PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-2 Staff TASKING

	NAME *(PLEASE PRINT)*	TESTIFYING ON BEHALF OF:
1	Edward Poulsen	Alaska Bering Sea Crabbers
2	Mike Szymanski	FCA
3	Jeff Stephan	UFMA
4	Kenny Down	FLC
5	Lori Swanson / Dave Wood	GFF / USSF
6	Donna Parker	MCA
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

United Fishermen's Marketing Association, Inc.

P.O. Box 2917 Kodiak, Alaska 99615

Telephone 486-4568

fax: 907-486-8362

Testimony
Jeff Stephan, UFMA
February 2011 Council Meeting
D-2 Staff Tasking

Discussion Paper: Delay of Central Gulf Of Alaska P Cod Pot Sector A Season

Mr. Chairman and members of the Council.

My name is Jeff Stephan, I represent the United Fishermen's Marketing Association.

We would like to request that the Council include the consideration of issues that are associated with a delay of the Central Gulf of Alaska (CGOA) P. cod Pot Sector A Season in the discussion paper that you initiated during the December, 2010, meeting "for changing the trawl A season opening date for the Western GOA Pacific cod fishery to a later date."

While we suggest that the subject discussion paper include relevant considerations that may apply to a delay of the CGOA P. cod Pot Sector A Season, we note that we have no objection to the inclusion and consideration of other gear types in this discussion paper.

We suggest that the inventory of issues that are relevant to an examination of the option to delay the CGOA P. cod Pot Sector A Season include:

- Impacts on halibut and other bycatch.
- Implications that relate to Steller Sea Lion protection measures.
- Impacts on other gear types and other management areas.
- Weather-related safety considerations.
- Marketing and product quality considerations.
- Operational considerations for harvesting vessels (availability, concentration, distribution, catch rates, and the related impacts to costs for the utilization of fuel and bait, etc.).

Thank you for your consideration of including a delay of the Central Gulf of Alaska (CGOA) P. cod Pot Sector A Season in the discussion paper that you initiated during the December, 2010, meeting "for changing the trawl A season opening date for the Western GOA Pacific cod fishery to a later date."

Sincerely,

Jeff Stephan

Reference:

From the December, 2010, Council Minutes on "D-2 Staff Tasking".

"Mr. Cotton noted that the AP had a motion he would like to recommend to the Council. He moves, and was seconded by Mr. Fields, that the Council initiate a discussion paper for changing the trawl A season opening date for the Western GOA Pacific cod fishery to a later date. There was brief discussion, with Mr. Cotton noting there have been many changes with the trawlers in that area, and they have collectively asked for a later start date. The motion passed without objection."

From the December, 2010, Advisory Panel Minutes on "D-2 Staff Tasking".

The AP requests the Council initiate a discussion paper for changing the trawl A season opening date for the Western GOA Pacific cod fishery to February 20. Motion passed 14/0.

From article entitled "Staff Tasking" (page 7) in the December, 2010, NPFMC Newsletter.

During the staff tasking agenda item, the Council tasked staff to . . . prepare discussion papers on several topics, and initiate a new analysis . . . Discussion papers will be prepared on: . . . 2) changing the A-season opening date for Western GOA cod fisheries . . ."

Freezer Longline Coalition
Discussion Paper Request

North Pacific Fishery Management Council
February 2011

Agenda Item D-2, Staff Tasking

"Approaches for Vessel Rebuild and Replacement: Pacific Cod Catcher / Processor Hook and Line Fishery Proposed Amendment to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Island Area."

Chairman Olson,

Council Members; thank you for your time here this week and for the hard work in support of sustainable fisheries. My name is Kenny Down and I am here today representing the Freezer Longline Coalition. The Freezer Longline Coalition represents the owners of thirty-six hook-and-line catcher processor LLP's. I am here today respectfully requesting the Council consider directing staff to create a discussion paper on approaches for Vessel Replacement and Rebuild in the CP hook-and-line fishery based on the attached options and alternatives.

Up front I would like to recognize that our group as a whole does not have 100% unanimity on moving forward with this action. While the large majority of the group is in favor of this request, and favor alternative two, an alternative that was reached as a compromise within the group, a small minority of members do not agree and support Alternative 1, status-quo. As this moves forward the Council could hear arguments for and against. It is our hope that as this moves forward the FLC members will all support a consensus around a preferred Alternative, and that this action will see little to no controversy.

