

Mr. Robert Breskovich
F/V ALETUIAN CHALLENGER
2712 Boyer Ave. East
Seattle WA 98102

January 25, 2016

Dan Hull, Chairman
North Pacific Fisheries Management Council
605 W 4th Ave, Suite 306
Anchorage, Alaska 99501

RE: Agenda Item C.1, Bering Sea TLAS YFS Limited Entry

Dear Chairman Hull,

My name is Robert Breskovich and I represent the third generation of a family owned and operated fishing business in Alaska. We own and operate the *F/V ALETUIAN CHALLENGER (AC.)*, one of the smallest AFA catcher vessels in the Pollock fleet. The AC has been fishing in Alaska going on her 33rd year. We started operations during the era of the Joint Venture fisheries and have been continuously involved in a variety of fisheries ever since. We have suffered through the downturns and benefited during abundant ones. We have adapted to market opportunities and various changes to the fishery management system over the years.

I am writing to you today to express my concern about possible Council action that might impact my participation in the Bering Sea Yellowfin Sole (YFS) Trawl Limited Access fishery (TLAS). My catcher vessel currently participates in the YFS TLAS fishery and I am concerned that possible action by you might prohibit my vessel's ability to fish YFS in future years.

A little background of my trawl fishing operation might benefit your decision making on this issue. With the enactment of the American Fisheries Act, we have been a member of the Mothership Cooperative and have abided by all rules set forth there. We have participated in side-boarded fisheries as a member of the Intercoop Agreement. This past year the AC participated in the Bering Sea/Aleutian Islands Pollock, P. Cod, and Yellowfin Sole fisheries. We are invested in these fisheries and plan to continue providing jobs and opportunities for skippers and crew for generations to come.

Relative to the TLAS Yellowfin Sole fishery, we tried for years to secure a market with an AFA Catcher-Processor or Mothership in the TLAS fishery but were never successful. In 2015, knowing our mothership P. Cod opportunities in the Aleutians Islands were coming to an end due to recent action by you that impacts available Aleutian Island P. Cod offshore markets, we established a TLAS YFS market with Fishermen's Finest (FF) and began making offshore deliveries of YFS in September 2015.

The YFS fishery has been an underutilized fishery with TACs set well below the ABC. The catcher vessels participating under AFA were limited to sideboard restrictions, which were acceptable based on the need to ensure all players in the BSAI could survive economically in their respective fisheries. However, in 2008, with the passing of Amendment 80, the NPFMC provided a more stable opportunity for the non-AFA vessels. In this same action the NPFMC also recognized the wisdom of allowing the continuation of opportunities for vessels that were involved in other fisheries other than pollock during lower pollock years. Under the Amendment 80 action, the Council allowed the AFA CVs and CPs to forego YFS sideboards if the YFS TAC was greater than 125,000 MT. To further regulate the fishery, a schedule of varying percentages of TAC available to the TLAS fishery was developed based on the total YFS TAC.

Appreciating the seriousness of the Halibut PSC issue over the past few years by the NPFMC, we engaged Sylvia Ettefagh of Sylver Fishing Company to help ensure minimal halibut PSC amounts for the AC while fishing for YFS in the TLAS fishery, and also to ensure our interface with others in this fishery. Our first priority was to be a "good neighbor." We reached out to the captains and owners of Non-AFA and AFA participant vessels in the YFS TLAS fishery, and worked with Karl Haflinger of SeaState to ensure we would take all steps possible to reduce our bycatch, especially of Halibut. We insisted and followed up to make sure our market, Fisherman's Finest, joined the TLAS reporting system set up at SeaState and that harvest and bycatch information was sent both to FF and the AC on a daily basis while we were fishing for YFS. Prior to the start of the fishery, we contacted representatives of the AFA and non-AFA vessels and requested and received their TLAS participant's halibut protocol guideline policy and followed the protocols to minimize Halibut PSC, including the use of a halibut excluder in our net. Sylvia Ettefagh received daily fish tickets complete with raw data in order to ensure we were actively monitoring bycatch, especially Halibut. As evidenced by the chart below, our bycatch program was successful and resulted in a cleaner fishery.

ALEUTIAN CHALLENGER HALIBUT MORTALITY AND RATES COMPARISON

	AC	TLAS FLEET
KG HBT Mortality/MT YFS	6.75	7.71
TTL MT HBT Mortality	7.42	124.00
TTI MT YFS	1,098.56	16,073.00
TTI MT Groundfish	1,541.89	

The Aleutian Challenger harvested 6.83% of the TLAS quota and only 5.98% of the total Halibut.

These numbers include the AC catch in the total, therefore the true percentage would be even lower.

We believe much of the testimony that was provided to the Council in October of last year under your Staff Tasking agenda item by representatives of the TLAS YFS fishery that accused my vessel of having high PSC rates and acting in a cavalier, non-cooperative manner very much misguided and uninformed. The numbers speak for themselves, and the proof is in the pudding. As you can see from the above table, my vessel's bycatch performance was much better than the other AFA CPs and Non-AFA CVs.

