

To: NPFMC
UPDATE OF ORIGINAL PROPOSAL DATED NOVEMBER 18, 2008
To: STAFF TASKING
FROM: ROBERT SNELL

This Update is based on my personal experience, observations, and discussions with others. Jane DeCosimo's office advised me to provide an update to try and revive my Original Proposal which the Council has tabled. I have provided two lists that I hope the Council will consider when deciding whether to permit D class shareholders to fish up shares in 4B to C class vessels. Please refer to my Original Proposal for documentation and information. Regarding fishing, opportunities for fishing around Adak have been greatly diminished since I left in 2008. Now, there are no opportunities for D class vessels. Apparently, there currently is only one D class vessel in Adak(owned?) by Kjetil Solberg, which was last priced at over 100k. Moreover, the processing plant has closed. Documentation shows that two D class vessels caught the entire quota of those holders from Atka in 2008. From Bill Shaishnikoff, who currently lives in Unalaska but managed the fish plant in Atka, I learned that their vessels were in need of upgrade. Bill also owns D class quota, has fished the Bering Sea and is familiar with the demands it places on equipment. Fishing at Adak is called Fishing on the Edge for good reason.

Reasons D class vessels are no longer an appropriate tool for modern halibut fishing in the Bering Sea:

1. In former times, when Class D quotas were initially assigned, local day fleets could catch halibut. The weather was observable and protection was nearby. In 4B the weather changes and wind velocity and direction changes can occur quickly with little warning. Once, there were more fishers and boats to catch that quota, but now that is not the case. Class D vessels were always safest away from the dangers of ocean swells and winds. Not only has Adak been a non-functioning port for the past two years, but Bill Shaishnikoff notes that the Atka small boat fleet like Adak has been required to venture farther into more open water to harvest their shares.
2. The small D class fleet needs replacement and repair. There is no easy or inexpensive way to deliver vessels to this area and or do repairs. The one way cost to barge my vessel from Seattle to Dutch was \$6K. To drive the vessel from Dutch to Adak at six knot speed non-stop took 80 hours. Fuel at \$4 per gal(same as 2011prices?)was \$1.5K and I took water over the bow most of the way. I only did this, because I was led to believe that Adak was a functioning port. This was not the case. There wasn't and still isn't a way to lift a 32' boat, nor is there safe, dry storage anywhere or knowledgeable repair persons. Crossing Amutka and Seguam passes coming and returning on a relatively calm day was rough, memorable and a round trip I would not make again in a D class vessel and certainly never on a yearly basis or with a crippled vessel. I had to carry four, 55gal. deck drums, plus, transfer fuel at sea since my vessel, like most other D class vessels, has limited fuel supply.
3. Cost of boat and crew insurance for D class vessels is difficult to purchase and expensive. My insurance pool would not cover the hull beyond Unimak Pass and other pools I approached for insurance told me my vessel was too small to take to Adak. We finally found a private insurer for \$1.5 K that would cover June, July, and August, provided the vessel had land storage the rest of the year. This lack of storage continues in Adak.
4. In contrast to earlier times, boats less than 35 feet(probably less than 40') are not efficient. Travel time to current fishing places from Adak required 5 to 7 hours one way on good days and much longer when the weather and wind were up, not an uncommon event in the summer months. Most of the cod grounds were located in Adak Pass or East of Sitkin Island, requiring going around famous capes and through passes where waters frequently were rough. Many

times we filled to capacity (6K lbs) with good weather but had to return to port early. Other times we could have stayed or travelled a bit farther but were limited by lack of storage space for fuel and ice.

5. In addition to lack of hold space, most D Class vessels have limited space for crew, supplies, and deck space. Moreover, there are no packers nearby in area 4B to offload product, or to provide fuel and supplies.