Members desiring status-quo have indicated they invested in a large vessel for their efficiencies and have had continuous large expenditures for 100% observer coverage over many years. At the same time these larger vessels have been prevented from registering their vessels inshore in the GOA where 90% of the federal GOA P cod TAC is allocated. These owners feel the smallest vessels can currently replace these vessels with 124' new construction vessels that have large capacity and are as safe as larger new construction vessels.

The vast majority of the members desiring to relax LLP length restrictions feel this is a safety issue, that the smaller vessel advantages have been removed in previous Council actions that will result in 100% observer coverage for all catcher processors as well as GOA P cod sector splits putting all CP's regardless of size in one sector starting next year. These members desire the ability to build larger vessels than the current LLP length limits would allow, feel it is a safety issue, as well as a fuel efficiency issue, and a resource utilization issue.

The majority of the FLC Members do support the request and therefore I strongly encourage the Council to take this issue up and move as expediently as possible to have a discussion paper on this issue created and back before the Council to begin the process.

I have attached a industry draft problem statement and Alternatives as well as a list of the current licenses and length limitation in place.

Kenny Down
Executive Director
Freezer Longline Coalition

Freezer Longline Coalition
Discussion Paper Request

North Pacific Fishery Management Council
February 2011

Agenda Item D-2, Staff Tasking

"Approaches for Vessel Rebuild and Replacement: BSAI A-67 Pacific Cod Catcher / Processor Hook and Line Fishery Proposed Amendment to the Fishery Management Plans for Groundfish of the Bering Sea and Aleutian Island Area."

Industry Draft Purpose and Need statement and Alternatives

Purpose and Need

Allowing for Pacific Cod Catcher / Processor Hook and Line vessel owners eligible under public law 108-447; 118 Stat 2886 to rebuild or replace their vessels to improve vessel safety, meet international class and loadline requirements that would allow a broader range of onboard processing options, or otherwise improve the economic efficiency of their vessels.

Options and Alternatives:

Alternative 1: No Action. Status quo BSAI Pacific Cod Catcher / Processor Hook and Line vessel length, horsepower and tonnage restrictions currently in place would continue to apply.

Alternative 2: The owner of a Pacific Cod Catcher / Processor Hook and Line vessel may rebuild that vessel or replace that vessel with another vessel for any purpose. A replacement vessel may have a length overall 20% greater than the original qualifying BSAI Pacific Cod Catcher / Processor Hook and Line vessel it replaces. A replacement vessel could not exceed 150 feet (Length Overall) LOA if the LLP license assigned to that vessel at replacement is less than 150 feet MLOA. Replacement vessels assigned LLP licenses with an MLOA greater than 150 feet MLOA would be limited to the length limitation on the LLP.

Alternative 3: No length restriction on Rebuild and Replacement vessels, the MLOA requirements on LLP licenses assigned to a BSAI Pacific Cod Catcher / Processor Hook and Line vessel would not apply.

• Sub-options (Could be applied to Alternative 1 or 2)

(a) Any vessel replaced under this program would be eligible to be designated on an FFP or an LLP.
(b) Replaced vessels may be used to replace other BSAI Pacific Cod Catcher / Processor Hook and Line vessels.

of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(G)).

(5) LLP LICENSE.—The term ''LLP license'' means a Federal License Limitation program groundfish license issued pursuant to section 679.4(k) of title 50, Code of Federal Regulations (or successor regulation).

(6) LONGLINE CATCHER PROCESSOR SUBSECTOR.—The term ''longline catcher processor subsector'' means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher processor fishing activity, C/P, Pcod, and hook and line gear.

