

June 2008

Public Testimony Sign-Up Sheet Page 1

Agenda Item C-4(a) GOA Fixed Gear Recency

NAME (PLEASE PRINT)	AFFILIATION
1 Jason Tandler	F/V Lady Kathryn / L.L.P. owner (client)
2 Stan Van Matre	F/V Patricia Kay
3	
4	
5	
6 Robert Gustafson	F/V Alaska LLP owner
7 John Co-bin	Buck & Ann Fisheries
8 Blake Painter	F/V Tradition LLC
9 Leonard Carpenter	F/V Fish Tale
10 Yakov Reutov	K-Bay Fisheries Assoc.
11 Jerry Bongen	F/V Jeannah
12 James Skonberg	F/V Lorena Marie
13 Nick Delaney	Alaskan Leader Fisheries
14 Brian Young	F/V Alaskan Dream
15 Kenny Down	Freezer Longline Coalition
16 Jeff Stephon	UFMA
17 Jeremie Pikus	F/V Polar Star
18 Jackie Mullon	F/V Foxh Lady
19 Chris Holland	F/V Point Omega
20 Nick Kotelni Koff	F/V Lady J (Quintie)
21 Theresa Peterson	None
22 Walter Sargent	F/V Major
23 Julie Kawanaugh	F/V Sylvia Star
24 Chris Aidnt	F/V Mariah Dawn
25 ALEXUS KWACHKA	GGFA

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

Public Testimony Sign-Up Sheet PAGE 2

Agenda Item C-4(a) GOA Fixed Gear Recency

	NAME (PLEASE PRINT)	AFFILIATION
1	DARREN MAULLER	EX Fox y Lady
2	Galt VICK	GOA 3
3	stercn Suydam	Crimson Beauty
4	Luke hester	Salmon " "
5	Darius Kasprzak	FN Make
6	scott Gillich	FIV Exception
7	Barry Davis	FIV Job 1
8	Chuck McCallum	Lake and Peninsula
9	Freddi Christensen	Fisherman
10	DANA REID	FIV LYNX
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MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver *DO foe*
Executive Director
DATE: May 27, 2008
SUBJECT: GOA Fixed Gear LLP Recency

ESTIMATED TIME 8 HOURS (both C-4 items)

ACTION REQUIRED

Initial Review of GOA fixed gear LLP recency analysis (EA/RIR/IRFA)

BACKGROUND

(a) Gulf of Alaska Fixed Gear LLP Recency.

In October 2007, the Council reviewed a staff discussion paper which presented preliminary data on the potential effects of the proposed GOA fixed gear LLP recency action. At that time, the Council revised the components and options for analysis. Specifically, the Council added 2006 to the range of qualifying years (options currently include 2000-2005, 2000-2006, 2002-2005, and 2002-2006), and included options to add Pacific cod endorsements to fixed gear licenses.

Under the existing set of options, the proposed amendment would have two primary outcomes:

- (1) First, the action would remove Western and Central GOA area endorsements from fixed gear LLP licenses that do not have recent catch history in the parallel or federal waters groundfish fisheries, in effect reducing the number of fixed gear licenses eligible to participate in the groundfish fisheries in federal waters of the GOA.
- (2) Second, the action would add Pacific cod endorsements to fixed gear licenses. Licenses would be required carry a Pacific cod endorsement, in addition to the appropriate area endorsement, to participate in the directed Pacific cod fisheries in federal waters of the Western and Central GOA. Pacific cod endorsements could also specify a gear (pot, jig, or hook-and-line) and operation type (catcher vessel or catcher processor). In the Gulf of Alaska, more than 98 percent of retained groundfish catch by vessels using fixed gear consists of Pacific cod, when catch in the IFQ fisheries is excluded. Licenses without Pacific cod endorsements would no longer have access to the directed Pacific cod fisheries in federal waters, but could continue to fish in parallel waters.

The Council could choose to implement both parts of this action, or could simply remove area endorsements from licenses, or could add Pacific cod endorsements to fixed gear licenses without removing area endorsements from licenses. The action would result in an amendment to the Gulf of Alaska Fisheries Management Plan (FMP).

Initial review of the draft analysis is scheduled for this meeting. The analysis was mailed to the Council in mid-May, and the Executive Summary is attached as Item C-4(a)(1).

EXECUTIVE SUMMARY

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

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

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

Gulf of Alaska Fixed Gear Recency Purpose and Need Statement

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

Alternatives, Components, and Options

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

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

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

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

Source: NMFS RAM groundfish license file, January 6, 2008.

Component 1 identifies the management areas subject to the proposed action, the Western Gulf and Central Gulf. Note that under the LLP program, the Central Gulf area endorsement also authorizes vessels to fish in the West Yakutat management area. **Component 2** identifies the sectors subject to the proposed action. They include hook-and-line catcher processors, pot catcher processors, hook-and-line catcher vessels, pot catcher vessels, and jig catcher vessels. There is a suboption to divide the hook-and-line catcher processor sector into vessels greater and less than 125 feet LOA for the purposes of this action. This division parallels the options under consideration for the GOA Pacific cod sector allocations. There are also options to exempt jig vessels from any LLP requirement, or to exempt jig vessels from being required to carry fixed gear Pacific cod endorsements to fish during the directed Pacific cod fisheries in federal waters, if such endorsements are created.

Component 3 identifies the qualifying years for purposes of calculating catch history. There are 4 options for defining recent participation in the fisheries: 2000 to 2005, 2000 to 2006, 2002 to 2005, and 2002 to 2006. **Component 4** identifies options for setting catch and landings thresholds. More than one of these options could be selected. Options 1 and 3 define the criteria licenses must meet to retain their area endorsements. Licenses are credited with all retained catch of groundfish from the federal and parallel fisheries, excluding incidental catch of groundfish from the IFQ halibut and sablefish fisheries. Under these options, licenses that meet a landings threshold of 1, 3, or 5 landings or a catch threshold of 5, 10, 25, or 100 mt of groundfish in the Western or Central Gulf would qualify to retain the respective area endorsement. Options 2 and 4 define the criteria licenses must meet to qualify for a Pacific cod endorsement. Under these options, licenses are only credited with retained catch from the directed Pacific cod fisheries in federal and parallel waters. Licenses that meet a landings threshold of 1, 3, or 5 landings or a catch threshold of 5, 10, 25, 100 mt in the respective management area would receive a Pacific cod endorsement. The Council could select either Option 1 or 3 to determine which licenses qualify to retain area endorsements, and could also select either Option 2 or 4 to determine which licenses qualify for Pacific cod endorsements. **Component 4** options include:

Option 1 – All groundfish 1, 3, 5 landings

Option 2 – All directed Pacific Cod 1, 3, 5 landings (resulting in a Pcod endorsement)

Option 3 – All groundfish 5, 10, 25, 100 mt

Option 4 – All directed Pacific Cod 5, 10, 25, 100 mt (resulting in a Pcod endorsement)

Component 5 addresses issues related to vessels that have multiple LLPs, or ‘stacked’ licenses. In these cases, groundfish harvest history will be fully credited to all stacked licenses.

There are several options to limit movement between the trawl and fixed gear sectors:

Option 1 – CVs operating with a qualifying catch history in both the trawl and the fixed gear sectors shall elect annually sector participation.

