

Public Testimony Sign-Up Sheet

Agenda Item Staff Talking

	NAME (PLEASE PRINT)	AFFILIATION
1	Frank Kelly	CITY OF UNALASKA KSS
6 3 6 3	2 / LORI SWANSON	GROUND FISH FORUM
3	3 / Joe Sullivan	Muadt Mac Gray.
6	4 / Paul Shadara	Kenai Peninsula Fisherman Assoc.
3	5 / Mike Sweetzif	Adak Community
3	6 / Agathe Kunkoff	Adak City
6	7 / Dorothy Childers	A MLC
6	8 / Joe Kyle (JOE KYLE)	CITY OF ATKA / AXIOM CORP ATKA IRA APICOA
3	9 / JOE PLESNA	TRIDENT SEAFOODS
6	10 / TROY JOHNSON / JOHN MOLLER	THE ALEUT CORP
6	11 / MICHAEL SWERDLOW APOW KID	UNICORP CITY OF ADAK
3	12 / Dave Inzer	Adak Fisheries
3	13 / Dave Wood	JS Seafoods
3	14 / KJETIL SOLBERG	ADAK FISH
	15 / Stephen Taufen	Groundswell Fisheries Movement
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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.

Staff Tasking

Mr. Eric Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

April 2, 2008

Dear Chairman Olson,

We write this letter on behalf of the community of Atka and its 74 residents. We are the leaders of the City, the Atkam Corporation (our local village corporation), the Atka IRA Council, and the Atka Fisherman's Association.

We received a copy of a letter to you from the Aleut Corporation, the City of Adak and Adak Fisheries requesting an emergency rule to require that all trawl cod harvested in our region in 2009 be required to be processed "on shore". In this case, "on shore" means that all cod must be delivered to, sold to, and processed by Adak Seafoods in Adak. This is the latest in a continuing series of requests from Adak to impose delivery and processing restrictions in the Western Aleutian Islands that would grant Adak a monopoly. If Adak is successful, the CDQ community of Atka will pay for it in lost opportunity.

Our community has been in existence for nearly a millennium. We have the right to survive, to grow, to prosper, and to develop our economy so that our future is secure. The CDQ program recognizes and memorializes this right. We do not understand why our future should be denied so that Adak's future can be secured through a monopoly. The truth is Adak has only been an Alaskan or Aleut community for the past several years; prior to that it was a naval base; prior to that it didn't exist. We resent having to send a letter like this. We wish Adak the best, but not at the expense of our future.

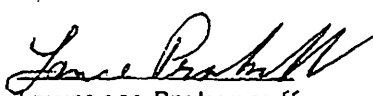
Our CDQ partner, APICDA, is in the process of acquiring processing rights for Western Aleutian Islands Golden King Crab, such rights to be used in Atka. We applaud this action. It may take us a few years to transition from a floating processor to a shore plant, but we will do so. This will continue our program to develop a stable local economy based upon the fishing industry.


Similarly, Trident Seafoods has anchored the processing vessel Independence in Nazan Bay to purchase and process Pacific cod. They have every right to do so under our free enterprise system. Trident is paying a local sales tax to Atka as well as raw fish taxes. This influx of revenue is a huge help to us in paying our bills and dealing with the extraordinary cost of surviving in remote Alaska. When we transition to a shore plant for processing crab, we will transition to a shore plant to process cod.

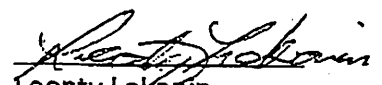
As a community with a modest shoreside plant, we understand the benefits associated with shoreside processing. The continued efforts by Adak to eliminate Atka's options for the future must cease and must not be supported by the Council.

Thank you,

Sincerely,


Lawrence Prokopeuff
City of Atka, Mayor


Mark Snigaroff
Atxam Corp., President
AFA, President


Leonty Lokarin
IRA Council, President

Dave Fraser
D-6

Emergency Rule – Talking Points

The guidelines and criteria for use of Emergency Rules under the MSA were set out in the Federal Register in Aug. of 1997. This paper addresses those criteria, as well as National Standard considerations.

The only legal prerequisite for use of the Secretary's emergency authority is that **an emergency must exist**. Congress intended that emergency authority be available to address conservation, biological, **economic, social**, and health emergencies.

Adak is a community in crisis. A city that is down to 3 full time employees is facing a social and economic crisis. A city in which the processing plant pays most of the taxes and provides most of the employment can not survive a 60% cut in landings of the primary species that supports the local economy,.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act **should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures.**

Changes to the FMP that would address the lack of protection and access to resources around Adak, whether cod, crab or pollock, are all at least 2 years away under normal rulemaking. The harm from the lack of access to pollock and crab has been ongoing. The harm from entry by processors from newly rationalized fisheries putting their surplus capacity into the AI has changed the situation from chronic to acute harm, and made the situation urgent.

Emergency Criteria

For the purpose of section 305(c) of the Magnuson-Stevens Act, the phrase "an emergency exists involving any fishery" is defined as a situation that:

- (1) **Results from recent, unforeseen events or recently discovered circumstances;** and

After final ruling making on Am. 80 reversed the prohibition on Am.80 CPs acting as Motherships and after the development of the Custom Processing amendment for crab, we realized that surplus capacity was likely to gravitate to the one un-rationalized and un-protected fishery in the BSAI (e.g.: CV trawl cod). We attempted to communicate this to the Council in October of 2007. The AP voted unanimously to consider sideboard, but the Council did not pick up that portion of the AP motion, but provided no discussion as to why.

Again in December of 2007 we pointed out the the Custom Processing analysis contained no meaningful Fisheries Impact Analysis and that we were concerned about the lack of sideboards. After acting on the main motion on Custom Processing, the Council considered a motion to look at the need for sideboards but withdrew it when NOAA-GC said it was concerned that would indicate problems with the Council's previous motion.

This history shows the Council did not foresee the actual impact that materialized this year.

(2) **Presents serious conservation or management problems in the fishery;** and
While we do believe that there are conservation issues related to the need to separate the BS and AI cod TACs, the basis of our ER petition focuses on the management issues related to economic and social concerns.

(3) Can be addressed through emergency regulations for which **the immediate benefits outweigh the value of advance notice,** public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

The Council must decide between the survival of a community and whether it wants the AI to be dominated by transient floaters. This is not an abstract futuristic question like whether allowing one additional AFA processor in the BS where we had to request permission to enter, might destabilize the status quo. This is a situation where the status quo has been radically destabilize as a result of inaction.

