


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: September 22, 1994

SUBJECT: Comprehensive Rationalization Planning (CRP)

ESTIMATED TIME
8 HOURS

ACTION REQUIRED

- (a) Review draft license limitation analysis for public review.
- (b) Review future IFQ programs.
- (c) Receive status report on social impact analyses.

BACKGROUND

(a) Draft License Limitation Analysis

Last week you were mailed a copy of the draft analysis of license limitation alternatives prepared by Council staff. The document evaluates the various alternatives for a potential license limitation program in the groundfish and crab fisheries off Alaska. The alternatives examined culminate months of discussion and development by the Council and the industry. The current schedule for this amendment calls for a public comment period this fall, with final action by the Council in January 1995. If the Council wishes to supplement or revise the analysis in any way before release to public review, the changes must be limited in scope if we are to remain on track for a January 1995 decision. We would want the document ready to go out to the public preferably by October 31, but by November 15 at the latest.

Council staff will walk the Council through the document, with an emphasis on describing what is contained in the analysis and its major findings. Item C-5(a)(1) is a familiar excerpt from the analysis listing the key decision points for the groundfish and crab alternatives. Item C-5(a)(2) contains letters received relative to the CRP process. A memorandum from NOAA GC regarding the Council's legal authority to use foreign ownership as a criterion in both initial allocations and subsequent transfers of fishing privileges has been mailed to you also. Copies are available if necessary.

One final note: The license analysis covers many options and alternatives. Because some of these may no longer appear to be viable, there will be a temptation at this meeting to delete the less viable ones based on the draft analysis. This would have the benefit of focusing the analysis and the public's attention on just those options which have a greater chance of acceptance. The downside of reducing options is that it may take just as much time to "reduce" the document as to enlarge it. Therefore, I would suggest that the Council leave the document intact if possible and simply highlight or asterisk those elements/options which appear most viable. This would be much more expedient for staff than overhauling the analysis between now and late October.

(b) **Review Future IFQ Programs**

With the Council placing emphasis on License Limitation as a first step in the CRP process, development of the alternatives for a potential IFQ program has been on hold for the past couple of Council meetings. The last time the Council addressed this program in detail was January of 1994, though we added the State of Alaska's proposed IFQ alternatives, and a few others, in April. The most current list of various alternatives for IFQs is available if the Council has the time at this meeting and wishes to readdress them. Finalization of these alternatives is not essential at this meeting as the formal analysis for this program will not begin until sometime in 1995, depending on completion of other priority projects, including analysis of a rollover of inshore/offshore.

(c) **Social Impact Analyses**

From the beginning of the CRP process in 1992, the industry and Council have expressed concern over the potential social ramifications of a comprehensive limited entry program of the scale being contemplated. This concern was particularly acute relative to the prospect of an IFQ program which would cover all of the groundfish and crab fisheries. Earlier this year we organized a group of leading experts in social science, with an emphasis on fisheries experience. This Social Science Steering Group played a key role in developing a Request for Proposals for a social impact study relevant to the major limited entry alternatives under consideration by the Council. Impact Assessment, Inc. (IAI), was awarded the contract to conduct the study which will consist of detailed fleet sector profiles (as requested by the Council) and a limited impact assessment of the major limited entry alternatives.

Combined with the Community Profiles developed under separate contract, the Council will have comprehensive social information to aid in their decision making process for CRP. The Community Profiles cover 127 Alaskan coastal communities and a dozen Pacific Northwest communities, with an emphasis on describing each community's involvement in the fisheries. These Profiles are being finalized and will be available concurrently with public review of the license limitation analyses. The more detailed industry sector profiles and limited social impact assessment are also being finalized and will be available in October. When these studies were initiated, the Council was primarily concerned with the potential impacts of an IFQ program, but also wanted the analyses to cover simple license limitation. With IFQs on hold at this time, the studies still remain relevant to a decision on license limitation. Depending on the Council's timing for a public review package for license limitation, these studies should, as noted above, be available simultaneously for public review. They will constitute part of the overall amendment package for Secretarial review of any Council recommendations on limited entry alternatives.

In order to round out the social impact work being conducted, the results of the economic/distributional analyses contained in the license document will be provided to IAI for additional work specific to the major license limitation alternatives under consideration. Distributional results of three to four core alternatives will be evaluated and tied together with information in the baseline study conducted already by IAI. This follow up study will be included in the license limitation public review package.

**GROUND FISH LICENSES
 COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENT
 ANALYSIS FORMAT**

Nature of Licenses	Numbering Scheme
Single license for all species and areas	100000
Licenses for FMP areas (i.e., GOA and BSAI)	200000
Licenses for FMP sub-areas (i.e., EG, CG, WG, BS, AD)	300000
Licenses for Pollock, P. Cod, Flatfish, Rockfish, and Other fisheries	400000
Licenses for Pollock, P. Cod, Flatfish, Rockfish, and Other fisheries by FMP areas	500000
Licenses for Pollock, P. Cod, Flatfish, Rockfish, and Other fisheries by FMP sub-areas	600000
Licenses for fisheries (see box) by FMP sub-areas	700000
Licenses for fisheries (see box) by the following areas: EG, CG, WG, BSAI	800000

Fisheries Specified Under Options 700,000 and 800,000

BSAI Fishery Licenses:

Pollock, Pacific Cod, Atka Mackerel, Yellowfin Sole, Other Flatfish,
 Rockfish, Squid (Fixed Gear), Rocksole, Turbots

GOA Fishery Licenses:

Pollock, Pacific Cod, Deep Water Flats, Shallow Water Flatfish
 Atka Mackerel

License Recipients

Current owners	10000
Current owner, then owner at the time of landing, then permit holders (no duplicate)	20000
Current owners, then permit holders (no duplicates)	30000
Current owners, owners at the time of landing, and permit holders (duplicates allowed)	40000

License Designations

No restrictions	1000
Catcher vessels & Catcher/processors	2000
Vessel length	3000
Inshore & Offshore	4000
Catcher vessels & Catcher/processors and vessel length	5000
Catcher vessels & Catcher/processors and Inshore & Offshore	6000
Inshore & Offshore and vessel length	7000
Catcher vessels & Catcher/processors, Inshore & Offshore, and vessel length	8000

Qualifying Periods

Jan. 1, 1978 - Dec. 31, 1993	100
Jun. 28, 1989 - Jun. 27, 1992	200
Jun. 28, 1989 - date of final action	300
Jan. 1, 1990 - Dec. 31, 1993	400
The three years prior to the date of final action	500
Jun. 28, 1989 - Jun. 27, 1992 & the three years prior to the date of final action	600
Each of the three calendar years from 1/1/90 - 6/27/92 & the 365 days prior to final action, except for fixed gear P. cod use 6/23/91 - 6/27/92 rather than 1/1/90 - 6/27/92	700

Landings Requirements For General License Qualification

One Landing	10
Two landings	20
5,000 pounds	30
10,000 pounds	40
20,000 pounds	50

Landings Requirements for Endorsement Qualification

One landing in qualifying period	1
Two landings in qualifying period	2
Three landings in qualifying period	3
Four landings in qualifying period	4
One landing in year prior to council action	5
Two landings in year prior to council action	6
Three landings in year prior to council action	7
Four landings in year prior to council action	8

In addition to options affecting the assignment of licenses, the Council has included options affecting the transferability, ownership, and use of licenses. These are independent from the initial assignment of licenses and includes Who May Purchase Licenses, Vessel/License Linkages, License Separability, Vessel Replacement and Upgrades, License Ownership Caps, Vessel License Use Caps, Vessel Designation Limits, Buy-back/Retirement Program, Skipper Program, Community Development Quotas, Community Development Licenses, and Other Provisions.

In developing a preferred alternative, the Council will need to choose one element from each component set, with the exception of "Other Provisions," from which the Council may choose none, or any number of the options listed. The numbering scheme used above is not employed for these components because of the independent nature of the components.

GROUND FISH LICENSES COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING THE OWNERSHIP, USE AND TRANSFER LICENSES

Who May Purchase Licenses

1. Licenses could be transferred only to "persons" defined under Title 46 U.S.C.
2. Licenses could be transferred to "persons" with 76% or more U.S. ownership, with "grandfather" rights for license recipients with 75% or less U.S. ownership (Title 46 U.S.C.).

Vessel/License Linkages

1. Vessel must be transferred with license
2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than that to which the license initially was issued.

Options Regarding the Separability of Species and/or Area Designations

1. Species and/or Area designations are not separable, and shall remain as a single license with those initial designations.
2. Species and/or Area designations shall be treated as separable licenses and may be transferred as such.
3. Species and/or Area designations shall be regarded as separable endorsements which require the owner to also own a general license before use or purchase.

Vessel Replacement and Upgrades

1. No restrictions on vessel replacement or upgrades, except that the vessel must meet the "License Designations" defined by the initial allocation.
2. Vessel may not be replaced or upgraded.
3. Vessel may be replaced or upgraded within the bounds of the 20% Rule as defined under the moratorium proposed rule.

License Ownership Caps

1. No limit on the number of licenses or endorsements which may be owned by a "person."
2. No more than 5 area licenses per person with grandfather provisions.
3. No more than 10 area licenses per person with grandfather provisions.
4. No more than 15 area licenses per person with grandfather provisions.
5. No more than 5 fishery/area endorsements per person with grandfather provisions.
6. No more than 10 fishery/area endorsements per person with grandfather provisions.
7. No more than 15 fishery/area endorsements per person with grandfather provisions.

Vessel License Use Caps

1. No limit on the number of licenses (or endorsements) which may be used on a vessel.
2. No more than 1 area license (endorsement) may be used on a vessel in a given year.
3. No more than 2 area licenses (endorsements) may be used on a vessel in a given year.
4. No more than 3 area licenses (endorsements) may be used on a vessel in a given year.
5. No more than 4 area licenses (endorsements) may be used on a vessel in a given year.
6. No more than 5 area licenses (endorsements) may be used on a vessel in a given year.

Vessel Designation Limits

1. A vessel which qualifies for multiple designations (i.e., both as a CV and as a CP or as both inshore and offshore) under the use restriction component will be able to participate under any designation for which it qualifies.
2. A vessel which qualifies for multiple designations under the use restriction component must choose one of the designations for use.

Buy-back/Retirement Program

1. No buy-back/retirement program.
2. Fractional license system. (Fractional licenses may be issued to vessel owners at the time of landing and/or permit holders.)
3. Industry Funded Buy-back Program with right of first refusal on all transfers of licenses.

Two-Tiered Skipper License Program

1. Do not implement a Two-Tiered Skipper License Program.
2. Implement a Two-Tiered Skipper License Program.

Community Development Quotas.

1. No CDQ allocations
2. 3% of any or all groundfish TACs for CDQs patterned after current program w/o sunset provision.
3. 7.5% of any or all groundfish TACs for CDQs patterned after current program w/o sunset provision.
4. 10% of any or all groundfish TACs for CDQs patterned after current program w/o sunset provision.
5. 15% of any or all groundfish TACs for CDQs patterned after current program w/o sunset provision.

Community Development Licenses.

1. No Community Development Licenses.
2. Grant an additional 3% non-transferable licenses to CDQs communities.
3. Grant an additional 7.5% non-transferable licenses to CDQs communities.
4. Grant an additional 10% non-transferable licenses to CDQs communities.
5. Grant an additional 15% non-transferable licenses to CDQs communities.

Other Provisions (Choose any or none of the following)

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations.
4. Implement a Skipper Reporting System which requires groundfish license holders to report skipper names, address, and service records to NMFS.
5. Develop and implement mechanisms to collect management, enforcement costs and/or rents from the industry, including taxes and fees on the industry.

Crab Licenses. The components and alternative elements and options for a crab license limitation program are set forth below in the same format as for groundfish. These were developed concurrently with the groundfish alternatives and are similar in some cases, but tailored to the specific nature of the crab fisheries. They are also divided into two sections: (1) those elements which affect the initial assignment of crab licenses, and are numbered, and (2) those elements and options which affect the ownership, use, and transfer of crab licenses. These elements and options are as follows:

CRAB LICENSES	
COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENTS OF LICENSES	
	NUMBERING SCHEME
Nature of Licenses	
Single license for all species and areas	10000
Licenses for species (e.g., <i>C. opilio</i> , <i>C. bairdi</i> , Red, Blue and Brown King Crab)	20000
‡Licenses for each species/area combination	30000
License Recipients	
‡Current owners	1000
Current owners and permit holders	2000
License Designations	
No restrictions	100
Catcher vessels & Catcher/processors	200
Vessel length	300
‡Catcher vessels & Catcher/processors and vessel length	400
Qualifying Period	
Jan. 1, 1978 - Dec. 31, 1993	10
‡6/28/89 - 6/27/92 (6/29/80 - 6/25/83 for D.H. Red & 6/29/85 - 6/25/1988 for Prib. Blue)	20
Minimum landings	
‡No minimum	1
1 landing for Red & Blue King, 3 landings for Brown King, <i>C. opilio</i> , & <i>C. bairdi</i>	2

In addition to the elements affecting the initial assignment of licenses, alternatives exist which affect the ownership, use, and transfer of licenses once they have been issued. These are shown below. In developing a preferred alternative, the Council should choose one element from each component set (component headings are shown in bold text.)

CRAB LICENSES
COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING OWNERSHIP, USE AND TRANSFER OF LICENSES

Who May Purchase Licenses

1. Licenses could be transferred only to "persons" defined under Title 46 U.S.C.
2. Licenses could be transferred to "persons" with 76% or more U.S. ownership, with "grandfather" rights for license recipients with 75% or less U.S. ownership (Title 46 U.S.C.).
3. Licenses are non-transferable.

Vessel/License Linkages

1. Vessel must be transferred with license
2. Licenses may be transferred without a vessel, i.e., licenses may be applied to vessels other than that to which the license was initially was issued.

Options Regarding the Separability of Species and/or Area Designations

1. Species and/or Area designations are not separable, and shall remain grouped as in the initial allocation.
2. Species or Area designations shall be treated as separable licenses and may be transferred as such.
3. Species or Area designations shall be regarded as separable endorsements which require the owner to also own a more general license before use or purchase.

Vessel Replacement and Upgrades

1. No restrictions on vessel replacement or upgrades, except that the vessel must meet the "License Designations" defined by the initial allocation.
2. Vessel may not be replaced or upgraded.
3. Vessel may be replaced or upgraded within the bounds of the 20% Rule as defined under the moratorium proposed rule.

Buy-back/Retirement Program

1. No buy-back/retirement program.
2. Fractional license system. (Fractional licenses may be issued to permit holders.)
3. Industry Funded Buy-back Program with right of first refusal on all transfers of licenses.

Two-Tiered Skipper License Program

1. Do not implement a Two-Tiered Skipper License Program.
2. Implement a Two-Tiered Skipper License Program.

Community Development Quotas

1. No CDQ allocations.
2. Set aside 3% of crab fisheries with GHLS for CDQs patterned after current program w/o sunset provision.
3. Set aside 7.5% of crab fisheries w/GHLS for CDQs patterned after current program w/o sunset provision.
4. Set aside 10% of crab fisheries w/GHLS for CDQs patterned after current program w/o sunset provision.
5. Set aside 15% of crab fisheries w/GHLS for CDQs patterned after current program w/o sunset provision.

Community Development Licenses

1. No Community Development Licenses.
2. Grant an additional 3% non-transferable licenses to CDQs communities.
3. Grant an additional 7.5% non-transferable licenses to CDQs communities.
4. Grant an additional 10% non-transferable licenses to CDQs communities.
5. Grant an additional 15% non-transferable licenses to CDQs communities.

Other Provisions (Choose any or none of the following)

1. Licenses represent a use privilege. The Council may convert the license program to an IFQ program or otherwise alter or rescind the program without compensation to license holders.
2. Severe penalties may be invoked for failure to comply with conditions of the license.
3. Licenses may be suspended or revoked for multiple violations.
4. Implement a Skipper Reporting System which requires groundfish license holders to report skipper names, address, and service records to NMFS.
5. Develop and implement mechanisms to collect management, enforcement costs and/or rents from the industry, including taxes and fees on the industry.
6. No Future Super-exclusive Area will be proposed.

Individual Transferable Pot Quota System

In addition to the components above, an Individual Transferable Pot Quota (ITPQ) System Alternative has been proposed in concept only. Under this option, the components affecting the initial assignment of crab licenses will remain unchanged. However, once it is decided which persons qualify for which vessel size and processing designations, licenses would be linked to a limited number of pots. Pots could be transferred to meet individual vessel requirements. Many of the component sets regarding the use and transferability of licenses may not apply under a ITPQ system. The Council will have to specify in more detail if additional analysis of the ITPQ system is desired.