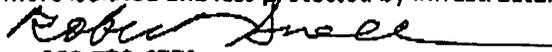
Reasons C class vessels would be an improvement over D class vessels:

1. Using C class vessels would have no impact on the total, small amount of halibut quota (50K lbs), but since the individual shares are small, it would permit each harvester to combine their halibut quota with a cod fishery and provide more income per trip. This would be more cost effective, even if the individual shares were caught on the same small, number of C class vessels.
2. It is easier to deliver C class vessels to 4 B as they have the range and seaworthiness to make the journey from other Alaskan ports to 4B without being barged if necessary for winter storage, haul-outs or machinery upgrades. Mike Sharrah, the only fisherman left fishing out of Adak since the fish plant closed, moves his C class vessel to Kodiak each year.
3. On Class C vessels, it is possible to install refrigeration equipment such as icemakers or freezers. I have been freezing salmon and tuna on board a C class vessel for 11 years with some success and marketing my own product at times.
4. Usually living quarters and crew space permit extra help and the option to fish quota share with shareholders if and when that may be desired or necessary.
5. Class C vessels, because they are more seaworthy, are frequently seen fishing in 4B. I saw at least 10 vessels fishing in this C category in and around Adak in 2008. In contrast, I saw no other D class vessels besides myself. C vessel are safer, more insurable, and more efficient. They provide more diversity than D class Vessels because they can be utilized as pot fishing boat, longliners, crabbers and dive boats. They can accommodate a dinghy that may be used to go ashore, render assistance, or transfer crew. If there is no Coast Guard Assistance nearby, C Class vessels are better able to tow other boats than D Class vessels.
6. C class vessels because of their inherent size and sea keeping ability can travel to and from fishing grounds and away from dangerous conditions more quickly.

I believe these points make a strong case for the small number of share holders that have D class shares to be able to harvest those shares on C class vessels at this time. There has been no D class quota landed in Adak since I made my last landing in 2008. Atka was shut down in 2009 with plant renovation and only a minimum of landings has been made there over the past two years. It would be beneficial for all parties to have the improved opportunity to make landings again this year; particularly, since there is a possibility of Iccle Seafoods reopening the Adak Plant. In addition, the new Atka Plant needs more product. I personally will not benefit greatly since my own share amounts to 5K lbs about an average for the 12 shareholders spread over 50K total pounds. It appears to me that the community of Atka since they have most of the total share would see the greatest gain not individually but collectively. The community of Adak with less than 7K lbs will not gain much with only two share holders, myself included, might have a chance to finally fish our shares and they would have a marketable value.

The opportunity I seek has been previously granted for areas 3B and 4C based on the remoteness of area and safety for shareholders with D class quota. The same holds true for those D share holders in 4B, which is even more isolated and less protected by infrastructure to help in emergencies.

Robert Snell


bobsnell@clear.net 360-770-6773

3/1/2011
 nmfs/akr/ram/gharrett
 snell_030111_4BCatDQS.xls

List of Halibut Area 4B, Cat D QS Holders with Business Mailing Addresses
 sorted by last name

AREA	CATEGORY	QS UNITS	COMPANY OR LAST NAME	FIRST_NAME	M I	SUFFIX	ADDRESS_1	CITY	STATE	ZIP
4B	D	50,247	DIRKS	NICHOLAS			PO BOX 47065	ATKA	AK	99547
4B	D	7,293	GIDDINGS	ALBERT	N		PO BOX 758	HAINES	AK	99827
4B	D	3,114	GOLODOFF	GREGORY			PO BOX 47084	ATKA	AK	99547
4B	D	29,393	GOLODOFF	RANDY	J		PO BOX 47063	ATKA	AK	99547
4B	D	45,600	GOLODOFF	VICTOR	J		PO BOX 47063	ATKA	AK	99547
4B	D	16,925	NEVZOROFF	NICK			PO BOX 47036	ATKA	AK	99547
4B	D	7,817	PROKOPEUFF	LAWRENCE			PO BOX 470033	ATKA	AK	99547-0033
4B	D	20,567	SHAISHNIKOFF	BILL			PO BOX 198	UNALASKA	AK	99685
4B	D	25,587	SNELL	ROBERT	I		5889 SOUTH SHORE ROAD	ANACORTES	WA	98221
4B	D	9,820	SNIGAROFF	MARK			PO BOX 47007	ATKA	AK	99547
4B	D	25,527	ZAOCHNEY	ALAN			PO BOX 47003	ATKA	AK	99547
4B	D	27,106	ZAOCHNEY	MARTIN			PO BOX 47044	ATKA	AK	99502