Emergency Justification

If the time it would take to complete notice-and-comment rulemaking would **result in substantial damage or loss to** a living marine resource, habitat, fishery, **industry participants or communities,** or substantial adverse effect to the public health, **emergency action might be justified under one or more of the following situations:**

As noted above, landings of CV trawl cod have been reduced by more than 60% this year as a direct result of entry by surplus processing capacity by participants in rationalized fisheries.

(1) Ecological—

(A) to prevent overfishing as defined in an FMP, or as defined by the Secretary in the absence of an FMP, or

(B) to prevent other serious damage to the fishery resource or habitat; or

(2) **Economic—to prevent significant direct economic loss** or to preserve a significant economic opportunity that otherwise might be foregone; or

(3) **Social—to prevent significant community impacts** or conflict between user groups;
or...

The basis for this ER petition is the impact on the community of Adak, where the community has lost not only tax revenue, but local employment. The cumulative impact of lack of access to pollock and crab, have made need for immediate action to address this new loss of stability in the cod fishery critical.

In addition, the preamble to the emergency rule should indicate what measures could be taken or **what alternative measures will be considered to effect a permanent solution to the problem** addressed by the emergency rule.

We are petitioning for either onshore delivery requirements for CV trawl cod in 541/542 in the 2009 A season. Alternatively, the ER could provide for meaningful sideboards in 2009 for floaters whose activities generated opilio PQS and for CPs qualifying for Am. 80. Such sideboards should, like harvesting sideboards, reflect the degree to which such processors were active as Motherships in AI CV trawl cod in the qualifying years for rationalization of those fisheries.

Long term, we think the Council should process with Part II of Amendment 85, as the basis for an AI cod allocation by sector and also develop an onshore landing percentage of the AI CV cod allocations.

In addition to the ER criteria themselves the Council should consider this request in light of two of the National Standards in particular.

National Standard 8 states:

National Standard 8 – Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), **take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities**

Cod is critically important to Adak. It is the one fishery that provides an economic base for the community, upon which or sustained participation depends.

National Standard 4 speaks to “fair and equitable” treatment.

While the GOA communities enjoy meaningful Inshore/Offshore protection for their primary groundfish fisheries, pollock and cod as well as rockfish fisheries, Adak has no such protection for its one primary fishery, cod. Likewise, BS processors and communities enjoy meaningful protections for their primary fisheries, pollock and crab, Adak does not have protection for its one primary fishery, cod. This lack of a level playing field is not “fair and equitable.”

NATIVE VILLAGE OF KWIGILLINGOK

Kwigillingok I.R.A. Council
P.O. Box 49
Kwigillingok, Alaska 99622-0049
(907) 588-8114 phone
(907) 588-8429 fax
kwkadmin@starband.net

April 7, 2008

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

RE: Agenda Item D-6, Staff Tasking – Amendment 89, Bering Sea Habitat Conservation

Dear Chairman Olson and Council Members:

We would like to take this opportunity to introduce the new Bering Sea Elders Advisory Group. The group formed as a treaty between tribal governments to provide traditional guidance on how to protect our subsistence way of life in future decisions the Council will be making regarding Bering Sea Habitat Conservation (BSAI Amendment 89). So far over 20 Tribes have joined and we anticipate broad participation region-wide in the near future. The Native Village of Kwigillingok is providing administrative support to the group. The goal is to recommend a unified proposal for protecting subsistence practices and subsistence resources.

Future Decisions for the Nunivak Island/Etolin Strait & Kuskokwim Bay Boundary

In June 2007 the Council approved Amendment 89 establishing the open area for bottom trawling in the Bering Sea. The purpose was to prevent movement of the bottom trawl fleet into new areas. This created a northern bottom trawl boundary around Nunivak Island, Etolin Strait and Kuskokwim Bay. The Council voted to review this boundary in four years. We understood this to mean June 2011. The Council based this decision on an agreement between the bottom trawl sector and representatives from the Association of Village Council Presidents (AVCP). AVCP agreed to the boundary on the condition that the Council would explicitly consider subsistence information in the near future. In June AVCP requested that the Council reconsider the boundary in four years to give the Tribes enough time to learn more about the trawl fisheries and to collect traditional knowledge necessary to help the Council make a well-informed decision regarding our subsistence interests.

Future Decisions about the Northern Bering Sea Research Area

Amendment 89 also established the Northern Bering Sea Research Area. The council voted to establish a research plan for the northern Bering Sea. The plan is intended to include protections for marine mammals, crab populations, endangered or threatened species and *subsistence*. You decided that bottom trawling could then occur under an experimental fishing permit as long as it is consistent with the research plan, including appropriate protections for marine mammals, crab, endangered or threatened species and subsistence.

The Council motion in June indicated your intent to create the Northern Bering Sea Research Plan two years after the final rule goes into effect. If the final rule is completed soon, that will mean the northern area research plan will be finalized by spring 2010.

Recommendation

Reviewing the Nunivak/Etolin/Kuskokwim boundary is related to the creation of a Northern Bering Sea Research Plan. For our Tribes, this is about protecting our subsistence traditions from the Kuskokwim Bay to the Bering Strait.

In order for the Council and NMFS to do a good job at considering our subsistence resources and practices, Tribes need to provide you with information. The Bering Sea Elders Advisory Group is guiding our Tribes in this process. We are working to bring together traditional knowledge about the ocean and subsistence use with information about current hunting and small-scale fishing patterns. This is a significant effort that takes time because the region is very large and there are over 40 Tribes affected by the Council's decisions. Also climate change is affecting our resources, which makes our task more challenging.

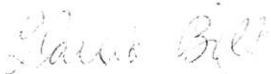
In addition to providing you information about subsistence, we would like time to learn more about the bottom trawl fisheries by meeting with industry leaders and possibly observing the fishery directly.

Our Tribes are working to come to grips with all these things.

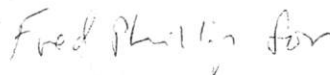
Therefore, the Bering Sea Elders Advisory Group requests that you synchronize your decisions about reviewing the Nunivak/Etolin/Kuskokwim boundary and Northern Bering Sea Research Plan. We request that you modify the original timelines to make both of those decisions in June 2011 – four years from your original vote in June 2007. We further recommend that the Council comment on the Amendment 89 Proposed Rule indicating that the preamble reflect a 2011 decision for reviewing the Nunivak Island/Etolin Strait/Kuskokwim Bay boundary and adopting the Northern Bering Sea Research Plan. (This modification would not require further analysis by the Council or NMFS because the timelines are the Council's intent and are not part of the Amendment 89 or regulatory text presented in the Federal Register.)

