effect of this is a total backfiring of the intent of License Limitation.

I don't want to point out these problems without offering solutions. There are several.

1. An IFQ program for cod.
2. A License Limitation plan without the "holes" mentioned earlier.
3. A 58' limit with a grandfather clause for those that really participated.
4. Pot limits.
5. Staggered Quota - additional effort speeds up the quote being caught, thus Cook Inlet gets a smaller share as we have the last spawning area.

Thank you for your consideration.



Glen Carroll

RECEIVED  
FEB - 1 2000  
N.P.F.M.C

February 1, 2000

To: North Pacific Council Chairman and Members

Please take no action on the proposal for a split in the GUA pacific cod TAC between gear types at this time.

This fishery has been managed under one TAC for all gear types to equally compete. If changed there are many issues which need to be addressed. This fleet is not completely defined by gear type. There has been a lot of cross over between gear types in recent years. Some vessels using more than one gear type in a single year.

The LLP permits which we are operating under this year have no species requirements. With so many non-trawl permits that have no history in this fishery. It could unfairly impact historical participants of the fixed gear sector.

As a fishery largely made up of vessels home ported in our community. We have all worked together very well with respect for each other, with little conflict. To have a gear split in the quota, would drive a wedge through our community and the different gear segments of it.

In the review of this proposal, questions should be raised as to what is really going on in this fishery. This fishery needs, at the very least, thirty percent observer coverage specific to this species per quarter. The 3A halibut quota is being reduced, why is the amount allowed for bycatch in this fishery not being reduced?

We all feel the growing pressure on this fishery. This proposal is not a solution to this. Recently there has been talk in our community about some type of management system based on individual catch history. This seems like more of a direction to protect all the participants of this fishery. And would naturally divide the TAC based on each qualified individuals gear type.

Thank you,



Matt Hegge

To: North Pacific Fisheries Management Council

From: Oluf Vedoy, owner/operator C/P Blue Fin

Date: February 12, 2000

Re: BSAI Pacific Cod Fixed Gear Split / Gear Endorsements

**Background**

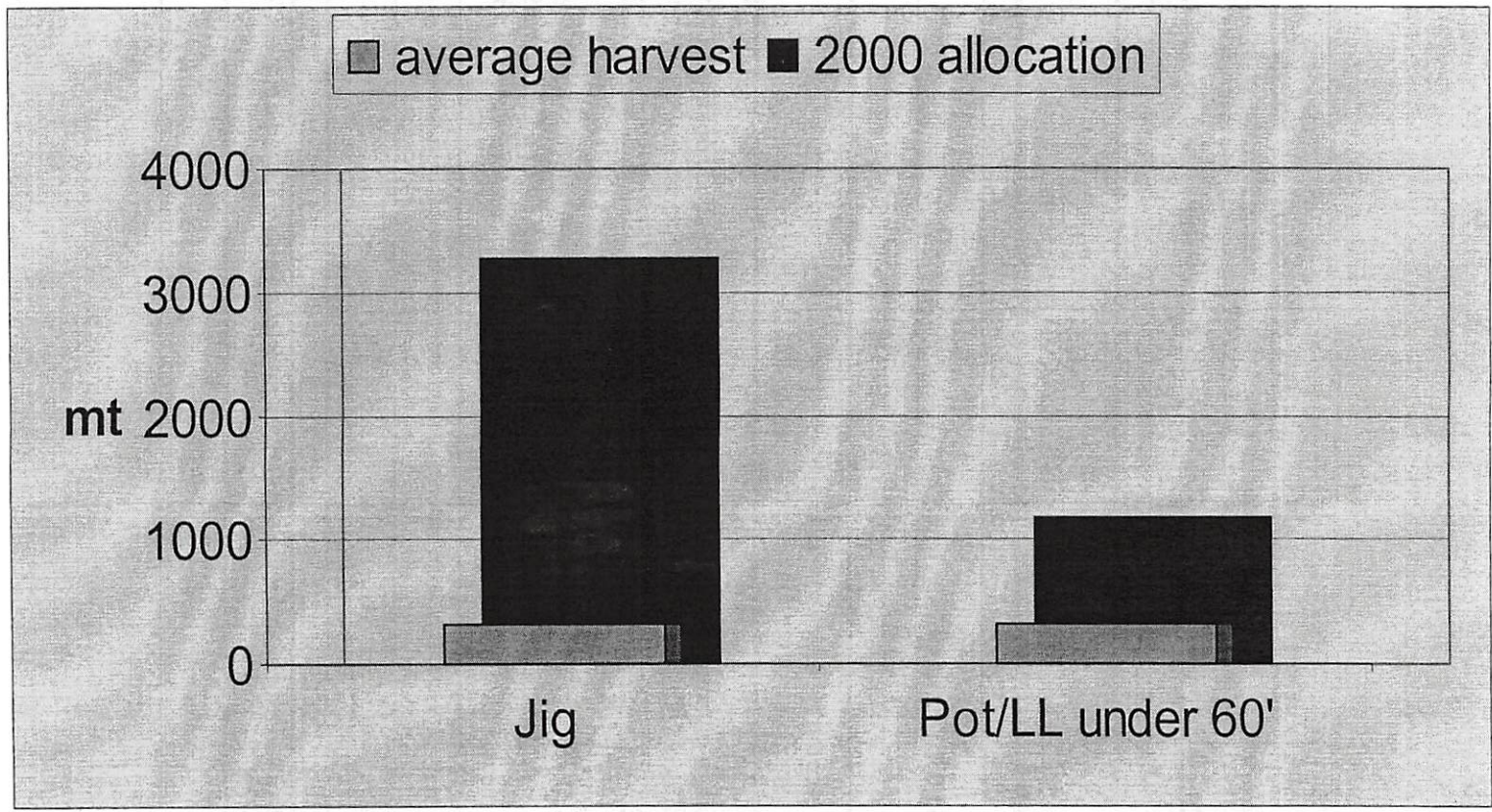
- In 1992 my brother and I made a decision to target Pacific cod with pots even though we had access to other options including trawling and longline. In 1994 we converted the vessel to catch and process - by splitting and salting. We invested in a cod drying facility in 1999.
- My brother and I have made a substantial investment in the Pacific cod fishery and are substantially dependant on the fishery