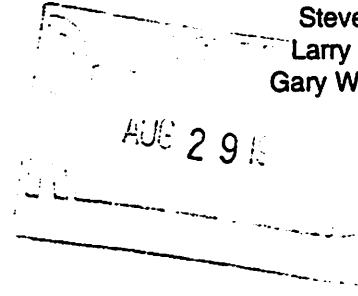
Midwater Trawlers Cooperative

1626 N. Coast Highway • Newport, Oregon 97365

Capt. R. Barry Fisher
President
Yankee Fisheries
1626 North Coast Highway
Newport, Oregon 97365
Telephone: (503) 265-9317
Telefax: (503) 265-4557

Fred Yeck
Vice President
Directors
Mark Cooper
Steve Drage
Larry Schock
Gary Westman

August 25, 1994



MEMBER VESSELS

AMBITION
ARGOSY
BAY ISLANDER
BLUE FOX
CAPE FALCON
CAPE KIWANDA
CARAVELLE
COHO
EXCALIBUR
EXCALIBUR II
HAZEL LORRAINE
LESLIE LEE
LISA MELINDA
MARATHON
MISS BERDIE
MISS LEONA
MISS SUE
NEW LIFE
OCEAN SPRAY
PACIFIC
PACIFIC CHALLENGER
PACIFIC FUTURE
PACIFIC RAM
PEGASUS
PERSEVERANCE
PERSISTENCE
PIONEER
RAVEN
ROSELLA
ROYAL AMERICAN
SEADAWN
SEEKER
VANGUARD
WESTERN DAWN

Mr. Rick Lauber, Chairman
North Pacific Fishery Management Council
P. O. Box 103136
Anchorage, Alaska 99510

RE: CRP Analysis

Dear Chairman Lauber:

Enclosed is a proposal which we are now submitting so as to hopefully be included in the Council's Comprehensive Rationalization Plan (CRP) analysis. We would request that this proposal be included in the Council briefing books for the September/October meeting so that it can be appropriately considered by the SSC, the AP and the Council.

The enclosed proposal is intended only at this time as a framework to provide the opportunity for the Council to have more than one class of permits in its license limitation program. We feel based upon our experience in developing a license limitation program with the Pacific Council, that having a second class of permits will give the Council options that it does not now have including an ability to deal with extenuating circumstances and hardship cases, many of which may become contentious during the process.

Thank you for your consideration.

Sincerely,

MIDWATER TRAWLERS COOPERATIVE


R. Barry Fisher
President


Fred A. Yeck
Vice President

enclosure

DECEMBER
AUG 29 1994

**PROPOSAL FOR AMENDMENT TO
THE INTEGRATED FISHERIES RATIONALIZATION PROGRAM**

The following would be added to the Groundfish and Crab License Limitation System:

1. Specify a Class A permit which would be fully transferable and a Class B permit which would be non-transferable.
2. The Class A permits would be issued to those vessel owners who meet the "criteria for eligibility" ultimately adopted by the Council for permits that would be permanent and transferable.
3. Class B permits. A second category of permits would be created for issuance to those vessel owners in both the trawl and crab fishery who do not meet the criteria for eligibility for Class A permits but who do have a historical and/or current participation in the fishery that justifies a limited right of continuation. Eligibility criteria for Class B permits should be considered for:
 - a. Historical participants that were involved in the fishery between 1980 and the cutoff date established for A permits.
 - b. Recent participants in a fishery that do not qualify for an A permit because of entry after the cutoff date for A permits and/or because of insufficient participation in a fishery during the "window" period for qualifying for A permits.
 - c. Other hardship cases.
4. The characteristics of the Class B permit would include the following:
 - a. The permit would be non-transferable except to a replacement vessel owned by the same vessel owner of record that originally received the Class B permit. Restrict

replacement vessel as to length (LOA) to prevent significant increases in capacity.

b. The Class B permit would terminate upon the death of the owner of the permit. In the case of multiple owners or vessels owned by corporations the permit would expire with the death of the last owner or shareholder who are owners of the vessel or corporate owner at the time of the original issuance of the Class B permit.

c. In addition, a performance requirement should be considered which would provide for the expiration of the permit in the event it was not utilized. For example, if the permit was not utilized in any two consecutive years the Class B permit would be terminated.

d. In addition, after issuance of the permit, if there is a change of ownership by sale, foreclosure or otherwise, the Class B permit would terminate (however, transfers between original owners would not cause the permit to terminate).

e. Class B permits would not be combinable into permits for larger vessels.

The merits of this particular proposal include the following:

1. First and foremost, it allows for equity. There are many vessel owners who would qualify under the moratorium to participate in the fisheries based upon historical landings between 1980 and whatever time is selected for the cutoff for eligibility for the currently proposed limited entry license. Most of these vessel owners have long since given up any concept of participating in the fishery but there are a few long term industry participants who have left the fishery for the sole reason they were pushed out by the overcapitalization occurring in 1988 and 1989, even though some of these participants have five or more years in the fishery prior to this time. For the reason that these vessel owners were the original pioneers in the Americanization

and for the further reason that they had the legal right to return to the fishery pursuant to the moratorium, they should be extended that right to at least earn a living personally under any license limitation program. Most of these vessels involved are small and would have little impact on overall capacity.

2. There will be vessel owners who will have significant participation in the fishery, both historic and current, that will be excluded from various fisheries when the final eligibility criteria is established. These vessel owners legally made their investments prior to the establishment of this criteria and should not be excluded from participating in the fisheries after the fact by the adoption of a retroactive license limitation program. The concept of the Class B permits can be used to address all of these issues as well as a number of hardship cases, many of which may be contentious.

3. Similarly, under the proposed crab license system, vessels that legally crossed over to the crab fishery after the 1992 moratorium cutoff date would not receive permits. Again, vessels that legally made investments in reliance upon the Council adopted moratorium should not be eliminated from fisheries with regulations adopted after the fact. A Class B permit issued to these vessels recognizing their legitimate investments would be an equitable approach.

4. The Class B permit system would continue to allow for a significant reduction of effort as compared to that permitted under the moratorium but without the draconian effects of only a single class of permits. The number of permits would be reduced by time and without cost to the industry or to the government as the result of time and the death of the vessel owners and/or as a result of non-use of their permit if that option should be selected.

5. By being virtually non-transferable the permits would not acquire an

economic value nor provide the base for increases in capacity by the development of more modern vessels.

6. In many cases, by having the option of granting Class B permits to certain classes of fishermen, it will permit the Council to be more restrictive in its consideration of criteria for Class A permits.

New ERA of AK, INC.
P.O. Box 3186
Homer, AK 99603

29.

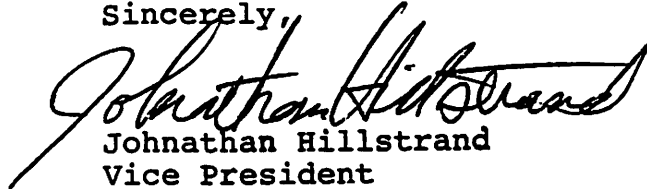
Mr. Chris Oliver,

Please submit this to be part of the analyzing process concerning the B.S.A.I crab fisheries C.R.P.

All information on page 1 and 2 are from the U.S.C.G. Marine Safety office. Information on pages 3 through 9 are from the national weather service station on St. Paul Island.

All vessel sinking and accidents took place around St. Paul Island during St. Paul red crab 1993 and Opilio crab 1994, and are highlighted. These are the facts on the weather! **More** injuries and deaths took place on calm days than not!

Sincerely,



Johnathan Hillstrand
Vice President
New ERA of AK, Inc.

P.S. WEATHER
OBSERVATIONS
ARE AT 3 hr
Intervals.

Current selection: (keyword1="death") and (date>"01/01/93")

ent selection: (keyword1="death") and (date>"01/01/93")

Page 1

REC	VNAME	DATE	VLENGTH	PLACE	INCNARR	POBLOST
3	BILLIKIN	08/01/93	116	45NM ST PAUL ISL	MOB:RECOVERED VICTIM 10MIN IN H2O.DIED HYPOTHERMIA	1
1	MASSACARE BAY	16/01/93	86	ALITAK BAY,KODIAK	SANK:VSL AGRND,TOW,MAYDAY,EPIRB.3/4DEAD,S.SUIT HOOD NOT USED	3
4	LADY OF GOOD VOYAGE	09/03/93	86	NW UNIMAK ISL	DEATH: ENTIRE CREW MISSING. FOUND SLICK AND LIFERAFT	4
6	SUNRISE	26/05/93	41	STRAWBERRY CHL	DEATH:WAVE WASHED 2 POB O/B.1 MISSING.CGHELO PU 1PIW,BUT DIED	2
19	SONIA	30/07/93	38	CAPE CROSS	DEATH: ABANDONED VSL. 1 POB MISSING PRESUMED DROWNED.	1
22	PRESTON BROOKS	07/08/93	90	BARREN ISLANDS	SANK: VSL T.O.W. DEATH, O/O DIED DUE COLD WATER IMMERSION	1
24	SEA VENTURE	09/08/93	104	ST PAUL	DEATH: CREWMEMBER DIED OF SEVERE INJURY. BROKEN BACK & LUNG.	1
51	NETTIE H	17/09/93	58	ST. PAUL	SANK: VSL MISSING PRESUME SANK. W/O TRACE. 5 POB MISSING.	5

1/3

Current selection: (keyword1="sank") or (sank="y") and (date>"01/01/93")

ent selection: (keyword1="sank") or (sank="y")

REC	VNAME	DATE	VLENGTH	PLACE	INCNARR	POBLOST
1	MASSACARE BAY	16/01/93	86	ALITAK BAY,KODIAK	SANK:VSL AGRND,TOW,MAYDAY,EPIRB.3/4DEAD,S.SUIT HOOD NOT USED	3
2	ALASKAN PRIDE	07/02/93	120	NW UNIMAK ISL	SANK:VSL RADIOED,TOW,PWR LOSS,ENG.RM FLOODED.USD SSUITS & L/R	0
4	LADY OF GOOD VOYAGE	09/03/93	86	NW UNIMAK ISL	DEATH: ENTIRE CREW MISSING. FOUND SLICK AND LIFERAFT	4
5	RESPONSE	13/05/93	130	CP CHINIAK,KODIAK	SANK:VSL AFIRE,SANK. CG HELO EVAC.	0
18	UNKNOWN	24/05/93	28	EGG ISLAND CHANNEL	SANK: CAPSIZED IN SURF CAUSE UNK. NO SURVSUIT. RESCUED BY CG	0
9	FENWICK	10/06/93	57	40NM S.HOMER	SANK:VSL TOW. 7 POB PU BY CG.FISHING IN 10JUN HALIBUT OPENER	0
7	SARATOGA	11/06/93	51	NR. YAKUTAT	SANK:VSL TOW. F/V RECOVERED 5 PIW.FISHING IN HALIBUT OPENER	0
8	GLADIS M	12/06/93	33	COOK INLET	SANK:VSL TOW. 4 POB PU BY F/V. FISHING IN 10JUN HALIBUT OPENR	0
10	FLYIN LION	24/06/93	30	EGEGIK RIVER	SANK:CAUSE UNK:3POB REC	0
11	DIMETRI M	01/07/93	34	EMERALD COVE AK	SANK:UNABLE TO DE-WATER VSL AND SANK 1 NM OFF COAST. O/O CALL	0
13	FRANCIS LEE	22/07/93	107	TWO HEADED ISL	SANK: VSL HOLED ON ROCK. TOW. 4 POB RECOVERED. VSL SUNK BY CG	0
14	WESTWIND	27/07/93	152	ORCA BAY	SANK: T.O.W. 4 POB RESCUED IN SURV ST. EPIRB ACTIVATED. HELO	0
20	SUNRISE	03/08/93	40	HOOK POINT	SANK: FIRE BURNED VSL TO WATERLINE AND SANK. O/O RESCUED	0
21	BARCONI	07/08/93	44	FLAT ISLAND	SANK: FIRE TOTAL LOSS. 3 POB PICKED UP BY P/C LUCKY J.	0
22	PRESTON BROOKS	07/08/93	90	BARREN ISLANDS	SANK: VSL T.O.W. DEATH, O/O DIED DUE COLD WATER IMMERSION	1
23	NANA NICOLE	08/08/93	30	COLD BAY	SANK: VSL STRUCK LOG AND SANK. ONLY POB RECOVERED SAFELY	0
25	CAROL MAY	09/08/93	34	HAINES	SANK: FIRE TOTAL LOSS. O/O REACHED BEACH IN SURVSUIT SAFELY.	0
26	LILI ARLENE	30/08/93	37	CHIGNIK BAY	SANK: FIRE TOTAL LOSS. 3 POB PICKED UP BY ANOTHER F/V.	0
46	LISA DENISE	06/09/93	31	NAKED ISLAND	SANK:FIRE TOTAL LOSS. ONLY POB USED SKIFF TO GET ASHORE	0
27	MIDAS	07/09/93	106	GRAND ISLAND	SANK: CAPSIZED. 3 POB PICKED IN LIFERAFT FM F/V ZENITH.	0
48	MINOTAUR	09/09/93	32	PRINCE WILLIAM S	SANK: T.O.W. VSL SANK. F/V DR. JACK P/U 2 CREW.	0
50	MERRIE COLLEEN	11/09/93	58	NICHOLIS ISLAND	SANK: FIRE TOTAL LOSS. BURNED TO WATERLINE. SKIFF P/U ALL POB	0
51	NETTIE H	17/09/93	58	ST. PAUL	SANK: VSL MISSING PRESUME SANK. W/O TRACE. 5 POB MISSING.	5
59	KROLIK	23/09/93	28	HUMPY COVE	SANK: T.O.W. AND SANK. ONLY POB ENTERED LIFERAFT PU ON SHORE	0

Page 3

urrent selection: (KEYWORD1="DEATH") ent selection: (KEYWORD1="DEATH")

REC	VNAME	DATE	PLACE	VLENGTH	INCNARR	VTYPE
19	ST MATTHEW	22/02/94	BERING SEA	171	DEATH: VSL CAPSIZED. 1 POB DIED OF HYPOTHERMIA. 7 RESCUED	TENDER

urrent selection: (KEYWORD1="SANK") OR (SANK="Y")

REC	VNAME	DATE	PLACE	VLENGTH	INCNARR	VTYPE
7	BELAIR	01/02/94	ST GEORGE ISLAND	91	SANK: VSL RAN AROUND, BROKE UP IN SURF, 6 POB HOISTED W/HELO	CRABBER
10	LADY SELKET	06/02/94	BERING SEA	87	SANK: VSL T.O.W. & CAPSIZED. ALL 5 POB RECOVERED BY A F/V	CRABBER
12	EAGLE	09/02/94	CAPE CHINIATK	72	SANK: VSL T.O.W. 4 POB RECOVERED W/HELO. ATTEMPTED TO GROUND	TRAWLER
14	ALL HANDS	13/02/94	POINT RETREAT	36	SANK: ICING/SHARP TURN IN HEAVY WINDS & CAPSIZED. 2 POB SAVED	CRABBER
15	ANGELA MARIE	15/02/94	LISIANKI INLET	49	SANK: LOAD OF CRAB POTS SHIFTED & VSL SANK. F/V RESCUED 3 POB	CRABBER
16	WESTERLY	15/02/94	GLACIER BAY	65	DEATH: VSL CAPSIZED. 1 POB DIED OF HYPOTHERMIA. 7 RESCUED	TENDER
19	ST MATTHEW	22/02/94	BERING SEA	171	SANK: VSL GROUNDED ON ROCKS. 7 POB RECOVERED BY TUG	CRABBER
20	CHEVAK	22/02/94	REEF PT ST PAUL	117	SANK: VSL GROUNDED ON ROCKS. 7 POB RECOVERED BY TUG	CRABBER
21	KING AND WINGE	23/02/94	BERING SEA	97	SANK: VSL T.O.W. UNABLE TO STOP FLOODING. 4 POB RECOVERED	CRABBER

urrent selection: (KEYWORD1="INJURY")