Besseney & Van Tuyn, LLC

310 K Street, Suite 200

Anchorage, AK. 99501

(907) 278-2000 (907) 278-2004 fax

www.bvt-law.com pvantuyn@earthlink.net

MAR 22 2011

March 22, 2010

Eric Olson, Chairman
Chris Oliver, Executive Director
North Pacific Fishery Management Council

Via facsimile (907-271-2817) and courtesy electronic mail (eolson@pci.net,
chris.oliver@noaa.gov; maria.shawback@noaa.gov)

Re: Request for standing agenda item – fair and equitable allocation in the Crab
Rationalization program

Dear Chairman Olson and Executive Director Oliver,

I am writing on behalf of the Bering Sea Aleutian Islands (BSAI) Crab Crewman's Association with a request that the North Pacific Fishery Management Council adopt a standing agenda item to address data needs and allocation and compensation inequities in the crab rationalization program ("CR program"), especially as they relate to crew. The Crewman's Association represents over 170 crewmembers and skippers, with between 65-80 still prosecuting the NP crab fisheries, 19 previous skippers, and four vessel owners: with over 2,500 total years of combined experience crab fishing in the BSAI.

This letter provides background and justification for this request. Please include copies of this letter in the Council notebooks for the 203rd Plenary Session – under D-3 staff tasking as well as under C-4 BSAI Crab Management Issues.

As you know, the Magnuson Stevens Fishery Conservation and Management Act mandates, among other things, the following:

If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; ... (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

16 U.S.C. 1851(a)(4) (National Standard 4).

In 2002, then-Council Chair David Benton, writing on behalf of the Council, reported to Congress on the Council's progress in analyzing North Pacific fishery management options. In that report, he stated with respect to the Bering Sea and Aleutian Islands crab fisheries that:

the Council has concluded that these fisheries, their participants, and dependent communities would benefit from rationalization. Rationalization will improve economic conditions substantially, for all sectors of the crab industry. Community concerns and the need to provide for economic protections for hired crew will be addressed.

Council letter to Congress (August 2002); available at http://www.fakr.noaa.gov/npfmc/current_issues/crab/BSA/crab%20report%20to%20congress802.pdf.

In 2004, then-Council Chair Stephanie Madsen, writing on behalf of the Council, also committed in the context of the proposed crab allocation rule that the program

will improve economic conditions substantially, for all sectors of the crab industry. Community concerns and the need to provide for economic protections for hired crew are addressed.

Council Letter to NMFS (December 2004); available at http://www.fakr.noaa.gov/npfmc/current_issues/crab/crabcomments1204.pdf.

Yet to date, the Council has failed to live up to its obligation to comply with National Standard 4 with respect to the CR Program. That this is so is supported by numerous factors, including the Council's formal review of the CR Program. Five-Year Review of the Crab Rationalization Management Program for Bering Sea and Aleutian Islands Crab Fisheries (December 2010); available at http://www.fakr.noaa.gov/npfmc/current_issues/crab/5YearRev1210.pdf. The Council acknowledged that crew numbers are now significantly lower in the crab fisheries – nearly 1,000 fewer in Bristol Bay red king crab fishery, and nearly 700 fewer in Bering Sea opilio fishery – and replacing income for some of these crew “is reported to be problematic.” Five Year Review at 55-56.