Vessel(s)	LLP	LLP Length	FFP Length	COD Length	Gross Tonnage GRT	Year Completed
Blue Ace	4508	124	124	123.4	396	1945
Kjevolja	1401	124	110	98.4	196	1979
Prowler	3676	124	124	109.9	191	1980
Zenith	1400	124	124	107.8	186	1980
Clipper Surprise	1917	124	124	113.5	163	1980
Clipper Endeavor	1916	124	124	113.5	141	1981
North Cape	1785	124	123	111.6	194	1989
Bering Prowler	3681	124	131	110.7	193	1991
Bering Leader	3609	124	124	108.5	193	2005
Beauty Bay	3617	127	127	116.5	196	1990
Deep Pacific	1989	130	124	111.6	140	1981
Frontier Mariner	1127	135	135	117.8	446	1989
Frontier Spirit	1128	135	135	117.8	446	1989
Frontier Explorer	1125	135	135	110.3	467	1991
Norton Sound	4823	136	136	128.3	653	1944
Blue Star	2783	138	138	127.1	187	1946
Lilli Ann	1988	141	141	124.3	479	1991
Alaskan Leader	2238	150	150	137.2	464	1991
Ocean Prowler	2958	155	155	143.8	196	1941
Blue Gadus	3973	157	152	149.9	467	1944
Liberator	3637	162	162	149.6	446	1979
Blue Attu	2421	162	162	124.5	379	1979
Clipper Express	1713	163	161	138.4	497	1937
Aleutian Lady	3090	165	165	154.7	189	1966
Clipper Epic	3616	172	172	162.7	989	1979
Alaska Mist	2892	174	174	166.5	916	1942
Blue North	2959	174	174	166.5	608	1945
Alaska Patriot	2112	177				
Glacier Bay	5222	178	154	136.3	982	1978
Baranof	1578	180	180	170.1	907	1942
Courageous	1576	180	180	170.1	920	1943
Pathfinder	2026	180	180	169.7	787	1944
Blue Pacific	3847	180	180	166.3	867	1944
Bristol Leader	3602	188	167	153.3	765	1998
Alaska Pioneer	2081	196				
Siberian Sea	4008	198	137	123.3	741	1991
Alaska 1	2085					

Pacific Fishery Management Council

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Mark Cedergreen, Chairman Donald O. McIsaac, Executive Director

December 13, 2010

Mr. Eric Schwaab
National Marine Fisheries Service
1315 East West Highway, Building SSMC3
Silver Spring, MD 20910

Dear Mr. Schwaab:

The Pacific Fishery Management Council (Pacific Council) met November 4-9, 2010 in Costa Mesa, California to discuss, among other matters, the current efficacy of a Joint Enforcement Agreement (JEA) program for west coast states. The purpose of this letter is to express the grave concerns of the Pacific Council over recent reductions in west coast JEA emphasis, in favor of increases to other regions, and to request a meeting to discuss alternatives for the future.

The west coast states have been involved in a decades-long Cooperative Enforcement Agreement (CEA) with the National Oceanic Atmospheric Administration Office for Law Enforcement (NOAA OLE). That partnership was eventually supported with funding through a JEA opportunity available to the nation's coastal states. This funding has become critically important to support marine fishery management of increasing complexity. The west coast JEA programs are viewed as a tremendous success by all measurements of enforcement cost-benefit.

Because of the high value of this program and its criticality to enforcement of Pacific Council-managed fish and fisheries, the Pacific Council was shocked to hear that the 2011 JEA solicitation period resulted in funding reductions from previous levels for all three west coast states (Washington – 2.57 percent; Oregon – 2.57 percent; California – 2.57 percent). At the same time, we understand at least 11 other states (10 east coast states and Hawaii) received increased allocations totaling almost $1.2 million, with one State nearly doubling.

We understand the allocation of JEA funds for Federal fisheries protection is based on a number of criteria including pounds of commercial and recreational catch, angler trips, and number of processor/wholesale dealers. We further understand the formula is heavily weighted toward the total amount of pounds of all fish or shellfish that are delivered into a given state, regardless of Federal regulation. These allocation criteria favor enforcement efforts on abundant and healthy fisheries, and may not favor the protection of stocks that have declined and may be in most need of protection. The enforcement of catch restriction mechanisms typically require more enforcement activity than purely open fisheries. It also does not appear that the criteria creates the proper emphasis on new administration priorities such as catch share programs. Nor does it appear that the thousands of miles of inland rivers and creeks requiring an enforcement presence have adequately been considered, something that is necessary to protect anadromous species

relying on freshwater as part of their life cycle. All three west coast states have high percentages of land area affected by Endangered Species Act (ESA) listings of salmon and steelhead (Washington 61 percent, Oregon 55 percent and California 32 percent) requiring enforcement of freshwater fisheries and habitat to protect these sensitive stocks. In addition, these kind of fisheries are co-managed with over 20 treaty Indian tribes, adding another Federal nexus and incredible regulatory complexity. It is unclear whether the reductions for the west coast were used to fund increases for other regions, however, it is our understanding that award enhancements for some states were due to higher funding scores that resulted from increased fish landings in those states. The rationale for increases for some other states is unclear.