**Issues**

- As others have provided testimony to the council, I too, am offended by the low qualifying limits proposed. Based on my experience and catch history, a vessel would need only to have fished one month or less to qualify - even under the most stringent proposed requirements.
- Likewise, I oppose the inclusion of 1999 as a qualifying year. Those truly committed to the fishery have extensive catch histories -- not last ditch attempts to beat the system.
- Over the past four years, approximately 50% of our ex-vessel revenue has been from the Pacific cod fishery - even though we fully fished the red king and opilio seasons before directing our efforts to cod fish.
- There are fundamental differences between the catcher vessels and the catcher / processor vessels in terms of their fishing operations. These differences include: geographic area - which will influence fish quality and bycatch rates, daily hours of operations (as a result of the "72 hour" delivery rule for catcher vessels) and days on grounds.
- There is a significant difference in the financial investment between the pot gear catcher/processors and just catcher vessels. These investments include items such as processing equipment and vessel modification to comply with various governmental regulations for processing vessels.
- As with freezer longliners, pot gear catcher/processors need time on the grounds to be successful.
- All other gear types targeting Pacific cod are allocated quota between catcher / processors and catcher vessels.
- The proposed allocation percentage of the pot gear quota to the catcher / processor group, based on historical catch data, proves this groups' involvement and dependency on the fishery.
- As a vessel owner and long term participant as a catcher / processor in the pot gear fishery for Pacific cod, I will be severely and negatively impacted by an increase pot catcher vessels as a result of the American Fisheries Act and the decline in crab fishing opportunities.
- Therefore, to protect the long term participants in the pot gear fishery, I recommend the council approve: 1) stringent catch requirements to protect those vessel owners that have made a continued long term commitment to the Pot gear fishery and 2) a separate allocation, based on historical catch data, between the catcher / processors and catcher vessels in the pot gear fishery..

*Oluf Vedoy*

Allocations for BS/AI P. cod in 2000 based upon recent fixed gear sub-allocations made by the NPFMC, compared with recent average\* harvests by jig gear and by pot and longline vessels under 60'' in length.



\* average calculated based upon BS/AI P. cod harvests for the years 1992-1998.

2000 Allocation for jig gear @ 3,281 mt with avg hvst of 315 mt and pot/LL under 60' allocation of 1,171 mt with avg hvst of 317 mt.

2000 Allocations by sector and sub-sector based upon the fixed gear allocation split done by the NPFMC (Oct '99) and historic average catches by vessels under 60'.

GEAR TYPE	P.cod split by gear type (%)	Gear sub-type	Allocation split <i>within</i> gear types (%)	BS/AI P.cod directed fishery alloc-2000 (164,050 mt)(2)	1994-1998 BS/AI Average Harvest with Jig Gear	1992-1998 Average Harvest by vessels under 60'	1996-1998 Average Harvest by vessels under 60'
TRAWL	47.0%	C/P	50.0%	38,552			
		C/V	50.0%	38,552			
JIG	2.0%	< no further split >		3,281	392		
FIXED	51.0%	All pot	18.3%	15,311			
		Pot <60' (1)	1.4%	1,171		317	136
		LL <60' (1)	0.3%	251			
		Freezer LL	80.0%	66,932			
<p>(1) (Action taken by the NPFMC in October 1999):Harvests by pot and/or longline catcher vessels less than 60' LOA would only accrue against the 1.4% allocation after all pot or longline vessels harvest the 18.3% and 0.3% set asides, respectively. The following also apply:</p> <ol style="list-style-type: none"> <li>Any unharvested portion of the catcher vessel longline and the under 60' pot and longline vessel quota that is projected to remain unused shall be rolled over to the freezer longline fleet in September.</li> <li>Any jig or trawl rollovers will be apportioned among the freezer longline and pot sectors according to the actual harvest from 1996-1998.</li> <li>Bycatch of Pacific cod in other fixed gear fisheries would be subtracted from the overall fixed gear allocation before allocations for the directed fisheries are set.</li> </ol>							
<p>From: NPFMC 'News and Notes' newsletter, October 1999</p>							
<p>(2) Estimated allocation for the 2000 directed P.cod fishery, based upon a TAC of 193,000 minus appx 15% for CDQ and bycatch in other fisheries.</p>							