We want to work with all involved to end up with a good plan and believe this adjustment in the timeline is necessary to generate a high level of tribal participation.

Sincerely,

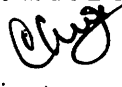


David Bill, Sr.
Chair, Bering Sea Elders Advisory Group



Arthur Lake
Administrator, Native Village of Kwigillingok

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director
DATE: March 25, 2008
SUBJECT: Staff Tasking

ESTIMATED TIME 2 HOURS

ACTION REQUIRED

Review tasking and committees and provide direction.

BACKGROUND

Committees and Tasking

The list of Council committees is attached as Item D-6(a)(1). Item D-6(a)(2) is the three meeting outlook, and Item D-6(a)(3) and Item D-6(a)(4) respectively are the summary of current projects and tasking. In addition, an updated workplan for implementing the programmatic groundfish management policy is attached Item D-6(a)(5). The Council may wish to discuss tasking priorities to address these projects, as well as potential additions discussed at this meeting, given the resources necessary to complete existing priority projects.

At the last meeting, the Council reviewed a discussion paper proposing an approach to increase Alaska Native and community participation and consultation in the fishery management process, pursuant to the Council's related Groundfish Policy Workplan priority. One idea included in this approach and discussed by the Council was to create a new Alaska Native and community committee. This may be a good approach at some point, but I believe the Council would need to carefully consider the membership, direction, and role of such a committee, given the large geographic coverage required, and given the variety of specific issues or management programs that might be addressed. For example, a single standing committee with broad statewide representation might be useful for very general outreach and communication, while different, smaller committees would be needed on a more ad-hoc basis to address more local or regional matters. Participation costs may also factor into the construction of such a committee or committees. Council committees are 'no-host', meaning that committee members are not reimbursed for travel costs to attend meetings.

For these reasons I suggest the Council first focus more on processes for increasing Native and community participation, rather than a specific committee. In doing so we would need to more definitively assess the range of issues to be addressed in the foreseeable future, and the specific communities or other entities best suited to interact on these issues. In June, the Council is scheduled to have a more in-depth discussion of Alaska Native and community outreach and stakeholder participation. Staff will bring forward a revised discussion paper on ways to improve the process, and at that time, the Council should be in a better position to address the potential for a new committee in the context of the overall approach. The intent is that a protocol will eventually be developed to expand both formal and informal consultation, as well as a process to document such activities. The Council noted that it would like to reserve time on each June agenda for an update of these issues.

NPFMC Committees & Workgroups

(Revised March 27, 2008)

Council/Board of Fisheries Joint Protocol Committee

<p>Updated: 8/10/07</p> <p>Staff: Jane DiCosimo</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Council:</u> Dave Benson Sam Cotten Gerry Merrigan</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Board:</u> Larry Edfelt John Jensen Mel Morris</p> </td> </tr> </table>	<p><u>Council:</u> Dave Benson Sam Cotten Gerry Merrigan</p>	<p><u>Board:</u> Larry Edfelt John Jensen Mel Morris</p>
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Council Coordination Committee

[Designated and renamed by Magnuson Act reauthorization April 2007]

<p>Appointed: 4/05 Updated: 8/10/07</p> <p>Staff: Chris Oliver</p>	<p><u>CFMC:</u> C: Eugenio Pinerio ED: Miguel Rolon</p> <p><u>GMFMC:</u> C: Tom McIlwain ED: Wayne Swingle</p> <p><u>MAFMC:</u> C: W. Peter Jensen ED: Dan Furlong</p> <p><u>NEFMC:</u> C: John Pappalardo ED: Paul Howard</p>	<p><u>NPFMC:</u> C: Eric Olson ED: Chris Oliver</p> <p><u>PFMC:</u> C: Donald Hansen ED: Don McIsaac</p> <p><u>SAFMC:</u> C: George J. Geiger ED: Robert Mahood</p> <p><u>WPFMC:</u> C: Sean Martin ED: Kitty Simonds</p>
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Council Executive/Finance Committee

<p>Updated: 8/10/07</p> <p><u>Status:</u> Meet as necessary</p> <p>Staff: Chris Oliver/Dave Witherell/Gail Bendixen</p>	<p>Chair: Eric Olson Doug Mecum (NMFS)/Sue Salvesson Dave Hanson Denby Lloyd (ADFG)/ Earl Krygier Roy Hyder Jeff Koenings (WDF)/Bill Tweit</p>
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Bering Sea Crab Advisory Committee

<p>Appointed 4/25/07</p> <p>Revised 11/15/07</p> <p>Staff: Mark Fina</p>	<p>Sam Cotten, Chair Jerry Bongen Steve Branson Florence Colburn Linda Freed Dave Hambleton Phil Hanson Tim Henkel</p>	<p>Lenny Herzog Kevin Kaldestad Frank Kelty John Moller Rob Rogers Simeon Swetzof Ernest Weiss</p>
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NPFMC Committees & Workgroups

(Revised March 27, 2008)

Bering Sea Salmon Bycatch Workgroup

<p>Appointed: 3/07</p> <p>Staff: Diana Stram</p>	<p>Stephanie Madsen, Co-chair Eric Olson, Co-chair John Gruver Karl Haflinger Jennifer Hooper</p>	<p>Paul Peyton Becca Robbins Gisclair Mike Smith Vincent Webster (BOF)</p>
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Crab Interim Action Committee

[Required under BSAI Crab FMP]

<p>Doug Mecum, NMFS Denby Lloyd, ADF&G Jeff Koenings, WDF</p>

Ecosystem Committee

<p>Updated: 8/10/07</p> <p><u>Status</u>: Active</p> <p>Staff: Chris Oliver/David Witherell/Diana Evans</p>	<p>Chair: Stephanie Madsen Jim Ayers Sue Salvesson/Jon Kurland Dave Benton Doug DeMaster Dave Fluharty John Iani</p>
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Enforcement Committee

<p>Updated: 7/03</p> <p><u>Status</u>: Active</p> <p>Staff: Jon McCracken</p>	<p>Chair: Roy Hyder LCDR Lisa Ragone, USCG James Cockrell, F&W Protection Bill Karp, NMFS Earl Krygier, ADF&G Lisa Lindeman, NOAA-GC Jeff Passer, NMFS-Enforcement Sue Salvesson, NMFS</p>
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Fur Seal Committee

<p>Updated: 8/10/07</p> <p><u>Status</u>: Active</p> <p>Staff: Bill Wilson</p>	<p>Chair: David Benson Larry Cotter Aquilina Lestenkof Paul MacGregor Heather McCarty Anthony Mercurief</p>
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NPFMC Committees & Workgroups

(Revised March 27, 2008)

