

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-2(b) EFH 5-Yr Evaluat./HAPC Prior.

NAME (PLEASE PRINT)		TESTIFYING ON BEHALF OF:
1	Jon Warenduk	Oceana
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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.

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*
Executive Director

ESTIMATED TIME
2 HOURS

DATE: November 30, 2009

SUBJECT: Central Gulf of Alaska Rockfish Program *John*

ACTION REQUIRED

Refine CGOA rockfish program alternatives for analysis

BACKGROUND

In June 2009, the Council adopted a suite of elements and options for developing a new management program for the Central Gulf of Alaska rockfish fishery to replace the existing pilot program, which is set to expire after the 2011 fishing season. At subsequent meetings, the Council revised those alternatives to their current form. A copy of the elements and options defining the alternatives is attached as Item C-2(1). In the development of the analysis of the alternatives, staff has identified two aspects of those alternatives that might benefit from further definition. Those elements apply to only one alternative and define the management of transfers of the allocations of harvest shares to processors. Specifically, the Council should define:

- 1) any eligibility requirements for holding these shares; and
- 2) any rules governing the subdivision of these allocations.

In preparation for this meeting, staff prepared a discussion paper concerning its request for clarifications. The discussion paper is attached as Item C-2(2).

CGOA Rockfish Program

Problem statement

The intent of this action is to retain the conservation, management, safety, and economic gains created by the Rockfish Pilot Program to the extent practicable, while also considering the goals and limitations of the Magnuson-Stevens Fisheries Conservation and Management Act Limited Access Privilege Program (LAPP) provisions.

The existing CGOA Rockfish Pilot Program (RPP) will sunset after 2011. Consequently, if the management, economic, safety and conservation gains enjoyed under the RPP are to be continued, the Council must act to create a long term CGOA rockfish LAPP. For both the onshore and offshore sectors, the RPP has improved safety at sea, controlled capacity of the fleets, improved NMFS' ability to conserve and manage the species in the program, increased vessel accountability, reduced sea floor contact, allowed full retention of allocated species and reduced halibut bycatch. In addition, the rockfish fishery dependent community in the CGOA and the shorebased processing sector have benefited from stabilization of the work force, more shoreside deliveries of rockfish, additional non-rockfish deliveries with the RPP halibut savings, and increased rockfish quality and diversity of rockfish products. Moreover, the CGOA fishermen, and the shorebased processing sector have benefited from the removal of processing conflicts with GOA salmon product. The Council needs to resolve identified issues in the management and viability of the entry level fishery.

The portion of the current catcher processor sector currently participating in the rockfish co-op have also benefitted from the RPP. These benefits include greater spatial and temporal flexibility in prosecuting the fishery, which result in lower bycatch, a more rational distribution of effort and more stable markets. Certain provisions of the current RPP act as disincentives to some CP operators from joining the co-op sector and achieving these benefits. These disincentives should be eliminated to the extent practicable in the new RPP.

Elements and options defining the program alternatives

Entry-Level Fishery Alternatives (EL)

1. Status Quo (revert back to LLP management)
2. Entry level trawl/fixed gear fisheries (the pilot program structure)
3. Fixed gear only fishery

Catcher Processor Alternatives (CP)

1. Status Quo (revert back to LLP management)
2. Catcher processor cooperative only
3. Cooperative or limited access (the pilot program structure)

Catcher Vessel Alternatives (CV)

1. Status Quo (revert back to LLP management)

2. Harvester only cooperative
3. Harvester cooperatives with allocation of harvest shares to processors
4. Severable harvester/processor association – no forfeiture

The above alternatives are defined by the following elements and options.

1 ICA Set Aside

Prior to allocation of catch history to the sectors, NMFS shall set aside an Incidental Catch Allocation (ICA) of Pacific Ocean perch (POP), northern rockfish, and pelagic shelf rockfish to meet the incidental catch needs of fisheries not included in the cooperative program. (EL – all)

2 Entry-level Set Aside (EL – all)

A percentage of CGOA POP, northern rockfish and pelagic shelf rockfish for catcher vessels not eligible to participate in the program.

2.1 Trawl and fixed gear entry level fisheries (EL – 2)

The annual set aside will be 5 percent of each of these target rockfish species.

Set-asides shall be apportioned at 50% for trawl gear and 50% for fixed gear. The trawl sector's allocation by weight (based on the aggregate TAC for Pacific Ocean perch, Northern and pelagic shelf rockfish) shall first be Pacific Ocean perch.

Unharvested allocations to either sector shall be available to both sectors at the end of the third quarter.

The entry level fishery will be managed as a limited entry fishery.

Start dates for the entry level fishery should be January 1 for fixed gear and approximately May 1 for trawl gear.

2.1.2 Halibut PSC Limit Allocation

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Trawl halibut PSC options

Option 1: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), the start date will be on the next release of halibut PSC.

Option 2: If sufficient halibut PSC is not available at the start of the trawl gear fishery (May 1), halibut usage will be deducted against the following quarter's halibut PSC allowance.

Vessels that can participate in the entry level fishery are those vessels that did not qualify for the CGOA rockfish cooperative program. Before the beginning of each fishing year an application must be filed with NMFS by the interested vessel that includes a statement from a non-qualified processor confirming an available market.

Entry level fixed gear sector are exempt from VMS requirements.

2.2 Fixed gear only entry level fishery (EL-3)

The annual set aside will be;

1 – 10 mt of the POP TAC

1 - 10 mt of the northern rockfish TAC

10 - 30 mt of the pelagic shelf rockfish TAC.

If the entry-level fishery harvests 90% or more of their allocation of a species, the set-aside would increase by the amount of the initial allocation the following year:

1 - 10 mt POP

1 - 10 mt Northern rockfish

10 - 30 mt pelagic shelf rockfish

This increase would be capped at a maximum of:

POP

a. 1%

b. 3%

c. 5%

Northern Rockfish

a. 2%

b. 3%

c. 5%

Pelagic Shelf Rockfish

a. 2.5%

b. 3%

c. 5%

The entry level fishery will be managed as a limited entry fishery.