REC	VNAME	DATE	PLACE	VLENGTH	INCNARR	VTYPE
1	FOUR DAUGHTERS	18/01/94	BERING SEA	84	INJURY: CRWMBR LEG BROKE BETWEEN CRAB POT AND LAUNCHER	CRABBER
2	CORNELIA MARIE	21/01/94	BERING SEA	93	INJURY: CRWMBR FELL THRU HATCH BROKE LEG AND RIBS	CRABBER
3	SJOVIND	22/01/94	BERING SEA	164	INJURY: CRWMBR SUSTAINED EYE INJURY WITH LOSS OF SIGHT	CRABBER
4	GALLANT GIRL	22/01/94	KILIUDA BAY	56	INJURY: CRWMBR FOOT INJURED IN BAIT CHOPPER	CRABBER
5	FIERCE CONTENDER	26/01/94	BERING SEA	156	INJURY: CRWMBR BROKE RIGHT FEMUR BY FALLING CRAB POT	TRAWLER
6	GOLDEN ALASKA	28/01/94	BERING SEA	280	INJURY: CRWMBR AMPUTATED FINGER IN A PULLEY.	
8	OLYMPIC	01/02/94	BERING SEA	168	INJURY: CRWMBR INJURED EYE WITH CROWBAR.	
9	DELTA SUNRISE	04/02/94	80 MILES NW KODIAK	50	INJURY: CRWMBR CAUGHT ARM IN HYDRAULIC GEAR. NO BROKEN BONES	FACTOR
11	NORTHERN EAGLE	09/02/94	BERING SEA	310	INJURY: CRWMBR AMPUTATED 3 FINGERS AND PORTION OF HAND.	TRAWLER
13	RESOLUTE	12/02/94	SEGUM ISLAND	221	INJURY: CRWMBR STRUCK IN FACE BY TRAWL WIRE. SWOLLEN FACE	CRABBER
17	ATLANTICO	18/02/94	BERING SEA	89	INJURY: CRWMBR STRUCK BY CRAB POT NO SPECIFIC INJURIES RPTD	CRABBER
18	BOUNTY HUNTER	18/02/94	BERING SEA	114	INJURY: CRWMBR EYE INJURY. FOREIGN OBJECT IN CORNEA OF R EYE	CRABBER

OBSERVATIONS AT 3-HOUR INTERVALS

AUG 1993 25713
ST. PAUL ISLAND, AK

MOON LST	SKY COVER (ITEMS)	CEILING IN HUNDREDS OF FEET	VISI-BILITY	WEATHER	TEMPERATURE				WIND			SKY COVER (ITEMS)	CEILING IN HUNDREDS OF FEET	VISI-BILITY	WEATHER	TEMPERATURE				WIND																																							
					AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)	AIR OF					WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)	AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)																																	
AUG 1st																				AUG 2nd																				AUG 3rd																			
03	10	0	0	8	LF	50	50	49	96	24	6	10	4	0	8	LF	48	48	47	96	26	7	10	1	1	1	F	50	50	49	96	20	11																										
06	10	0	0	6	LF	50	50	49	96	21	8	10	3	1	8	LF	49	49	48	96	18	2	9	11	6	6	LF	50	50	49	96	22	14																										
09	10	2	0	8	LF	51	51	50	96	23	9	10	3	3	LF	49	49	48	96	20	6	10	8	6	6	LF	54	52	50	96	27	16																											
12	10	1	0	8	LF	56	54	53	90	21	8	10	5	7	LF	51	50	49	93	24	10	10	8	7	7	LF	55	53	51	87	26	12																											
15	10	3	3	8	LF	56	53	51	83	20	11	10	7	7	R	51	50	49	93	17	7	10	8	7	7	LF	54	52	50	96	26	11																											
18	10	1	1	8	LF	55	54	53	93	23	8	10	4	5	R	50	49	48	93	13	8	10	4	5	5	LF	51	50	49	93	28	8																											
21	10	1	0	12	LF	54	53	52	93	26	8	10	2	4	R	50	49	48	93	13	8	10	4	5	5	LF	51	50	49	93	28	8																											
24	10	1	1	8	LF	52	52	51	96	22	9	10	1	0	8	LF	50	50	49	96	15	11	10	14	7	7	LF	51	50	48	90	16	4																										
AUG 4th																				AUG 5th																				AUG 6th																			
03	10	12	7	7	LF	50	49	47	90	19	4	10	6	0	2	LF	50	49	48	93	13	8	10	1	0	8	LF	50	50	49	96	19	11																										
06	10	5	4	4	LF	49	46	47	93	13	5	10	1	1	2	LF	50	49	48	93	13	9	10	1	0	8	LF	50	50	49	96	20	12																										
09	10	3	6	6	LF	49	48	47	93	10	8	10	1	0	8	LF	50	49	48	93	17	11	10	2	1	8	LF	51	51	50	96	22	13																										
12	10	1	0	12	LF	50	50	49	96	10	10	10	1	0	8	LF	52	51	50	93	19	12	10	2	0	12	RLF	52	51	50	93	21	14																										
15	10	0	0	4	LF	51	50	49	93	10	11	10	1	0	12	LF	52	51	50	93	19	12	10	3	4	4	F	55	53	52	90	22	14																										
18	10	7	3	4	P	51	50	49	93	13	13	10	1	1	1	RLF	51	51	50	96	19	12	10	3	1	1	F	54	53	52	93	22	14																										
21	10	2	2	2	RLF	51	50	49	93	12	12	10	2	0	6	LF	50	50	49	96	18	11	10	1	0	4	F	51	51	50	96	23	15																										
24	10	1	1	1	LF	50	49	48	93	13	12	10	2	1	1	LF	50	50	49	96	17	10	10	2	0	12	F	51	51	50	96	23	11																										
AUG 7th																				AUG 8th																				AUG 9th																			
03	10	1	0	12	LF	51	51	50	96	22	9	10	3	6	F	52	51	50	93	20	5	10	0	0	2	LF	49	49	48	96	19	7																											
06	10	3	6	6	F	51	51	50	96	23	8	10	3	7	F	51	51	50	96	23	5	10	1	0	8	F	47	47	46	96	00	0																											
09	10	24	6	6	F	55	52	51	93	21	9	10	1	0	2	F	50	50	49	96	20	8	10	2	0	2	F	50	50	49	96	08	9																										
12	10	5	5	5	F	55	54	53	93	23	11	8	UNL	1	1	F	53	53	52	96	21	10	10	2	1	1	F	54	54	53	96	06	10																										
15	10	3	3	3	F	55	53	52	90	19	11	7	UNL	5	5	F	54	52	50	86	19	11	10	1	0	12	RF	54	54	53	96	07	10																										
18	10	1	0	6	LF	52	51	50	93	18	5	10	1	0	8	F	51	50	49	93	20	11	10	0	0	4	F	54	54	53	96	06	12																										
21	10	2	5	5	F	52	51	50	93	19	5	10	0	0	2	LF	49	49	48	96	22	8	10	0	0	4	F	52	52	51	96	06	9																										
24	10	4	6	6	F	50	50	49	96	20	5	9	8	1	1	LF	48	47	46	93	18	5	10	3	0	4	RF	52	52	51	96	08	8																										
AUG 10th																				AUG 11th																				AUG 12th																			
03	10	1	0	8	RLF	52	52	51	96	07	5	10	8	3	LF	51	51	50	96	25	11	10	23	7	7		50	49	48	93	24	11																											
06	10	3	2	2	LF	51	51	50	96	09	6	10	3	5	LF	51	51	50	96	25	10	10	23	7	7		51	47	43	74	26	12																											
09	10	2	0	4	LF	52	52	51	96	12	7	10	5	5	LF	51	51	50	96	24	15	10	18	20	7		52	49	45	77	23	11																											
12	10	1	0	1	F	53	53	52	96	17	6	10	24	7	F	54	51	49	83	25	16	10	11	20		53	50	47	80	24	13																												
15	10	3	6	6	F	57	54	52	84	14	5	10	5	7	F	57	54	51	81	24	16	10	35	20		55	51	48	77	24	13																												
18	10	1	1	1	F	55	53	52	90	14	6	10	7	4	F	53	51	50	90	25	15	10	28	7		53	50	47	80	26	10																												
21	10	0	0	2	LF	52	52	51	96	20	6	10	9	7	F	52	50	48	86	25	15	10	19	7		51	49	47	86	19	5																												
24	10	2	0	8	LF	51	51	50	96	26	7	10	17	7	F	51	50	48	90	25	15	10	23	7		48	47	45	89	10	5																												
AUG 13th																				AUG 14th																				AUG 15th																			
03	10	23	7	7	RLF	47	46	45	93	05	5	10	14	3	RF	50	49	48	93	33	17	7	41	7		47	41	34	61	35	120																												
06	10	100	7	7	RLF	50	48	46	86	06	12	10	5	5	F	50	49	47	90	34	23	8	41	7		44	42	39	83	30	10																												
09	10	23	7	7	RLF	51	49	46	83	04	17	10	18	7	F	51	49	46	83	32	20	5	UNL	7		47	43	39	74	29	14																												
12	10	85	5	5	RF	51	50	48	90	03	20	10	21	7	F	51	49	46	83	33	19	8	95	10		52	47	41	66	30	16																												
15	10	80	5	5	RF	50	49	47	90	02	21	10	18	7	F	51	47	43	74	33	18	8	100	10		53	48	42	66	26	17																												
18	10	23	5	5	RF	50	49	47	90	36	15	10	35	7	F	49	45	41	74	32	21	10	41	10		53	49	45	74	23	17																												
21	10	7	7	7	RLF	51	50	49	93	34	15	10	39	7	RW	46	43	39	77	34	25	10	70	10		50	46	46	86	24	13																												
24	10	5	1	8	RLF	51	50	49	93	33	19	7	36	7	RW	46	42	36	68	33	22	10	85	7		50	49	47	90	22	12																												
AUG 16th																				AUG 17th																				AUG 18th																			
03	10	10	7	7	R	50	49	47	90	22	15	10	7	6	F	50	49	47	90	19	13	10	36	6		47	46	44	89	01	14																												
06	10	60	5	5	R	50	49	47	90	24	16	10	36	7	F	49	46	46	90	18	10	10	110	6		47	46	44	89	36	14																												
09	10	43	7	7	R	50	46	46	86	23	13	10	40	7	F	50	47	44	80	14	11	5	UNL	10		49	47	44	83	34	14																												
12	10	45	7	7	R	54	51	49	83	23	17	10	44	7	F	52	49	46	80	12	12	9	31	10		52	49	45	77	32	17																												
15	10	16	7	7	RW	52	51	49	90	21	15	10	43	7	F	51	48	45	80	09	13	10	27	10		53	49	46	77	30	20																												
18	10	30	6	6	F	52	50	48	86	23	15	10	13	6	RF	49	48	47	93	06	12	10	30	7		50	48	45	83	29	18																												
21	10	3	2	2	LF	50	49	46	93	22	12	10	10	5	RF	49	46	47	93	07	12	9	43	7		49	46	43	80	28	18																												
24	10	12	6	6	F	50	49	47	90	20	15	10	33	6	RF	48	47	46	93	04	16	9	100	7		48	45	42	80	26	16																												

MAXIMUM SHORT DURATION PRECIPITATION

TIME PERIOD (MINUTES)	5	10	15	20	30	45	60	80	100	120	150	180
PRECIPITATION (INCHES)	0.04	0.06	0.06	0.06	0.07	0.09	0.11	0.14	0.16	0.19	0.24	0.28
ENDED DATE	17	17	17	17	23	23	23	23	23	23	23	23
ENDED TIME	2057	2103	2103	2103	0219	0235	0433					

OBSERVATIONS AT 3-HOUR INTERVALS

JAN 1994 25713
ST PAUL ISLAND, AK

HOUR L.S.T.	VISI-BILITY			WEATHER	TEMPERATURE				WIND			SKY COVER (TENTHS)	VISI-BILITY			WEATHER	TEMPERATURE				WIND									
	CEILING IN HUNDREDS OF FEET	WHOLE MILES	16THS MILE		AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)	AIR OF		WET BULB OF	DEW POINT OF	REL HUMIDITY %		DIRECTION	SPEED (KNOTS)	CEILING IN HUNDREDS OF FEET	WHOLE MILES	16THS MILE	AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)			
JAN 1st																														
03	10	20	7	SM	30	28	25	82	35	20	10	22	7		29	26	20	69	01	10	10	23	7		32	30	25	75	12	9
06	10	15	7		30	28	25	82	35	18	10	20	7		28	26	21	75	03	8	10	27	7		33	30	25	73	11	10
09	10	20	7	SM	31	29	26	82	34	16	10	17	7		29	27	23	78	03	6	10	29	7		34	31	26	73	12	10
12	10	23	7		30	28	23	75	35	18	10	17	15		29	27	24	82	14	7	10	29	7		35	33	29	79	12	12
15	10	20	7		30	28	24	78	35	17	10	17	15		31	29	24	75	09	8	10	15	7	R	35	34	32	89	13	15
18	10	21	7		30	27	22	72	34	15	10	18	7		31	29	25	79	11	13	10	7	7	RF	35	34	33	92	12	14
21	10	21	7		30	27	21	69	34	12	10	16	7		31	29	24	75	12	12	10	7	5		36	35	34	93	13	11
24	10	19	7		30	27	20	66	36	11	10	16	7	SM	32	30	25	75	14	10	10	18	7		34	32	30	85	26	124
JAN 2nd																														
JAN 3rd																														
JAN 4th																														
JAN 5th																														
JAN 6th																														
JAN 7th																														
JAN 8th																														
JAN 9th																														
JAN 10th																														
JAN 11th																														
JAN 12th																														
JAN 13th																														
JAN 14th																														
JAN 15th																														
JAN 16th																														
JAN 17th																														
JAN 18th																														

MAXIMUM SHORT DURATION PRECIPITATION

TIME PERIOD (MINUTES)	5	10	15	20	30	45	60	80	100	120	150	180
PRECIPITATION (INCHES)	0.03	0.04	0.05	0.06	0.10	0.13	0.18	0.23	0.28	0.33	0.37	0.39
ENDED: DATE	20	20	20	20	20	20	20	20	20	20	20	20
ENDED: TIME	1858	1903	1908	1908	1858	1914	1858	1858	1858	1914	1935	1958

THE PRECIPITATION AMOUNTS FOR THE INDICATED TIME INTERVALS MAY OCCUR AT ANY TIME DURING THE MONTH. THE TIME INDICATED IS THE ENDING TIME OF THE INTERVAL. DATE AND TIME ARE NOT ENTERED FOR TRACE AMOUNTS.