As to financial losses for crew that remain in the fisheries, the Five Year Review notes that there is “a steady downward trend in the percentage of gross revenues paid to crew” and that the “propensity to charge or deduct IFQ costs for shares received in the initial allocation is said to be increasing over time.” Five Year Review at 65, 60. In some cases, the Council acknowledges that the percentage of crew compensation in relation to gross revenues is “less than half” the pre-2005 levels. Five Year Review at 61. Stated more plainly, and based on direct reports from the reduced numbers of crew that remain in the fishery, compensation has plummeted between 40 and 70% since 2005.¹

Despite this information, the Council's review only formally discussed inequities to vessel captains in its background “crew shares” discussion. See Five-Year Review at 15-16. While acknowledging through minor program changes the inequity to vessel captains, the

¹ The presentation of general crew compensation facts here should not be interpreted to mean that no crew are willing to present specific settlement documentation once the Council directly addresses crew inequity issues. Neither should it be interpreted to mean that crew accept specific contracts and settlements as legal and legitimate.

Council has not addressed crew inequities in the quota allocation, or even considered accurate data to inform a discussion of crew inequities.²

The Council did note that the overall CR Program “includes” a “crew loan program” to assist crew who so desired to buy crab quota share. Five Year Review at 18. This can hardly be considered “fair and equitable” given that other participants in the fishery (i.e. vessel owners, captains ...), who may or may not have had a similarly long and central business relationship as many crew members to the crab fisheries, were not required to pay for the quota privilege. Moreover, the loan program was not funded for years after the program began, and is only recently supported by a final rule. The crew loan program is not meaningful.

Notably, in December 2010 the Council did acknowledge problems with crew share in the BSAI crab fisheries, yet relegated them to an undefined “industry group” to work out. Predictably, this “industry group” has resulted in no process or recommendation to deal with the inequity in the crab fisheries.

As the North Pacific Council is aware, data integrity is an important foundation for reasoned decision-making. See e.g., 16 U.S.C. 1801(c)(3) (the “national fishery conservation and management program” must be based upon “the best scientific information available.”). Underlying the fairness and equity concerns in the CR Program is the fact that relevant authorities have abdicated their responsibility to collect data on the program. The Alaska Department of Fish and Game has abandoned efforts to collect this data. Neither did NOAA complete its promised report in time for the Five Year Review. While the Five Year review includes some data, see Five Year Review at 55-65, as the Review itself notes that many data quality issues combine to “limit the ability to fully and accurately understand crew or captain pay.” Five Year Review at note 20, page 56; see also Five Year Review at 59 (“amounts of any deductions and charges may be inaccurate in the Economic Data Reports”).³

All of this combines to undercut the Council’s conclusion that crew pay has actually increased since 2005. Five Year Review at 65. And notably these “data quality issues” are fully within the purview of the Council and other authorities to resolve, using existing information. Indeed, the Council’s own inquiries to quota share owners as to whether the Council could collect owner-crew contracts and settlement sheets were answered in the affirmative. (December 2010 meeting, 201st Plenary Session C-2 (c)). Including crab crew issues as a standing agenda item will thus also help address these data integrity problems.

² This is not to say that the program as applied to vessel captains is fair and equitable. Prior to the CR Program captains received a ~12-15% share, while in the CR Program they received merely 3% of the quota share. This is not fair and equitable, and this aspect of crew inequities should be part of the scope of a standing Council meeting agenda item on this topic.

³ Data integrity issues were well-illustrated by misleading and erroneous testimony submitted on behalf of quota share owners. For example, Professor James Wilen presented testimony on behalf of Bering Sea Crabbers that it is “mistaken to suppose that high lease prices leave less for crew payment.” Wilen, BSAI Crab Rationalization Program: Market Mechanisms and Policy Implications at page 2 executive summary (December 2010). When Professor Wilen repeated this assertion in his oral testimony it appeared that even some of his own clients distanced themselves from that erroneous statement. Professor Wilen also appears to believe that crew are somehow wage earning employees of quota share owners instead of independent businessmen and women. Accurate data can dispel the misleading effect of such testimony.

As the above discussion demonstrates, despite the legal mandate, and Council commitments and assurances, since its implementation in 2005 the CR Program has resulted in a large loss of crew jobs in the crab fisheries and a large loss in compensation for crew that accomplish the same tasks and take the same, and likely even greater, risks. This is a crippling double whammy for crew. The Council should thus establish a standing agenda item to focus on data integrity and equitable allocation issues in the crab program.