Start date for the entry level fishery should be January 1.

Prosecution of the entry level fishery will be supported by general allowance of halibut PSC to the gear type and the general allocations of secondary species.

Any vessel or gear type exempt from CGOA LLP requirements or any holder of a CGOA fixed gear LLP may enter a vessel in the entry level fishery.

Entry level fixed gear sector are exempt from VMS requirements.

3 Program eligibility (CP – all and CV – all)

The eligibility for entry into the cooperative program is one targeted landing of POP, Northern rockfish or PSR caught in CGOA during the qualifying period using a CGOA trawl LLP license.

Option: In addition, the following participants would be eligible to enter the program:

those persons whose vessel had one targeted landing of POP, northern rockfish or PSR caught in CGOA during the qualifying period with interim trawl CGOA license that was later determined to be an invalid trawl CGOA endorsement, but who acquired a valid CGOA trawl license prior to December 31, 2003, which has been continuously assigned to the vessel with the target landing since acquired until the date of final Council action.

4 Qualified catch (CP – all and CV – all)

4.1 Basis for the allocation to the LLP license holder is the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per license. In cases where the fishing privileges (i.e., moratorium qualification or LLP license) of an LLP qualifying vessel have been transferred, the allocation of harvest shares to the LLP shall be based on the aggregate catch histories of (1) the vessel on which LLP license was based up to the date of transfer, and (2) the vessel owned or controlled by the LLP license holder and identified by the license holder as having been operated under the fishing privileges of the LLP qualifying vessel after the date of transfer. (Only one catch history per LLP license.)

Option: For licenses qualified based on catch of a vessel using an interim license, the basis for the allocation will be the catch history of such vessel, notwithstanding the invalidity of the interim Central Gulf trawl LLP endorsement under which the vessel operated during the qualifying period. History allocated under this provision shall be assigned to the LLP license.

4.2 Catch history will be the history during the following qualifying period:

- 1) 1996-2002 (drop two)
- 2) 1998-2006 (drop two or four)
- 3) 2000-2006 (drop two)

4.3 Qualified target species history is allocated based on retained catch (excluding meal) during the rockfish target fishery. Different years may be used (or dropped) for determining the history of each of the three rockfish species.

The CP catch history will be based on WPR data.
CV catch history will be based on fish tickets.

- 4.4 Entry level trawl qualification/allocations for the main program:
- 1) Vessels / LLPs that do not qualify for Cooperative quota (CQ) for the CGOA rockfish cooperative program.
 - 2) The trawl LLP must have registered for the entry level fishery both in 2007 and 2008.
Option: Add 2009
 - 3) The trawl LLP must have made a landing of fish in the entry level fishery with trawl gear in either 2007 or 2008.
Option: Add 2009
- 4.5 The qualified entry level trawl LLP would receive an allocation of QS for the primary rockfish species equivalent to:
- 1) Average of the lowest one-quarter to one-third of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008.
 - 2) Average of the lowest one-quarter to one-third of all qualified CV LLPs.
 - 3) Actual catch history of the vessel/LLP in 2007 or 2008 (information would be withheld due to confidentiality restrictions unless the vessel(s) agrees to have the data released to the public).
 - 4) Average of the qualified CV LLPs that actively fished in the RPP program in either 2007 or 2008
 - 5) Average of all qualified CV LLPs
- Option: Add 2009 to options calculated from catch history in the entry level fishery.

Note: secondary and halibut PSC allocations are calculated the same as the other qualified LLPs.

- 5 **Sector definitions** (CP – all and CV – all)
Trawl catcher vessel – A trawl catcher-vessel that has a CV or CP LLP license, but does not process its catch on board.
- Trawl catcher processor - A trawl catcher-processor is a trawl vessel that has a CP LLP license and that processes its catch on board.
- 6 **Rationalized areas** (CP – all and CV – all)
History is allocated for the CGOA only (NMFS statistical areas 620 and 630).
- 7 **Sector allocations** (CP – all and CV – all)
7.1 Target rockfish species
Catch history is determined by the sector's qualified catch in pounds as a proportion of the total qualified catch in pounds.

Sector allocations of target rockfish species are based on individual qualified vessel histories applying any applicable drop year provision at the vessel level.

Full retention of the target rockfish species required

7.2 Secondary species

Secondary species history is allocated based on retained catch of the species while targeting rockfish over retained catch in all fisheries.

7.2.1 Except as provided below, history will be allocated to each sector for the following secondary species:

sablefish,
shortraker rockfish
rougheyeye rockfish,
thornyhead rockfish, and
Pacific cod.

7.2.3 Except as otherwise provided below, secondary species allocations will be based on: The sector's average annual percentage of retained catch of the secondary species by the rockfish target fisheries during the qualifying period. For each qualifying year calculate the sector's retained catch of the species in the target rockfish fisheries divided by the retained catch of all CGOA fisheries. Sum these percentages and divided by the number of qualifying years. The calculated average annual percentage is multiplied by the secondary species TAC for that fishery year and allocated to each sector in the cooperative program.

7.2.4 Exceptions:

For the catcher processor sector, Pacific cod history will be managed by MRA of 4 percent.

For shortraker and rougheyeye:

For the CP sector, a shortraker allocation of the TAC will be:

Option 1a: 30.03 percent

Option 1b: 50 percent

To be managed as a hard cap, and a rougheyeye allocation of 58.87% of the TAC, to be managed as a hard cap.

Option 2: shortraker and rougheyeye will be managed with a combined MRA of 2%.

For the CV sector, shortraker and rougheyeye should be managed with a combined MRA of 2 percent. If harvest of shortraker by the CV sector reaches 9.72% of the shortraker TAC, then shortraker should go on PSC status for that sector.

Option 1: No directed fishing for secondary species Pacific cod and sablefish

Option 2: Manage Pacific cod and sablefish under a modified MRA.

Participants must retain all allocated secondary species and stop fishing when cap is reached.

MRA's in the CP sector will be enforced on a trip-by-trip basis.