In summary, I ask that you not move forward with any action or alternative that would prohibit my vessel's participation in the TLAS YFS fishery. If you feel compelled to design an alternative based on the 2015 control date you recommended last Fall, we could live with this as long as you do not require landings in prior years. I feel it is important to base your action on your previous rationale for actions that established AFA sideboards as well as Amendment 80 rationalization for the Non-AFA Catcher Processors. This included opportunities for vessels such as the AC to participate in under-utilized fisheries such as the TLAS YFS fishery.

Sincerely,

A handwritten signature in black ink, appearing to be 'RB' with a large, sweeping flourish above the letters.

Robert Breskovich, Owner
F/V Aleutian Challenger



January 25, 2016

Mr. Dan Hull, Chairman
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RE: Yellowfin Sole Trawl Limited Access Entry - Agenda C-1

Dear Chairman Hull,

United States Seafoods, LLC (“US Seafoods”), is a long time participant in the multispecies fisheries in the Bering Sea and Aleutian Islands. A substantial part of our operations is through our catcher vessel fleet, which has been active in the offshore sector of the yellowfin sole limited access fishery since the early 2000s.

In 2008, as a part of Amendment 80, the Council developed the yellowfin sole limited access fishery. The final rule for Amendment 80 specifically noted US Seafoods’ vessels as part of the discussion of the creation of the fishery due to their historic involvement. Since this inception, US Seafoods’ catcher vessels have continued to participate in the fishery relying on the available TAC as a part of their fishing plan. US Seafoods entered agreements in each of the last four years with other long term participants to control bycatch to allow for harvest of the TAC.

In recent years, decreases in the yellowfin sole TAC have resulted in full use of the limited access fishery. With increased effort in 2015, historical participants are concerned that their dependence will be overshadowed as new vessels enter the fishery. These issues led to US Seafoods’ participation in the request for the Council to consider actions to limit entry to the fishery at the October 2015 meeting. Specifically, US Seafoods and APA member companies agreed that a requirement of harvests in 2 years from 2008 to 2015 would provide adequate protection for the vessels historically dependent on the fishery (see attachment).

US Seafoods’ non-AFA, non-A80, catcher vessels rely almost exclusively on limited access fisheries with some supplemental income from research charters for National Marine Fisheries Service. Most of the other vessels in the yellowfin sole limited access fishery have secure interests in other fisheries, most commonly AFA allocations, to support their operations. The US Seafoods’ catcher vessels do not have any such allocation to fall back on and heavily rely on limited access fisheries for their fishery revenues. Changes in participation patterns and actions to limit access to these fisheries will have a profound effect on the US Seafoods’ catcher vessels, beyond those experienced by other vessels.

Longer term participants' stake in the fishery is clearly disrupted by entry of new vessels that exacerbate the race for fish, particularly as TACs have declined in the fisheries. Maintaining opportunities for these participants, particularly those vessels without allocations in other programs, should be a Council priority. Thank you for opportunity to provide our comments.

Sincerely,



Matthew G. Upton
Attorney at Law
United States Seafoods, LLC

Att: APA/US Seafoods Alternatives for Analysis from October 2015 NPFMC Meeting.

Staff Tasking –At-Sea Processors Association and US Seafoods – Oct 2015 NPFMC Meeting

I move the Council initiate an analysis to limit entry into the Bering Sea yellowfin sole limited access fishery including the following Purpose and Need Statement and Alternatives.

Purpose and need statement

Historical participants in the Bering Sea yellowfin sole limited access fishery have responded to halibut concerns expressed by the Council through development of agreements that include protocols for avoiding halibut, as well as division of the available halibut among those participants. Entry to the fishery in 2015 is disruptive to those halibut avoidance measures. Reductions in halibut PSC that will take effect in 2016 will further pressure historical participants, as they attempt to control their PSC usage. Limiting entry to the offshore sector will aid historical participants' in their efforts to advance the Council's PSC goals.

Alternatives

The Council adopts the following alternatives for analysis:

1. No action – existing LLP limits apply
2. For a catcher vessel to participate in the Bering Sea directed yellowfin sole limited access fishery making deliveries to an offshore processor that vessel must be assigned an LLP that was used in the directed yellowfin sole fishery to deliver its catch to an offshore processor in at least two years between 2008 and 2015.

Rationale

The Council has heard concerns that increases in harvesting capacity from entering catcher vessels could be detrimental to the otherwise relatively stable yellowfin sole limited access fishery in the Bering Sea. Historical participants have several years of dependence on the fishery. In recent years, participants coordinated their halibut avoidance and harvest efforts to achieve Council objectives. These included proposing voluntary halibut savings at the 2015 IPHC meeting to allow for fully funding the Area 4CDE halibut catch limit. Since that time, entry of additional harvest capacity and offshore processors has threatened the halibut avoidance agreement and achieving the proposed savings.

Participants in the yellowfin limited access fishery have several years' dependence on the fishery, as well as other limited access fisheries in the Bering Sea and Aleutian Islands. These vessels recent lost some access to historical fisheries due to decreases availability of cod in the Aleutian Islands and our action to protect Adak earlier at this meeting. Council action to prevent entry to the yellowfin sole fishery will prevent further loss of access to fisheries by these vessels, as well as allowing the vessels to maintain halibut avoidance efforts that we seek to encourage.

Limiting entry to the offshore sector will prevent the potential for disruptive entry without proscribing future entry by vessels that intend to develop an inshore component to the fishery.