Sincerely,

/s/ Peter Van Tuyn

Peter Van Tuyn

Cc: Alaska Governor Sean Parnell
Washington Governor Chris Gregoire
Oregon Governor John Kitzhaber
Alaska Congressional Delegation
Washington Congressional Delegation
Oregon Congressional Delegation
Secretary of Commerce Gary Locke
NOAA Administrator Jane Lubchenco
NMFS Regional Director Jim Balsiger
ADFG Cora Campbell

March 25, 2011

Alan Reeves
PO Box 741
Wrangell, AK 99829
907-874-3619

RECEIVED

MAR 24 2011

North Pacific Fishery Management Council
Eric Olson, Chair
Chris Oliver, Executive Director
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RE: Staff Tasking -- Area 2C Halibut Subsistence

Dear Eric Olson, Chair and Council Members,

I would like to request the NPFMC to start action on reviewing halibut subsistence regulations in Area 2C (Southeast Alaska). I'm requesting this action mainly out of concern for the current status of the halibut stocks in Area 2C. The issues that I would like reviewed as part of this action is a lower daily limit and/or an annual limit, requiring that the SHARC holder stay within sight of the gear when in the water and/or lower the number of hooks allowed, recording and reporting of harvest and review the sale & barter of halibut harvested by SHARC holders.

I am a Wrangell fisherman participating in subsistence, sport, personal use and commercial fisheries. I hold a subsistence halibut registration certificate (SHARC).

I believe this action should be considered because of the declining halibut resource, localized depletion around the towns, lower daily limits or gear and the requirement to stay within sight of the gear will help with enforcement efforts where users take advantage of the liberal subsistence limits. I have personally seen abuses of subsistence regulations occur in the Wrangell area and I have heard it happens in other areas of Southeast Alaska. Requiring the SHARC holder to stay within sight of the gear would prevent gear loss and mortality loss of halibut by gear that remains in the water for extended time periods. Allowing for 20 fish a day with the use of 30 hooks gives the impression that the resource is healthy and strong and that there is no need to be conservative. Recording and accounting of the harvest is necessary to manage the resource successfully. This action might not be necessary as the IPHC is looking at developing a proposal to bring back to next year's annual meeting for all areas and users a tag for use in accounting of all fish harvested. If the NPFMC was to require recording and accounting of all subsistence halibut harvested you could require that they can't get another SHARC card for the following year without returning the harvest accounting record, this is something that is required for game hunting. The Sitka LAMP area already has smaller daily bag limits and number of hooks allowed than the rest of Southeast Alaska and shows that lower limits can be acceptable to subsistence users.

Sincerely,


Alan Reeves



IN REPLY REFER TO

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



FWS/OSM 11038/GG

MAR 9 2011

Ronald Leighton
PO Box KXA/Saltery Cove
Kasaan, Alaska 99950-0340

Dear Mr. Leighton:

The Federal Subsistence Board acknowledges receipt of your proposal request and appreciates the concerns that you expressed to us about your experience with the subsistence harvest of halibut in the marine waters of Alaska.

The Federal Board operates under the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) to provide a subsistence priority to Federally qualified rural residents. The Federal Board may exercise its authority on Federal public lands in Alaska and those navigable waterways within and adjacent to the boundaries of national parks, monuments, preserves, forests, wildlife refuges, and other specified Federal lands units in Alaska. The Federal Board's jurisdiction of marine waters is extremely limited; as is our authority to regulate the harvest of fish and wildlife resources from marine waters. Therefore, Title VIII of ANILCA neither empowers us to act on, nor advocate on behalf of your proposal to another Federal agency.

Within the parameters of the Northern Pacific Halibut Act of 1982, the North Pacific Fishery Management Council (Council) acting on behalf of the National Marine Fisheries Service, is the entity authorized to promulgate regulations governing the catch of halibut in U.S. waters. A staff member from the Office of Subsistence Management has spoken with Jane DiCosimo of the Council regarding your letter to me. Ms. DiCosimo requests that you contact her for guidance concerning a potential opportunity presented by the upcoming Council meeting later this month in Anchorage.