7.3 Prohibited species (halibut mortality)

Allocation to the rockfish cooperative program will be based on historic average usage, calculated by dividing the total number of metric tons of halibut mortality in the CGOA rockfish target fisheries during the qualifying years by the number of years. This allocation will be divided between sectors based on the relative amount of target rockfish species allocated to each sector (e.g., the sector's share of total qualified catch).

Any allocation of halibut PSC that has not been utilized by November 15 or after the declaration to terminate fishing will be added to the last seasonal apportionment for trawl gear during the current fishing year.

8 Allocation from sector to vessel (CP – all and CV – all)

Within each sector, history will be assigned to LLP holders with CGOA endorsement that qualify for a sector under the 'sector allocations' above. The allocations will be to the current owner of the LLP of the vessel which earned the history.

Target Species

Each LLP holder will receive an allocation of history equivalent to the license's proportion of the total of the sector qualifying history.

Secondary Species

Each LLP holder will receive an allocation of allocated secondary species equal to the license's proportion of the sector's target rockfish history.

PSC (Halibut Mortality)

Each LLP holder will receive an allocation of halibut mortality equivalent to the license's proportion of the sector's target rockfish history.

Halibut PSC in the CP sector shall be divided between the co-op(s) and limited access according to the history of the participating vessels.

Allocations are revocable privileges

The allocations under this program:

- 1) may be revoked, limited, or modified at any time,
- 2) shall not confer any right of compensation to the holder, if it is revoked, limited, or modified, and
- 3) shall not create or be construed to create any right, title, or interest in or to any fish before the fish is harvested by the holder.

Domestic processing

All fish harvested with an allocation from this program must be processed in the U.S.

Regionalization – Apply to catcher vessel sector only:

Option 1: All CV CQ must be landed in the Port of Kodiak.

9 Catcher vessel/shore based processor provisions (CV – all)

9.1 Processor eligibility (CV-3, 4, 5, and 6)

An eligible processor is a processing facility that has purchased:

Option 1 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvest per year, for 4 years, from 1996 to 2000.

Option 2 - 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish per year, for 4 years, from 2000 to 2006.

Suboption: (entry level fishery processor): 250 MT of aggregate Pacific Ocean perch, northern rockfish, and pelagic shelf rockfish harvested from 2007 to 2008. Suboption: Add 2009

Processor qualifying years

Each eligible shore based processor is allocated processor catch history based on individual processor histories of CGOA target rockfish for the years:

Option 1 - 1996-2000 (drop 1 year)

Option 2 - 2000–2006 (drop 2 year)

Suboption 1: (entry level processors): 2007–2008 Suboption: Add 2009

Suboption 2: (entry level processors) Eligible entry level processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares that are derived from those trawl LLPs that received allocations based on participation in the entry level trawl fishery into the main program.

For alternatives with processor associations the drop year is selected by the processor and applied to all LLP licenses when determining those associations.

9.2 Option A - Harvester only cooperative (CV-2)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be to harvesters (i.e., 100/0).

A holder of catcher vessel harvest history may join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

9.3 **Option B - Harvester cooperatives with processor allocation of harvest shares (CV – 3)**

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be apportioned between harvesters (CV only) and shore based processors:

Option 1: 90/10

Option 2: 80/20

Option 3: 70/30

Eligible processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares in proportion to its qualifying processing history. Annual allocations will be of the same species and subject to the same allocation and harvest rules governing catcher vessel allocations.

Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).

A holder of catcher vessel harvest history or processor histories may join a cooperative to coordinate the harvest of allocations.

(Cooperatives are subject to general cooperative rules below.)

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

~~9.4 Option C - Harvester cooperatives with processor association alternatives~~

~~(CV—4, 5, 6, and 7)~~

~~On implementation of the program, each eligible harvester will be eligible to join a cooperative in association with any processing facility in the community to which it delivered the most pounds of the three rockfish species combined in the processor qualifying years. (additional constraints may apply by alternative)~~

~~If a processing facility has closed down and another processing facility has acquired that processing history through purchase, the history belongs to the facility that purchased that history. That history must remain in the community that it was generated in. (CV—4, 5, and 6)~~

~~If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors. (CV—4, 5, and 6)~~

~~The processor will be an associate of the cooperative but will not be a cooperative member.~~

~~A pre-season contract between eligible, willing harvesters in association with a processor is a pre-requisite to a cooperative receiving an annual allocation.~~

~~Co-op membership agreements will specify that processor affiliated harvesters cannot participate in price setting negotiations except as permitted by general antitrust law.~~

~~Processors are limited to 1 co-op per plant.~~

~~Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives with agreement of the associated qualified processor.~~

~~Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.~~

~~Harvester cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.~~

~~Option 1—Harvester cooperatives with unseverable processor associations (CV-4)~~

~~Catcher vessel cooperatives are required to have at least 75 percent of the eligible historical shares for each cooperative associated with its processor.~~

~~If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors.~~

~~The membership of an LLP holder that has no deliveries to a qualified processor in a cooperative will not be considered in determining whether the threshold is met for cooperative formation.~~

~~Harvesters can participate in a:~~

- ~~— Option 1: Cooperative or LLP/open access. In the limited access fishery, all participating LLPs' shares will be fished in a competitive fishery open to rockfish qualified vessels that are not members of a cooperative.~~
- ~~— Suboption: The LLP/open access share must be delivered to one of the qualified processors.~~

~~Option 2— Harvester cooperatives with severable processor associations and one time forfeiture (CV-5)~~

~~If an eligible harvester joins a cooperative in association with the processor to which it delivered the most pounds of the three rockfish species combined during the processor qualifying years, it will maintain all landings history without forfeiture. An eligible harvester may elect not to join the cooperative in association with the processor identified by its landings history in any year, including the first year of the program. In the first season that an eligible harvester elects not to join a cooperative in association with the processor identified by its landings history, it will forfeit:~~

- ~~— Option 1— 10 percent~~
- ~~— Option 2— 20 percent~~
- ~~— Option 3— 30 percent~~

~~of its qualified catch history to the (1) identified processor or (2) identified processor affiliated cooperative. The share forfeiture is~~