OBSERVATIONS AT 3-HOUR INTERVALS

JAN 1994
ST. PAUL ISLAND, AK 25713

HOUR LST	VISI-BILITY		TEMPERATURE		WIND		SKY COVER (TENTHS)		CEILING IN HUNDREDS OF FEET		16THS MILE		WEATHER		AIR of		TEMPERATURE		WIND		REL HUMIDITY %							
	CEILING IN HUNDREDS OF FEET	WHOLE MILES	DIR	MBULB of	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS	DIR	KNOWTS						
JAN 19th																												
03	10	28	7	25	23	19	78	05	9	10	12	4	SBS	30	29	26	85	08	22	4	UML	7	35	30	22	159	23	28
06	8	20	7	24	23	20	85	06	12	10	15	3	SF	30	29	27	89	07	27	10	45	7	36	32	26	67	19	28
09	9	24	7	24	22	18	78	07	9	10	5	4	SF	33	32	27	92	08	23	10	60	7	35	32	28	76	19	19
12	10	21	7	26	24	19	75	07	13	10	7	5	SF	36	35	34	93	11	15	7	60	3	34	30	22	62	21	21
15	10	20	7	27	25	20	75	08	14	10	4	2	LF	36	35	34	93	12	15	7	60	3	31	29	26	82	19	22
18	10	20	7	27	24	19	72	10	15	10	4	3	LF	37	36	35	93	11	23	8	40	5	33	31	26	82	20	25
21	10	19	7	27	26	21	75	09	13	10	4	5	LF	37	36	35	93	11	23	5	UML	7	33	30	25	73	22	24
24	10	28	3	29	27	23	78	10	18	10	45	7		36	35	32	82	21	23	5	UML	7	30	28	25	73	22	24
JAN 20th																												
03	10	35	7	31	29	26	82	22	26	10	32	7	SM	32	28	21	64	15	8	10	2	1	34	34	33	196	05	14
06	10	43	6	30	27	22	72	23	28	10	31	7	SM	32	29	23	69	10	14	10	9	6	33	32	31	92	04	14
09	10	27	4	30	30	26	76	24	23	10	37	3	S	33	32	31	89	07	23	10	15	1	30	29	28	92	03	26
12	10	13	4	31	31	28	82	25	30	10	8	1	S	33	32	31	92	08	23	10	3	0	27	26	25	92	02	30
15	10	34	3	33	32	30	83	26	23	10	6	1	S	33	33	32	96	08	25	10	15	2	26	25	24	92	01	28
18	3	UML	7	32	30	25	75	26	22	10	5	2	SF	34	33	32	92	08	22	10	15	5	25	24	22	88	36	24
21	10	28	7	33	30	24	70	25	14	10	3	3	SF	34	33	32	92	06	14	10	12	6	23	22	19	85	35	21
24	10	36	7	32	29	23	69	23	10	10	3	2	F	34	34	33	96	06	13	10	10	6	22	21	20	92	36	19
JAN 21st																												
03	10	35	7	31	29	26	82	22	26	10	32	7	SM	32	28	21	64	15	8	10	2	1	34	34	33	196	05	14
06	10	43	6	30	27	22	72	23	28	10	31	7	SM	32	29	23	69	10	14	10	9	6	33	32	31	92	04	14
09	10	27	4	30	30	26	76	24	23	10	37	3	S	33	32	31	89	07	23	10	15	1	30	29	28	92	03	26
12	10	13	4	31	31	28	82	25	30	10	8	1	S	33	32	31	92	08	23	10	3	0	27	26	25	92	02	30
15	10	34	3	33	32	30	83	26	23	10	6	1	S	33	33	32	96	08	25	10	15	2	26	25	24	92	01	28
18	3	UML	7	32	30	25	75	26	22	10	5	2	SF	34	33	32	92	08	22	10	15	5	25	24	22	88	36	24
21	10	28	7	33	30	24	70	25	14	10	3	3	SF	34	33	32	92	06	14	10	12	6	23	22	19	85	35	21
24	10	36	7	32	29	23	69	23	10	10	3	2	F	34	34	33	96	06	13	10	10	6	22	21	20	92	36	19
JAN 23rd																												
03	10	35	7	31	29	26	82	22	26	10	32	7	SM	32	28	21	64	15	8	10	2	1	34	34	33	196	05	14
06	10	43	6	30	27	22	72	23	28	10	31	7	SM	32	29	23	69	10	14	10	9	6	33	32	31	92	04	14
09	10	27	4	30	30	26	76	24	23	10	37	3	S	33	32	31	89	07	23	10	15	1	30	29	28	92	03	26
12	10	13	4	31	31	28	82	25	30	10	8	1	S	33	32	31	92	08	23	10	3	0	27	26	25	92	02	30
15	10	34	3	33	32	30	83	26	23	10	6	1	S	33	33	32	96	08	25	10	15	2	26	25	24	92	01	28
18	3	UML	7	32	30	25	75	26	22	10	5	2	SF	34	33	32	92	08	22	10	15	5	25	24	22	88	36	24
21	10	28	7	33	30	24	70	25	14	10	3	3	SF	34	33	32	92	06	14	10	12	6	23	22	19	85	35	21
24	10	36	7	32	29	23	69	23	10	10	3	2	F	34	34	33	96	06	13	10	10	6	22	21	20	92	36	19
JAN 24th																												
03	10	35	7	31	29	26	82	22	26	10	32	7	SM	32	28	21	64	15	8	10	2	1	34	34	33	196	05	14
06	10	43	6	30	27	22	72	23	28	10	31	7	SM	32	29	23	69	10	14	10	9	6	33	32	31	92	04	14
09	10	27	4	30	30	26	76	24	23	10	37	3	S	33	32	31	89	07	23	10	15	1	30	29	28	92	03	26
12	10	13	4	31	31	28	82	25	30	10	8	1	S	33	32	31	92	08	23	10	3	0	27	26	25	92	02	30
15	10	34	3	33	32	30	83	26	23	10	6	1	S	33	33	32	96	08	25	10	15	2	26	25	24	92	01	28
18	3	UML	7	32	30	25	75	26	22	10	5	2	SF	34	33	32	92	08	22	10	15	5	25	24	22	88	36	24
21	10	28	7	33	30	24	70	25	14	10	3	3	SF	34	33	32	92	06	14	10	12	6	23	22	19	85	35	21
24	10	36	7	32	29	23	69	23	10	10	3	2	F	34	34	33	96	06	13	10	10	6	22	21	20	92	36	19
JAN 26th																												
03	10	12	7	22	21	18	85	36	19	10	15	7	SM	19	18	14	81	02	15	10	8	7	28	27	26	192	03	16
06	10	13	7	22	21	18	85	36	17	10	15	7	SM	20	19	15	81	02	17	10	9	7	27	26	23	185	03	15
09	10	15	7	21	21	17	81	01	14	10	7	5	ZL	21	20	19	92	03	17	10	11	7	27	26	24	189	02	12
12	10	18	7	21	19	15	78	35	13	10	7	4	ZLF	22	21	19	88	03	18	10	8	7	28	27	25	192	03	13
15	9	19	7	21	19	14	74	35	17	10	6	6	ZLF	24	23	20	85	03	15	10	7	5	30	29	27	189	04	12
18	8	17	7	21	19	15	78	01	15	10	8	6	ZLF	26	25	24	92	04	14	10	7	6	30	29	27	189	08	8
21	10	18	7	20	18	12	71	02	16	10	11	6	SMF	28	27	24	85	03	16	10	8	7	31	30	28	189	10	9
24	10	17	6	19	17	13	77	01	15	10	10	6	F	28	27	25	89	04	18	10	9	7	33	32	30	189	12	12
JAN 27th																												
03	10	12	7	22	21	18	85	36	19	10	15	7	SM	19	18	14	81	02	15	10	8	7	28	27	26	192	03	16
06	10	13	7	22	21	18	85	36	17	10	15	7	SM	20	19	15	81	02	17	10	9	7	27	26	23	185	03	15
09	10	15	7	21	21	17	81	01	14	10	7	5	ZL	21	20	19	92	03	17	10	11	7	27	26	24	189	02	12
12	10	18	7	21	19	15	78	35	13	10	7	4	ZLF	22	21	19	88	03	18	10	8	7	28	27	25	192	03	13
15	9	19	7	21	19	14	74	35	17	10	6	6	ZLF	24	23	20	85	03	15	10	7	5	30	29	27	189	04	12
18	8	17	7	21	19	15	78	01	15	10	8	6	ZLF	26	25	24	92	04	14	10	7	6	30	29	27	189	08	8
21	10	18	7	20	18	12	71	02	16	10	11	6	SMF	28	27	24	85	03	16	10	8	7	31	30	28	189	10	9
24	10	17	6	19	17	13	77	01	15	10	10	6	F	28	27	25	89	04	18	10	9	7	33	32	30	189	12	12
JAN 29th																												
03	8	25	7	34	33	31	89	11	9	10	7	7	R	35	34	33	92	07	14	10								

OBSERVATIONS AT 3-HOUR INTERVALS

FEB 1994 25713
ST. PAUL ISLAND, AK

HOUR	L.S.I.	VISI-BILITY			WEATHER	TEMPERATURE				WIND		SKY COVER	VISI-BILITY			WEATHER	TEMPERATURE				WIND																																												
		CEILING IN HUNDREDS OF FEET	WHOLE MILES	16THS MILE		AIR of	WET BULB of	DEW POINT of	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)		CEILING IN HUNDREDS OF FEET	WHOLE MILES	16THS MILE		AIR of	WET BULB of	DEW POINT of	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)																																											
FEB 1st																						FEB 2nd																						FEB 3rd																					
03	10	11	5	R	35	35	35	100	10	22	10	30	7	RW	36	34	32	85	19	28	10	19	7				34	32	28	79	27	13																																	
06	10	31	7		35	35	34	96	12	17	10	14	6	RW	36	35	33	89	18	29	10	21	7	SW			33	32	30	89	25	10																																	
09	9	21	7		36	35	34	93	14	15	10	15	5	R	36	35	33	89	18	26	3	UNL	7			30	29	28	92	25	5																																		
12	8	UNL	7		38	35	31	76	14	17	10	16	4	RF	37	36	34	89	19	22	4	UNL	15			34	33	30	85	18	10																																		
15	9	34	7		38	36	32	79	13	25	10	16	4	RF	37	36	34	89	20	18	5	UNL	20			37	34	30	76	16	11																																		
18	10	29	6	RWF	37	35	33	86	13	21	10	16	7		37	35	33	86	24	15	10	33	7			35	33	31	85	14	12																																		
21	10	14	7		37	36	34	89	16	15	10	21	7		35	33	31	85	24	11	10	35	7			36	33	27	70	16	15																																		
24	10	21	7		37	35	32	82	19	24	10	19	7		36	34	30	79	25	13	10	110	7			36	34	30	79	15	14																																		
FEB 4th																						FEB 5th																						FEB 6th																					
03	10	23	5	RW	36	34	31	82	15	17	10	10	3	RF	36	35	34	93	12	31	10	7	3	RF		38	37	35	89	11	27																																		
06	10	25	5	RW	35	34	33	92	13	16	4	UNL	6	F	39	36	32	76	17	27	10	12	2	RWF		38	38	37	96	15	18																																		
09	10	7	6	RF	35	34	33	92	14	16	10	32	7	F	39	36	32	76	16	26	10	65	6	F		38	36	34	86	17	16																																		
12	10	27	5	RF	35	34	33	92	12	16	10	36	6	F	39	36	32	76	17	25	10	16	6	RWF		37	35	32	82	22	22																																		
15	10	21	5	RF	36	35	33	89	11	21	10	120	6	F	40	37	33	76	17	15	6	65	7			39	36	31	73	23	22																																		
18	10	6	3	RF	35	34	33	92	11	26	10	210	5	F	36	35	33	89	08	10	2	UNL	7			37	34	29	73	22	18																																		
21	10	10	2	RF	37	36	34	89	11	29	10	7	4	F	36	35	34	93	09	22	5	UNL	7			35	32	28	76	21	16																																		
24	10	12	3	RF	38	37	35	89	12	29	10	4	5	F	38	37	36	93	10	23	9	41	7			35	32	28	76	20	21																																		
FEB 7th																						FEB 8th																						FEB 9th																					
03	4	UNL	7		34	32	28	79	20	12	10	60	7		35	33	31	85	12	14	8	35	7			33	32	30	89	14	8																																		
06	4	UNL	7		33	31	27	79	20	12	10	35	7		35	34	32	89	08	8	10	85	7			35	32	28	76	15	13																																		
09	3	UNL	7		33	31	27	79	20	13	6	100	7		34	33	31	89	03	11	10	6	2	RS		34	33	32	92	11	20																																		
12	5	UNL	7		34	32	29	82	18	10	10	15	7		35	33	31	85	02	10	10	4	4	RS		34	33	32	82	11	23																																		
15	3	UNL	7		34	32	28	79	17	13	10	15	7		36	34	30	79	31	5	10	45	7			37	35	32	82	18	13																																		
18	3	UNL	7		35	32	28	76	17	12	10	30	7		35	34	32	89	27	5	6	85	7			37	35	32	82	16	13																																		
21	1	UNL	7		32	31	29	89	12	10	6	40	7		30	29	27	89	32	5	7	80	7			34	33	31	89	12	6																																		
24	8	8	7		33	32	31	92	11	12	10	2	0	B F	25	24	23	92	00	0	9	60	7			35	34	32	89	20	7																																		
FEB 10th																						FEB 11th																						FEB 12th																					
03	10	21	5	F	35	34	32	89	11	7	10	28	7		29	26	20	69	35	20	10	18	7			22	20	15	74	02	10																																		
06	10	80	5		31	31	30	96	00	0	10	21	7		26	24	18	72	34	20	10	18	7			23	20	13	65	03	9																																		
09	10	80	7		32	31	30	92	00	0	10	29	2	B SW	23	21	16	75	34	19	10	17	7			23	21	16	75	05	13																																		
12	5	UNL	7		33	33	32	96	27	8	10	31	7		24	20	11	58	36	20	8	20	7			25	23	18	75	07	15																																		
15	10	20	7		37	35	33	86	28	11	10	21	7		23	20	12	63	36	15	10	19	7			26	24	18	72	08	16																																		
18	9	65	7		36	34	31	82	27	11	10	21	7	SW	21	18	9	60	35	14	10	18	7			26	24	19	75	08	16																																		
21	10	7	2	SN	32	31	29	89	35	30	10	18	7		21	19	12	68	02	15	10	20	7			25	23	18	75	06	17																																		
24	10	31	7		30	27	20	66	36	25	10	16	7		22	20	15	74	01	10	10	19	7			24	22	17	75	05	12																																		
FEB 13th																						FEB 14th																						FEB 15th																					
03	9	21	7		24	22	17	75	03	12	10	40	7		28	25	20	72	31	8	10	170	7			26	24	18	72	09	12																																		
06	6	20	7		22	19	12	65	01	10	10	33	7	SW	31	28	22	69	31	11	10	110	7			28	25	20	72	13	11																																		
09	1	UNL	7		21	19	14	74	36	8	10	13	0	12 SW	31	30	27	85	31	11	10	70	7			30	27	21	69	13	13																																		
12	0	UNL	7		27	25	19	72	34	11	8	40	7		30	28	23	75	01	10	10	70	7			32	29	23	69	14	17																																		
15	0	UNL	7		30	26	19	64	32	11	8	140	7		29	27	23	78	01	11	10	17	2	4 S		30	29	27	89	13	19																																		
18	10	25	7		29	26	20	69	32	12	10	140	7		25	23	18	75	02	6	10	5	1	SBS		30	29	27	89	11	22																																		
21	10	26	7		30	27	22	72	32	12	10	UNL	7		15	13	6	67	04	4	10	4	0	12 SBS		32	31	29	89	11	26																																		
24	10	29	7		29	26	19	66	33	12	10	UNL	7		20	18	14	78	07	7	10	4	5	BS		34	33	32	92	13	20																																		
FEB 16th																						FEB 17th																						FEB 18th																					
03	10	3	2	LF	35	35	34	96	13	18	10	19	7		35	34	33	92	25	9	10	19	7			34	33	31	89	11	12																																		
06	10	2	1	4 RLF	36	36	35	96	13	17	3	UNL	7		35	34	32	89	26	11	10	18	7			35	33	30	82	11	14																																		
09	10	2	0	10 RLF	36	36	36	100	18	9	7	36	7		34	33	31	89	28	9	10	15	5	RS		34	33	31	89	11	16																																		
12	9	140	7		36	35	33	89	24	17	4	UNL	10		36	35	33	89	28	6	10	30	7			35	34	32	89	12	14																																		
15	10	30	7		37	35	33	86	25	14	5	UNL	10		38	36	33	82	30	9	10	24	7			36	35	33	89	11	18																																		
18	10	31	5	F	37	35	32	82	25	12	9	32	10		37	35	33	86	28	6	10	18	4			36	35	33	89	12	17																																		
21	10	23	7		36	34	31	82	22	8	10	28	7		33	32	31	92	09	5	10	8	3	RSF		34	33	32	92	12	14																																		
24	10	18	5	R	35	34	32	89	21	9	10	21	7		35	32	28	76	11	10	10	3	0	12 SF		33	33	32	96	11	12																																		

MAXIMUM SHORT DURATION PRECIPITATION

TIME PERIOD (MINUTES)	5	10	15	20	30	45	60	80	100	120	150	180
PRECIPITATION (INCHES)	0.06	0.06	0.08	0.08	0.09	0.13	0.15	0.18	0.21	0.22	0.23	0.26
ENDED: DATE	06	06	06	06	06	06	06	06	06	06	18	18
ENDED: TIME	0553	0553	0553	0553	0203	0216	0229	0240	0240	0259	2200	2210

THE PRECIPITATION AMOUNTS FOR THE INDICATED TIME INTERVALS MAY OCCUR AT ANY TIME DURING THE MONTH. THE TIME INDICATED IS THE ENDING TIME OF THE INTERVAL. DATE AND TIME ARE NOT ENTERED FOR TRACE AMOUNTS.