TAKE PRIDE
IN AMERICA 

Ms. DiCosimo may be reached at (907) 271-2809 or Jane.DiCosimo@noaa.gov . If you have questions relating to activities within the purview of the Federal Board, please contact Mr. Peter J. Probasco, Assistant Regional Director of the Office of Subsistence Management at (907) 786-3888 or toll free at (800) 478-1456.

Sincerely,



Tim Towarak
Chair, Federal Subsistence Board

Enclosure

cc: Assistants to the Board
Interagency Staff Committee
ARD, Office of Subsistence Management
Eric A. Olson, Chairman NPFMC
Jane DiCosimo, NPFMC

Mr. Tim Towarak
Chair, Federal Subsistence Board
c/o Office of Subsistence Management
1011 East Tudor Road (MS-121)
Anchorage, AK 99503

Proposal to the Federal Subsistence Board.

Proposal for your review and consideration. Subsistence Halibut regulations, people assisting in the placing and or pulling of halibut subsistence hand line. In remote areas where subsistence users live the availability of other federal halibut subsistence people may be non existent. My proposal is to allow people visiting the remote area to assist a certified subsistence user who is 60 years of age or older or anyone with disability, with that persons gear and the landing of halibut. Not many of these visitors from Ketchikan or points south are qualified and do not possess a halibut card.

I spoke directly with Eric Olson who is the chair of the North Pacific Fisheries Management Council. I explained my situation and explained that there are most likely a lot of people that fall under it. He said that my concerns have merit but that their set of procedures are slow and the very earliest if I were to submit today would be at least 18 months before it is heard and further out for action. I don't have the time. We have come accustom to a level of halibut. Halibut, Salmon and Deer are pretty much tied to our major foods. We depend on these for our very important sustenance. If I were that way I could just simply not tell those helping me get my halibut and risk them being jailed or sighted, but I'm that kind of person. I would never jeopardize my friends for my gain, quite the opposite!

I live in an area where it is remote and the only way in is by boat or plane. The closest community is Kasan which has around 50 people there; it is 12 miles away by boat. The closest bigger community is Ketchikan which is approximately 30 miles away by boat. There is a time when I get visitors that I could set and pull my subsistence halibut long line with the help of others. I am a handicapped native elder veteran who lives from things I gather. I opted to return to a total subsistence life style in 1996 by moving to Saltery Cove on East Prince of Wales Island. Since this time my health went down hill when I suffered deep vein clots in my left leg. This affected me in several ways. I was diagnosed with Thickening of the heart valves. Chronic Pulmonary Obstruction Disorder, which is similar to Acute Asthma

During the summer time when I have a window of opportunity, both for good weather and for available help from visitors, do I feel that I can successfully set and pull my halibut skate! With out help I feel that I'm putting my life in jeopardy as

should I get a large halibut things could happen very quick which would not be healthy for me. I was told that I should use fewer hooks, to which my reply is that by using less hooks will not remove the danger and I will have to make more trips which will make it not feasible for me. The cost of fuel plays a big roll in whether or not it is cost effective for me, as I am on fixed income, and which I know it won't be.

I will explain my skate gear and this is probably pretty close to the normal subsistence skate gear. I normally set in 65 fathoms My buoy line from buoy to anchor is about 80 fathoms providing for scope and to ensure this will allow for deep pockets in bottom. The weight of each anchor is about 24 pounds. The skate or longline is approximately 150 foot long. I have a four fathom spread on my gannion hooks. I do not put hooks next to the anchor but start with them 4 fathoms away. A fathom is 6 feet so this puts the longline at about 750 feet. I use buoys at both end of the skate. The skate measures from buoy to buoy 1,704, equivalent to 6 foot ball fields. At my age and with my disabilities and adding fish to the weight and stress it is dangerous in so many ways for me to handle the skate by myself.