GOA Groundfish Rationalization Community Committee

Appointed: 11/04 Staff: Nicole Kimball	Chair: Hazel Nelson Julie Bonney Duncan Fields Chuck McCallum	Patrick Norman Joe Sullivan Chuck Totemoff Ernie Weiss
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Halibut Charter Stakeholder Committee

Appointed: 1/06 Revised: 11/5/07 Staff: Jane DiCosimo	Chair: Dave Hanson Seth Bone Robert Candopoulos Ricky Gease John Goodhand Kathy Hansen Dan Hull	Chuck McCallum Larry McQuarrie Rex Murphy Peggy Parker Charles "Chaco" Pearman Greg Sutter
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IFQ Implementation Committee

Reconstituted: 7/31/03 Updated: 8/10/07 Staff: Jane DiCosimo	Chair: Jeff Stephan Bob Alverson Julianne Curry Tim Henkel Dennis Hicks Don Iverson	Don Lane Kris Norosz Paul Peyton <i>*Vacancy (1)</i>
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Non-Target Species Committee

Appointed: 7/03 Updated: 8/10/07 Staff: Jane DiCosimo, NPFMC/ Olav Ormseth, AFSC	Chair: Dave Benson Julie Bonney Ken Goldman Karl Haflinger Simon Kinneen Michelle Ridgway	Janet Smoker Paul Spencer Lori Swanson Jon Warrenchuk Dave Wood
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Observer Advisory Committee

Reconstituted: 1/06 Updated: 12/07 Status: Active Staff: Chris Oliver/ Nicole Kimball	Chair: Joe Kyle Bob Alverson Christian Asay Jerry Bongen Julie Bonney Todd Loomis Paul MacGregor	Tracey Mayhew Brent Paine Peter Risse Kathy Robinson <i>*Vacancy (2)</i>
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NPFMC Committees & Workgroups
(Revised March 27, 2008)

Pacific Northwest Crab Industry Advisory Committee

Appointed: 2/07 Staff: Diana Stram	Chair: Steve Minor Keith Colburn Lance Farr Phil Hanson Kevin Kaldestad Garry Loncon Garry Painter	Rob Rogers Vic Sheibert Gary Stewart Tom Suryan Arni Thomson, Secretary (non-voting)
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Socioeconomic Data Collection Committee

Appointed: 12/07 Staff: Mark Fina	Glenn Reed (Chair) Bruce Berg Michael Catsi Dave Colpo Paula Cullenberg	Brett Reasor Ed Richardson Mike Szymanski Gale Vick
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Steller Sea Lion Mitigation Committee

Appointed: 2/01 Updated: 8/10/07 [formerly SSL RPA Committee; renamed February 2002] Staff: Bill Wilson	Chair: Larry Cotter Jerry Bongen Julie Bonney Ed Dersham John Gauvin John Henderschedt Daniel Hennen Sue Hills	Frank Kelty Terry Leitzell Dave Little Steve MacLean Stephanie Madsen Max Malavansky, Jr Art Nelson Beth Stewart
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VMS Committee

Appointed: 6/02 <u>Status</u> : Idle, pending direction Staff: Jane DiCosimo	Chair: Earl Krygier Al Burch Guy Holt Ed Page LCDR Lisa Ragone Lori Swanson
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DRAFT NPFMC THREE-MEET) OUTLOOK - updated 3/26/08

March 31, 2008 Anchorage, AK	June 2, 2008 Kodiak, AK	September 29, 2008 Anchorage, AK
<p>Joint Meeting with BOF SSL Recovery Plan: <i>Review Final Plan</i> SSLMC Report on proposals SSL proposals 8&16: <i>Discussion</i> AI pollock EFP: <i>Report</i></p> <p>Permit Fees: <i>Review and action as necessary</i></p> <p>GOA sideboards for BSAI crab vessels: <i>Initial Review</i></p> <p>CGOA Rockfish EFP, Phase 2: <i>Review</i></p> <p>Trawl LLP Recency: <i>Final Action</i></p> <p>Crab Cttee Report/Problem statement/alternatives BSAI Crab Arbitrator Immunity: <i>Status report</i> BSAI Crab Arbitration Regulations: <i>Final Action</i> BSAI Crab 'C' Share active participation: <i>Final Action</i> St George protection measures: <i>Final Action</i></p> <p>Charter Halibut Allocation/Reallocation: <i>Initial Review</i> Charter Halibut Logbook Program: <i>SSC only</i></p> <p>Observer Program Reg. Package: <i>Final Action</i> Salmon excluder EFP application: <i>Review</i> BSAI Salmon Bycatch EIS: <i>Preliminary Review</i> GOA Crab and Salmon Bycatch paper: <i>SSC review</i> Arctic FMP: <i>Preliminary Review (Council only)</i></p> <p>VMS Exemption for Dinglebar Gear: <i>Initial Review</i> Am 62/62: <i>Review and action as necessary</i> 4E Seabird Avoidance Measures: <i>Initial Review</i> BSAI crab stock assessment models: <i>SSC Review</i> GOA OSpecies ABC/OFL Specifications: <i>Final Action</i></p> <p>Scallop SAFE: <i>Review and Approve</i></p>	<p>SSLMC Report and Recommendations SSL dEIS: <i>Select Prelim. Preferred Alternative</i> SSL draft status quo BiOp: <i>Review and Comment</i> Review proposed rule for ACL Guidelines (T) GOA Rockfish Pilot Program Review: <i>Report</i> CGOA Rockfish EFP, Phase 1: <i>Receive Report</i> GOA fixed gear LLP recency: <i>Initial Review</i> GOA P cod sector split: <i>Initial Review</i></p> <p>GOA sideboards for BSAI crab vessels: <i>Initial</i> <i>Final Action</i> GOA sideboards re Am 80 PSC: <i>Initial Review</i> GOA sideboards re GOA rockfish: <i>Initial Review</i> GOA sideboards for AFA CVs: <i>Initial Review</i></p> <p>BSAI Crab 90/10 Amendment: <i>Action as necessary</i> BSAI Crab Arbitrator Immunity: <i>Action as necessary</i></p> <p>Am 80 sector cooperative criteria: <i>Discussion paper</i></p> <p>Halibut Subsistence Rural Definition: <i>Initial/Final Action (T)</i></p> <p>BSAI Salmon Bycatch EIS: <i>Initial Review</i> GOA Crab and Salmon Bycatch: <i>Discussion paper</i> Arctic FMP: <i>Action as necessary (T)</i></p> <p>VMS Exemption for Dinglebar Gear: <i>Final Action</i></p> <p>4E Seabird Avoidance Measures: <i>Final Action</i> BSAI Crab OFL: <i>Plan Team Report; Prelim SAFE report</i> Other Species Mgmt: <i>Committee Report; Action as nec.</i> Research Priorities: <i>Review and Adopt</i> PSEIS Priorities: <i>Review workplan</i> Outreach/Stakeholder Participation: <i>Report</i></p>	<p>Permit Fees: <i>Initial Review (T)</i></p> <p>GOA fixed gear LLP recency: <i>Final Action</i> GOA P cod sector split: <i>Final Action</i></p> <p>GOA sideboards re Am 80 PSC: <i>Final Action (T)</i> GOA sideboards re GOA rockfish: <i>Final Action (T)</i> GOA sideboards for AFA CVs: <i>Final Action (T)</i></p> <p>BSAI Crab/3-year review: <i>Review</i> BSAI Crab 90/10 Amendment: <i>Initial Review</i></p> <p>P. Cod area split (BS/AI): <i>Update & Action as necessary</i></p> <p>Charter Halibut Allocation/Reallocation: <i>Final Action</i></p> <p>CDQ Program: <i>Update on Oversight Regulations</i></p> <p>BSAI Salmon Bycatch EIS: <i>Action as necessary</i></p> <p>Arctic FMP: <i>Initial Review</i></p> <p>BSAI Crab SAFE: <i>Review and Approve</i></p> <p>Groundfish Specifications: <i>Initial Action</i></p>