OBSERVATIONS AT 3-HOUR INTERVALS

FEB 1994 25713
ST PAUL ISLAND, AK

HOUR L.S.T.	VISI-BILITY			WEATHER	TEMPERATURE			WIND			SKY COVER (TENTHS)	VISI-BILITY			WEATHER	TEMPERATURE			WIND																																														
	SKY COVER (TENTHS)	CEILING IN HUNDREDS OF FEET	WHOLE MILES		AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)		SKY COVER (TENTHS)	CEILING IN HUNDREDS OF FEET	WHOLE MILES		AIR OF	WET BULB OF	DEW POINT OF	REL HUMIDITY %	DIRECTION	SPEED (KNOTS)																																												
FEB 19th																						FEB 20th																						FEB 21st																					
03	10	3	1	4	RF	34	34	33	96	12	10	10	21	4	F	37	36	35	93	13	10	10	35	4	F	35	35	34	96	11	11	11																																	
06	10	3	2		RF	34	34	33	96	09	13	3	UNL	7	F	36	35	34	93	14	8	10	7	2	F	34	33	32	92	09	14																																		
09	10	3	2		F	34	34	33	96	10	14	1	UNL	3	F	35	35	34	96	15	8	10	9	6	F	34	33	31	89	09	12																																		
12	10	4	6		LF	35	35	34	96	11	13	2	UNL	3	F	37	36	35	93	16	9	10	12	7	F	32	31	28	85	07	18																																		
15	10	3	3		LF	36	35	34	93	10	13	7	UNL	4	F	40	39	37	89	12	12	8	18	7	F	30	27	22	72	08	15																																		
18	10	3	2		LF	35	35	34	96	11	21	10	UNL	4	F	38	36	34	86	13	13	7	15	7	F	26	24	18	72	05	18																																		
21	10	3	2		F	35	35	34	96	11	23	2	UNL	4	F	36	35	34	93	13	13	9	15	7	F	21	19	14	74	05	19																																		
24	10	6	2		RF	36	36	35	96	12	19	9	UNL	37	F	35	34	33	92	13	10	10	13	7	F	20	18	12	71	05	20																																		
FEB 22nd																						FEB 23rd																						FEB 24th																					
03	10	15	7		S	20	19	15	81	06	19	7	16	7		23	21	16	75	05	22	10	20	7		24	22	18	78	06	26																																		
06	10	19	7		S	18	16	12	77	05	22	2	UNL	7		24	22	17	75	04	22	10	17	7		24	22	19	78	04	22																																		
09	10	18	5		S	18	16	11	74	04	24	0	UNL	7		24	22	16	72	05	25	10	15	7		25	23	18	75	04	20																																		
12	10	15	4		S	20	18	13	74	06	25	1	UNL	7		26	23	16	66	05	26	10	45	7		27	25	20	75	04	28																																		
15	10	15	7			24	22	18	78	06	21	1	UNL	7		27	23	15	61	04	28	10	41	7		29	27	22	75	03	27																																		
18	10	16	7			23	21	17	78	05	22	4	UNL	7		24	21	13	63	04	30	8	180	7		27	24	19	72	04	27																																		
21	10	15	7			22	20	13	68	05	24	10	20	7		22	19	10	60	05	25	10	180	7		24	22	16	72	03	25																																		
24	10	16	7			22	20	14	71	05	24	10	19	7	SN	22	20	15	74	05	26	7	13	7		22	20	14	71	03	25																																		
FEB 25th																						FEB 26th																						FEB 27th																					
03	7	14	7			21	19	15	78	04	22	10	11	7		23	21	17	78	04	20	10	14	7		20	18	14	78	03	21																																		
06	9	14	7			20	18	14	78	03	25	10	9	7		24	22	19	81	03	17	8	21	7		20	18	12	71	03	22																																		
09	9	17	7			17	15	9	71	04	26	10	14	7		25	23	20	81	04	17	8	20	7		20	18	11	68	02	26																																		
12	10	22	5		SW	18	16	11	74	03	20	6	14	10		27	25	20	75	05	21	6	21	7		21	19	12	68	02	28																																		
15	10	12	7			26	24	20	78	04	26	10	15	10		25	23	18	75	03	21	7	23	7		23	20	11	60	01	29																																		
18	10	13	7			28	26	21	75	05	24	9	15	10		24	22	17	75	03	22	10	17	7		19	17	12	74	36	28																																		
21	8	12	7			26	24	19	75	04	21	10	15	7		23	21	16	75	03	20	10	20	5	SW	16	15	10	77	35	30																																		
24	10	12	7			24	22	16	72	03	21	10	11	7		22	19	12	65	02	23	10	18	5	SW	15	14	9	77	36	29																																		
FEB 28th																																																																	
03	10	18	4		SWBS	13	11	6	73	35	24																																																						
06	10	18	4		SBS	11	10	5	77	36	27																																																						
09	10	17	4		S	9	8	2	73	35	28																																																						
12	9	27	2		SWBS	9	7	0	67	35	29																																																						
15	10	17	0	12	SWBS	9	8	2	73	36	29																																																						
18	9	28	2		SWBS	9	7	0	67	36	27																																																						
21	10	24	3		SWBS	9	7	-1	64	35	26																																																						
24	10	18	0	12	SWBS	9	8	4	80	36	30																																																						

WEATHER CODES

- * TORNADO
- T THUNDERSTORM
- Q SQUALL
- R RAIN
- RW RAIN SHOWERS
- ZR FREEZING RAIN
- L DRIZZLE
- ZL FREEZING DRIZZLE
- S SNOW
- SW SNOW SHOWERS
- SG SNOW GRAINS
- SP SNOW PELLETS
- IC ICE CRYSTALS
- IP ICE PELLETS
- IPW ICE PELLET SHOWERS
- A HAIL
- F FOG
- IF ICE FOG
- GF GROUND FOG
- BD BLOWING DUST
- BN BLOWING SAND
- BS BLOWING SNOW
- BY BLOWING SPRAY
- K SMOKE
- H HAZE
- D DUST

CEILING: UNL INDICATES UNLIMITED
 WIND DIRECTION: DIRECTIONS ARE THOSE FROM WHICH THE WIND BLOWS, INDICATED
 IN TENS OF DEGREES FROM TRUE NORTH: I.E., 09 FOR EAST, 18 FOR SOUTH
 27 FOR WEST. AN ENTRY OF 00 INDICATES CALM.
 SPEED: THE OBSERVED AVERAGE ONE-MINUTE VALUE, EXPRESSED IN KNOTS
 (MPH=KNOTS X 1.15).

SUMMARY BY HOURS

HOUR L.S.T.	SKY COVER (TENTHS)	AVERAGES						RESULTANT WIND	
		STATION PRESSURE (INCHES)	TEMPERATURE			WIND SPEED (MPH)	DIRECTION	SPEED (MPH)	
			AIR TEMP OF	WET BULB OF	DEW POINT OF				
03	9	29.815	30	28	25	83	19.1	08	9.4
06	9	29.805	30	28	25	82	18.3	08	6.9
09	8	29.810	29	28	25	83	18.3	08	7.1
12	8	29.840	30	29	25	80	20.1	07	7.0
15	8	29.840	32	30	25	78	20.0	07	6.7
18	9	29.830	31	29	25	79	19.7	07	8.0
21	9	29.830	29	27	23	80	20.0	06	9.8
24	10	29.840	29	27	23	80	20.0	07	8.7

General Delivery
Toksook Bay, AK. 99637
July 5, 1994

Mr. Clarence G. Pautzeke, Exc. Dir.
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK. 99510

7 1994

Dear Mr. Pautzke:

My purpose in writing to you is in regards to the proposed regulations affecting the limitations on crab and groundfish licenses, and, how these regulations would have an adverse impact on me for access in these fisheries.

In 1990 I purchased a 46 foot moratorium qualified vessel that I believed would be a good length for various fisheries in western Alaska, including cod and crab. During the past three years I have not been able to fish crab or cod with the vessel due to major unforeseen problems with the engines, and cost overruns for repairs and alteration. Last year alone I spent over \$60,000. to prepare the boat for operation. Just before launching, the person contracted to put in the RSW system fled town with my money for parts. He is still wanted by the state and has a bench warrant for his arrest. All money for this vessel (over \$110,000.) has come out of my personal savings from over the last 7 years. While I have known about the halibut and sablefish license limitations for some time, it has only been very recent that I've become aware of the proposed license limitations on crab and groundfish. I find the proposals that would deny me access into these fisheries unacceptable, and unconscienable, especially in view of the following facts: 1.) that only recently has there been an strong encouragement for fisheries development in rural villages in western Alaska, 2.) the fish stocks around some areas in western Alaska aren't known by the NFMS, by their own recognition and admittance, and 3.) some fisheries, such as the Norton Sound crab and Nelson/ Nunivak Island halibut fisheries are, by no means, overcapitalized. (As of this date there are less than dozen vessels actively fishing for Norton Sound crab.) The financial loss that is looming over me at this moment is hard, if not unacceptable for me, considering the state of the commerical vessel

market.

I would very much appreciate it if the council and others involved would find a way for me to have access to these fisheries. I have been actively involved with purchasing, financing, and market development for fish for the past few years. I went out of my way to attend the past NPFMC meeting held in Anchorage this past June to express my concerns.

Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads "Walter W. Suomela".

Walter W. Suomela

Oceantrawl

September 21, 1994

Mr. Rick Lauber, Chairman
North Pacific Fishery Management
Council
605 West Fourth Avenue
Anchorage, Alaska 99510

SENT VIA FAX

Re: Comprehensive Rationalization - Groundfish License
Limitation Alternative

Dear Mr. Lauber:

I am writing on behalf of OCEANTRAWL INC., NORTHERN EAGLE PARTNERS, L.P., NORTHERN JAEGER PARTNERS, L.P., and NORTHERN HAWK PARTNERS, L.P. to comment on several aspects of the Groundfish License System ("GLS") proposal that the Council will be reviewing at its upcoming meeting in Seattle later this month. More comprehensive comments on other aspects of the GLS plan will be submitted if and when the proposal is actually circulated for public review.

1. The Definition of "Landing" Should be Clarified.

At several points in the GLS options paper, a vessel's "landing" history is referenced for determining the vessel's eligibility to receive a license, to qualify for participation in certain areas and/or to harvest various species of groundfish. The term "landing" is not, however, defined. In Oceantrawl's view, it is essential that the definition of the term and the test as to whether or not a vessel made a "landing" within any particular time period, or within any particular area, or for any particular species, be fair and equitable on the one hand and easy to apply and document on the other.

The issue arises because in other contexts "landing" is simply defined as the offloading of fish. While such a definition may be satisfactory in the case of catcher vessels that generally deliver their catch within a few days of harvest, it can be problematical for catcher/processors that oftentimes stay at sea for extended periods between offloads. There would be no justification, for example, for a catcher vessel that harvested fish on December 30th and delivered it to a shorebased processor on the 31st to be given credit for "landing" fish during the year in question, while a catcher/processor that harvested and processed fish on December 15th of that year, but did not offload the frozen product until the following January 1st, not to be given credit for a "landing" during the year in question.

A fairer approach, and one that is more readily documented, would be to define "landing" for purposes of the GLS plan as the point in time when a fish ticket is prepared for shorebased delivery vessels and when a Daily Cumulative Processing Log ("DCPL") entry is made on board a catcher/processor. Both events take place in relatively close proximity to the time the fish is actually harvested and both are documented via the requisite reporting requirements that are applicable to the two sectors. In other words, there is an official "paper trail" that can be used to document whether or not a "landing" has been made.

2. The Definition of U.S. Citizenship for Determining "Qualified Vessel Owners" should be Based on the Definition of Citizenship Found Under Chapter 121 of Title 46, United States Code. The GLS proposal contains several provisions and/or options that would limit eligibility for licenses to vessel owners that meet the 75% U.S. citizen ownership/control test found in Title 46, Section 802 of the United States Code (the Shipping Act of 1916). This is the test that, since 1916, has been applied to vessel owning corporations seeking to employ their vessels in the coastwise trade. It is not the test applied under the general vessel documentation statute, nor is it the test that has applied to "U.S. fishing vessels" since the passage of the Anti-Reflagging Act in 1988. Most importantly, it is not the test that Congress specified in Section 3 of the Magnuson Act where the term "vessel of the United States" is specifically defined as "(A) any vessel documented under Chapter 121 of Title 46, United States Code."¹

The term "vessel of the United States" is used repeatedly throughout the Magnuson Act to differentiate between the rights, privileges and obligations of "foreign fishing vessels" versus "vessels of the United States" and between "foreign fishing" and "United States harvested fish." Nowhere in the Magnuson Act is there any suggestion that there are different classes or categories of "U.S. fishing vessels" based on the degree of U.S. ownership, nor is there any authority given to the Secretary of Commerce or the Fishery Management Councils to create such classes or categories of U.S. fishing vessels. If a vessel meets the documentation requirements of Chapter 121, Title 46, of the U.S. Code, it is eligible to participate in the

¹Section 121 provides that a corporation which owns a non-grandfathered vessel must be at least 51% U.S. owned if the vessel is to be eligible for a fisheries endorsement.

Mr. Rick Lauber, Chairman
September 21, 1994
Page 3

U.S. fisheries. Neither the Council nor the Department of Commerce has authority to establish different standards than those specifically identified by Congress in the Magnuson Act. Any effort by the Department of Commerce or the Council to adopt such a test for vessel licenses would be ultra vires.

Not only would the application of such a citizenship test be of questionable legality, it would be grossly unfair to those companies that may not meet the newly proposed test, but which have legally owned and operated U.S. flag fishing vessels in the North Pacific for years. To deny their vessels a permit or license under the GLS program simply because they do not meet a newly-fashioned citizenship test would be unconscionable. This is especially true in view of the fact that there is no U.S. ownership requirement that applies to the shorebased processing industry in Alaska. That industry is dominated by wholly-owned subsidiaries of large multinational foreign fishing companies like Nippon Suisan and Maruha (formerly known as Taiyo).

For these reasons, Oceantrawl would suggest that the Council delete any GLS citizenship requirement that deviates from the ownership requirements already specified in the Magnuson Act.

Thank you for considering these comments. We hope that you and the other members of the Council keep them in mind during your review of the GLS plan and that you modify the draft as requested before sending it out for public review. If you have any questions concerning this letter, please let me know. Otherwise, I plan to attend the September meeting of the Council and will be available to answer questions at that time.

Sincerely yours,

OCEANTRAWL INC.

Edward E. Wolfe
(Kaw)

Edward E. Wolfe

CRITERIA FOR ELIGIBILITY

Change the opening sentence of this section to read:

"Alternatives include issuing a license to any moratorium qualified vessel (or person) who made landings between:"

Star Option C with the following substitute suboption for a landing requirement:

Suboption: A minimum of one landing per area/target species combination during the above qualifying period(s).

TRANSFERABILITY

Star a substitute Option D which should be worded as follows:

"Licenses and endorsements are non-transferable across vessel size, catcher, and catcher-processor categories identified above (see Nature of Licenses). Endorsements are separable and fully transferable within each category. Species endorsements are not transferable across areas. Licenses and endorsements may be transferred (sold) only to U.S. citizens ("citizenship" for corporations, partnerships, and associations to be defined by Title 46 §802 (the Shipping Act of 1916), i.e., 75% U.S. ownership/control).

Each qualified vessel owner may not hold or otherwise control more than _____ GLS licenses in aggregate (range for analysis is 5, 10, 15). Initial allocation of GLS licenses will be based upon participation during the qualifying period and may exceed these limits. Any vessel owner who receives an initial allocation of GLS licenses in excess of these limits is prohibited from acquiring any control/interest whatsoever in additional licenses until their aggregate license holdings are below these limits.

Licenses may be transferred without vessel. Licenses may only be transferred to a new vessel of equivalent size and fishing capacity pursuant to the conditions of the moratorium. Licenses may only be transferred within categories and may be "stacked" aboard a single vessel."

COMMUNITY DEVELOPMENT QUOTAS

Star Option B.

6/94 License System for Groundfish (Appendix I)

Proposed Highlighting of GLS Options

NATURE OF LICENSES

Star Option C with Suboption A, with the following modifications:

Option C: General licenses for FMP areas with endorsements for each species/sub-area.

Suboption A: separable endorsements.

This option is portrayed in Figure 3.7E on page 102 of the license analysis document.

This option should include the species endorsements, catcher and catcher-processor designations, and catcher vessel size categories specified under Option D.

Star Option D in its entirety.

This option is portrayed in Figure 3.7G on page 103 of the license analysis document.

For both Options C and D, the list of target species should be clarified as follows:

- a) Add GOA rockfish and GOA flathead sole to the list of target species
- b) Specify BSAI sablefish trawl as a bycatch only fishery.
- c) Specify that in order to fish for arrowtooth, a person must simply hold an FMP/sub-area license.

WHO WILL RECEIVE LICENSES

Star Options A and B.