Option 2 – CVs operating with a qualifying catch history in both the trawl and the fixed gear sectors shall have a one time election of sector participation.

Option 3 – CVs operating with a qualifying catch history in both the trawl and fixed gear sectors shall be able to elect to participate in both sectors in a single season.

Number of licenses meeting recency thresholds

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

Catcher vessel licenses

Table E-2 reports the number of fixed gear catcher vessel licenses that meet each landings and catch threshold. The number of licenses that would qualify to retain Western and Central Gulf area endorsements depends on the catch definition, landings or catch threshold, and qualification period selected. There are currently 266 Western Gulf fixed gear licenses, and under the first part of the proposed action, between 51 and 101 of these licenses would retain Western Gulf area endorsements. Under the second part of the action, between 51 and 94 of these licenses would qualify for a Pacific cod endorsement. There are 884 Central Gulf fixed gear licenses, and under the current set of options, between 98 and 296 licenses would retain Central Gulf area endorsements, and between 97 and 269 of these licenses would qualify for a Pacific cod endorsement.

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

Table E-2 Number of fixed gear catcher vessel licenses that meet the landings and catch thresholds.

Western Gulf – 266 CV licenses

Fishery	Threshold	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	101	98	89	83
	3 landings	85	82	78	74
	5 landings	77	73	71	67
	5 mt	85	84	77	74
	10 mt	79	78	73	69
	25 mt	74	72	66	63
	100 mt	55	53	54	51
Directed Pacific cod	1 landing	94	92	83	79
	3 landings	83	81	76	73
	5 landings	74	71	68	64
	5 mt	85	84	77	74
	10 mt	79	78	73	69
	25 mt	74	72	66	63
	100 mt	55	53	54	51

Central Gulf – 884 CV licenses

Fishery	Threshold	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	296	278	215	193
	3 landings	251	239	185	168
	5 landings	232	218	169	150
	5 mt	250	235	187	166
	10 mt	236	222	178	160
	25 mt	202	190	162	142
	100 mt	151	141	111	98
Directed Pacific cod	1 landing	269	252	198	176
	3 landings	240	226	179	160
	5 landings	219	206	164	144
	5 mt	237	223	180	161
	10 mt	223	211	171	154
	25 mt	190	180	154	137
	100 mt	151	141	110	97

Source: ADFG Fish Tickets and RAM LLP groundfish license file dated January 6, 2008.

A number of catcher vessel licenses have fixed gear landings using more than one gear type. These licenses could potentially qualify for more than one gear-specific Pacific cod endorsement. Under Amendment 67, individual licenses were eligible to qualify for up to two gear-specific BSAI Pacific cod endorsements (pot and hook-and-line). Under the current landings and catch thresholds, the number of gear-specific Pacific cod endorsements that could be added to fixed gear catcher vessel licenses includes:

Central Gulf

- 62 to 169 hook-and-line endorsements
- 35 to 111 pot endorsements
- 0 to 19 jig endorsements

Western Gulf

- 0 to 8 hook-and-line endorsements
- 51 to 83 pot endorsements
- 0 to 9 jig endorsements

The Council could choose different catch or landings thresholds for different gear types and MLOAs to account for differences in catch history among licenses in each sector. There are additional tables in Chapter 3 of this document that report the number of licenses in each gear type and MLOA that meet the various criteria.

Table E-3 Number of fixed gear catcher vessel licenses qualifying under the various catch thresholds based on catch using a specific gear type.

Western Gulf licenses - 266 CV licenses

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

Central Gulf licenses - 884 CV licenses

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

Source: ADFG Fish Tickets and RAM LLP groundfish license file dated January 6, 2008.

* Withheld due to confidentiality

Table E-4 Number of fixed gear catcher processor licenses qualifying under various landings and catch thresholds.

Western Gulf – 31 licenses

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	21	19	19	16	18	16	16	13	5	5	3	3
	3 landings	18	16	16	12	14	12	13	9	5	5	3	3
	5 landings	14	14	10	9	11	11	8	7	2	2	2	2
	5 mt	20	18	18	14	17	15	15	11	5	5	3	3
	10 mt	20	18	18	14	17	15	15	11	5	5	3	3
	25 mt	19	18	17	14	16	15	14	11	5	5	3	3
	100 mt	*	*	*	*	15	14	14	11	*	*	*	*
Directed cod	1 landing	20	18	18	14	17	15	15	11	5	5	3	3
	3 landings	18	16	15	12	14	12	12	9	5	5	3	3
	5 landings	13	13	10	9	10	10	8	7	2	2	2	2
	5 mt	20	18	18	14	17	15	15	11	5	5	3	3
	10 mt	19	18	17	14	16	15	14	11	5	5	3	3
	25 mt	19	18	17	14	15	14	14	11	5	5	3	3
	100 mt	*	*	*	*	15	14	14	11	*	*	*	*

Central Gulf – 49 licenses

		All Gear Types				Hook-and-line				Pot			
		2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005	2000-2006	2000-2005	2002-2006	2002-2005
All groundfish	1 landing	21	18	19	14	18	15	16	12	4	3	3	2
	3 landings	11	9	9	6	7	6	6	5	4	3	3	1
	5 landings	9	7	7	4	6	5	5	4	3	2	2	0
	5 mt	17	13	14	*	14	10	11	7	4	3	3	*
	10 mt	14	*	*	7	12	8	11	7	3	*	*	0
	25 mt	13	*	*	6	11	7	10	6	3	*	*	0
	100 mt	*	*	*	5	7	5	7	5	*	*	*	0
Directed cod	1 landing	14	11	12	7	12	9	10	6	3	2	2	1
	3 landings	9	8	7	5	6	6	5	5	3	2	2	0
	5 landings	8	7	6	4	5	5	4	4	3	2	2	0
	5 mt	14	*	*	5	12	8	9	5	3	*	*	0
	10 mt	12	*	*	5	10	6	9	5	3	*	*	0
	25 mt	12	*	*	5	10	6	9	5	3	*	*	0
	100 mt	*	*	*	5	7	5	7	5	*	*	*	0

Source: Catch Accounting/Blend data and RAM LLP license file dated Jan. 6, 2008. * Withheld due to confidentiality.

Table E-4 reports the number of catcher processor licenses meeting the various landings and catch thresholds. There are 31 Western Gulf catcher processor licenses, and between 9 and 21 licenses meet the various landings and catch thresholds based on all groundfish landings and would qualify to retain Western Gulf area endorsements. Most Western Gulf licenses that have catch history during the various qualifying periods meet the highest catch threshold (100 mt), but fewer licenses meet the highest landings threshold (5 landings). Almost all Western Gulf licenses that meet the catch thresholds based on all groundfish landings would also qualify for a Pacific cod endorsement. There are 49 Central Gulf licenses, and between 4 and 21 licenses meet the landings and catch thresholds based on all groundfish catch and would qualify to retain Central Gulf area endorsements. Only 4 to 14 of these licenses would qualify for a Pacific cod endorsement. In general, fewer Central Gulf licenses that have been active in the fisheries during recent years meet the highest catch thresholds.