The Pacific Council struggles with how to provide harvest opportunity on healthy populations without impacting rebuilding efforts for species that require recovery. With virtually every marine and fresh water area on the west coast occupied by an ESA listed or an overfished designated species, access to healthy fish stocks by commercial and recreational interests is often constrained. Minimizing impacts is in part achieved through a combination of sophisticated measures, including season structures, area closures, and specialized gear and release techniques meant to increase survivability for incidentally caught fish. As a consequence, we probably have the most complex set of fisheries regulations in the world. Adequate enforcement of these measures is key to the ability of managers to continue to provide access to healthy stocks while rebuilding depressed stocks. Severe constraints for major west coast fisheries should be expected to result if management measures for sensitive stocks fail because of inadequate enforcement.

The Pacific Council's new groundfish trawl catch share program involves over 90 species of groundfish, vessel declaration procedures, vessel and quota share holder accounts, the potential for vessels to switch between gears, etc. The expertise required to effectively monitor these fisheries necessitates officer specialization. In this program, the west coast fisheries enforcement agencies are facing the most complex set of regulations ever implemented, and a good working knowledge of these extensive regulations will be required to ensure the quality of enforcement effort needed for program success. Additional JEA resources are needed to adequately enforce this new catch share program and we appreciate NOAAs commitment to move in this direction by providing a minimal initial level of added support.

The west coast states are home to 33 salmon and steelhead stocks listed as threatened or endangered under the ESA, with more salmonid populations listed as a "species of concern." Eulachon and green sturgeon are also listed under the ESA. Enforcement of ESA regulations in either state inland or Federal waters is an important part of the NOAA-OLE function in our region, and is currently addressed in the various JEA agreements as a patrol priority. Since many of these ESA-listed species migrate through marine and freshwater boundaries, the Federal and three-state jurisdictions rely on one another to provide adequate protection. Illegal take or spawning habitat damage can result in irreversible impacts to stock recovery.

In addition to the ESA concerns, the west coast has seven Pacific Coast rockfish populations and Petrale sole designated as overfished under the Magnuson Stevens Fishery Conservation and Management Act. Most of these species are long-lived and slow to reproduce. Non-compliance with regulations designed to ensure rebuilding plan success will have major negative biological,

economic, and social consequences through the cutbacks that will be required if stocks fail to rebuild because regulations could not be adequately enforced.

It is entirely germane to also note that the west coast state fisheries enforcement agencies are facing some of the worst budgetary conditions of any states in the nation, creating a perfect storm of reduced resources combined with additional demands for service. The protection of recovering fish populations and their habitats, along with increasing regulatory complexity associated with management of west coast recreational and commercial fisheries requires additional funded enforcement presence, not less. Now is not the time to reduce funding for the west coast JEA partners.

We appreciate the outreach efforts made by Mr. Mark Paterni and Mr. Michael Fry in response to the Enforcement Consultant report on which this letter is based. A few weeks ago, Mr. Paterni and Mr. Fry held a conference call with the states during which a number of questions were answered, some questions were left outstanding, and a commitment was made to continue discussions on these issues. It is our understanding that a response to the outstanding questions will be available next month, and that the issues over which we have expressed concern will be addressed in a meeting of the JEA Advisory Council within the first few months of 2011. We would appreciate receiving a report on the outcome of that meeting, including any followup process and actions that are planned pursuant to that outcome.

Nevertheless, we remain seriously concerned about inadequacies in the allocation matrix and its use in the immediate future. We respectfully request a meeting with you and Mr. Alan Risenhoover in the near future to discuss funding west coast regional Federal fisheries protection priorities in the JEA funding process. At the same meeting, we would also like to discuss strategies to enhance critically important JEA funding for all participating states. Please contact me at your convenience to coordinate schedules.