AI - Aleutian Islands
 GOA - Gulf of Alaska
 SSL - Steller Sea Lion
 BOF - Board of Fisheries
 FEP - Fishery Ecosystem Plan
 CDQ - Community Development Quota
 VMS - Vessel Monitoring System
 NOI - Notice of Intent
 (T) Tentatively scheduled

TAC - Total Allowable Catch
 BSAI - Bering Sea and Aleutian Islands
 IFQ - Individual Fishing Quota
 GHl - Guideline Harvest Level
 EIS - Environmental Impact Statement
 LLP - License Limitation Program
 SAFE - Stock Assessment and Fishery Evaluation
 PSC - Prohibited Species Catch
 HAPC - Habitat Areas of Particular Concern

Future Meeting Dates and Locations
 March 31 - , 2008 in Anchorage
 June 2 - , 2008 in Kodiak
 September 29 - , 2008 in Anchorage
 December 8 - , 2008 in Anchorage
 February 2 - , 2009 in Seattle
 March 30 - , 2009 in Anchorage

Council Project Summary March 26, 2008

Council Projects	Projected Weeks	Council/ NMFS %	Comments
Groundfish Fishery Issues			
GOA P. cod Sector Splits	4	90/10	Initial review in June (Jeannie)
GOA fixed gear recency	4	90/10	Initial review in June (Jeannie)
GOA Sideboards for BSAI crab vessels	6	90/10	Initial review in April (Jon)
GOA Sideboards for Am 80, CGOA rockfish, AFA CVs	12	90/10	Initial review in June (Jon, contractor)
Break out other species category into TAC groups	12	40/60	Initial Review in October 2008 (T) (Jane/NMFS)
GOA O.species ABC and OFL	2	90/10	Final Action in April (Diana E)
Observer Program (changes to existing program)	2	80/20	Final action in April (Nicole/NMFS)
CGOA Rockfish post-delivery transfers	0	80/20	Being prepared for Secretarial Review (NMFS/Mark).
Trawl LLP Recency	4	90/10	Final Action in April (Nicole/Jeannie/NMFS)
GOA arrowtooth MRA	0	30/70	Being prepared for Secretarial Review (NMFS/Jon).
Pacific cod BS and AI split	6	90/10	Discussion in Oct 2008 (Jon/Nicole/NMFS)
Comprehensive economic data collection	?	10/90	Workgroup report in June (NMFS/Mark)
Am 80 post-delivery transfers and rollovers	0	80/20	Being prepared for SOC Review (Jon/NMFS)
GOA pollock trip limits	2	80/20	Being prepared for Secretarial Review (NMFS).
CGOA Rockfish pilot program review	?	80/20	Receive report in June (Mark/NMFS)

Halibut Fishery Issues

Halibut Charter Moratorium	2	90/10	Being prepared for Secretarial Review (Jane/Nicole/NMFS/contractor)
Halibut Charter 2C/3A Catch Sharing Plan	6	90/10	Initial Review in April (Jane/contractor/NMFS)
Halibut Charter Share Based Solutions/Permit Endorsements	?	90/10	Committee Recommendations in Dec 2007 (Jane/contractor)
Halibut Charter 2C GHM Measures	0	90/10	Proposed rule published 12/31/07 (NMFS)
Halibut Charter 3A GHM Measures	1	90/10	Final Action in October 2008 (Jane/contractor/NMFS)
Halibut Subsistence Eligibility	3	90/10	Initial Review in June (Jane/Nicole/NMFS)
Halibut/sablefish IFQ 'constructive loss'	3	50/50	Initial Review in October (T) (Jane/NMFS)
IFQ Omnibus 5	0	90/10	Proposed rule published 3/5; comments due 4/4 (NMFS)

Crab Fishery Issues

Crab Overfishing definition revision	0	50/50	Proposed rule published 3/19; comments due 5/19 (NMFS)
BSAI Crab Custom Processing	1	90/10	Being prepared for Secretarial review (NMFS)
BSAI Crab C-Share 'Active Participation'	2	90/10	Final Action in April (Mark/NMFS)
BSAI Crab C-Share 90/10 exemption	0	90/10	Proposed rule published 3/21; comments due 5/20(NMFS)
BSAI Crab Post-delivery Transfers	1	80/20	Being prepared for Secretarial review (NMFS)
BSAI Crab Economic Data Reporting	?	30/70	Discuss in June (NMFS/Mark)
BSAI Crab Arbitration regulations	2	80/20	Final Action in April (Mark/NMFS)
BSAI Crab Arbitrator Immunity	3	80/20	Initial Review in June (Mark/NMFS)
BSAI Crab St. George Protection Measures	2	80/20	Final Action in April (Mark/NMFS)
BSAI Crab Rationalization Program 3-year review	12	80/20	Review in October 2008 (Mark/NMFS/contractor)
BSAI Crab 90/10 Evaluation	12	90/10	Review in October 2008 (Mark/NMFS/contractor)
BSAI Crab Advisory Committee	?	90/10	Report in April (Mark/NMFS)

CDQ Issues

CDQ: After the fact transfers	2	10/90	Reg. am. being prepared for SOC. (Nicole)
CDQ Cost-Recovery	?	10/90	Discuss in future meeting (NMFS/Nicole)
CDQ Amendment 71/22 (remaining MSA provisions)	?	50/50	Discuss in future meeting (Nicole/NMFS)
CDQ: Regulation of harvest (MSA provision)	4	10/90	Being Prepared for Secretarial Review (Nicole/NMFS)

Bycatch Issues

GOA Salmon and Crab Bycatch Controls	?	80/20	Discussion paper in June (Diana S.)
BSAI Salmon Bycatch EIS	12	70/30	Initial Review in June (Diana S./other)
Non-target (other rockfish, other flatfish, o. species) development	?	60/40	Committee report in October (Jane/NMFS).