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

Western Gulf

- 7 to 17 hook-and-line catcher processor endorsements
- Up to 5 pot catcher processor endorsements
- 2 licenses have both hook-and-line and pot landings

Central Gulf

- 4 to 12 hook-and-line catcher processor endorsements
- 0 to 3 pot catcher processor endorsements
- 1 license has both hook-and-line and pot landings

Potential Range of Outcomes from this Action

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

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

Interactions with Pacific Cod Sector Allocations

In refining the alternatives and options for analysis, the Council may wish to consider interactions between the proposed GOA Pacific cod sector allocations and the GOA fixed gear recency action. A comparison of the components and options currently under consideration for the two actions is found Table E-3. The Council is considering options to add Pacific cod endorsements to fixed gear licenses to limit entry into the directed Pacific cod fisheries in the Western and Central Gulf of Alaska. Pacific cod endorsements could also restrict licenses to using the specific fixed gear type (e.g., pot or hook-and-line) and operation type (catcher processor or catcher vessel) specified on the endorsement. The pot, hook-and-line, and jig catcher vessel sectors and pot and hook-and-line catcher processor sectors could also be subject to the Pacific cod endorsement requirement, and there is an option to create vessel length designations on hook-and-line catcher processor endorsements. The Council may wish to make the Pacific cod endorsement sector definitions consistent with the sector allocation definitions to ensure that vessels that contributed catch history to the sector allocations have access to those allocations.

Other issues

An analysis of the alternatives, components, and options is included in Chapter 3 of this document. The analysis includes several new sections that the Council may wish to review at this meeting, including:

- Options for creating exemptions for vessels using jig gear
- The number of licenses qualifying based on gear type and MLOA on licenses
- Options for limiting movement between trawl and fixed gear types
- Community impacts

Table E-3. A comparison of the components and options included in the proposed GOA sector allocations and GOA fixed gear recency actions.

COMPARISON OF GULF OF ALASKA ACTIONS		
ACTION	GOA Pacific Cod Sector Allocations	GOA Fixed Gear LLP Recency
PURPOSE OF ACTION	Allocate Western and Central Gulf Pacific cod TACs to the various sectors	(1) Remove latent fixed gear licenses with WG and/or CG endorsements from the groundfish fisheries (2) Add Pacific cod endorsements to licenses to limit entry to directed Pacific cod fisheries in GOA
MANAGEMENT AREAS	Western and Central Gulf of Alaska	Western and Central Gulf of Alaska (CG endorsement also includes West Yakutat)
SECTORS	(1) Hook-and-line CVs Suboption: Hook-and-line CVs <60 and ≥60 (2) Hook-and-line CPs Suboption: Hook-and-line CPs <125 and ≥125 (3) Pot CVs Suboption: Pot CVs <60 and ≥60 (4) Pot CPs (5) Jig (6) Trawl CVs (7) Trawl CPs Suboption: Trawl CPs <125 and ≥125	(1) Hook-and-line CVs (2) Hook-and-line CPs Suboption: Hook-and-line CPs <125 and ≥125 (3) Pot CVs (4) Pot CPs (5) Jig
CATCH DEFINITIONS	(1) All retained catch of Pacific cod from parallel and federal waters (2) Retained catch from the directed Pacific cod fisheries in parallel and federal waters State waters catch is excluded	(1) All retained catch of groundfish from parallel and federal waters (2) Retained catch from the directed Pacific cod fisheries in parallel and federal waters State waters catch is excluded IFQ catch is excluded
QUALIFYING YEARS	(1) 1995-2005: best 7 years (2) 1995-2005: best 5 years (3) 2000-2006: best 5 years (4) 2000-2006: best 3 years	(1) 2000-2005 (2) 2000-2006 (3) 2002-2005 (4) 2002-2006
LANDINGS THRESHOLDS	None	(1) 1,3, or 5 landings during qualifying years (2) 5, 10, 25, or 100 mt during qualifying years
JIG	1, 3, 5, or 7 percent allocation Step up provision (1, 2, or 3 percent) if allocation is 90 percent harvested during a given year Step down provision if allocation is not 90 percent harvested during 3 consecutive years, but allocation will not drop below its initial level	(1) Exempt jig vessels from any LLP requirement (2) Exempt jig vessels from Pacific cod endorsement requirement
OTHER COMPONENTS	Options to allocate hook-and-line halibut PSC to CVs and CPs	Options to restrict licenses from using both fixed and trawl gear

AGENDA C-4(a)
Supplemental
JUNE 2008

May 27, 2008

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

Re: Fixed Gear LLP Recency June Meeting

Dear Chairman Olson;

Magic Fish Co. is an Alaskan corporation that owns two trawl /non-trawl LLPs for the WC, CG and BS areas. We are active participants in all three areas using different gear types during different years.

The following comments pertain to fixed gear catcher vessels: I do **not** support any changes to the fixed gear LLP program based on recency until such a time when the Council and State of Alaska can "solve" the parallel fishery issue. The Council is contemplating extinguishing LLPs for fishermen who may not have fished in a federal area recently. The rationale of supporters of this action is to curtail the potential for expansion of active participants in the cod fishery. But unless you address the parallel issue you have left open a three mile wide hole in the program. Taking away the right to fish in federal waters will potentially cause more fishermen to move into the parallel fishery and into the state water cod fishery. A substantial portion of the cod resource in the western gulf is available in state waters. So is a substantial portion of critical sea lion habitat. Why would anybody want to concentrate effort into state waters? What problem is this going to solve?

Sincerely,



Buck Laukitis
Magic Fish Co.

PO Box 33

False Pass, AK 99583

907-548-2210

May 26, 2008

**Eric Olsen, Chairman
North Pacific Fisheries Management Council**

C-4(a) GOA Fixed Gear Recency

Chairman Olsen,

I would like to comment and make recommendations pertaining to GOA Fixed Gear Recency and p. cod endorsements C-4(a). My comments and recommendations will be specific to the CGOA, as the CGOA and WGOA may require respectively unique solutions for dealing with the challenges that are listed in the Purpose and Need Statement. Rather than the removal of LLPs, I suggest that p. cod endorsements be placed on existing groundfish LLPs.

As is stated in the Purpose and Need Statement, it is imperative that the Council take action to limit fixed gear participation in the Federally managed Pacific cod fishery in the CGOA. The number of LLP licenses (884) presently valid to participate in the p. cod fishery poses a very real threat to the stability of the current stakeholders. Presently there are only 70+ pot vessels that are actively taking part in the CGOA p. cod fishery. The reality of another 650 licenses available to participate in the p. cod fishery needs to be addressed in a timely manner.

Regarding Component 2: Sector definitions, I would recommend size class categories in the pot cv sector and in the hook-and-line cv sector. This would allow size classes within the pot cv sector and the hook-and-line cv sector, which would allow each of these sectors to more easily tailor solutions that deal with the problems and issues that are unique to each of these two sectors.

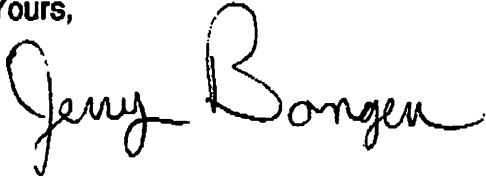
Regarding Component 3: Qualifying years, I would suggest using the qualifying years 2000-2006. This set of years is the most inclusive while best exemplifying dependence and recent active participation.