Should I get a 250 pound halibut, which I have caught many times, then each fish magnifies the weight and stress. Just getting a 250 live halibut aboard and into my tote is impossible for me by myself. And with the live halibut kicking around on deck then this adds to the danger of my getting hurt. I should also point out that I am on blood thinners which further adds to the danger.

It may seem funny for me to bring up this, my proposal for increasing the amount of hooks at this time but, I would like to explain that since the 30 hook limit I only caught 16 halibut on a skate about 4 or 5 years ago and for the most part lately its been around 3 average and lately sometimes none. With and increase of hooks and with anyone able to assist me and others in my predicament this will better assure me and others that we have reasonable opportunity to obtain our fish in cost feasible way. If there is a limit of 20 halibut a day, then what does it matter how many hooks it takes to get it. This figure must have been arrived at using whatever source. After all this is our livelihood at stake here. I can only catch and store as many halibut as my freezer will hold. I am not a wasteful person and from time to time if someone in Kasaan am in need or stranded out here for days without food I share with them because this is Tribal ways.

Also my fear is that with the predicted short fall of halibut in our area I may not get my halibut no matter what.

If you could put a change in the regulation that states that in the absence of qualified people to assist a qualified subsistence user of 60 years of age or older, any person available may assist in the handling of halibut gear. By doing this you can assure that they may be able to safely get their customary and traditional levels of halibut for life sustainability.

It is the duty of the board to see to it that there is nothing which hinders our ability to gather our customary and traditional levels of subsistence items. You must see to it that you afford subsistence users reasonable opportunity, that a normal diligent or furthermore an elder or handicapped participant has reasonable expectation of success. It is not your duty to try and eliminate illegal opportunity, because in attempting to do so takes away from our opportunity of reasonable expectation of success.

If you feel I am wrong in the following statement then you can check this out for your self, But it appears as though the Trawl industry who appears to have controlling votes on the North Pacific Fisheries Management Council is the only one fishery that has not lessened their amount of halibut they can keep. This fishery also throws back, wastes about 13 million pounds of 4 pound average halibut, which all are dead and in such shape, will not live. Also it has come to my attention that this very same council who is mandated by laws to address the subsistence needs and if it is known that there is a lack of the ability to the subsistence users to get their customary and traditional levels of a fish then other consumers groups must lessen their impact. This is done to protect sustainable fisheries for all.

It appears that last fall this Trawl king salmon cap was not decreased but increased from 48 thousand kings by catch to 60 thousand king's by-catch. They went against laws here. Also I was told by Jeff Favour of Sitka who sits on the advisory Council to the North Pacific Fisheries Management Council, which he suspects that all kings that return to the land base processing plants go into the commerce. In other words this council made a recommendation to bring back all the kings they catch, even if they are over their legal retention cap. They did this in a sly way saying that the fish must be scale sampled to determine point of origin. Well once this fish is at the processing plant then where really does it end up? I would like to see a though investigation into these matters.

Does the laws not state that a fishery is unsustainable if subsistence user can not with reasonable effort obtain there level of subsistence foods. Then isn't having a 30 hook limit, decreasing our ability to have reasonable expectation of success in our ability to obtain our customary and traditional levels of halibut. And if this occurs then do other user groups have to decrease their effort to a point that it does not impact subsistence users?

Thanks for your time and consideration of this important proposal.

My contact information;


Ronald Lighten P.O. Box KXA/ Saltery Cove
Kasaan, Alaska 99950-0340
Email ron@kasaan.org
Phone (907) 617 2689 or (907) 617 9961

PUBLIC TESTIMONY SIGN-UP SHEET

D-3

Agenda Item: ~~Department of Environment and Natural Resources~~ STAFF TASKING

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Arni Thomson	ACE / ABSC
2	Heather McCarty	Pacific Sustainable Wildlife XXXXXX
3	Kenny Down	FLC
4	Lori Swanson / Mark Gleason	GFF
5	Stephen Taufen	Groundswell Fisheries Movement
6	Linda Behnken	ALFA
7	Emmette Anderson	APICDA
8	Julie Benary	AGDB
9	Forrest Braden	SEAGO
10	Bob Kmegeer	
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.