Ecosystem Issues

Bering Sea habitat conservation	0	50/50	Proposed rule published 3/7; comments due 4/21 (NMFS)
Relax VMS requirement for vessels fishing dinglebar gear	1	20/80	Initial Review in April (NMFS)
Stakeholder Outreach	1	90/10	Discuss in June (Nicole/David)
Aleutian Islands Fishery Ecosystem Plan	0	90/10	Summary brochure produced (Diana E.)
Arctic Fishery Management Plan	8	90/10	Initial Review in October (Bill, Diana E/NMFS/NOAA GC)
SSL SSLMC/dEIS	10	30/70	Review in April and June (Bill/NMFS)
Seabird avoidance measures in 4E	4	40/60	Final Action in June (NMFS/Bill)

Project timeline and major tasking for Council analytical staff. Updated 3/26/08

Analytical Staff	April	May	June	July	August	September	October
Mark Fina, Sr. Economist CGOA Rockfish Program review BSAI crab St. George community BSAI crab C-share active participation BSAI crab arbitration regulations BSAI crab 3 yr review & 90/10 package BSAI crab arbitrator Immunity	Final Action Final Action Final Action	Status report	Report Action as necessary				Review
Jon McCracken, Economist Am 80 rollovers/transfers BS&AI Pcod area split GOA sideboards for BSAI crab vessels GOA Sideboards: Am80,CGOA rockfish,AFA	Initial Review		Final Action Initial Review				Status report
Jeannie Heltzel, Data Analyst GOA P.cod sector split GOA fixed gear recency Fishery analyses assistance Data mgmt., AKFIN Liaison	Initial Review Initial Review		Final Action Final Action				
Jane DiCosimo, Sr. Plan Coord Halibut Charter 3A measures Halibut Charter allocation/compensation Halibut Subsistence Eligibility Halibut/sablefish 'constructive loss' Other Species Management	Initial Review Initial Review		Final Action			Groundfish PT 9/22-24	Final Action (T) Final Action (T) Initial Review Preliminary review
Diana Stram, Plan Coordinator BSAI Salmon bycatch GOA crab and salmon bycatch Scallop management Crab Overfishing Def./Management	Prelim Review SSC discuss Review SAFE	PT 5/5-8	Initial Review discuss PT Report/OFLs			Groundfish PT 9/22-24 PT 9/15-18	SAFE Report
Bill Wilson, Protect Species Arctic FMP Marine Mammal issues Seabird Bycatch FMP Consultation	Prelim Review		Initial Review Review SSLRP	Final Action Review BiOp and measures			Initial Review
Diana Evans, NEPA Specialist EAM and AI FEP VMS exemption for dinglebar gear GOA Other Species ABC/OFL NEPA assistance	Initial Review Final Action		Final Action				
Nicole Kimball, Fishery Analyst CDQ Projects Observer Program Trawl LLP Recency GOA halibut charter community issues	Final Action Final Action						

Groundfish Workplan

Priority actions revised in February 2007, status updated to current

General Priority (in no particular order)	Specific priority actions	Related to management objective:	Status (updated 3-26-08)	2008				2009					
				Apr	Jun	Oct	Dec	Feb	Apr	Jun	Oct	Dec	
Prevent Overfishing	a. continue to develop management strategies that ensure sustainable yields of target species and minimize impacts on populations of incidentally-caught species	5	'other species' breakouts being prioritized for BSAI and GOA; final action to set aggregate ABC/OFL for GOA for Apr 08	█									
	b. evaluate effectiveness of setting ABC levels using Tier 5 and 6 approaches, for rockfish and other species	4	AFSC responding to CIE reviews as part of harvest specifications process										
	c. continue to develop a systematic approach to lumping and splitting that takes into account both biological and management considerations	5	on hold pending National Standard 1 guideline revisions										
Preserve Food Web	a. encourage and participate in development of key ecosystem indicators	10	ecosystem SAFE presented annually; AI FEP identified indicators for the Aleutians			█							█
	b. Reconcile procedures to account for uncertainty and ecosystem considerations in establishing harvest limits, for rockfish and other species	11	on hold pending National Standard 1 guideline revisions										
	c. develop pilot Fishery Ecosystem Plan for the AI	13	FEP brochure published Dec 07; further implementation being discussed by Ecosystem Committee	█									
Manage Incidental Catch and Reduce Bycatch and Waste	a. explore incentive-based bycatch reduction programs in GOA and BSAI fisheries	15	partially addressed by BSAI salmon bycatch analysis, initial review Jun 08	█	█								
	b. explore mortality rate-based approaches to setting PSC limits in GOA and BSAI fisheries	20											
	c. consider new management strategies to reduce incidental rockfish bycatch and discards	17											
	d. develop statistically rigorous approaches to estimating bycatch in line with national initiatives	14, 19	National Bycatch Report update in Dec 07										
	e. encourage research programs to evaluate population estimates for non-target species	16	Part of research priorities, adopted in June 2007										
	f. develop incentive-based and appropriate biomass-based trigger limits and area closures for BSAI salmon bycatch reduction, as information becomes available	14, 15, 20	EIS for caps and regulatory closure areas initiated, initial review in Jun 08	█	█								
	g. assess impact of management measures on regulatory discards and consider measures to reduce where practicable	17	partially addressed by GOA arrowtooth MRA analysis (approved Oct 07)										



March 23, 2008

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W 4th Ave Suite 306
Anchorage, Alaska 99501

Re: Request to Initiate Emergency Rule Action for AI CV Trawl Cod

Dear Eric,

The city of Adak, the Aleut Corporation, and Adak Fisheries jointly petition the Council to initiate an Emergency Rule for the 2009 A season for the Aleutian Island CV trawl cod fishery.

We request that the Council consider an onshore landing requirement in areas 541 and 542 for CV trawl cod in 2009, while the Council works on a long term solution.