Thank you for your consideration and attention to this matter.

Sincerely,

D. O. McIsaac, Ph.D.
Executive Director

Cc: Council Members
Mr. John Oliver
Mr. Alan Risenhoover
Mr. Randy Fisher
Dr. John Coon
Mr. Don Hansen
Mr. Jim Seger
Enforcement Consultants

Enforcement Concerns for Trawl Gear Area Restrictions

Introduction:

Proposals have been made several times over the last year to design closure areas that would prohibit nonpelagic trawlers, but allow pelagic trawl vessels to fish. This paper is presented to the enforcement committee in order to give the council the background relating to the definitions enforcement personnel must work within, as well as the challenges to at sea enforcement, and changes to boarding procedures that would have to be addressed in order to effectively monitor this type of regulation.

Regulatory Definitions:

50CFR679.2 provides the following definitions:

(11) Mobile bottom contact gear means nonpelagic trawl, dredge, or dinglebar gear.

(12) Nonpelagic trawl means a trawl other than a pelagic trawl.

(14) Pelagic trawl gear means a trawl that:

(i) Has no discs, bobbins, or rollers;

(ii) Has no chafe protection gear attached to the footrope or fishing line;

(18) Trawl gear means a cone or funnel-shaped net that is towed through the water by one or more vessels. For purposes of this part, this definition includes, but is not limited to, beam trawls (trawl with a fixed net opening utilizing a wood or metal beam), otter trawls (trawl with a net opening controlled by devices commonly called otter doors), and pair trawls (trawl dragged between two vessels) and is further described as pelagic or nonpelagic trawl.

50CFR679.24(b) (3) *Trawl footrope.* No person trawling in any GOA area limited to pelagic trawling under §679.22 may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of t`he period of any tow.

This phrasing indicates that pelagic trawling is defined by trawling during which the foot rope is not in contact with the bottom for more than 10 percent of the time.

In the prohibitions section, 50CFR679.7(a) (14) *Trawl gear performance standard* — [trawl vessels are prohibited to]

(i) *BSAI.* Use a vessel to participate in a directed fishery for pollock using trawl gear and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

(ii) *GOA.* Use a vessel to participate in a directed fishery for pollock using trawl gear when directed fishing for pollock with nonpelagic trawl gear is closed and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

Enforcement Concerns:

Aircraft Surveillance:
Due to the size of the Alaska region and the number of enforcement assets available, one of the most effective means of surveillance is by aircraft. While an aircraft can identify the type of vessel (e.g. - long liner, trawler, seiner, pot boat, etc.), there is no way for aircraft to readily identify whether a trawl vessel is using pelagic or non-pelagic trawl gear.

Because of these definitions, the only time an aircraft would be able to determine whether a vessel was using pelagic or nonpelagic trawl gear would be if they witnessed a haulback and noted chafing gear on the foot rope or roller gear. By definition, this would make the vessel a nonpelagic trawler. All other definitions used to identify whether a vessel is conducting pelagic or non-pelagic trawl activities must be conducted by a boarding team on the vessel.

At-sea Enforcement:
outside the pollock fishery which has specific crab bycatch limits to define bottom contact, it is almost impossible to define how much time a trawl net is in contact with the sea floor.

Specific to pollock vessels using pelagic trawl gear in the BSAI and GOA, these vessels are held to the performance indicator of not having more than 20 crabs of any species with a carapace of more than 1.5 inches, but there are no performance indicator definitions for other target species where vessels use pelagic or nonpelagic trawl gear.

Recent proposals focus specifically in allowing the pollock pelagic trawlers into areas prohibited to nonpelagic trawl gear for the protection of crab. In order for the Coast Guard to enforce this regulation on the catcher/processor fleet, a boarding team would be required to be on board for significantly more time than they currently are. The boarding team would remain on board to witness a haul back of the gear, during which time they could check the net for the roller and chafing gear that would define the vessel as nonpelagic. The boarding team would also have to remain on board until the entire catch was sorted. This would necessitate that there is no mixing of catch from different hauls, and may impact the operations of some trawlers.