Regarding Component 4: Catch thresholds, I support at minimum a poundage threshold of 10 mt of directed p. cod. While a landing total of 22,000 pounds of p. cod over a 7

year period does not reflect a dependance or active participation in the p. cod fishery, it does reflect past Council actions in being reasonably inclusive.

Component 5: Multiple endorsements, I would recommend Option 1, that vessels qualifying in more than one gear type, elect on an annual basis the sector that it would participate in. This option is the fairest available, providing a measure of flexibility, while protecting each sector from effort that did not appreciably contribute to the catch history that served as the foundation for the specific sector allocations. I would suggest that this component be p. cod specific.

Yours,

A handwritten signature in black ink that reads "Jerry Bongen". The signature is written in a cursive style with a large, prominent "J" and "B".

Jerry Bongen
PO Box 3523
Kodiak, AK 99615
907-486-6245



United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

Fax: 907-486-8485



May 27, 2008

Sent via Fax No.: 907-271-2817

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252

Re: C-4 (a) GOA Groundfish Issues; Initial review of fixed gear recency

Dear Eric,

The United Fishermen's Marketing Association, Inc. (UFMA) includes harvesters who participate in the Gulf of Alaska (GOA) Pacific cod (p. cod) pot fishery. UFMA members are impacted by Council action that may allocate the GOA p. cod TAC among and between various sectors ("Initial review of Pacific cod sector split"), and that may address the future participation in the GOA p. cod fishery ("Initial review of fixed gear recency").

We believe that the "Gulf of Alaska Fixed Gear Recency Purpose and Need Statement" ("Purpose and Need Statement") is an accurate portrayal of the circumstances that currently exist, and that are anticipated to occur in the future. Moreover, we believe that the Purpose and Need Statement forms a reasonable foundation and justification for the proposed action of adding p. cod pot gear endorsements to Central Gulf of Alaska (CGOA) fixed gear licenses.

We recognize that the CGOA p. cod pot fishery, and the Western Gulf of Alaska p. cod fisheries, each possess operational, management and gear sector structures that are respectively different, and that may require respectively different solutions to address current and anticipated circumstances and needs that exist in each distinct area. Therefore, we will generally indicate that our comments address the CGOA p. cod pot fishery.

Alternatives, Components and Options:

Alternative 2.

Part 1. "(1) Remove area (Western Gulf and/or Central Gulf) endorsements from fixed gear LLP licenses unless the license meets a minimum catch or landings threshold in that management area."

We do not believe that it is necessary to remove LLPs from the CGOA groundfish fishery for the purpose of meeting the objectives and needs of the CGOA p. cod pot fishery that are accurately indicated in the Purpose and Need Statement.

Part 2. “(2) Add Pacific cod endorsements to fixed gear licenses. Pacific cod endorsements would limit entry into the directed Pacific cod fisheries in federal waters in the Western and Central Gulf of Alaska.”

We believe that the addition of endorsements for CGOA p. cod pot gear to CGOA LLPs is sufficient action to meet the objectives and needs of the CGOA p. cod pot fishery that are accurately indicated in the Purpose and Need Statement.

Component 3: Qualifying years

We support the Option that establishes “2000-2006” as the set of qualifying years for the purpose of calculating catch history.

Component 4: Catch Thresholds

We support the “10 mt” choice within “Option 4” for the purpose of determining the qualifications for a CGOA p. cod pot gear endorsement.

Component 5: Multiple endorsement provisions

We support “Option 1”; that is, “CVs operating with a qualifying catch history in both trawl and the fixed gear sectors shall elect annually sector participation”.

Thank you for your consideration of our comments.

Sincerely,



Jeffrey R. Stephan



ph: 206.284.2522
fax: 206.284.2902
2303 West Commodore Way, Suite 202, Seattle, WA 98199

May 28th, 2008

Chairman Eric A. Olson
Executive Director, Chris Oliver
North Pacific Fisheries Management Council
605 West 4th, Suite 306
Anchorage, AK 99501-2252

Subject: Agenda Items C-4 (a) and C-4 (b)

Dear Chairman Olson and Council Members,

I have included several items for your consideration in the review process of the above stated agenda items for the June 2008 NPFMC meeting. Please include these documents in the council notebooks.

The Freezer Longline Coalition represents thirty-four Hook and Line Catcher Processors. Twenty-eight of those vessels have Gulf of Alaska LLP licenses with groundfish endorsements for Central and/or Western Gulf.

The following are items for consideration:

Thank You,

A handwritten signature in black ink, appearing to read "Kenny Down". The signature is fluid and cursive, with a large initial "K" and "D".

**Kenny Down
Executive Director
Freezer Longline Coalition**



The Hook and Line Catcher Processor.
More than 20 years of Continuous
History in The Gulf of Alaska.

Background Information,

for Consideration.

Initial Review

NPFMC June 2008

Agenda Items C-4 (a)(b)

Gulf Pacific Cod Sector Split.

Fixed Gear Recency.

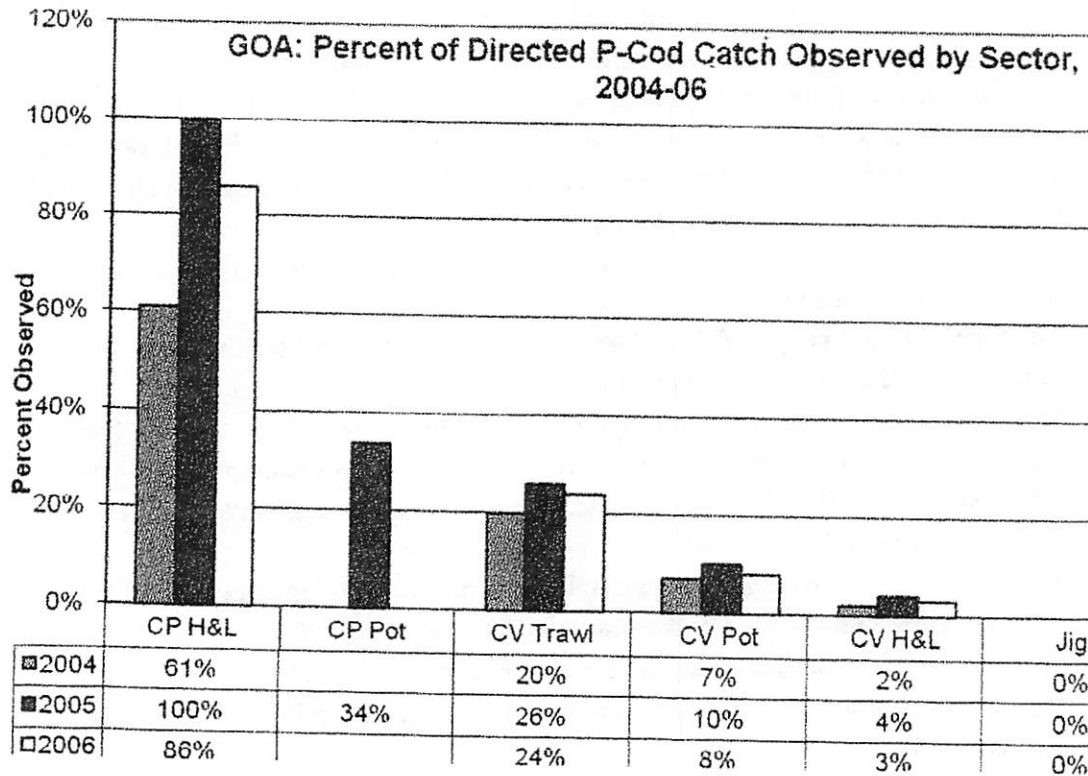
Historical Overview.