CV cod is the last significant un-rationalized fishery in the BSAI, and it was inevitable that it would be the dumping ground for surplus processing capital from companies that benefited from Crab Rationalization and Amendment 80.

Adak was harmed when Crab Rationalization was implemented in 2005 (see our letter under C-2(b) for detail), and fish tax revenues were slashed in half in 2006.

In 2008 the impact of lack of sideboards on the beneficiaries of rationalization (crab and Am. 80 coops) has become very real as the Ocean Peace and Trident's floater, the Independence, have entered the AI federal (and state water) federal CV cod trawl fishery as motherships.

The result is 60% less cod was landed in Adak in the 2008 A season (and in the state water season) than in the 2007 A season.

The concept of "fair and equitable" treatment, embedded in National Standard 4, dictates providing a level playing field with our AFA competitors who enjoy protections in their pollock and crab processing activities.

Moreover, the Council has an obligation, found in National Standard 8, to protect our fisheries dependent community.

North Pacific Fishery Management Council
604 West 4th Avenue Suite #306
Anchorage, Alaska 99501

187th Plenary Session -- April 1-7, 2008
Hilton Hotel Anchorage, Alaska

Public Comment: Crewman's Association

RE: D-2 Staff Tasking

By: Mr. Shawn C. Dochtermann
Kodiak, Alaska
Tel: (907) 486-8777

MAR 2 2008

Mr. Secretary, Chairman Eric Olson, & NPFMC members,

RE: North Pacific Crab Rationalization FMP — Addressing Crewmember Rights

As you are fully aware, the past, present and future crewmen of the Bering Sea & Aleutian Islands (BS/AI) crab fisheries have been economically harmed as a result of not being initially allocated harvest shares in the CR Crab program.

A thorough legal review is needed to explain why the Crab Rationalization FMP varies so much, regarding crew rights, from Sustainable Fisheries Act (and other legal) requirements. This is especially true in light of the fact that rights of one segment of the 'vessel operators', the skippers (by 3% C-class shares), was legally provided for in part.

In fact, we are deeply affronted that not only were SFA requirements inadequately met by the FMP, but the Council and Secretary failed when National Research Council (NRC) and National Academy of Science recommendations were not reflected in 'the preferred alternative'. After all, we are 3 years into a program that has disenfranchised over 1,000 crewmen, and promoted lost compensation in the vessel operators/crew component in the neighborhood of \$40-50,000,000. This intentional economic marginalization brought about the virtual removal of access for new crew entrants and opportunities for existing participants to ascend in the North Pacific crab fisheries.

As a result of being disregarded as a stakeholders group in past FMP changes, *The Crewman's Association* took a special interest as the North Pacific Fisheries Management Council performed its 18-month overview, and undertakes the 3-year review. **One of the most outstanding problems to date is that our repeated attempts have yet to be met with a Council motion creating an agenda item in order to give crewmember concerns a regulatory placeholder in the Crab Rationalization review(s).**

The Council should stop dragging its flippers and immediately provide a regulatory placeholder in the BS/AI Crab Rationalization FMP to specifically address reallocation of

crewmen historical participation rights to remedy the unjustifiable program design. Because including a few crewmen on a committee that handles other distinct but off-track topics, such as the 90/10 (A/B) share split and related program aspects, is completely inadequate for redressing the real problem. Likewise, addressing a wholly inadequate crew loan program that is years away carries its own insulting sting. Not only is \$3.5 million a mere fraction of the \$100 million or more required, crewmen should not have to buy back in to a fishery they historically participated in, often for decades. It ignores the human capital investment; and in the words of Abraham Lincoln:

"Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is superior to capital, and deserves the much higher consideration."

Moreover, while others know there is no existing placeholder (with no problem statement and purpose and needs statement centered on this specific issue, so that alternative may subsequently be outlined), The Crewmen's Association is still being pressured to submit "proposals". Making that all the more ridiculous is the fact that no historical data (from EDR reports, etc.) has yet been shared by NOAA economists, so that crew leaders can fully evaluate historical participation rights and submit meaningful requests or proposals for redress of the harms delivered by the FMP to date. The original alternatives included in May of 2002 mentioned a maximum of 20%, a far cry from the actual historical economic participation of, more likely, between 35% and 40% for all vessel operators (skippers, engineers, deckhands).

However, not yet submitting proposals does not mean that the crewmen are not expressing their economic rights — especially those outlined in the Sustainable Fisheries Act (SFA). Crewmen expect these rights to be upheld by a proper reallocation process regarding the directed access privilege crab quotas. Yes, this does mean that the vessel owners' quotas will be reduced — yet crew quotas will obviously be fished on these same vessels, by and large.

At the February 2008 NPFMC meeting in Seattle, we submitted public comment regarding SFA directives that were integrated in the May 2002 Bering Sea Crab program alternatives — Public Review Draft: (excerpted below, with bolding, underlines and italics added)

1.1.2.5 Sustainable Fisheries Act of 1996 (SFA):

{See page 8 in the May 2002 BSCR Program Alternatives}

Clarifications on IFQs —

The SFA clarified that IFQs (1) shall be considered permits, (2) may be revoked or limited at any time in accordance with procedures under the MSA, (3) shall not confer the right of compensation to the holder if revoked or limited, and (4) shall not create a private property right to the fish before the fish are harvested.

Requirement for the New IFQ Programs —

(A) establish procedures and requirements for review and revision of the terms of any such program (including any revisions that may be necessary once a national policy with respect to individual fishing quota programs is implemented), and, if

appropriate, for the renewal, reallocation, or re-issuance of individual fishing quotas;

(C) provides for a fair and equitable ... initial allocation of individual fishing quotas prevents any person from acquiring an excess share of the individual fishing quotas issued, and consider the allocation of a portion of the annual harvest in the fishery for entry-level fisherman, small vessel owners, and crewmembers who do not qualify for individual fishing quotas.

Note: This not only implies that historically participating crewmembers will be included in the greater allocation of IFQs, but that those who crew and vessel owners do/did not qualify for historical or other rule-based allocations shall be accommodated by an allocation of a portion of harvests annually. Neither of those things has been done except for the token 3% skipper C-shares. This also coincides with Advisory Panel efforts to outline rights based on sea time and/or other elements of actual historical fishing vessel operation as a function of fishermen at-sea, in 'participation' of the prosecution of crab seasons. This human capital right is a stark contrast to the cold monetary economics of rewarding only investment capital in the hands of distant vessel owners and other non-participants.

3.2.6.2. Stewardship {page 164}

The NRC report discusses ...Another component of stewardship is who owns the quota. Due to the ownership structure of the BSAI crab fisheries, the majority of the quota will be issued to vessel owners who do not fish. Proponents of the initial allocation of skipper/crew shares and owner-on-board provisions advocate that these options would improve stewardship because fishers will have ownership in the resource.