Attorney Work Product
Privileged and Confidential
Not for Release Outside
The U.S. Government

September 7, 1994

MEMORANDUM FOR: Lisa L. Lindeman
Alaska Regional Counsel
National Oceanic and Atmospheric
Administration

THROUGH: Eleanor Roberts Lewis *ERL*
Chief Counsel
for International Commerce

FROM: Arthur R. Watson *ARW*
Senior counsel for International
Business and Investment

Allyson L. Senie *AS*
Attorney Advisor

SUBJECT: Proposed Individual Fishery Quota in the
North Pacific

I. ISSUE

You have asked for our view of whether the Secretary and the North Pacific Fishery Management Council (the "Council"), in the course of implementing an individual fishery quota (IFQ) system for groundfish and crab pursuant to authority under the Magnuson Act, 16 U.S.C. § 1853, may impose:

- (a) more restrictive foreign ownership limitations on corporate ownership of U.S. documented fishing vessels than those currently applicable under the Anti-Reflagging Act, 46 U.S.C. § 12102(a)(2); and
- (b) corresponding stock ownership limitations on the corporate ownership of shore-based processing plants where no pre-existing legal limitations exist.

II. BRIEF CONCLUSION

(1) Prohibiting foreign-controlled U.S. companies currently owning grandfathered vessels from participating in the initial allocation of quota share ("QS") would likely constitute an expropriation, for which compensation would be due under international law and applicable treaties or other international agreements.

(2) Restricting the subsequent transfer of QS to vessels operating in the EEZ owned by U.S.-controlled entities is probably permissible under international law and applicable treaties or other international agreements.

(3) Denying QS to foreign-controlled on-shore processors, through the restriction of either initial allocation or subsequent acquisition of quota share, would likely constitute either an expropriation, for which compensation would be due under international law, and/or a denial of national treatment under applicable treaties or other international agreements or customary international law.

III. Statement of Facts

The facts, as we understand them, are these: The Council is considering implementing an IFQ limited entry system for harvesting groundfish and crab in the North Pacific.

Under an IFQ system, those vessels that fulfill the requirements relating to historical participation in the relevant fishery would be allocated a specific QS. Such vessels include those whose Coast Guard documentation retains a fisheries endorsement pursuant to the so-called "grandfather clause" of the Anti-Reflagging Act of 1987. That clause, as interpreted by the Coast Guard by regulation, and by the United States Court of Appeals for the D.C. Circuit in Southeast Shipyard Association, et al. v. U.S., 979 F.2d 1541 (1992), enables vessels to continue to participate in federally regulated fisheries notwithstanding that they no longer meet U.S. vessel-documentation requirements because they are owned by foreign persons or by corporations that are foreign-controlled. ^{1/}

^{1/} The Council's query, and your memorandum of November 10, 1994, refer to "majority foreign-ownership". For convenience, and because foreign control of such companies is often the issue of principal concern, we will use the term "foreign-controlled" in this response. See use of this term in Southeast Shipyard (text, supra).

The Council is considering requiring, as a condition of the issuance of QS in respect of such "grandfathered" vessels and in respect of on-shore processors, that their owners either transfer the vessels to U.S. ownership and control or take action to bring the foreign ownership interest below fifty percent.

IV. Discussion

This memorandum addresses only issues presented with respect to U.S. obligations under either customary international law or specific treaties and other international agreements to which the United States may be a Party. Beyond recognizing the general purpose of the Magnuson Act to "Americanize" U.S. fisheries, we do not address the Council's or NOAA's statutory authority, under the Magnuson Act or other federal statutes, to take the actions under consideration.

United States international obligations fall generally into two categories: (1) those defined by "customary" international law, and (2) those defined by treaties and other international agreements to which the United States is a Party. We will examine each category in turn.

A. Customary International Law

Customary international law, as its name implies, consists of legal rules adopted, applied or recognized "customarily" by nations. These rules are embodied in various judicial interpretations, government policies and practices, and legal interpretations including commentaries such as the Restatement (Third) of Foreign Relations Law (the "Restatement").

We have identified two principles of customary international law that may bear on the Council's inquiry. One involves the rights of coastal states to regulate in their Exclusive Economic Zones ("EEZs"). The other relates to expropriation. These are discussed in turn below.

1. Regulation in the EEZ

The United States has broad discretion to legislate and regulate in the EEZ in a manner that ensures proper management and conservation of the area for the maintenance of the living resources found there. In doing so, the U.S. must take into account its national interests and thereby protect U.S. fishing concerns. United Nations Convention on the Law of the Sea,

4

(the "Convention") Articles 61 and 62. 2/ The Convention provides the coastal state the sovereign right to manage these fisheries in a manner that excludes consideration of -- i.e., discriminates against -- foreign interests. Article 62(2).

The right to discriminate against foreign interests is not, however, absolute. It may be exercised only in a manner consistent with other relevant principles of customary international law, including the principles relating to expropriation. Thus, while the United States may adopt or maintain measures within the EEZ that are discriminatory, it may not do so in a manner that would constitute an expropriation unless the measures comply with the standards discussed in section IV(x)(2) below.

As will be further discussed below, actions that have immediate or retroactive, rather than prospective, effect are more likely to raise expropriation concerns, as are actions that have the effect of denying something -- whether a right, privilege or entitlement -- that has previously "vested" or could have reasonably been expected to do so. Therefore, while a Council action may discriminate against foreign interests, doing so other than upon notice and with prospective effect would tend to raise the issue of expropriation.

2. Expropriation

Customary international law regarding expropriation is well settled (among developed nations): Expropriations must be for a public purpose, may not be discriminatory, and must be fully, fairly and promptly compensated. Restatement § 712(1).

However, what actually constitutes an expropriation is not clearly settled. "In general, the line in international law is similar to that drawn in United States jurisprudence for purposes of the Fifth and Fourteenth Amendments to the Constitution regarding whether there has been a taking requiring

- 2/ Although the Convention does not enter into effect until November 16, 1994, "by express or tacit agreement accompanied by consistent practice, the United States, and states generally, have accepted the substantive provisions of the Convention...as statements of customary law binding them apart from the convention." Restatement, Part V Introductory Note at 5. On June 29, 1994, the United States signed, subject to ratification, the "Agreement Relating to the Implementation of Part XI of [the Convention]", which legally modifies Part XI of the Convention in a manner that addresses United States reservations with that Part. The Agreement and the Convention will shortly be transmitted to the Senate for its advice and consent to accession.

TOTAL P.02

compensation." Restatement, Reporters' Note 6 to § 712. Therefore, in order to determine whether the action contemplated by the Council would constitute an expropriation, we must examine American case law.

The Supreme Court has repeatedly stated that it has been unable to develop any "set formula" for determining when a taking has occurred requiring compensation. Penn Central Transp. Co. v. New York City, 438 U.S. 104, 125 (1978), see also, Goldblatt v. Hempstead, 369 U.S. 590, 594 (1962). Takings claims generally require "ad hoc factual inquiries." Penn Central at 131. "The general rule...is, that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking". Pennsylvania Coal Co. v. Mahon, 260 U.S. 393, 415 (1922).

a. Deprivation of All Economically Beneficial Use of an Investment

The Supreme Court has, however, identified two discrete categories of regulatory deprivations that require just compensation without a case-specific inquiry into the public interest advanced in support of the restriction: (a) physical invasion of property by the state, and (b) regulatory action that denies all economically beneficial or productive use of land. Lucas v. South Carolina Coastal Council, 112 S.Ct. 2886 (1992). (South Carolina Statute prohibiting development of beachfront property resulting in complete deprivation of economically viable use of land constituted a taking). 3/

b. Reasonable Investment-Backed Expectations in Cases with Less than Total Economic Deprivation

The Supreme Court has also recognized that, in cases in which not all economically beneficial use is destroyed, the economic impact of the regulation and the extent to which the regulation interferes with investment-backed expectations, although not categorically compensable, are relevant to the takings analysis. Id. at 2895 n 8.

In Penn Central the Court noted that its decisions have identified two factors that have particular significance in analyzing ad hoc, factual inquiries of a particular set of facts: (i) the character of the governmental action; and (ii) the

3/ It appears from a review of the cases cited by the Court in support of it's conclusions that this type of regulatory taking could exist in cases where "property" other than land is at issue. See, e.g., Keystone Bituminous Coal Assn. v. DeBenedictis, 480 U.S. 470 (1987).

economic impact of the regulation on the claimant; particularly, the extent to which the regulation interferes with distinct investment-backed expectations. 438 U.S. at 124. Although a taking is more readily found when interference with property can be characterized as a physical invasion, a state statute that substantially furthers an important public policy may "so frustrate distinct investment-backed expectations as to amount to a taking." 438 U.S. at 127 (citing Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (1922), where a state statute made it commercially impracticable to mine coal and had nearly the same effect as the complete destruction of rights).

With regard to the economic impact prong of the Court's factual inquiries, a lower court (relying on the Supreme Court's analysis in Lucas, supra), analyzed the investment-backed expectations of a fisherman harvesting fish utilizing gill nets. Burns Harbor Fish Co. Inc. v. Ralston, 800 F.Supp. 722, 728 (S.D. Indiana 1992). In this case, the court held that the owner of a fishing vessel had "no reasonable expectation that it obtained fishing licenses free and clear of the potential that the value of the licenses would be subsequently diminished by environmental regulations duly promulgated by the [municipality] or by statute". The Court went on to note that although the fish company had a property interest in its gill nets (that were subsequently prohibited from use), "[w]hen an individual or corporate entity purchases personal property...to engage in a commercial venture the purchaser is taking the risk that government regulation will diminish the value of that property...by reason of the State's traditionally high degree of control over commercial dealings." Burns Harbor (at 728, citing Lucas at 2899). "Indeed, where the item purchased could potentially invoke environmental concerns the purchaser must be especially wary...". Id.

B. Application of the Facts to Current Law

1. Initial Allocation of Quota Share to Grandfathered Vessels

Under the Penn Central analysis, we must look to the character of the governmental action as well as the economic impact of the action with regard to reasonable investment-backed expectations in assessing the likelihood that the proposed IFQ system would constitute an expropriation.

Here, the action being considered is of a character unrelated to the purpose of the underlying IFQ system. The intent of the IFQ system is to limit participation in and (ultimately) entry to the fishery to levels commensurate with the availability of the resource. The intent of this specific measure is, however, to discriminate among vessels based on foreign control of their corporate owners -- something that the Congress, in enacting the

Anti-Reflagging Act, and the Coast Guard in implementing it, chose not to do. We think it possible, if not likely, that a reviewing body would take this aspect of the scheme into account in determining whether a taking had occurred.

Key to our situation is that the proposed IFQ would be imposed in a disparate manner that may not have been reasonably expectable by the foreign-controlled enterprises that own the grandfathered vessels; vessels that, by the very fact that they were specifically granted access to the fishery pursuant to the Anti-Reflagging Act, had expected to fish indefinitely, so long as the vessels were in good repair, subject only to subsequent restrictions affecting all vessels engaged in the fishery. What in fact would be a new eligibility requirement regarding U.S. ownership and control is the same requirement from which Congress exempted the grandfathered vessels in the Anti-Reflagging Act.

Unlike the Council's sablefish/halibut IFQ system, where apparently owners of the vessels were made fully aware of the uncertainty that was incident to their enterprise, the foreign-controlled U.S. entities participating in the Alaska groundfish and crab fisheries have had, to our knowledge, no notice that their fishing rights would be extinguished based entirely upon the presence of foreign control. 4/ See sablefish/halibut Takings Implication Assessment, page 4. Accordingly, there may well exist a reasonable investment-backed expectation on the part of such foreign-controlled U.S. entities that they will be permitted to continue to participate in these fisheries through the receipt of an initial allocation of QS.

The frustration of an investment-backed expectation does not, of course, by itself require a finding that a taking has occurred. As indicated in Lucas, supra, it is merely one factor relevant to the takings analysis. See also Penn Central, supra. If,

4/ We understand that, as a matter of course, NOAA undertakes a "Takings Implication Assessment" (TIA) when proposing an Individual Fishery Quota (IFQ) limited access system. We are not aware that a TIA for the proposed groundfish and crab IFQ system has been prepared; however, we were provided with NOAA's TIA for sablefish and halibut.

The sablefish/halibut TIA concludes that the implementation of an IFQ system does not constitute a taking under the Fifth Amendment of the Constitution. We take no issue with that conclusion; however, we believe that the sablefish/halibut TIA is not dispositive of the current issue because in that IFQ system, grandfathered vessels were not prohibited from the initial allocation of the QS or from purchasing QS on the open market, as is contemplated in the proposed groundfish and crab IFQ.

however, such a frustration were coupled with a facially discriminatory intent, the lack of a clear relationship to a scientifically based conservation purpose, and a forced divestiture or sale of a foreign-controlled vessel, we believe a claim of expropriation may be compelling.

We find support for our analysis in § 712(1) of the Restatement. Commentators for this section stated that one test for determining whether regulatory programs are expropriatory is whether they are applied only to alien enterprises. A state may be responsible for loss of property or other economic disadvantage resulting from a regulation that is designed to cause the alien to abandon the property to the state or to sell it at a distress price. Restatement § 712, Comment g. The Restatement recognizes that in some cases, the government does not assume control over an enterprise, but merely makes it impossible for the firm to operate at a profit. Restatement Reporters' Note 6.

The economic impact of the action under consideration upon any particular foreign-controlled vessel owner can only be determined on a case-by-case basis; however, it is reasonable to anticipate some instances in which the vessel may no longer be useable for any practical economic purpose. In such a case, it is unlikely that the owner would be able to negotiate an arms's length bargain and may have to accept a distress-sale price. The owner would, therefore, possibly be able to show a significant economic loss.

We conclude that imposing the proposed IFQ system in a manner that would preclude grandfathered vessels from obtaining QS in the initial allocation could be viewed by a reviewing body as an expropriation, for which compensation would be due under international law.

2. Subsequent Transfer of Quota Share to Grandfathered Vessels

Although excluding foreign-controlled entities from the initial allocation may give rise to valid claims of expropriation, we believe it is possible for the proposed IFQ system to restrict the subsequent transfer of QS on the open market to U.S.-controlled entities without giving rise to such claims.

The principal basis for our belief is that the rationale regarding investment-backed expectations would not clearly apply with respect to prospective opportunities -- or the absence thereof -- to make or transfer investments. If the initial QS were allocated on the terms the Council is considering, the foreign investor would be on notice that it no longer has a reasonable expectation of being able to increase its investment in the EEZ through the acquisition of additional QS on the open

market, and that the market for the sale of its QS is somewhat more limited (i.e., to U.S.-controlled entities) than was previously the case.

In addition, under these circumstances it would be, we anticipate, substantially more difficult to demonstrate significant financial hardship or that such hardship was a direct result of the regulation. Prospectively, a foreign-controlled entity would be free to retain its QS, or sell it at any time, as its business interests dictate. Because the timing of any such sale would be entirely within the discretion of the owner, the probability of a distress price is significantly more remote, and the burden of proving a differential impact heavier. 5/

We therefore conclude that restrictions on the subsequent transfer of QS to foreign-controlled entities would not likely be successfully challenged under customary international law.

3. Restrictions on Initial Allocation and Subsequent Transfer of Quota Share to On-Shore Processing Plants

Expropriation concerns raised by the proposed IFQ affecting grandfathered vessels discussed above are all relevant to the proposed restrictions on on-shore processing plants. As we understand the proposed IFQ system with regard to on-shore processors, it is clear that prohibiting foreign-controlled enterprises from obtaining QS, either through the initial

5/ We understand that reduction of a vessel's allowable catch (which is a function of its QS) through a fishery-wide quota reduction could at some point result in the vessel's operation becoming uneconomic. If limitations on the transfer of QS to foreign-controlled vessels were in effect, such a vessel, if foreign-controlled, might be forced to cease operations as a result of its inability to secure additional QS on the open market, with consequent financial harm. However, we believe a claim of expropriation based on these facts would not be successful. As noted in NOAA's sablefish/halibut Takings Implication Assessment, the Magnuson Act specifically provides for limited entry systems as part of its mandate to conserve and manage U.S. fishery resources. A quota for conservation purposes is a regulatory measure well within the police power of the state, the intent of which is not to single out and deprive aliens of their property, but to conserve resources. See Restatement, Comment g. Such a measure would undoubtedly be facially neutral and scientifically based, and could cause economic harm to a broad spectrum of vessels in the fishery. We do not believe that such a measure could be successfully characterized as a taking under U.S. law, or as an expropriation under international law.

allocation or subsequent transfer, could give rise to claims of expropriation.