The current Hook and Line Catcher Processor (Freezer Longliner) fleet first began operations in the Gulf of Alaska more than twenty years ago in 1986 and quickly built up to the level where it is today.

- ✓ The Freezer Longliners have a historical reliance and dependence on Pacific cod in both the Western and Central sub-areas of the Gulf of Alaska.
- ✓ The Freezer Longliners are long time participants in the GOA and provide a considerable amount of the GOA observer coverage. The average CP H&L observed catch was over 80% 2004-2006. The Freezer Longliners are currently providing much of the overall observer coverage for Pacific cod in the GOA. *See Addendum # 1
- ✓ The Freezer Longliners have an excellent history of working responsibly to reduce bycatch (halibut, seabirds.) *See Addendum # 2 and Addendum # 3
- ✓ The Freezer Longline fleet fishes offshore in federal waters and facilitates a proportion of the catch to be taken in waters distant from shore and does not contribute to a the catch in inshore (within three miles) waters. Forty to Forty five percent of all cod harvested in the Western and Central GOA are currently (2006-2008) harvested within three miles (state waters fishery and state waters parallel fishery combined.) * See Addendum # 4
- ✓ The Freezer Longline fleet provides employment to over 1500 individuals and the GOA is a substantial portion of the yearly income for these individuals and their families. All of the thirteen companies represented by the Freezer Longline Coalition rely on some portion of their yearly revenue from participation in the Central and Western GOA.
- ✓ More than one-third of all the Freezer Longline Coalition fleet of vessels are wholly or partially owned by Alaskans. (Thirteen of thirty-six vessels have Alaskan ownership)
- ✓ The Freezer Longline fleet contributes millions to local Alaska economies in raw fish taxes, and dollars spend on fisheries supplies, fuel and food as well as repairs and vendor services. A substantial portion of many of the Freezer Longliner fleet's yearly income is derived from Pacific cod fishing in the GOA areas.
- ✓ The Freezer Longline fleet produces high quality Alaska cod known in the market place around the world for the consistent high quality of the product. This consistent supply over a twenty year span continues to build the Alaska Seafood reputation. The Freezer Longline fleet in the BSAI was the first cod fishery, and remains the only cod fleet in the world to obtain certification under the Marine Stewardship Council (MSC Certified.)

Addendum # 1

Graph was derived from:
Percent Observed Catch in Alaska Groundfish Fisheries, 2004-2006
 Jennifer Hogan, NOAA Fisheries, Juneau, Alaska



For 2004-06 in the GOA, only 15% of the cod harvest was observed per year on average. 82% of all CP H&L directed cod harvest was observed (04-06 average).

For 2004-06 in the BSAI, 77% of all cod harvest was observed. 93% of all CP H&L directed cod harvest was observed per year on average. (04-06 average)

In 2006 in the GOA, the CP H&L observed P-cod directed catch was 53% of the total observed P-cod catch. If the CP H&L portion of the total catch and observed catch is deducted in 2006, then only 7.8% of the GOA P-cod harvest was observed in 2006 in all the other sectors combined (if CP H&L is not included).

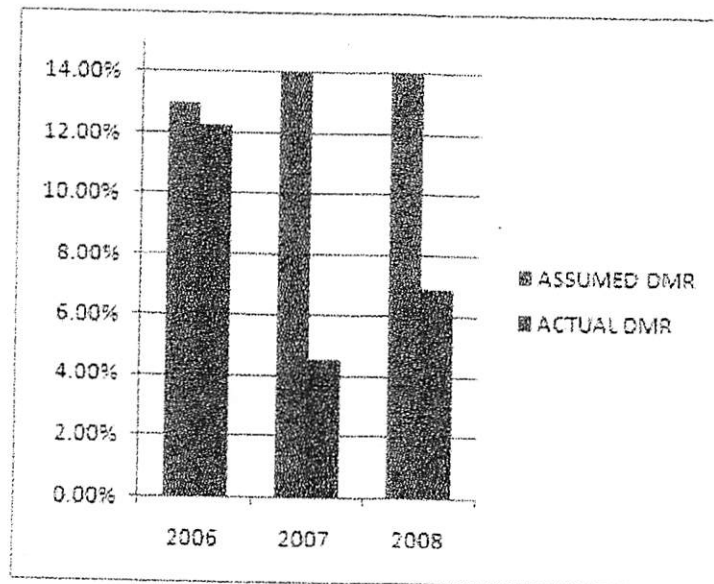
Addendum # 2 Halibut DMR Reduction.

In 2006-2007 and again in 2008 (2008 was through April) the Freezer Longline Coalition formed a voluntary fishing effort to reduce the halibut DMR in the fleet in order to target cod that would have otherwise gone unharvested. Through a voluntary agreement to stop fishing when a vessel specific halibut limit was reached, our fleet has achieved (in 2008) a halibut DMR nearly one-half of the assumed rate. In addition the fleet voluntarily agreed to 100% observer coverage for the entire fleet, even those vessels legally required to only thirty percent coverage carried full time observers.

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

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

*based on inseason observer data on sampled halibut condition



Addendum # 3

Seabird Catch Reductions

Seabird catch rates in the hook-and-line catcher processor sector by season, 1995-2004

Source: AFSC. Data include BSAI and GOA hook-and-line CP fisheries.

“From 2000 to 2004, an estimated 88 Black-footed Albatross were taken annually in the GOA hook-and-line fisheries. Total seabird bycatch in the GOA hook-and-line fisheries peaked in 1996 at 1,649 birds, and decreased to 156 birds in 2004, despite an increase in fishing effort. The incidental catch rate in the GOA decreased from an annual average of 0.021 birds per 1,000 hooks from 1993 to 2004 to 0.01 birds per 1,000 hooks from 2000-2004.”

Addendum # 4
Data provided by ADF&G
May 2008

GOA Pacific Cod

Total State Waters Catch
 State fishery and Parallel Fishery
 combined

*Total Catch Federal and State
 Combined*

**State Waters Catch
 State fishery and
 Parallel
 Fishery combined
 By percentage**

State waters CV

All Catch CV

2006	20,686	2006	41,418	2006	50%
2007	20,026	2007	43,890	2007	46%
2008	16,446	2008	35,776	2008	46%

State Waters CP Catch

All Catch CP

Breif overview of FMS indicated none

2006 4,906 2006 0%

CP's don't record catch by state stat area

2007 6,350 2007 0%

2008 5,026 2008 0%

Total

Total

Total

2006	20,686	2006	46,324	2006	45%
2007	20,026	2007	50,240	2007	40%
2008	16,446	2008	40,802	2008	40%

C-4(a)

North Pacific Fishery Management Council

June 7 2008

188th Plenary Session June 4-10, 2008 Kodiak Best Western Inn

For the record: Testimony of Darius Kasprzak

RE: C-4 GOA groundfish issues (a)

Mr. Chair and council members:

I'm Darius Kasprzak, a participant in GOA groundfish harvests in all gear sectors for the past several decades, currently specializing in the GOA groundfish/rockfish jig fishery with my 39' FV Malka. Please support alternative 1 (ie. no action, and no changes to the current LLP program) as regarding GOA fixed gear recency. Reasons:

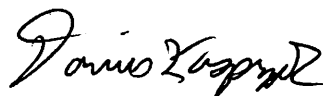
(1) latent LLP removal will significantly raise the cost of surviving LLPs due to reduced availability, causing a barrier to dedicated local entry level fishermen such as myself who won't be able to afford to graduate to fishing their own vessel offshore with multiple gear types. In fact, such action will exacerbate the problem of the 'graying of the fleet', which is the trend in recent years of only older, highly established and often wealthy fishermen being cemented into harvesting rights while the younger up and coming generation is denied a toehold through economic restraints. The council should prioritise providing entry opportunities for younger fisherman over providing "golden parachute" sellout opportunities for older ones.