3.3.2 Initial Allocation of QS (or Cooperative shares) {page 193}

National Research Council Report Recommendations

The NRC report on IFQs, "Sharing the Fish", advises that an initial allocation should widely distribute shares to avoid granting windfalls to a few participants in the fishery.Share distribution should consider investments of time and capital (human) in the development of the fishery. Crew exposed to safety risks might also be considered to have invested in the fishery. A broad distribution might consider the distribution of shares to skippers, crews and processors.

Catch history is frequently relied on for determining the distribution of shares because it is perceived to be a fair measure of participation. Allocation based on catch history, however, can have unintended or onerous consequence.

4.2 section 303 (a)(9)-Fisheries Impact Statement {page 423}

Under the alternatives, allocations would be based on historical participation of eligible participants.

The statement above was not adhered to as all crewmen of the CR Crab program were historical participants and were eligible since all vessels over 20 tons are required by law to have contracts for their crewmen as listed by:

46 U.S.C. sec 10601 Fishing agreements,

Section 10602 Recovery of wages and shares of fish under agreement; and section 10603 Seamen's duty to notify employer regarding illness, disability and injury.

Note: 'Gifting' the investor/boat owners with 97% of the IFQs did not fit the requirements of National Standard #4: {refer to page 17 & 18 of NS 36 page document}

Sec. 600.325 Allocations:

(c) Allocation of fishing privileges. An FMP may contain management measures that allocate fishing privileges if such measures are necessary or helpful in furthering legitimate objectives or in achieving the OY, and if the measures conform with paragraphs (c) (3) (i) through (c) (3) (iii) of this section.

(1) Definition. An "allocation" or assignment" of fishing privileges is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups, or individuals. Any management measure (or lack of measurement) has incidental allocative effects, but only those measures that result in direct distributions of fishing privileges will be judged against the allocation requirements of Standard 4.

Excerpt from NS 4: Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; ...and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

It has been a month since the Seattle NPFMC meeting, giving ample time for the Council and the Secretary to explore the SFA and how it was not fully applied to the CR Crab program with regards to crewmen and community protections. Consequently, we respectfully ask that all of the Council members and the Secretary please respond to this email with due diligence. Please keep in mind these points made in early (and current) testimonies to the Council and Secretary by crab crewmembers and communities:

- The quotas are selling as if property rights, yet these resources are public commons, and international treaties surely disallow grants of dominance to specified corporations in global trade within resource industries by any nation.
- The exorbitant crab quota lease rates offer room for readjustment; and high rents in the realm of 60% to 70% demonstrate the de facto property taking;
- The council's 2002-03 economic analysis was not released in a timely fashion;
- Analysis of whether or not to do crab and other 'rationalizations' was not prepared and sent to the Congress in a timely manner, as required by law;
- The Senate Appropriations Committee usurped jurisdictional authority from the Commerce Committee and violated other proper legislative due process;
- The June 2002 minority report predicted most of the negative consequences (e.g. unnecessarily complex regulations; not addressing resource conservation goals; artificially allocating market shares; constituting economic protection of competitors not

competition itself; accelerating unstoppable consolidation, and granting excessive power to foreign entities over a public resource);

- A two-year dramatic price decline occurred in king crab and opilio crab prices; and no subsequent analysis nor Justice Department review has been undertaken;
- With no definition of fishermen or harvesters in the MSA to guide allocations, the rights of vessel operators as participants, and their historical investments of human capital, were arbitrarily and capriciously dismissed;
- The 1-2-3 pie concepts are imperfect economic theory without practicable substantiation in the real world, especially since foreign-controlled economic structures and concomitant cross-border profit laundering strategies were wholly ignored; and clear legal solutions such as FCMA seller rights and other alternatives were not analyzed;
- Lengthier seasons weaken sellers and increased inefficiencies in plant worker revenues and imposed costs on fleets for standby time and other factors;
- There has been a lack of promised value-added production in crab, which is also a flaw demonstrated during the first year of the Rockfish Pilot Program.
- Crews, plant workers and communities have no official say in arbitration, yet suffer losses and costs, whereas the Council's chosen standard of focus on preserving the division of revenues (not rents) between only processors and vessel owners forms a basis for rights to negotiation should, for example, efficiency gains not accrue to the sector creating those productivity/cost gains.

It should be equally valid for crews and others to have legal recourse through arbitration to losses or harms that arguably accrue as inequitable gains by others at their expense. Thankfully, the experimental nature of the Crab Rationalization FMP and the Council's ability to modify, reallocate and otherwise adjust or dismantle the BS/AI Crab management regime offers a forum, if only the council will put forth a motion for an FMP regulatory placeholder for these specific concerns (apart from 90/10 analysis).

Surely a fair allocation of historical participation rights and economic rewards to the vessel operators — skippers and crewmembers who are independent businesses — could be attainable at the Council level. Otherwise, you're giving crewmembers no other recourse but judicial review. However, filing a lawsuit in order to take steps to resolve our disenfranchisement resulting from this onerous FMP program is an option we are prepared to undertake.

We hope that the NPFMC and the Secretary will immediately take steps to repair this program: since it was never allowed Due Process in the U.S. Senate Commerce Committee and in the Subcommittee on Oceans, Fisheries and Coast Guard, as well as at the U.S. House Natural Resource Committee and its Subcommittee on Fisheries.

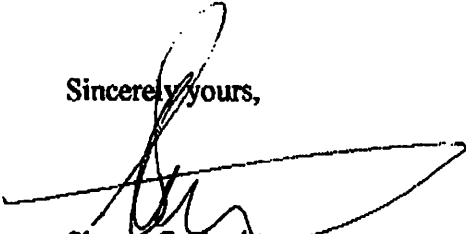
Thank you for the opportunity to present our problems with a cumbersome and unfair program that did not fulfill its assurances, as the chairman of the NPFMC promised in a Council letter to Congress on August 5, 2002:

"Rationalization will improve economic conditions substantially, for all sectors of the industry. Community concerns and the need to provide for economic protections for hired crew will be addressed." — David Benton, NPFMC Chair

Respectfully, it is time do to so.

The Crewman's Association has taken the time to bring the following facts forward and we strive to restore the historical compensation and rights due vessel operators who risk their lives every day harvesting the North Pacific crab stocks.

Sincerely yours,



Shawn C. Dochtermann
Secretary-Crewman's Association
Kodiak, Alaska
Tel. 907-486-8777
bscrabcrew@gmail.com