- ~~— (1) a permanent forfeiture or~~
- ~~— (2) a temporary forfeiture for a period of 1 to 2 years.~~

~~After forfeiture, the harvester may elect to enter and exit any cooperative in the fishery without share forfeiture.~~

~~If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors. After the first year, an LLP holder that has no deliveries to a qualified processor must make a forfeiture of qualified catch history on changing processor associations, as if the processor were identified by the harvester's landings history.~~

~~Harvesters must join a cooperative to can participate in the target rockfish fisheries.~~

~~Option 3—Harvester cooperatives with severable processor associations and ongoing forfeiture (CV-6)~~

~~If an eligible harvester joins a cooperative in association with the processor to which it delivered the most pounds of the three rockfish species combined during the processor qualifying years, it will maintain all landings history without forfeiture. An eligible harvester may elect not to join the cooperative in association with the processor identified by its landings history in any year, including the first year of the program. In the first season that an eligible harvester elects not to join a cooperative in association with the processor identified by its landings history, it will forfeit:~~

- ~~_____ Option 1—10 percent~~
- ~~_____ Option 2—20 percent~~
- ~~_____ Option 3—30 percent~~

~~of its qualified catch history to the (1) identified processor or (2) identified processor affiliated cooperative. The share forfeiture is a temporary forfeiture for a period of 1 to 2 years. After forfeiture, the harvester may elect to enter and exit any cooperative in the fishery without share forfeiture. Each time an LLP holder exits a cooperative it will be required to make a share forfeiture of the same quantity and duration.~~

~~If an LLP holder has no deliveries to a qualified processor, the LLP holder may join a cooperative with any one of the qualified processors. LLP holders that have no deliveries to a qualified processor will make a forfeiture of qualified catch history as other LLP holders.~~

~~Harvesters must join a cooperative to can participate in the target rockfish fisheries.~~

~~Option 4 - Harvester cooperatives with severable processor associations and no forfeiture (CV-7)~~

~~Harvesters must join a cooperative to participate in the target rockfish fisheries.~~

10 Catcher processor cooperatives

More than one co-op may form within the sector.

Allocations may be transferred between co-ops of at least two LLPs.

Participants have a choice of participating in:

- Option 1: a co-op or opt out of the rockfish program,
- Option 2: a co-op, a limited access fishery, or opt of the rockfish program

Option: A minimum of two independent entities are required to form a CP cooperative (using the 10% AFA rule)

Under the LLP/open access fishery option, the LLP's historic share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative. The secondary species would be managed under the following reduced MRAs, intended to maintain catch levels below the allocated amount: Pacific cod - 4 percent, sablefish - 3 percent, shortraker/rougheye - 2 percent, and thornyhead - 4 percent. All other species would be managed with MRAs at their current levels.

11 General cooperative provisions – apply to both sectors

Duration of cooperative agreements is 1 year.

The cooperative membership agreement (and an ancillary agreement with an associated processor, if applicable) will be filed with the RAM Division. The cooperative membership agreement must contain a fishing plan for the harvest of all cooperative fish.

Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative agreement.

Subject to any harvesting caps that may be adopted, allocated history may be transferred and consolidated within the cooperative.

The cooperative agreement must have a monitoring program. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target rockfish species, secondary species and PSC mortality, as may be adjusted by inter-cooperative transfers.

A cooperative may adopt and enforce fishing practice codes of conduct as part of their membership agreement.

Option: Cooperative membership agreements shall allow for the entry of other eligible harvesters into the cooperative under the same terms and conditions as agreed to by the original agreement.

Cooperatives will report annually to the Council as per AFA.

12 Sector Transfer provisions

CP annual allocations may be transferred to CV cooperatives. CV annual allocations may not be transferred to CP cooperatives.

All transfers of annual allocations would be temporary and history would revert to the original LLP at the beginning of the next year.

A person holding an LLP that is eligible for this program may transfer that LLP. That transfer will effectively transfer all history associated with the LLP and any privilege to participate in this program that might be derived from the LLP.

Permit post-delivery transfers of cooperative quota (annual allocations to cooperatives).

There would be no limits on the number or magnitude of post-delivery transfers. All post-delivery transfers must be completed by December 31st.

No cooperative vessel shall be permitted to begin a fishing trip unless the cooperative holds unused cooperative quota.

13 Cooperative Harvest Use Caps

CV cooperatives

No person may hold or use more than 5% of the CV historic shares, using the individual and collective rule (with grandfather provision).

Control of harvest share by a CV cooperative shall be capped at 30% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No CV may catch more than 4-10 % of the target CV allocation (Option: with grandfather provision).

CP cooperatives

No person may hold or use more than 20% of the CP historic shares, using the individual and collective rule (Option: with grandfather provision).

Control of harvest share by a CP shall be capped at 60% of aggregate POP, Northern Rockfish and PSR for the CP sector. Option: Eligible CPs will be grandfathered at the current level.

Shoreside Processor Use Caps

Shoreside processors shall be capped at the entity level.

No processor shall process more than 20%, 25%, 30% or 33% of aggregate POP, Northern Rockfish and PSR for the CV sector.

No processor shall process more than 20%, 25%, 30%, or 33% of aggregate secondary species for the CV sector.

(The year 2002 will be used as a base (or index) year for applying the aggregate caps.)

Option: Eligible processors will be grandfathered.

14 Harvesting provisions

The cooperative season start date is May 1 and closing date is November 15. Any limited access fishery will open in early July, as under the previous License Limitation Program management.

All non-allocated species will be managed by MRA, as in the current regime. This includes Arrowtooth flounder, deep water flatfish, shallow water flatfish, flathead sole, rex sole, pollock, other species, Atka mackerel and other rockfish. Basis species for purposes of determining MRAs will be:

Option 1 - Only primary allocated rockfish species

Option 2 - All allocated species

Secondary species allocations may be fished independently of the primary species allocations.

Option: No directed fishing for secondary species Pacific cod and sablefish.

Full retention of all allocated species is required.