(2) contrary to the implications of the purpose and need statement, rising groundfish prices will not entice a multitude of latent LLP holders to compete with and encroach upon the more historic participants. Sharply rising costs associated with groundfish harvestin (primarily fuel, but also bait and insurance) offset the financial gains of increased product value and continue to deter new or latent entrants to the fishery.

However, innovaters who learn to work around the fuel crisis by introducing hyper-efficient vessel hulls, propulsion, or fishing techniques need access to affordable , available LLPs in order to test and prove their innovations and evolve the fleet to higher standards of efficiency and sustainability. In contrast, removal of latent LLPs would simply encourage the fleet to stagnate with its current relatively inefficient vessels tied to active LLPs. I firmly believe that the longterm vitality of our fleet depends upon innovators who have affordable access to harvesting priviledges.

Regardless of whether latent LLP removal and or sector splits come to fruition, I support FMP changes to the jig fishery. At the very least, LLP exemptions should be made to to the GOA jig fleet with restrictions similiar to those in the BSAI. Please consider the AP's passed motion (alternative 2 component 2) to add suboption to exempt jig vessels with fewer than 6 jig machines. I would suggest that the hooks per line maximum be set at 30 hooks (or 1 line of 150 hooks) to mirror GOA state water requirements.

*Thank you for the opportunity to comment.
Sincerely, Darius Kasprzak (907) 942-2504*



C-4(a)
Provided by
Theresa Peterson

A Fisherman's Proposal Regarding Latent LLPs
Dave Kubiak , F/V Mythos (21 SGT)
June 2, 2008

Given that the fishermen of coastal communities rely upon diverse fisheries, it is critical to their economic survival that they be permitted to maintain a portfolio of fishing permits to allow them to change fish targets as ocean productivity and market conditions change. For that reason, it is important that when discussion of extinguishing valid fishery permits is undertaken, the Council move in a judicious and reasonable manner, not favoring one economic entity over another. Since smaller vessels have the least impact on TAC, the concerns here are for preserving fishing opportunity and economic survival of small fisheries businesses in coastal communities.

Motion: Reduction of the <60 fixed gear LLPs can be accomplished most fairly in the following manner:

Preserve the validity of the following LLPs:

1. LLP holders who are Currently Active Fishermen (CAF)
2. LLPs and their history transferred within three years prior to implementation
3. LLPs assigned to Currently Active Fishing Vessels (CAFV)

Restrict LLPs:

1. To endorsement by gear type and area
2. To Simplified Measurement Tonnage Formula (SMTF) that locks in current vessel size (no expansion of 20%). A 40 foot CAFV holding a 50 foot LLP would be restricted to its current Simple Gross Tonnage (SGT).

Extinguish remaining latent LLPs that do not qualify as above.

Definitions:

Currently Active Fishermen (CAF) are those who have signed a fish ticket showing them aboard a vessel fishing and have for any state or federal fishery made two or more deliveries of any species in any one of three (3) years prior to implementation. They do not need to be vessel owners.

Currently Active Fishing Vessel (CAFV) is a vessel licensed by the State of Alaska that has made two or more deliveries in any fishery in the most recent calendar year prior to implementation.

Simplified Measurement Tonnage Formula (SMTF) is $0.67 \times (\text{LBD}) / 100 = \text{Simple Gross Tons (SGT)}$ for ship shaped cylindrical hulls. <46 CFR Subpart E>

Example comparisons of existing 58 foot vessels using (SMTF) measurements:

Vessel A	$.67 \times (58 \times 17 \times 9) / 100 = 59 \text{ SGT}$
Vessel B	$.67 \times (58 \times 22 \times 12) / 100 = 103 \text{ SGT}$
Vessel B (expanded)	$.67 \times (58 \times 28 \times 12) / 100 = 131 \text{ SGT}$



Gulf of Alaska Coastal Communities Coalition (GOAC3)
PO Box 201236, Anchorage Alaska 99520
Phone: (866) 561-7633 or (907) 561-7633 Fax: (907)561-7634
Web: www.goac3.org Email: goaccc@alaska.net

**TESTIMONY TO
THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
June 7, 2008**

**Regarding: C4- GROUNDISH LICENSE LIMITATION PROGRAM (LLP)
FIXED GEAR LLP RECENCY AND P-COD SECTOR SPLIT
FOR THE GULF OF ALASKA
INITIAL REVIEW – DRAFT 2**

Chairman Olsen and members of the Council: My name is Gale Vick and I am the Executive Director of the Gulf of Alaska Coastal Communities Coalition (GOAC3.) I am addressing issue C4 – groundfish LLP fixed gear recency for the Western and Central Gulf of Alaska. In the interests of time, I will be reading our testimony but not the attached footnotes and references. I am providing the Council with written copies for the record.

The GOAC3 objects to any fixed gear LLP reductions for ^{CQE} *community-based catcher vessels* and any decision on Pacific cod *sector splits* until the issues of community impacts and consultation have been adequately analyzed and addressed for affected GOA communities.

In general, the GOAC3 views the alternatives, other than status quo, to eliminate latent fixed gear CV licenses in the affected areas as an *unnecessary* barrier to access and a burden to future productivity because they

- maybe lower* →
- Propose to reduce the existing number of ^{CQE} *community-based* fixed gear licenses by over 74% (53 down from 72) in the Central Gulf and 34% (19 down from 30) in the Western Gulf
 - Have the potential for creating a significant increase in value for the remaining licenses, thus raising entry barriers for adjacent coastal communities to an unreasonable level
 - Have not been adequately analyzed within the context of the MSRA¹ socio-economic requirements for fishery management plan amendments and NEPA requirements for Social Impact Assessment (SIA)²
 - Have not conducted the required consultations with affected communities and tribes³
 - Have not considered the *cumulative*⁴ impacts of this action, as required by MSRA, on the ability to *combination*⁵ fish which is the essence of community fishing viability

- are not sufficiently supported by the problem statement⁶ and is, therefore, in conflict with National Standard #5

In the May 1, 2008, NPFMC draft of the EA/RIR on fixed gear recency⁷, the recommendation under National Standard #8 does not address the intent of Congress⁸ under the 2006 MSRA to protect the socio-economic needs of coastal communities adjacent to the resource.