The proposed IFQ system would result in the U.S. government dictating to foreign-controlled on-shore processors which customers they could or could not do business with, possibly with major financial implications. This discriminatory treatment based on ownership would be more difficult to justify under customary international law (as embodied in the LOS Convention) than would be a denial of initial QS allocation to foreign-controlled vessels. On-shore processors can be distinguished from vessels and vessel owners, principally through their activities. They do not harvest fish and their operations have no direct impact on the resources of the EEZ. There is a tenuous link -- at best -- between measures that properly manage and conserve EEZ resources and measures that merely affect the subsequent on-shore transfer or processing of those resources. 6/

We do not believe that the LOS Convention reaches or protects measures by the United States that deny national treatment to on-shore processing plants. We conclude that such discrimination probably violates the international obligations of the U.S. under customary international law. 7/ In addition, as further discussed below, this treatment may violate specific treaty obligations of the United States.

V. Rights and Obligations Under Treaties and other Agreements to Which the United States is a Party

The United States is party to numerous treaties of friendship, commerce and navigation as well as bilateral investment treaties, and has recently entered into the North American Free Trade Agreement. All of these treaties and international agreements

6/ For further discussion of the United States right to regulate fisheries within the EEZ see our Memorandum to you dated December 1, 1993 regarding the Application of Fisheries Regulations to Foreign Parents.

7/ While, as further discussed in the following section, an expropriation claim in this context would most likely arise from an alleged violation of a particular treaty or international agreement, section 712(3) of the Restatement provides that states are responsible for "other arbitrary or discriminatory acts ... that impair property or other economic interests of a national of another state." But see Comment i to section 712 of the Restatement: "[i]n general, in the absence of international agreement to the contrary, a state may deny to foreign nationals the right to acquire property or to invest within the state."

accord, in some form or another, protections regarding expropriation and future restrictions on foreign investment.

This section provides a brief discussion of typical relevant expropriation provisions and provisions limiting future restrictions on existing investments in a selected number of agreements. Agreements with other countries whose nationals control U.S. enterprises will need to be reviewed on an individual basis to determine if the United States would be in violation of a particular treaty.

A. U.S.-Japan Treaty of Friendship, Commerce and Navigation

1. Expropriation

The U.S.-Japan Treaty of Friendship, Commerce and Navigation ("FCN") 8/ entered into force on October 30, 1953. Article VI(3) of the Treaty provides that property of nationals and companies of either party may be taken, within the territories of the other party, only for a public purpose, and with prompt payment of just compensation that is effectively realizable and represents the full equivalent of the property taken. As discussed in detail above, if the proposed IFQ system constitutes an expropriation (as we believe it could if grandfathered vessels are prohibited from obtaining QS in the initial allocation or if the proposed IFQ system is applied to on-shore processors), and the foreign investor is not made financially whole, the U.S. could be in violation of its obligations under this treaty. 9/

8/ Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, April 2, 1953, 4 U.S.T. 2063, T.I.A.S. No. 2863.

9/ Article XXII of the Treaty defines the term "company of a Party" as a company "constituted under the applicable laws and regulations within the territories of [that] Party... ." Under this definition, a Japanese-controlled U.S. subsidiary may not qualify as a company of a Party so as to enjoy the benefits of Article VI. However, such a subsidiary may qualify as the "property" of its Japanese parent for purposes of Article VI. In addition, because of additional wording contained in Article VII, a Japanese-controlled U.S. subsidiary does qualify as a company of a Party for purposes of national treatment, and Japan could therefore assert a claim under that article with respect to such a company (see text, below).

2. National Treatment Obligations and Prohibitions on Future Restrictions on Existing Investments

Article VII(1) of the Treaty provides that nationals and companies of the Parties shall be accorded national treatment with respect to "all kinds of commercial, industrial, financial and other business activities", including the establishment of branches and offices, the organization of companies, and the control and management of enterprises. Article VII(1) further provides that such enterprises shall be accorded national treatment "in all that relates to the conduct of the activities thereof".

Because Article VII(1) operates "within the territories" of the Parties, it appears to prohibit treatment of foreign-controlled onshore processors that is less favorable in any way than that accorded U.S.-owned facilities.

Foreign-controlled fishing vessels do not, however, enjoy similar privileges under the Treaty. First, Article XIX(6) of the Treaty provides that "notwithstanding any other provision of the present Treaty, each Party may reserve exclusive rights and privileges to its own vessels with respect to [its] ... national fisheries" (emphasis added). This provision supports a conclusion that the United States is free, under the Treaty, to discriminate on the basis of nationality and foreign ownership in the management of EEZ fisheries and, indeed, one commentator has stated that the purpose of this reservation is to "reserve to each treaty partner complete control over its own fisheries, including restrictions on the nationality of the vessels permitted to engage in such fisheries and on the landing of fish and fish products directly from the high seas." ^{10/}

In addition, Article VII(2) of the Treaty provides an exception to the general national treatment rule of Article VII(1) for, inter alia, water transport and the exploitation of national resources. Although Article VII(2) does not permit new limitations of national treatment to be applied to existing investments in these and the other relevant sectors (and therefore would probably not support a denial of initial QS allocation to currently active vessels), it could support a restriction on subsequent purchase QS, provided that such a purchase were characterized as a new investment, so that the qualification of Article VII(2) would not apply (see sections IV(A)(1) and (B)(2) above). We believe this characterization is credible; however, the matter is not free from doubt.

^{10/} Department of State, Treaty of Friendship, Commerce and Navigation, Standard Draft (Analysis and Background) by Charles Sullivan, Department of State Publication (1981), Part 1 at 42. (hereinafter "Sullivan").

Based on the above discussion, we believe that the Treaty permits the imposition of restrictions on the subsequent transfer of the QS to foreign-controlled vessels, although not on the initial allocation of QS to these vessels. We also conclude, however, that the Treaty would not support a measure that discriminates against foreign-controlled shore-based processing plants, because treatment of these investments is more clearly governed by Article VII(1) of the Treaty than by Article VII(2) or Article XIX(6).

B. Bilateral Investment Treaties

The United States is currently a Party to thirty bilateral investment treaties ("BITs"), of which sixteen have entered into force. 11/ The BITs generally conform to a model text developed by the United States that contains many features similar to those of the U.S.-Japan FCN Treaty discussed above.

1. Expropriation Provision

All BITs provide that investments of nationals of a BIT partner shall not be expropriated either directly or indirectly through measures tantamount to expropriation except for a public purpose, in a nondiscriminatory manner, upon payment of prompt, adequate and effective compensation, and in accordance with due process of law and the general principles of international law. Although the BITs contain sectoral exceptions that include fisheries (see below), these do not apply to the expropriation provision. As noted in section IV(a)(i) above with regard to the U.S.-Japan FCN Treaty, to the extent the proposed IFQ system results in a discriminatory expropriation, the foreign investor would be entitled, under an applicable BIT, to be made financially whole. Failure to fully compensate would place the U.S. in violation of its BIT obligations.

11/ To date, the United States has signed thirty bilateral investment treaties. Treaties with Bangladesh, Cameroon, the Czech Republic, Egypt, Grenada, Kazakhstan, Kyrgyzstan, Morocco, Panama, Romania, Senegal, Slovakia, Sri Lanka, Tunisia, Turkey, and Zaire have entered into force. Treaties with Argentina, Armenia, Belarus, Bulgaria, the Congo, Ecuador, Estonia, Georgia, Haiti, Jamaica, Moldova, Poland, the Russian Federation and Ukraine have been signed but have not yet entered into force.

2. Future Restrictions on Existing Investments

A core provision of the BITs provides that each party must treat investments and associated activities on a nondiscriminatory basis, subject to specified sectoral exceptions. The use of natural resources, which would include fisheries, is generally listed in the U.S. Annex to its BITs as a sectoral exception. However, like the U.S.-Japan FCN Treaty, the BITs prohibit a party from applying any future restrictions to existing investments in an excepted sector at the time the restriction becomes effective. BITs do not have an over-arching provision protecting the U.S. fisheries regime similar to Article XIX(6) of the U.S.-Japan FCN Treaty. 12/

If challenged by a BIT partner for imposing the transfer restriction on a national or company of a BIT partner, the U.S. would be constrained to argue that acquisition of QS on the open market constitutes a new investment. As indicated above, we believe that this is a credible argument; however, the matter is not free from doubt.

C. North American Free Trade Agreement

1. Expropriation

Similar to the BITs, Section 1110 of the Investment Chapter of the North American Free Trade Agreement 13/ ("NAFTA") between the United States, Canada and Mexico provides that no Party may directly or indirectly expropriate an investment of an investor of another Party or take a measure tantamount to expropriation except for a public purpose, on a non-discriminatory basis, upon payment of compensation in accordance with the Agreement, and in accordance with due process of law and the general principles of international law. To the extent the proposed IFQ system results in a discriminatory expropriation of the investment of a NAFTA Party investor, that investor would be entitled to be made

12/ A provision added in more recent BITs clarifies that a Party may not require the divestment, in whole or in part, of a covered investment existing at the time a restriction is imposed. See Article II(2). (A provision of this type is also contained in the NAFTA; see discussion in text, below). These provisions tend to support the view that a restriction on grandfathered vessels' obtaining QS in the initial allocation would, if it forces a divestment, violate an international obligation of the United States.

13/ The North American Free Trade Agreement was signed by President Bush on December 17, 1992. Following the enactment of implementing legislation by the Congress (P.L. 103-182), it became effective on January 1, 1994.

financially whole. Failure to fully compensate would place the U.S. in violation of its NAFTA obligations.

2. Prohibited Restrictions on Existing Investments

Like the treaties noted above, the NAFTA is based upon the principle of national and most-favored nation treatment. The NAFTA provides a list of exempted sectors in Annex II to the Agreement for which national or most-favored nation treatment is not required, including fishing vessels and fishing operations within the EEZ. However, NAFTA Article 1108.4 prohibits a Party from applying a restriction affecting an existing investment in an exempted sector that would require the investor to sell or dispose of such an investment by reason of its nationality. Accordingly, restricting grandfathered vessels from obtaining QS in the initial allocation that could result in a divestiture of stock or sale of the vessel may violate this provision of the NAFTA.

VI. CONCLUSION

Based upon U.S. rights and obligations under international law as well as applicable treaties and international agreements and existing case law regarding investment-backed expectations, we conclude that:

- (1) prohibiting majority foreign-owned U.S. enterprises currently owning grandfathered vessels that harvest groundfish and crab in the North Pacific from participating in the initial allocation of the QS would likely constitute an expropriation, for which compensation would be due;
- (2) restricting the subsequent transfer of QS to vessels owned by U.S. controlled entities is probably permissible under customary international law and applicable treaties or other international agreements; and
- (3) denying QS to foreign-controlled on-shore processors, through the restriction of either initial allocation or subsequent acquisition of QS, would likely constitute either an expropriation for which compensation would be due and/or a denial of national treatment under applicable treaties or other international agreements or customary international law.

Please let us know if you have any questions concerning the issues discussed in this memorandum.

cc: Jay S. Johnson
Deputy General Counsel, NOAA

APPENDIX I

LICENSE SYSTEM FOR GROUND FISH
As Approved by N.P.F.M.C.
June 1994

LICENSE SYSTEM FOR GROUND FISH - JUNE 1994

NATURE OF LICENSES

Note: Shaded options were added at the April 1994 Council meeting, mainly from the State of Alaska's "Integrated Fisheries Rationalization Program" proposal.

A groundfish license system would not apply to longline sablefish, halibut, or demersal shelf rockfish.

Alternatives include:

- Option A: A single groundfish license applying to all species/areas.
- Option B: Licenses for each species.
- Option C: General license with endorsements for each species/area.
 - Suboption A: separable endorsements.
 - Suboption B: non-separable endorsements.

Option B: Groundfish license(s) would be issued for each management area. Areas are defined as:

- 1) Bering Sea
- 2) Aleutian Islands
- 3) Western Gulf
- 4) Central Gulf
- 5) Eastern Gulf

Suboption: Combine Bering Sea and Aleutian Islands into a single area

Each area license will also be designated by vessel size and industry sector (catcher vessels/catcher processors), with accompanying species endorsements as follows:

- 1) Separate groundfish license designations for catcher and catcher processor operations. License designations are to be based on activity in the period January 1, 1990 through June 24, 1992.¹ If more than one operation type was used during this period, the vessel owner must choose one operation designation.
- 2) Separable endorsements by area for the following list of target species (consistent with the proposed IFQ program). Species endorsements awarded based upon qualifying participation (for each species) as described below under CRITERIA FOR ELIGIBILITY.²

BSAI	GOA
pollock	pollock
Pacific cod	Pacific cod
Alaska mackerel	deep water flats
yellowfin sole	shallow water flats
other flatfish	Alaska mackerel
rockfish	
squid (fixed gear only)	
rocksole	
turbot	

LICENSE SYSTEM FOR GROUND FISH - JUNE 1994

3) Licenses for catcher vessels will be issued by the following size categories: <60', 60' to 125', and 125' and greater. Suboptions for base date for length determination are:

Suboption A: Vessel length will be categorized based upon the vessel length as of June 24, 1992, pursuant to the conditions of the moratorium.

Suboption B: Vessel length at the date of final Council action.

4) Licenses will be designated inshore or offshore based on 1993 activity.

In addition to the options above, the Council is considering the following suboptions:

- Suboption A:** Separate licenses for catcher and catcher/processor operations.
- Suboption B:** Licenses for three catcher vessel size categories <60', 60' to 125', and >125'.
- Suboption C:** Licenses would be designated inshore or offshore based on 1993 activity.

Additionally, the Council is considering the following option, which is related to the IFQ alternatives described separately:

Licenses for BSAI Pacific cod fixed gear fishery only, would apply to 45% (or historical split) of the TAC set aside for fixed gear.

WHO WILL RECEIVE LICENSES

Alternatives include:

Option A: Current vessel owner is defined as date of final Council action and must be a U.S. citizen pursuant to Title 46.

Option B: GLS license will be awarded to 'qualifying vessel owners' who must be a U.S. citizen ('citizenship' for corporations, partnerships, and associations to be defined by Title 46, Sec. 802 (the Shipping Act of 1916), i.e., 75% U.S. ownership/control) and is the owner of record at the date of final Council action.

Option C: Those with between 50% and 75% U.S. ownership would be 'grandfathered' for purposes of initial allocation.

Suboption A: Vessel owners at the time of landings.

Suboption B: Permit holders.

These two suboptions are only relevant if license is not attached to vessel.

Additionally, the Council is considering the two-tier skipper license program. (Under this option, at least one skipper license holder must be on board the vessel when fishing.)

LICENSE SYSTEM FOR GROUND FISH - JUNE 1994

CRITERIA FOR ELIGIBILITY

Alternatives include issuing a license to any vessel (or person) who made landings between:

- Option A: January 1, 1978 and December 31, 1993.
- Option B: January 1, 1990 and December 31, 1993.
- Option C: Vessel must have fished in the three-year period before June 24, 1992 and/or the three-year period before the date of final Council action. If a vessel is lost during this period, owner at time of loss is still eligible.

In addition to the options above, the Council is considering the following:

- Suboption: Must have made at least 2 landings (per area/species combination) or made total groundfish landings of 5,000, 10,000, or 20,000 pounds (3 options) in any one year. (In addition to #1 or #2 above).

~~Option D: Licenses will be issued to any qualifying vessel owner for each vessel that fished in each year of the three-year period before June 24, 1992 (January 1, 1990 - June 24, 1992) and the year before the date of final Council action. For fixed gear Pacific cod only, the vessel must have fished in the year prior to June 24, 1992. If a vessel is lost during this period, the owner at the time of loss is still eligible. Options for analysis of additional landings requirements include:~~

~~Suboption A: A minimum of one to four landings per area/target species combination during the qualifying periods above.~~

~~Suboption B: A minimum of one to four landings per area/target species combination in the year prior to final Council action.~~

TRANSFERABILITY AND OWNERSHIP

Alternatives include:

- Option A: Licenses could be transferred (sold or leased) only to "Persons" (as defined by Title 46), i.e., U.S. citizens or U.S.-owned corporations.
- Option B: Vessels must be transferred with license.
- Option C: License may be transferred without vessel (can apply to "new" vessel).
 - Suboption A: Non-transferable across size categories identified above (Nature of Licenses).
 - Suboption B: Licenses may be combined in a manner similar to that described in the Pacific whiting fishery.