15 Program review

A formal detailed review of the program shall be undertaken 5 years after implementation. The review shall assess:

- 1) the progress of the program in achieving the goals identified in the purpose and need statement and the MSA, and
- 2) whether management, data collection and analysis, and enforcement needs are adequately met. Additional reviews will be conducted every 7 years there after coinciding with the fishery management plan policy review.

~~Antitrust review—An information collection system and a review process will be defined to provide any information to determine whether any illegal acts of anti-competition, antitrust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges.~~

16 Share-d Duration

Share Duration

The duration of all CGOA rockfish LAPP program permits are 10 years. These permits shall be renewed before their expiration, unless the permit has been revoked, limited, or modified.

~~The Secretary may revoke any privilege under this program from any person found to have violated antitrust laws.~~

Option: Program Duration

Absent Council review and recommendation to extend, the CGOA rockfish LAPP program expires 10 years after implementation.

17 Cost recovery

A fee, not to exceed 3 percent of ex vessel value, will be charged on all landings to cover the costs of administration of the program.

18 Sideboards

18.1 General Provisions

There are no exemptions from sideboards, except for a partial exemption for CP vessels which opt out of the cooperative program or join cooperatives.

WYAK and WGOA Primary Rockfish Species

Option 1: For fisheries that close on TAC in the GOA, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in aggregate, in the month of July to the historic average catch of those vessels based on the retained catch as a percentage of the retained catch in the fishery in the month of July during the qualification years. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish.

Option 2: For catcher processors, remove sideboard limits for WYAK and WGOA primary rockfish species.

Option 3: For catcher vessels, prohibit directed fishing for WYAK and WGOA primary rockfish species.

Halibut PSC

Option 1: For flatfish fisheries in the GOA that close because of halibut bycatch, the qualified vessels in each sector (trawl CV and trawl CP) would be limited, in the aggregate, in the month of July to the historic average halibut mortality taken by those vessels in the target flatfish fisheries in the month of July by deep and shallow complex as a Gulf-wide cap.

Option 2: For catcher processors, remove sideboard limits for WYAK and WGOA 3rd season halibut PSC.

Option 3: For the month of July, limit all CVs to the shallow halibut complex fisheries (except for rockfish target fisheries in CGOA, WYAK and WGOA).

Suboption: Limit all CPs to the deep water halibut complex fisheries for the month of July.

In the event that one or more target rockfish fisheries are not open, sideboard restrictions will not apply for those target allocations.

IFQ halibut and sablefish are exempt from sideboard provisions

18.2 CP Specific Sideboard Provisions

CP vessels may decide to opt out of the CGOA cooperative program on an annual basis. These CP vessels may not target POP, Northern rockfish or Pelagic Shelf rockfish in the CGOA in the years they choose to opt out. They may retain these species up to the MRA amount in other fisheries. They will be sideboarded at the sector level in the GOA as described in the general provisions.

The history of CP vessels which opt out will remain with the sector.

CPs that opt out of the rockfish cooperative program will be prohibited, for two weeks following the start of the traditional July rockfish fishery, from entering other GOA fisheries in which they have not previously participated. Participation shall be defined as having been in the target fishery during the first week of July in at least two of the qualifying years. For purposes of qualifying under this provision, history from area 650 (SEO) will be considered the same as history from area 640 (WY). The following weekend dates will be used for determining participation in a target fishery:

1996 – July 6
1997 – July 5
1998 – July 4
1999 – July 10
2000 – July 15
2001 – July 7
2002 – July 6

Opting out is an annual decision. CP vessels which choose to opt out must so notify NMFS. The decision to opt out should not in any way alter the status of their catch history for future rationalization programs.

For the CP sector, the cooperative program fishery participants must either:
1) start fishing in the target rockfish fisheries at the same time as the opening of the CGOA rockfish limited access fisheries (in July) and harvest 90% of their CGOA rockfish allocation prior to entering any other GOA non-pollock groundfish fishery, or 2) standdown for two weeks from the opening of the CGOA rockfish limited access fishery prior to participating in any other GOA non-pollock groundfish fishery.

A vessel which has met either standdown requirement can then move into the GOA open access fisheries subject to the sector level limitations in the GOA in the general sideboard provisions.

To the extent permitted by the motion, history may be leased between vessels. Each member of a cooperative that transfers its history to another CP or CV must still refrain from operating in any other GOA groundfish fishery until the earlier of:

- 1) 90% of all of the CGOA rockfish allocation on the stacked vessel is harvested in the CGOA, provided fishing of the allocation began on or after the opening of the limited access fishery
- 2) two weeks from the opening of the limited access fishery prior to participating in any other GOA groundfish fishery.

Members of a cooperative will be subject to all limitations and restrictions described in the general sideboard provisions and CP specific sideboard provisions except that cooperative members shall not be subject to any standdown in the GOA groundfish fisheries, if all vessels in the co-op maintain adequate monitoring plan during all fishing for CGOA rockfish sideboard fisheries.

In addition to the other limitations and restrictions described above, each cooperative will be limited in the aggregate:

- 1) for fisheries that close on TAC in the GOA in the month of July, to the historic average total catch of the cooperative members in the month of July during the qualification years 1996 to 2002. Fisheries that this sideboard provision would apply to include West Yakutat rockfish and WGOA rockfish, and
- 2) for flatfish fisheries in the GOA that close because of halibut bycatch in the month of July, to the historic average halibut mortality taken by cooperative members in the target flatfish fisheries in the month of July by deep and shallow complex.

The limited access fishery starts at the same time as the traditional rockfish target fishery (early July). For vessels that account for less than 5% of the allocated CP history in the Pacific Ocean perch fishery that participate in the limited access rockfish fishery, there are no additional intra-sector sideboards. For vessels that account for greater than or equal to 5 percent of the allocated CP history in the Pacific Ocean fishery that participate in the limited access rockfish fishery and GOA standdowns are in place until 90% of the limited access Pacific Ocean perch quota is achieved.

The Council requests staff analyze the effect of removing the stand-down for CP vessels in the limited access fishery which have 5 percent or more of the allocated CP history in the Pacific Ocean Perch fishery.