Council staff has done an excellent job in providing information based on available data. However, Staff seems to have concluded as well that the interpretation of ~~the available data~~ existing data does not, and maybe can not, address the substantive socio-economic impacts of these proposed actions within the context of historical GOA small, remote communities survivability based on combination fishing.

We cannot analyze community impacts within the context of small windows of time and sector. We are getting sucked into a numbers game based on isolated portions of a greater plan and a tiny set of qualifying years that is a disservice to what a community needs to survive. We need a model that looks at the big picture and can focus on what our Gulf of Alaska communities have lost due to similar regulatory actions and what they stand to lose in the future because of cumulative impacts of many regulatory actions. **We need a model that prevents the regulatory process from inadvertently but systematically eliminating fishing options for coastal communities.**

Piece-mealing what is an obvious rationalization plan⁹, without appropriate analysis and application of appropriate measures circumvents Congressional intent in protecting those communities.

Let's get real. We can call these cumulative actions (license limitations + recency reduction + sector splits + pilot projects) whatever we want; in the end it is going to become a rationalization of the groundfish industry and, as usual, both the coastal communities and ultimately the State of Alaska¹⁰, are going to be left behind in the economic wake.

Gulf of Alaska fishing communities set the standard for what a true "fishing community" means. We can go back hundreds of years, in some cases, to document that fishing and marine access is *the only way our coastal communities have and can survive*. But the rapidity of rationalizing all North Pacific fisheries within a very small period of time has not afforded adequate time in which to analyze impacts of one regulatory change, much less many. GOA coastal communities have born the true brunt of many regulatory actions without any substantive off-setting gain and we are seeing the effect; many of these communities are going under much faster than data collection can comprehend.

Ignoring the fundamental basis for community fisheries – "combination fishing" – is not a responsible action. "Buying in" is not an appropriate option.¹¹ Creating a closed class of LLPs or IFQs that benefit few and are ultimately subject to complete non-resident ownership is not an appropriate option. Neither are the creations of controlling processor shares, co-ops that lock

communities out, or, for that matter, the creation of closed fishing areas that have the greatest impact on small boat fleets.

Therefore, the GOAC3 recommends that before deciding on any of the fixed gear or sector split options, the Council should provide adequate analysis of true community impacts, not a weak version based on a small portion of a large plan. We specifically recommend:

- (1) Retaining all GOA ^{CQE} community-based latent licenses
- (2) Transferring 5-10 non-community-based latent licenses to each of the 19 affected eligible CQE (community quota entity) communities within the Western and Central Gulf

The 2006 MSRA suggests that the Councils *do* have a role in mitigating cumulative regulatory impacts because frankly, if they don't, who does? ¹² Past Councils have shown what creative measures and strong intent can do. We have faith that this Council sincerely wants to do the same.

Thank you.

¹ Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006

² "Guidance for Social Impact Assessment", Peter Fricke, Ph.D., Office of Sustainable Fisheries, NOAA/ National Marine Fisheries Service, Silver Spring, MD

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

³ The 2006 Magnuson-Stevens Re-authorization Act (MSRA) has mandatory requirements for the contents³ of an FMP to "include a fishery impact statement for the plan or amendment ... which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for participants in the fisheries and fishing communities affected by the plan or amendment and/or participants in the fisheries conducted in adjacent areas under the authority of another Council, *after consultation* with such Council and representatives of those participants." In addition, NEPA³ requires consultation with affected tribal entities *and* consideration of *cumulative* impacts. **As far as we know, no such consultations have occurred.**

⁴ "Analysis of the potential cumulative effects of a proposed action and its alternatives is a requirement of NEPA. Cumulative effects are those combined effects on the quality of the human environment that result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of what Federal or non-Federal agency or person undertakes such other actions (40 CFR 1508.7, 1508.25(a), and 1508.25(c)). Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. The concept behind cumulative effects analysis is to capture the total effects of many actions over time that would be missed by only evaluating each action individually. At the same time, the CEQ guidelines recognize that it is not practical to analyze the cumulative effects of an action on the universe but to focus on those effects that are truly meaningful." March 7, 2008, Public Review Draft, EA/RIR trawl LLP regulatory amendment, NPFMC, page 73

⁵ "Combination fishing" allows fishermen to be able to adjust to fluctuating conditions beyond their control by fishing different species of fish based on market conditions, TAC, weather or regulatory factors. Alaska's fishing communities started to lose their open access fishing, the basis for combination fishing, during the mid-1970's when the State of Alaska implemented the salmon Limited Entry Act, but it was not until the mid-1990s when the Halibut and Sablefish IFQ program was implemented that the real cost of closing access undermined the ability of community residents to adjust, even marginally. (See CFEC reports that were the basis for Amendment #66 to the Halibut and Sablefish FMP.)

⁶ National standard #5 states you cannot regulate purely for economic reasons – “104-297 (5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.”

⁷ “The RIR presents information on the impact of the proposed action on licenses held by residents of Alaska and other states, and provides detailed information on the number of qualifying licenses from Alaska communities. This action does not appear to have a disproportionate effect on residents of a particular state or on specific fishing communities. The RIR discusses the number of licenses held by CQE communities that could qualify to retain their area endorsements, and discusses the relative importance of groundfish in comparison to other commercial fisheries to those communities. ... Major port in Alaska that process groundfish catch from the Western and Central Gulf of Alaska include Kodiak, Sand Point, King Cove, Homer, and Dutch Harbor, and the proposed action would not directly impact communities with processing facilities. Additionally the greater Seattle, Washington metropolitan area is home to many catcher and catcher processor vessels operating in the fixed gear fisheries, as well as cold storage, transshipping, and secondary processing facilities.”

⁸ NOAA/NMFS Public Comment -- Limited Access Privilege Programs (LAPP) provisions in Section 303A of the Magnuson-Stevens Fishery Conservation and Management Act as Amended January 12, 200, GOAC3, September 30, 2007, page 2 of 13 “While the broadly interpreted definition of “fishing community”³ remains unchanged from the 1995 Sustainable Fisheries Act (PL 104-297) reauthorizing the MSA, Section 303A of the 2006 MSRA (PL 109-479) adds many qualifications that define communities in more geographic terms. In drafting the 2006 MSA, numerous references are made to “coastal communities” and to “communities in the region or sub-region”. This is evidence of Congress’ intent to focus on community issues when crafting LAPPs and management plans as applying primarily to localized communities near the fishery and the individuals who reside in them. Otherwise, to give extraordinary consideration to people living far from the resources simply by virtue of previous participation would unduly extend the benefits intended by Congress for communities and individuals near the resource to virtually anyone in the world⁴. Any “criteria developed by the relevant Council...”⁵ or rule-making would necessarily have to reflect a more geographically-based definition.

Further, the 2006 MSRA LAPP eligibility includes a requirement for a “community sustainability plan.. (i.e.,) *To be eligible to participate in a LAPP to harvest fish, a fishing community shall...-- (IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.*”⁶

⁹ *without benefit of appropriate analysis of socio-economic impacts on adjacent fishing communities, which is a violation of the limited access privilege program (LAPP) provisions of the MSRA.*

¹⁰ There is no way to guarantee a certain percentage of fishing effort stays within Alaskan ownership *without* anchoring that ownership in our coastal communities

¹¹ We know from experience that *community ownership* is not only currently limited by law to halibut and sablefish for the Gulf of Alaska, but that without some kind of initial issuance or granted funding, it is virtually impossible for a community to overcome accelerating costs of entry *because there is a necessary extra layer of cost of business and fiduciary responsibility.*

¹² Councils do not have responsibility, obviously, for mitigating factors or impacts that are not federal fishery related

C-4(a)

188th Plenary Session
North Pacific Fishery Management Council
June 4-10, 2008
Best Western Kodiak Inn
Kodiak, Alaska

June 4, 2008

Public Comment Regarding LLP Recency.