LICENSE SYSTEM FOR GROUND FISH - JUNE 1994

Option D: Licenses are non-transferable across vessel size, mode of operation, inshore/offshore, and area. Species endorsements are separable and transferable within an area. Licenses may only be transferred (sold) to U.S. citizen as defined.⁵

Suboption A: by 50% U.S. ownership.
Suboption B: by 75% U.S. ownership.⁶

Each qualified vessel owner may not hold or otherwise control more than 5, 10, or 15 area licenses in total. The initial allocation of groundfish licenses, based on historical participation, may exceed this number, however, the vessel owner would be prohibited from acquiring any control or interest whatsoever in additional licenses until their aggregate holdings are below the limit.

No more than 5 GFS area licenses may be used on any vessel. Options for analysis range from 1 to 5 area licenses per vessel.⁵

Suboption A: License may only be transferred with the vessel. If a vessel is lost or upgraded, it may be replaced with a vessel of equivalent size and fishing capacity pursuant to the conditions of the moratorium.

Suboption B: License may be transferred without the vessel. License may only be transferred to a new/replacement vessel of equivalent size and fishing capacity pursuant to the conditions of the moratorium.

Methods for effective license caps will also be examined

BUYBACK/RETIREMENT PROGRAM (OPTIONAL)

An industry funded buyback program, using funds collected through a fee assessment of exvessel of groundfish, run by NMFS/RAM, will be initiated to govern all transfers of licenses. This program will have first right of refusal on licenses to be sold. All licenses purchased by the program may be permanently retired to adjust participation levels.

COMMUNITY DEVELOPMENT QUOTAS

Option A: No CDQ allocations.

Option B: CDQ set-asides of up to 15% (range of 0% to 15%) of any or all groundfish TACs, but only for BSAI communities meeting current CDQ eligibility requirements, patterned after current pollock CDQ program, with no sunset provisions.

Option C: Would grant CDQs in the form of additional, non-transferable licenses (3%, 7.5%, 10% and 15% of initial licenses).

LICENSE SYSTEM FOR GROUND FISH - JUNE 1994

GENERAL PROVISIONS

In addition, the analysis will include examination of the following general provisions:

- 1) Licenses represent a use privilege; however, the Council could alter or rescind the program without compensation. In particular, the groundfish license program may be converted to an IFO program without compensation.
- 2) Penalties must be severe for failure to comply with any of the conditions finally adopted under a Full Utilization/Bycatch Control Program and/or for violations of area restrictions (to be analyzed separately). Licenses may be suspended or revoked for multiple violations.
- 3) Develop and implement a Mandatory Skipper Reporting System. Holders of groundfish licenses would be required to report the skippers' name, address, and dates of service to NMFS. The intent of this option is to build a database for consideration of skipper options under a subsequent IFO program.
- 4) Analyze the impacts of various rent collection levels and mechanisms. The analysis should include consideration of State and Federal taxes and fees imposed on industry. Management, enforcement, and other costs borne by State and Federal government in support of industry should also be considered.
- 5) An analysis of enforcement and program implementation costs.
- 6) Analyze current foreign ownership patterns and potential foreign control of licenses to the extent possible.
- 7) A full utilization/bycatch control provision is included in the State of Alaska's GLS proposal which was adopted by the Council in April 1994. This is being analyzed on a separate track from the License Limitation analysis, along with other potential bycatch control alternatives. The GLS proposal calls for full retention and full utilization of all target species for which a TAC exists, except PSCs, with a minimum food grade requirement (Options are 50%, 70%, and 90% for human consumption processing). It is intended that full utilization provisions would be implemented simultaneously with the license programs, though they are now on different schedules for analysis and consideration by the Council. Total catch measurement/monitoring and total PSC enumeration also are envisioned under the license program.

Note: A general provision regarding inshore/offshore allocations will be considered on a separate schedule with the potential extension of the current inshore/offshore CDQ program.

LICENSE SYSTEM FOR BSAI KING AND TANNER CRAB FISHERIES - JUNE 1994

Shaded areas represent additions from the April 1994 meeting.

NATURE OF LICENSES

Alternatives include:

- Option A: A single crab license applying to all species/areas.
- Option B: A separate license for each species.
- Option C: Separate licenses (permits) for each species and each existing crab management area.
- Option D: A general license with endorsements.

The following two suboptions (to be applied to the above) are being considered:

- Suboption A: Separate licenses for catcher and catcher/processor operations.
- Suboption B: Licenses for three catcher vessel size categories <60', 60' to 125', and >125'.
(These can be matched with pot limits.)
- Suboption C: Licenses are defined by fishing activity occurring prior to June 24, 1992.

WHO WILL RECEIVE LICENSES

Current vessel owners as of Council final action. ("Persons" are defined as in Title 46.)

Option A: Current vessel owner is defined as date of final Council action and must be a U.S. citizen pursuant to Title 46.

Option B: GLS license will be awarded to qualifying vessel owners who must be a U.S. citizen [citizenship for corporations, partnerships, and associations to be defined by Title 46 802 (the Shipping Act of 1916), i.e. 75% U.S. ownership/control] and is the owner of record at the date of final Council action.¹⁰

Option C: Those with between 50% and 75% U.S. ownership would be grandfathered for purposes of initial allocation.¹¹

Suboption: Permit holders: Each permit holder not receiving a permit, could receive a fractional share of a license. Only full shares may be fished, and these must be utilized on a "moratorium qualified vessel."

Additionally, the Council is considering the two-tier skipper license program. (Under this option, at least one skipper license holder must be onboard the vessel when fishing.)

LICENSE SYSTEM FOR BSAI KING AND TANNER CRAB FISHERIES - JUNE 1994

CRITERIA FOR ELIGIBILITY

A vessel must have made landings between:

Option A: January 1, 1978 and December 31, 1993.

Option B: June 28, 1980 and June 27, 1983 to qualify for the Dutch Harbor red king crab fishery;

June 28, 1985 and June 27, 1988 to qualify for the Pribilof king crab fishery; and

June 28, 1989 and June 27, 1992 to qualify for all other king and Tanner crab fisheries. (These dates correspond to the existing fall/winter crab seasons in the BSAI. The latter dates include the 1989/90, 1990/91 and 1991/92 registration years.)

Additional landing requirements include:

- 1) One landing during the qualifying period in each fishery is required to qualify for a red or blue king crab license for each fishery; and
- 2) Three landings during the qualifying period in each fishery are required to qualify for a brown king crab, *C. opilio* (snow crab), or *C. bairdi* (Tanner crab) license for each fishery.

TRANSFERABILITY AND OWNERSHIP

Alternatives include:

Option A: Licenses could be sold only to U.S. citizens as defined:

Suboption A: by 50% U.S. ownership
Suboption B: by 75% U.S. ownership. ¹²

Option B: Vessels must be transferred with license.

Suboption: Replacement/upgrades will be restricted as per the language in the moratorium regulations.

LICENSE SYSTEM FOR BSAI KING AND TANNER CRAB FISHERIES - JUNE 1994

Option C: License may be transferred without vessel (can apply to "new" vessel).

- Suboptions:**
- (a) Non-transferable across size categories identified above.
 - (b) Transferable across size categories.
 - (c) Species/area licenses will be non-transferable.
 - (d) Transfers of vessel license may occur only within the classification of the vessel (Catcher vessel v. Catcher processors). Catcher vessel licenses may be traded to catcher vessels, catcher processor licenses to catcher-processors, catcher processor licenses to catcher vessels (as a catcher vessel only), but not catcher vessel licenses to catcher processors for catching and processing.
 - (e) Replacements/upgrades will be restricted as per the language in the moratorium regulations.

POT CAPS

Alternatives include:

Option A: No caps on the total number of pots.

Option B: Caps are established on the total number of pots.

An Individual Transferable Pot (ITP) quota is initiated, such that the number of pots equates to the existing pot limit relative to the number of vessels with licenses for each fishery. An ITP would allow stacking of pots to occur, where a person owning multiple vessels could combine pots and vessels as they wished. Effort reduction could occur in each fishery, if necessary, by reducing some percentage of the number of individual pots over time until an optimal fishery pot cap is obtained.

BUYBACK PROGRAM (OPTIONAL)

An industry funded buyback program, using funds collected through a fee assessment of ex-vessel of crab, run by NMFS/RAM, will be initiated to govern all transfers of licenses. This program will have first right of refusal on licenses to be sold. All licenses purchased by the program may be permanently retired to adjust participation levels.

LICENSE SYSTEM FOR BSAI KING AND TANNER CRAB FISHERIES - JUNE 1994

COMMUNITY DEVELOPMENT QUOTAS

- Option A:** No allocations to CDQs.
- Option B:** Initially allocate 3%, 7.5%, 10% or 15% of the GHL by species and CDQs: may apply to any or all crab species, but only for BSAI communities meeting current CDQ eligibility requirements, patterned after current pollock CDQ program, with no sunset provisions.
- Option C:** Would grant CDQs in the form of additional, non-transferable licenses (3%, 7.5%, 10% and 15% of initial licenses).

GENERAL PROVISIONS

No superexclusive registration areas will be developed beyond that in place of the Norton Sound.

FOOTNOTES FOR ELEMENTS AND OPTIONS

1. This reflects clarification, from the april meeting, that this refers to calendar years and does not include the latter half of 1989.
2. This is changed from what was contained in the April newsletter to more correctly reflect the actual wording of the proposal as adopted by the Council.
3. The alternative which would require 75% U.S. ownership was inadvertently omitted from the April newsletter. An additional alternative, also omitted, was to grandfather those persons with between 50% and 75%, for purposes of initial allocation of licenses.
4. Review of the record shows that the differential qualification period (from the GLS proposal) for fixed gear Pacific cod was not intended as a suboption, but as an integral part of the overall qualification criteria for the GLS proposal.
5. This change was made to reflect the fact that species endorsements were meant to be separable, within area designations.
6. The options regarding U.S. ownership requirements are clarified.
7. The word 'whatsoever' is included (per the actual language adopted by the Council) due to its definitive nature.
8. The use limits on GLS area licenses were inadvertently omitted from the earlier draft.
9. The provisions from the GLS proposal regarding full utilization have been added back to the list of elements and options in order to convey the intent of the State of Alaska's GLS proposal. This alternative is being analyzed on a separate, parallel track and will not be explicitly included in the License Limitation document.
10. Same changes for crab as were made for groundfish regarding the U.S. ownership requirements.
11. Same as number 10 above.
12. Same as number 10 above.

Proposed by State of Alaska Rep

6/94 License System for Groundfish (Appendix I)

Proposed Highlighting of GLS Options

NATURE OF LICENSES

Star Option C with Suboption A, with the following modifications:

Option C: General licenses for FMP areas with endorsements for each species/sub-area.

Suboption A: separable endorsements.

This option is portrayed in Figure 3.7E on page 102 of the license analysis document.

This option should include the species endorsements, catcher and catcher-processor designations, and catcher vessel size categories specified under Option D.

Star Option D in its entirety.

This option is portrayed in Figure 3.7G on page 103 of the license analysis document.

For both Options C and D, the list of target species should be clarified as follows:

- a) Add GOA rockfish and GOA flathead sole to the list of target species
- b) Specify BSAI sablefish trawl as a bycatch only fishery.
- c) Specify that in order to fish for arrowtooth, a person must simply hold an FMP/sub-area license.

WHO WILL RECEIVE LICENSES

Star Options A and B.

CRITERIA FOR ELIGIBILITY

Change the opening sentence of this section to read:

"Alternatives include issuing a license to any moratorium qualified vessel (or person) who made landings between:"

Star Option C with the following substitute suboption for a landing requirement:

Suboption: A minimum of one landing per area/target species combination during the above qualifying period(s).

TRANSFERABILITY

Star a substitute Option D which should be worded as follows:

"Licenses and endorsements are non-transferable across vessel size, catcher, and catcher-processor categories identified above (see Nature of Licenses). Endorsements are separable and fully transferable within each category. Species endorsements are not transferable across areas. Licenses and endorsements may be transferred (sold) only to U.S. citizens ("citizenship" for corporations, partnerships, and associations to be defined by Title 46 §802 (the Shipping Act of 1916), i.e., 75% U.S. ownership/control).

Each qualified vessel owner may not hold or otherwise control more than _____ GLS licenses in aggregate (range for analysis is 5, 10, 15). Initial allocation of GLS licenses will be based upon participation during the qualifying period and may exceed these limits. Any vessel owner who receives an initial allocation of GLS licenses in excess of these limits is prohibited from acquiring any control/interest whatsoever in additional licenses until their aggregate license holdings are below these limits.

Licenses may be transferred without vessel. Licenses may only be transferred to a new vessel of equivalent size and fishing capacity pursuant to the conditions of the moratorium. Licenses may only be transferred within categories and may be "stacked" aboard a single vessel."

COMMUNITY DEVELOPMENT QUOTAS

Star Option B.

**GROUND FISH LICENSES
COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENT
ANALYSIS FORMAT**

Nature of Licenses	Numbering Scheme
Single license for all species and areas	100000
Licenses for FMP areas (i.e., GOA and BSAI)	200000
Licenses for FMP sub-areas (i.e., EG, CG, WG, BS, AI)	300000
Licenses for Pollock, P.Cod, Flatfish, Rockfish, and Other fisheries	400000
Licenses for Pollock, P.Cod, Flatfish, Rockfish, and Other fisheries by FMP areas	500000
Licenses for Pollock, P.Cod, Flatfish, Rockfish, and Other fisheries by FMP sub-areas	600000
Licenses for fisheries (see box) by FMP sub-areas	700000
Licenses for fisheries (see box) by the following areas: EG, CG, WG, BSAI	800000

Fisheries Specified Under Options 700,000 and 800,000	
BSAI Fishery Licenses:	GOA Fishery Licenses:
Pollock, Pacific Cod, Atka Mackerel, Yellowfin Sole, Other Flatfish, Rockfish, Squid (Fixed Gear), Rocksole, Turbots	Pollock, Pacific Cod, Deep Water Flats, Shallow Water Flatfish, Atka Mackerel

License Recipients	
Current owners	10000
Current owner, then owner at the time of landing, then permit holders (no duplicate)	20000
Current owners, then permit holders (no duplicates)	30000
Current owners, owners at the time of landing, and permit holders (duplicates allowed)	40000

License Designations	
No restrictions	1000
Catcher vessels & Catcher/processors	2000
Vessel length	3000
Inshore & Offshore	4000
Catcher vessels & Catcher/processors and vessel length	5000
Catcher vessels & Catcher/processors and Inshore & Offshore	6000
Inshore & Offshore and vessel length	7000
Catcher vessels & Catcher/processors, Inshore & Offshore, and vessel length	8000

Qualifying Periods	
Jan. 1, 1978 - Dec. 31, 1993	100
Jun. 28, 1989 - Jun. 27, 1992	200
Jun. 28, 1989 - date of final action	300
Jan. 1, 1990 - Dec. 31, 1993	400
The three years prior to the date of final action	500
Jun. 28, 1989 - Jun. 27, 1992 & the three years prior to the date of final action	600
Each of the three calendar years from 1/1/90 - 6/27/92 & the 365 days prior to final action, except for fixed gear P. cod use 6/23/91 - 6/27/92 rather than 1/1/90 - 6/27/92	700

Landings Requirements For General License Qualification	
One Landing	10
Two landings	20
5,000 pounds	30
10,000 pounds	40
20,000 pounds	50

Landings Requirements for Endorsement Qualification	
One landing in qualifying period	1
Two landings in qualifying period	2
Three landings in qualifying period	3
Four landings in qualifying period	4
One landing in year prior to council action	5
Two landings in year prior to council action	6
Three landings in year prior to council action	7
Four landings in year prior to council action	8

CRAB LICENSES
COMPONENTS AND ALTERNATIVE ELEMENTS AFFECTING INITIAL ASSIGNMENTS OF LICENSES

	NUMBERING SCHEME
Nature of Licenses	
Single license for all species and areas	10000
Licenses for species (e.g., <i>C. opilio</i> , <i>C. bairdi</i> , Red, Blue and Brown King Crab)	20000
‡Licenses for each species/area combination	30000
License Recipients	
‡Current owners	1000
Current owners and permit holders	2000
License Designations	
No restrictions	100
Catcher vessels & Catcher/processors	200
Vessel length	300
‡Catcher vessels & Catcher/processors and vessel length	400
Qualifying Period	
Jan. 1, 1978 - Dec. 31, 1993	10
‡6/28/89 - 6/27/92 (6/29/80 - 6/25/83 for D.H. Red & 6/29/85 - 6/25/1988 for Prib. Blue)	20
Minimum landings	
‡No minimum	1
1 landing for Red & Blue King, 3 landings for Brown King, <i>C. opilio</i> , & <i>C. bairdi</i>	2