18.3 CV Specific Sideboard Provisions

The qualifying vessels in the trawl CV sector cannot participate in the directed yellowfin sole, other flatfish (flathead, etc) or Pacific Ocean perch fisheries in the BSAI in the month of July.

Option 1: The qualifying vessels in the trawl CV sector can participate in the limited access yellowfin sole, other flatfish or Pacific Ocean perch fisheries in the BSAI in the month of July.

Qualifying vessels in the trawl CV sector would be limited, in aggregate, in the month of July, to the historic average catch of those vessels in the BSAI Pacific cod fishery based on the retained catch as a percentage of retained catch in the CV trawl fishery in July during the qualification years 1996 to 2002.

Option 2: The qualifying vessels in the trawl CV sector can participate in the BSAI Pacific cod fishery in the month of July.

AFA non-GOA exempt CVs qualified under this program are subject to the restraints of AFA sideboards and their coop agreement, and not subject to additional sideboards under this program.

The Council requests staff to include the ex-vessel price for longline caught sablefish in Table 2-25 (page 58).

~~The Council requests information describing the history of how sablefish was allocated, with regard to Amendment 14 (80/20 split).~~

**Central Gulf of Alaska rockfish fishery
North Pacific Fishery Management Council
December 2009**

In June 2009, the Council adopted alternatives for developing a new management program for the Central Gulf of Alaska rockfish fishery to replace the existing pilot program. At its October meeting, the Council revised its alternatives based on public comment, a staff discussion paper, and advice from NOAA General Counsel. Staff is in the process of preparing a preliminary EA/RIR/IRFA analyzing the revised alternatives. In the course of developing the analysis, staff has identified one aspect of the alternatives that could require additional development by the Council – the rules governing harvest shares that would be allocated to processors under catcher vessel alternative 3. This paper briefly discusses that aspect of the program and attempts to provide the Council with information that might be useful in more fully developing the alternative.

Discussion

As currently defined, one of the proposed alternatives includes provision for the allocation of harvest shares to processors. Under this alternative, a defined percentage of the harvest share pool would be allocated to eligible processors based on their qualifying processing histories. Identifying characteristics of this alternative are:

9.3 Harvester cooperatives with processor allocation of harvest shares (CV– 3)

Allocation of the primary rockfish, secondary species, and halibut PSC to the CV sector shall be apportioned between harvesters (CV only) and shore based processors:

- Option 1: 90/10
- Option 2: 80/20
- Option 3: 70/30

Eligible processors will be allocated target rockfish, secondary species, and halibut PSC from the processor pool of harvest shares in proportion to its qualifying processing history. Annual allocations will be of the same species and subject to the same allocation and harvest rules governing catcher vessel allocations.

Option: Processor allocations of CV harvest shares may be harvested only by vessels that are not owned or controlled by the holder of those harvester shares (using the AFA rules for determining control and ownership).

A holder of catcher vessel harvest history or processor histories may join a cooperative to coordinate the harvest of allocations. (Cooperatives are subject to general cooperative rules below.) Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

Co-ops may engage in inter-cooperative transfers of annual allocations to other cooperatives.

Membership agreements will specify that processor affiliated cooperative members cannot participate in price setting negotiations except as permitted by general antitrust law.

Notably, the alternative contains no definition of the rules governing transfers and holdings of the harvest shares issued to processors. Specifically, the Council should consider whether rules should be established governing:

- 1) qualifications to receive shares by transfer; and
- 2) divisibility of share holdings.

In the pool of shares that will be allocated to license holders, all shares are attached to a license and are not divisible. These license allocations are believed to be structured to reflect the nature of the rockfish fishery participation. Vessels participating in the rockfish fishery all participate in a variety of other fisheries during the course of a year, with the rockfish fishery being one part of their operations. Attachment of the long term shares to the licenses is a reflection of the connection of a license's rockfish participation to its participation in those other fisheries and the continuation of the License Limitation Program (LLP) management in those other fisheries. Since the long term shares are associated with a specific license, those long term shares are not divisible. Annual allocations are made to cooperatives, and are freely transferable among cooperatives within the catcher vessel sector and among vessels within a cooperative without the agency recording a transfer. Since processors have no limit on entry, no license similar to an LLP license exists to which to attach the harvest shares. Most other aspects of the use, transferability, and holdings would be governed by the rules that would govern other harvest shares.

In the absence of other direction, annual allocations would be governed by the same rules that govern other harvest shares. Under those rules, annual allocations are accessible only through cooperatives and must be fished by a vessel carrying an LLP license that qualifies for the program. A share holder must join a cooperative to access harvest shares, with annual allocations of harvest shares made to the cooperative. These annual allocations are fished within a cooperative without agency recorded transfers, but may also be transferred to other cooperatives within the catcher vessel sector. Share holdings could be subject to the same general limits that apply to all catcher vessel harvest shares. Under that provision, no person is permitted to hold or use in excess of 5 percent of the aggregate catcher vessel harvest share pool. An option could require harvest shares allocated to processors to be harvested by a vessel with no affiliation to the processor holding the shares. That option will be analyzed as a part of the regulatory analysis being prepared for the Council.

Beyond these general rules, **the Council could consider whether it is appropriate to limit acquisition of these harvest shares allocated processors.** At a minimum, the MSA requires that only persons who substantially participate in the fishery be permitted to hold the shares. This mandate can be achieved by requiring a person to meet minimum participation requirements to acquire shares, as the Council has done in other programs. Whether other requirements should be incorporated into the program is at the discretion of the Council and should be based on its long term perspective on the purpose of these shares. Any rules should be developed based on MSA considerations, including most importantly, the social and cultural framework of the fishery. If the shares are intended to be an ongoing resource available to active participants in the processing sector of the rockfish fishery, the Council could require that any person acquiring the shares meet some minimum processing requirement.¹ The Council could consider other limits to meet other possible social and cultural objectives.