Dear Chairman Olson, Vice-chair Bundy and Council members,

My name is Leonard Carpenter and together with my wife Anita and family we own and operate a 36 foot fishing vessel. We longline in the federal parallel directed P. cod fishery and also jig in the State water cod and rockfish fisheries. We have been long term participants in the federal parallel and state water fisheries, and we are very dependent on these cod fisheries as they represent a major portion of our yearly income.

We support **Alternative 1** as the preferred alternative.

With the continued upward spiral of fuel and operating costs and the expected downward trend in cod stocks, the GOA cod fisheries will become less profitable for many vessels and may soon reach a point where vessel operators shift their operations to different areas or stop fishing altogether. Opportunities should continue to exist for smaller, more efficient operations to enter the fishery.

If the Council decides to continue with LLP recency, instead of removing all latent licenses, it may be more appropriate to create several classes of LLP's based on vessel length. For example, LLP's over 48' would be considered high-producers and should be subject to latent license removal to protect the existing fleet from a new breed of fishing vessels currently entering Alaska's fisheries. These vessels are typically under 60' to avoid observer coverage, but are often in excess of 100 tons, and built to fish in and endure heavy weather. If all latent licenses were removed any available qualified LLP licenses that did come on the market would likely be too expensive for new entrants of smaller vessels into the federal fishery, but still affordable for these large vessel owners. LLP's under this 48' length threshold would be considered low-producers and not subject to latent license removal.

This would also ensure LLP licenses would be available for the jig sector in case the LLP exemption for jig vessels is not approved by the Council.

If Alternative 2 is adopted we support the following options and also suggest the following amendment be added to protect existing participants in the directed parallel fishery.

Alternative 2. Option (2). Add Pacific cod endorsement to fixed gear licenses.

Component 2. We support the exemption of jig vessels under option a, and/ or b.

Component 3. We support the following years of 2002-June 4, 2008 under Alternative 2 as recommended by the AP.

We also request that Council consider adding an amendment to Alternative 2 that would allow vessels that participated in the directed parallel P. Cod fishery during the qualifying dates adopted by the Council to obtain a latent license that does not meet the recency requirements in

component 3 or 4. This will give vessels that have historically participated in the directed P. cod fishery in parallel waters, and contributed to their respective sectors allocation under the proposed sector split, a measure of protection from new entrants that will only be able to enter the fishery in parallel waters. It will also ease crowding and gear conflicts that will invariably arise as a result of latent license removal. In addition, it could aid the State in establishing a beginning qualifying date for the purpose of limited entry into this parallel fishery when it becomes necessary. Under Table 3-5 (pg. 35), this action would result in the addition of only 63 hook and line catcher vessels and 5 pot catcher vessels in the Central Gulf.

Table 3-5. Average number of vessels fishing in the parallel waters fisheries without an LLP license, retained catch (mt), and percent of retained catch of Pacific cod within each sector by vessels without LLPs during 2002-2007.

Year	HAL CV		Jig CV		Pot CV		Trawl CV		All sectors
	Vessels	Catch	Vessels	Catch	Vessels	Catch	Vessels	Catch	Catch
Central Gulf 2002-2007 average	63	106	15	45	5	211	1	*	362
Western Gulf 2002-2007 average	11	16	9	50	7	629	1	*	695

Please give the parallel fishers who have historically participated in the GOA directed P. cod fishery the protection we need and deserve to avoid undue encroachment on our fishing operations that will inevitably occur as a result of latent license removal.

Thank-you for your consideration and help.

Sincerely,

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 F/V Fish Tale
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C-4(a)

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May 27, 2008

Eric Olson, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

Re: Agenda item C-4a; Initial review of fixed-gear recency.

Dear Chair:

I own and operate the 58-foot F/V Polar Star, which participates in the pot p-cod fishery here in the Gulf of Alaska. I have lived in Kodiak since 1972, and I have fished in the pot p-cod fishery since 1991. This fishery is important to my livelihood, so I would like to comment on the GOA fixed-gear LLP recency action that the council is now considering.

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

- *Pacific Cod endorsements.* I support adding Pacific Cod endorsements to LLPs as a means of addressing the issues presented in the purpose and need statement. Giving the historical participants p-cod endorsements would protect them from latent effort and help stabilize the fishery. However, I do not believe it necessary to also extinguish LLPs that do not meet the catch thresholds. This action is primarily targeted at the p-cod fishery, but there are many other species of groundfish out there, some underutilized, and I would not want to preclude anyone from using their LLP to develop a new fixed-gear fishery where there is room for them to grow.
- *Component 3: Qualifying years.* I support using 2000-2006 for the qualifying years. Given the time frame over which this action was developed, the years 2000-2006 makes the most sense for determining recency. Seven years going up to 2006 is a wide enough window to encapsulate the true historical participants of the fishery that are also recent participants, which is what I believe this recency action is meant to accomplish.
- *Component 4: Catch thresholds, all groundfish vs. directed p-cod.* I think that directed p-cod should be used for determining qualifying catch rather than all groundfish. This action primarily concerns

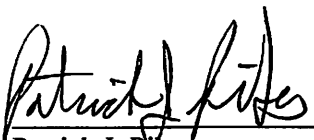
the p-cod fishery, and I believe that the right course of action, and what is really needed, is to give p-cod endorsements to those LLPs that are used to target p-cod in the directed p-cod fishery. This identifies and protects those who are truly dependent on the GOA p-cod fishery. Delivering a small amount of p-cod as bycatch while targeting another fishery should not result in a permanent GOA p-cod endorsement.

- *Component 4: Catch thresholds.* I support the selection of 10 mt for the qualifying catch threshold to receive a p-cod endorsement. If 2000-2006 are selected for the qualifying years, then 10 mt seems like a reasonable threshold for determining that you are a true participant of the fishery, and not someone who made one tiny landing in a side-effort just to get an endorsement. Ten metric tons converts to roughly 22,000 pounds; if you haven't caught at least that much over 7 years, then you're not really a dedicated participant of the Gulf p-cod fishery.
- *Component 5: Multiple endorsement provisions.* I support the selection of option 1, which would require participants with both trawl and fixed-gear p-cod endorsements to annually select which sector to participate in. Forcing people with multiple endorsements to permanently select a sector, as in option 2, seems to me to be overly unfair and restrictive. Alternatively, allowing them to fish in both sectors in a single year would give them an unfair advantage. With the sector split, different opening dates, and the A/B season split, this would provide too much opportunity for people to game the system. Especially given the sector split, people should be required to be either trawl or fixed-gear, and not both in the same year.

In conclusion, I support moving forward with fixed-gear recency and the sector split. I encourage the council to move forward with these two programs.

Thank you for your consideration.

Sincerely,



Patrick J. Pykus