In speaking with Marlon Concepcion with the NMFS Fisheries Monitoring and Analysis Division in Dutch Harbor, this would require Coast Guard Boarding Teams to remain on the vessels approximately 12 hours vice the current 3-6 hour average. This time would allow the team to witness the haul back, the dumping of the catch from the bag into the hold, and sorting time for the entire catch. The boarding team would have to watch for

any crab discard on the deck, and then observe the entire sorting process to ensure compliance with the 20 crab limit.

Current fishing practice is for the vessel to allow the catch to sit for 4-6 hours after it is dumped into the hold before beginning processing. During this time, boarding personnel would have to remain in the area to witness the sorting to ensure catch of not more than 20 crab greater than 1.5 inches. Based upon an average catch size for this fleet of between 80 and 110 metric tons per haul, and a 15 metric ton/hour processing rate, this would require an additional 6-8 hours of time for the boarding team to monitor for crab catch.

The average boarding time is approximately 3-6 hours in duration. If the boarding team must remain on board to observe the sorting of all the catch, the result is a boarding taking 6-8 hours longer. This additional time would reduce the total number of boardings the Coast Guard can conduct in a given time period, reducing the overall contact rate for the fleet.

The additional boarding time also imposes an additional logistical burden on boardings due to increased ship to ship personnel transfers, small boat hours, meals, etc. The duration of the boarding also increases the likelihood of night operations, which presents increased risk.

Current practice, when in large fleets of vessels, is often to send boarding teams to more than one vessel. Due to the duration of the boarding, cutters would likely be restricted in the number of boardings they can conduct simultaneously due to the risk to boarding team members and concerns for the recovery of personnel at the completion of the boarding. If cutters had teams on multiple vessels, they would likely have to restrict the movement of fishing vessels until the boarding was complete to ensure appropriate response distances for the safety of boarding teams.

During the boarding, vessels would not be permitted to mix the catch from various cod ends, as the 20 crab measure would be compromised should the catch from more than one haul be in the hold at any given time during the boarding.

Conclusions and possible mitigating factors:

At-sea enforcement of areas where pelagic trawl gear is permitted and nonpelagic trawl gear is prohibited is problematic. Aerial surveillance remains the most effective means to monitor closed or restricted gear areas. While aircraft can readily identify the type of vessel by gear, identification of pelagic or nonpelagic trawl gear by aircraft is virtually impossible.

Identification of pelagic or nonpelagic trawl gear can easily be done by definition during an at sea boarding based upon the definition of rollers and chafing gear, but becomes more problematic in cases where gear that appears to be pelagic in nature is in contact with the sea floor more than the allowable ten percent of the time. It is nearly impossible

for a boarding team to determine how much time pelagic trawl gear is in contact with the bottom, and this regulation is almost unenforceable. The exception to this is in the pollock fleet where bottom contact is defined by the number of crab caught.

In order to monitor the crab metric, boarding teams would have to remain on board for a much longer duration, possibly impacting vessel operational procedures, vessel freedom of movement, and safety of boarding personnel.

One possible mitigating factor, at least for the aerial surveillance factor, would be to have vessels declare what they are targeting and what gear they are using through their VMS units. This is a system that is used extensively in other regions of the country, and allows enforcement personnel to quickly identify locations of various fleets by gear type and targeted species. It does not, however; address the issue of the 20 crab limit, which would still have to be monitored by boarding personnel in a protracted boarding.

AKUTAN · COLD BAY · NELSON LAGOON

ALEUTIANS EAST

BOROUGH

FALSE PASS · KING COVE · SAND POINT

February 1, 2011

Chairman Eric Olsen
North Pacific Fishery Management Council
605 West 4th, Suite 306,
Anchorage, Alaska 99501-2252

late comment

Re: NPFMC February 2011 Agenda item C-6a - Final Action on Right of First Refusal

Dear Chairman Olsen,

The Aleutians East Borough supports strengthening the community provisions for Right of First Refusal as part of the management plan for Bering Sea and Aleutian Islands King and Tanner Crabs. In particular, The Aleutians East Borough supports Action 4 of the agenda item, to require community approval for Individual Processing Quota subject to the right of first refusal to be processed outside the community.

Currently, the AEB community of King Cove is home to only one processor. This community is potentially vulnerable to IPQ leaving by intra-company transfer, custom processing agreements or lease agreements.