The Council could also consider the extent to which harvest shares allocated to processors (and not attached to an LLP license) should be divisible. The indivisibility of harvest shares associated with LLP licenses is believed to be intended to preserve the multiple fishery character of the license and associated fishing operation. Typically, divisibility of shares has been determined by the nature of the privileges created by the program. In programs that are either vessel-based (AFA) or license-based (the Central Gulf of Alaska rockfish pilot program) allocations are associated with a permit or asset and are

¹ Under the MSA, these shares can only be acquired by persons who are a U.S. citizen or permanent resident alien or corporation, partnership, or other entity established under the laws of the U.S. This limitation will be applied notwithstanding any other restrictions on acquisitions that the Council might wish to impose.

indivisible. In other programs, that create a complete share basis for the fishery (such as the halibut and sablefish program and the crab program) shares have been largely divisible.² In some cases, this divisibility may allow for entry to the harvest sector. In this case, the scale of operations in the fishery may be an obstacle to entry through small share purchases. As such, it may be that divisibility of these shares may not adequately support entry (to either the harvesting or processing sectors).

Conclusion

In developing the alternative to allocate harvest shares to processors, the Council should consider whether it is appropriate to establish rules governing the transfer of these shares that are different from the rules governing other harvest shares. Clarification of the Council's intent will help advance the analysis of this action.

² An exception is the block program in the halibut and sablefish fisheries, which prevents division or consolidation of share holdings below an specific size to ensure those holdings are available for entry.

Global Seafoods North America, LLC
11100 NE 8th St., Suite 310
Bellevue, WA 98004 USA
Phone: 425-451-0602
Fax: 425-451-1067



North Pacific Fishery Management Council (NPFMC)
195th Plenary Session — For the Record by Fax to 907-271-2817
December 9-15, 2009 Hilton Hotel Anchorage, Alaska
Public Comment from: Global Seafoods North America, LLC ("GSNA")

Re C2 GOA Rockfish Program – Refining Alternatives for Analysis

A Catch Shares Program Designed in Restraint of Trade

Dear Secretary Locke, Chair Olson and members of the NPFMC:

GSNA is a U.S. owned company that operates a small processing facility in Kodiak, and again we would like the Secretary and Council to discontinue the flawed package of Alternatives and restore competition to the GOA Rockfish and related fisheries.

Designed to bridge the Rockfish Pilot Program's final season (2010) immediately into a permanent two-pie Catch Share regime, the C2 package of alternatives is being rushed through to serve particular interests. This program is not being designed by a proper public process, but rather primarily at the hands of the Alaska Groundfish Data Bank ("AGDB") and trawl interests in conjunction with the larger processors, all of which are wrongfully combined in linked cooperatives — now ruled in violation of law.

This arrangement did not only exclude small processors such as GSNA and severely harm our profits, fishermen, customers and workforce. Especially due to its 3-year extension in MSAR 2007, the 'rockfish demonstration' program acted as a *de facto* government subsidy to our competitors — a means of wealth transfer to specific competitors in advance of designing a permanent program to continue restraint of trade. As such, it provided the funds for those included parties to not only lobby the Council and Congress at GSNA's expense, but to sit in a prominent position today while designing these new alternatives, often behind closed doors.

On several occasions GSNA has provided the Council with testimony to the Restraints of Trade — specifically a fleet boycott "eliminating as much opposition as possible" (AGDB memo January 11, 2000) from the closed class of processors the program was to create. Today, ten years later, the most telling sentence remains, [Lobbyist Gilman's] "thinking is that Nordquest & Icicle [Seafood companies] will not put in pollock processing capacity & that Global cannot succeed unless it can get the boats." In hindsight this is clear evidence that the linked cooperatives were engaged in "collusive and per se illegal conduct" (warned by GSNA attorney James Beaulaurier's letter of February 3, 2000 to the involved parties).

By failing to recuse themselves from votes regarding the RPP agenda, certain members of the Council and Advisory Panel who are employed by our direct competitors have been complicit in the continuation of these harms on behalf of the companies they represent. Our competitors have directly

benefited from the RPP and will continue to do so regarding the proposed alternatives — upon which they will cast votes, further exercising serious conflicts of interest.

The State of Alaska has not explored the program for violations of state antitrust laws. This is rather remarkable when one considers that on October 19, 2006, gubernatorial candidate Sarah Palin observed the Crab Rationalization program and its immediate drop in ex-vessel king crab prices approximating \$1 per pound in the first year after implementation. Her news release said, "This is a good example of why I am concerned about rationalization in the Gulf of Alaska. We are seeing here issues and circumstances that need to be better understood before we expand rationalization further."

She continued, "We've created a system where commercial fishermen are forced to sell to a specific processor even though another processor might be offering more money." As the competitive price-setter in the Kodiak region for many years, GSNA's efforts in attracting a fleet and providing higher quality production was raising prices across the docks. GSNA had doubled cod and pollock prices but, absent its participation due to its exclusion by the RPP's restraints of trade, those prices are down. Our competitive, uncontrolled pricing stood as a major reason our competitors had to find political means to lock GSNA out of the processing arena in the RPP and other GOA fisheries.

Palin stated, "My administration will make sure we fully understand the impacts of rationalization before it creates more situations like we saw earlier this week in Dutch Harbor." Now, Sean Parnell is Alaska's governor and in our eyes his administration remains obligated to ensure that this program expires and returns to pre-RPP 'Status Quo' — oddly named "alternative 1" because it is clear that there is no other alternative in the flawed package that would correct the antitrust and restraint of trade problems and restore competition at the bargaining table for a rational (best) price.

An additional example of how devoid are the Alternatives and Options for the Rockfish program's continuation is the absence of an alternative for inclusion of trawl vessel crewmembers, who traditionally received between 30% and 40% of the trip settlements, as their split of ex-vessel prices in the producer segment of the industry. GSNA has noted crewmembers' testimony regarding the application of maritime laws known as "lay share" contract provisions under 46 U.S.C. §10601 and related. All stakeholders should be included and a program designed in accordance with the MSA standards of "fair and equitable" distributions.

