Petersburg Vessel Owners Association
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May 8, 2013

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

RE: Proposed regulation changes at 50 CFR 679.20(e) governing enforcement of Maximum Retainable Amounts (MRA).

Dear Chairman Olson and members of the Council,

The Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses based in Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide with our foremost interest being the commercial halibut and sablefish fisheries managed by the North Pacific Fishery Management Council.

PVOA wishes to propose changes in the regulations at 50 CFR 679.20(e) governing the enforcement of Maximum Retainable Amounts (MRA) for catcher vessels and catcher/processors. The existing specific regulations of concern are at §679.20(e)(3)(i) and (ii).

PROPOSAL §679.20(e)(3) Application.
   (i) For catcher vessels, the maximum retainable amount for vessels fishing during a fishing trip in areas closed to directed fishing is the maximum retainable amount applicable in any area, and this maximum retainable [AMOUNT MUST BE APPLIED AT ANY TIME AND TO ALL AREAS FOR THE DURATION OF THE FISHING TRIP.] is calculated at the end of each offload and is based on the basis species harvested since the previous offload. For the purposes of this paragraph, offload means the removal of any fish or fish product from the vessel that harvested the fish or fish product to any other vessel or to shore.

   (ii) For catcher/processors fishing in an area closed to directed fishing for a species or species group, the maximum retainable amount for that species or species group [APPLIES AT ANY TIME FOR THE DURATION OF THE FISHING TRIP.] is calculated at the end of each offload and is based on the basis species harvested since the previous offload. For the purposes of this paragraph, offload means the removal of any fish or fish product from the vessel that harvested the fish or fish product to any other vessel or to shore.
ISSUE: The MRA should be calculated at the time of offload, not during a fishing trip. These regulation changes would make the existing regulations more consistent with similar regulations at §679.20(e)(3)(iii) and (iv) governing the Am.80 Pollock and the CGOA Rockfish Program participants.

Under the current regulations, in the federal sablefish longline fishery, for example, any non-target species that had an MRA without a full retention requirement would need to be immediately discarded or the vessel would be in violation, regardless of the condition of the released fish. These regulations, as currently written, actually promote wastage, is an unintended consequence and not the initial intent of the regulations. We do believe that the intent was to prevent intentional excessive bycatch of economically valuable species by limiting the bycatch to a percentage of the weight of the target species at the time of delivery/offloading.

Although we don’t know of any specific problems associated with this regulation to the present time, our concerns are directed toward potential problems resulting from implementation of the restructured observer program for the small boat halibut and sablefish longline fisheries. With an increased number of observers being deployed on a larger number of vessels, and the potential for future implementation of electronic monitoring (EM) systems, situations could arise where an observer could report the above scenario as a violation, or the EM system would document the violation, resulting in enforcement action irrespective of the percent species composition at the time of delivery/offload.

POTENTIAL PROBLEMS: We believe that implementation of these changes would not functionally change the way the regulations are currently being enforced. It’s unlikely that any MRA enforcement actions have ever been initiated on a vessel actively fishing at sea, and are routinely only initiated at the time offload. As such, we don’t foresee any obvious potential problems arising from our proposed regulatory changes.

PVOA is also preparing regulatory proposals to the Alaska Board of Fisheries to address similar changes to State of Alaska bycatch retention regulations.

Thank you for consideration of our proposal.

Sincerely,

Brian Lynch
Executive Director
May 28, 2013

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
Anchorage, Alaska 99510

Sent by Fax: 907-271-2817

Re: Agenda D-2 - Staff Tasking

Chairman Olson:

Attached is a proposal which we would ask that the Council forward to the Halibut/Sablefish IFQ Implementation Team and request that this be added to the agenda for their next meeting.

Also attached is a summary and graph taken from data provided by the Restricted Access Management Division which show the harvest limits/TAC and vessel caps for sablefish and halibut for the years 1997-2013.

In recent years, we have had discussions about how vessel owners are dealing with the significantly reduced harvest limits and subsequent vessel caps, particularly for halibut. Shown below are the high and low vessel cap limits for halibut in Area 2C and statewide.

<table>
<thead>
<tr>
<th>2C HALIBUT VESSEL CAPS</th>
<th>STATEWIDE HALIBUT VESSEL CAPS</th>
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</thead>
<tbody>
<tr>
<td>Highest (2005) 109,300</td>
<td>Highest (02/03) 295,050</td>
</tr>
<tr>
<td>Lowest (2011) 23,300</td>
<td>Lowest (2013) 109,054</td>
</tr>
</tbody>
</table>

These numbers clearly show, as the attached documentation details, that the vessel cap has been reduced dramatically over the years. The concern is that the caps may be reduced further due to lowering harvest limits and cause significant hardship to the fishery participants.

This is an issue which we believe should initially be addressed by the IFQ Implementation Team and we thank you for considering our request.

Sincerely,

Linda Kozak
HALIBUT AND SABLEFISH IFQ PROGRAM
AMENDMENT PROPOSAL
North Pacific Fishery Management Council
Fax: (907) 271-2817

Name of Proposer: Linda Kozak

Address: P. O. Box 2684, Kodiak, Alaska 99615

Telephone: 907-486-8824

Date: May 24, 2013

Brief Statement of Proposal: To analyze the current IFQ vessel caps and consider modifying the cap based on the annual harvest limits/TAC. While halibut is the primary concern, sablefish should also be examined in the event that the TAC is significantly reduced in the future.

This would not change the caps for quota share, simply the amount of IFQ halibut or sablefish that could be harvested on a single vessel during a given season.

Objectives of Proposal (What is the problem?): As harvest limits for halibut have decreased significantly in recent years, the vessel cap is now very restrictive and is creating unnecessary operating and maintenance costs for vessel owners. If the harvest limits continue to decline, it will be difficult to attract a crew to work on a boat, with little return expected. The objective is to consider creating a sliding vessel cap based on harvest limits/TAC that would allow for a reasonable amount of IFQ pounds to be harvested on a single vessel.

Need and Justification for Council Action (Why can’t the problem be resolved through other channels?): The proposal, if adopted, would require Council action and a change to the IFQ regulations.

Foreseeable Impacts of Proposal (Who wins, who loses?): The winners would be the vessel owners, quota share holders and crew. Potential losses would be crew jobs. However, if the harvest limits are so low that a vessel owner can’t attract a crew or afford to harvest the IFQ, then the losers would be the participants in the fishery, processors, communities and the public.

Are there Alternative Solutions? If so, what are they and why do you consider your proposal the best way of solving the problem? I cannot think of an alternative solution that would address this problem.

Supportive Data and Other Information (What data are available and where can they be found?): Attached is a spreadsheet and chart derived from information obtained from the Restricted Access Management Program, which show the harvest limits and vessel caps from 1997–2013.

Signature: Linda Kozak
HALIBUT IFQ VESSEL CAPS
1997 – 2013

Statewide – 1/2% of all IFQ TAC

Area 2C – 1% of IFQ TAC

Information derived from the Restricted Access Management annual cap calculations
<table>
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<tr>
<th>YEAR</th>
<th>2C HALIBUT IFQ TAC</th>
<th>2C HALIBUT VESSEL CAP</th>
<th>ALL HALIBUT IFQ TAC</th>
<th>ALL HALIBUT VESSEL CAP</th>
<th>SE SABLEFISH IFQ TAC</th>
<th>SE SABLEFISH VESSEL CAP</th>
<th>ALL SABLEFISH IFQ TAC</th>
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