The Aleutians East Borough supports requiring community approval before IPQ leaves the community. However, the intent of this action should not be to unreasonably withhold consent, but for reasonable and timely consent be given, especially in the event of unforeseen circumstances.

We appreciate the opportunity to comment on your agenda items. Thank you.

Sincerely,

Stanley Mack
Mayor

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C-POD
Coalition to Protect Ocean Diversity
PO Box 42523, Portland, OR 97242 www.c-pod.org

February 4, 2011

North Pacific Fishery Management Council
605 W 4th Ave
Suite 306
Anchorage, AK 99501

late comment

Dear Council Members,

I authored the other skate nursery HAPC proposal submitted last August on behalf of C-POD that was accepted and moved forward as part of the Alaska Fisheries Science Center (AFSC) proposal. I am here to give my full support to the forwarded proposal, emphasizing to the Council to move forward with implementing the recommendations in that proposal, designating the six nursery sites as HAPC's swiftly. I am here also to urge the Council to give serious consideration to recommendations in the C-POD proposal that are additions to the AFSC proposal: designating the skate HAPC areas as no-take Marine Protected Areas; and establishing a thorough monitoring and enforcement program, appropriating the necessary funds to support such.

The AFSC proposal recommends three management measures: 1) establishing the six skate nurseries designated in the proposal as HAPC areas; 2) prohibiting bottom-contact gear commercial fishing in these HAPC areas; and 3) maintaining skate conservation as an NPFMC priority. I am here to recommend adding the two management measures mentioned above, to enhance and improve the implementation of the AFSC measures—establishing these as "no take" areas to commercial fishing; and establishing the monitoring and enforcement needed to ensure the areas remain unutilized as actions supporting the NPFMC's priority of skate conservation.

Gear restriction and area closures are both practicable tools used separately and together by Regional Fisheries Management Councils to fulfill their responsibilities under the Magnuson-Stevens Act to minimize the adverse effects of fishing on Essential Fish Habitat. The AFSC proposal points out that the Alaskan skates are especially sensitive to disturbance due to a number of factors, including their long embryonic development time. The precautionary principle advises extra care where the effects of human activities on the ecosystem are not well understood. Combining this foundational principle with the NPFMC's emphasis on ecosystem based management, and the fact noted in the AFSC proposal that the proposed nursery areas are very small and are "unattractive from a commercial fishing perspective", it only makes sense to make these six nursery sites "no take" zones. This and proper monitoring are measures necessary to ensure success in skate conservation and sensitive, rare habitat protection.

Thank you for your attention to this request.

Respectfully,
Paula Walker, J.D.
Director C-POD (Coalition to Protect Ocean Diversity)

King Cove
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OFFICE of the MAYOR

February 1, 2011

late comment

Chairman Eric Olsen
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RE: NPFMC Meeting - February 2011
Agenda Item C.6.a. – Action 4 (ROFR Package – "Modifications to Community Provisions")

Dear Chairman Olsen:

This letter expresses a concern from the City of King Cove regarding community protection provisions in the Bering Sea/Aleutians Crab FMP. The city has been on record numerous times stating its opposition to the overall crab rationalization program and the minimal community protection measures which have put been in place for our protection. Historically, crab processing in King Cove has been a significant portion of the city's annual tax revenue base and our local residents' income base.

The city realizes that NPFMC, in developing the crab rationalization program, included measures to protect regional and community interests. The specific measure designed to protect communities from the loss of crab processing was the provision providing for a right of first refusal (ROFR) to the city to purchase the PQS in the event the owner proposes to sell the shares outside the community. However, the city believes that many aspects of the ROFR are not achievable or effective in protecting our interests.

Therefore, the city recommends that the above agenda item should be modified to be a simple, straight-forward consent requiring the approval of the community. We recommend the NPFMC support the intent of providing any community, where the PQS was historically originated, to have the authority to approve any IPQ processing that could eventually occur outside the community.

We suggest this intent language addresses these considerations: 1) a community cannot withhold approval on an unreasonable basis; 2) a community will approve, on a timely basis, moving IPQ processing to another location when unforeseen circumstances and/or emergencies occur; and, 3.) a community can approve end-of-season consolidation of small amounts of IPQ.

Thank you for these considerations.

Sincerely,

Henry Mack
Mayor