GSNA opposes the allocation of any harvesting rights to shoreside processing companies. We believe that the legal opinions of the past three decades by NOAA GC, as well as the provisions of the MSA and other Fisheries Acts, clearly defines participation in a fishery as harvesting at sea, an activity for which shoreside plants have no historical basis to justify such allocations. If this were to occur, it would unfairly negatively impact GSNA, to the specific benefit of our competitors.

At the time the Rockfish Pilot Program was implemented GSNA was long past mere entry-level participation in GOA groundfish processing. Otherwise, we would not have the clear record of deliveries that demonstrates our severe losses under the RPP. To have been relegated to compete in a highly discriminatory and unfair low entry level competition arena, was simply proof positive that the collusion worked against us in restraint of trade — we might add, with the Council's support. It harmed over 150 workers in Kodiak, and our local economy as well.

The Council is rushing to implement a flawed continuation of the Rockfish program to move toward full privatization (Catch Shares), by avoiding a full public process while employing the false fear of returning to status quo (open competition) to justify that rush. You intend to hold vital meetings outside Alaska (e.g. Portland session in February 2010), making it all the more difficult for our company and its workers, Gulf of Alaska crewmen and skippers, and the GOA communities to participate.

The nearly 200 pages of flawed alternatives and often contradictory, yet certainly exclusionary and incomplete materials, are so poor as to be unusable – and a severe burden on managers and the Public to decipher. Mr. Secretary, please try to read it for yourself — at best, it is a “cobbled together” rush job that is an embarrassment to the entire regional fishery Council process.

It does little good at this meeting to pretend that it can be clarified as to a few issues, then roll forward to ongoing privatization in the GOA. Furthermore, sector splits for cod – designed to take up 14 hours at this session – is simply another misallocation technique to move species after species (one way or another) toward privatization that overwhelmingly awards the trawl sector’s current participants. As a processor we know the difference in product quality for fish delivered by the other gear groups and how that superior product serves consumers and the goal of maximizing the net national benefits from these fisheries. It makes no sense to constrain those groups.

We urge the Council to table the Rockfish program altogether. Let it expire, and take the time to gather the full data required to analyze pre- and post-RPP in all its regards. This stand down period would restore competition and demonstrate once again the benefits of not having seafood commerce constrained by poor regulations. It would also save the Council money, especially if Congress moves the national Catch Shares debate back into the authorizing committees. That is the only way competitors such as GSNA will get a fair chance to be heard, and our evidence and experience taken into equitable consideration.

Sincerely,

Thomas Hennessey- Controller

North Pacific Fishery Management Council
195th Plenary Session
December 9-15, 2009 Anchorage, Alaska
Fax: (907) 271-2817

Public Comment – Crewmen’s Association
C-2 GOA Rockfish Program

Mr. Secretary, Chairman Olson & Members of the NPFMC:

My name is Steve Branson, president of the Crewmen’s Association – representing Boots-on-Deck fishermen in the North Pacific. The Crewmen’s Association would prefer Alternative 1, a return to LLP managed “Status Quo” for the GOA Rockfish fishery.

There are numerous reasons RPP should be allowed to expire.

- There are no alternatives that recognize the crew’s traditional 30% to 40% historical participation in gross revenues less trip expenses.
 - Given the extensive and ongoing debate over crew rights in the Crab rationalization program, which to date has failed in the provision of EDR analysis adequate enough for proper consideration of crew effects, it is remarkable to note the exclusion of any alternative for crew in this current motion which is rushing to final action.
 - This and other deficiencies in the analysis and alternatives govern the legitimacy of the Preliminary Review Draft of the EA-RIR/IRFA (September 21, 2009).
- Inadequate initial analysis of the fishing activity (who is in the fishery) and the respective “lay shares” of the majority of stakeholders, the skippers and crew, is a major flaw in the design of this FMP.
 - This is not in accordance with 46 U.S.C. §10601 and other lay share law, apart from the MSA itself, but applicable under maritime law.
 - Without inclusion of copies of historical lay share contracts and reconciled trip settlements adequate enough for the Council to grasp the full rights of crewmembers and skippers, the Regulatory Impact Review is wholly lacking legitimacy.
- RPP fails to maximize the economic benefits of a public resource.
- Fish prices are stagnant, and any ‘value’ in the value-added operations (if they occur) are absorbed by the processors, not passed along to the supplier level in higher ex-vessel pricing.

- Fleet consolidation has resulted in fewer deck and wheelhouse positions.
- In some cases, processor dictated fishery activity has restrained catch ability.
 - The prosecution of a fishery on the grounds should not be controlled by processors.
- Lease fees (high rents) have resulted in lower ‘lay shares’ — both as a result of leases coming off-the-top before trip settlements and increased expenses as the crew absorbs all fuel costs etc.

For these and other reasons, it is clear that the Council should return to Status Quo, implementing Alternative 1 as soon as possible. A stand down period would allow the Council and public adequate time to fully understand the failures of the RPP, by comparing pre- and post-RPP economics and the program’s “fairness and equity” and adherence to other standards. Also, it would provide time required to determine if RPP serves to maximize the net economic benefit to the nation.

No allocation of harvesting rights to processors should be considered, as it clearly violates the definition of fishermen inherent in the legal concept of active participants conducting a “fishery” at sea.

To paraphrase author Mark Kurlansky’s comments on cod fisheries, and apply it to the failure to recognize crew and their economic contributions to communities and regional economies:

“Whatever steps are taken, one of the greatest obstacles ... is an almost pathological collective denial of what has happened.” — M. Kurlansky, 1997

Please return to status quo (alternative 1) and ensure that working fishermen’s contractual rights are recognized across the board in all species amendments.

Respectfully yours,

Steve Branson, president
Crewmen’s Association

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-2 GOA ROCKFISH

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	George Hutchings	Myself
2	Chuck Burkhead	Coast Star
3	Heather McCarty	Island Seafoods
4	Bob Krueger	Alaska Whitefish Trawlers Assoc.
5	Stephen Taulen	Groundswell Fisheries Movement (Assoc.)
6	Shawn C. Dordtman	Self
7	Dariusz Kasprzak	F/V Malika
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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.