

Public Testimony Sign-Up Sheet

Agenda Item D-6 STAFF TASKING

	NAME (PLEASE PRINT)	AFFILIATION
1	Stephen Taufen	Lu Dochtermann (Problem Stmt. Proposal)
2	Danie Benton	MCA
3	Heather McLarty & Pat Harding	CBSEA & TOX
4	Jeff Stephon	UFMA
5	Sam Witten	AEB
6	Jim Ayers	Oceana
7	RUBBA COOK	WWF
8	Glenn Reed	PSMA
9	Julie Primm	ALDB
10	SHAWN DOCHTERMANN	CREWMAN'S ASSOCIATION
11	DON MITCHELL	Self —
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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.

MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver *Chris*
Executive Director
DATE: March 20, 2007
SUBJECT: Staff Tasking

ESTIMATED TIME
2 HOURS

ACTION REQUIRED

Review tasking and committees and provide direction.

BACKGROUND

The list of Council committees is attached as Item D-6(a). A Bering Sea Salmon Bycatch Workgroup has been appointed, and will be meeting to develop recommendations for the June Council meeting. I would note that the Council Chairs and Executive Directors Committee could be abolished, as compliance with FACA is no longer an issue due to the MSA revisions establishing a Council Coordination Committee.

Item D-6(b) is the three meeting outlook, and Item D-6(c) and Item D-6(d) respectively are the summary of current projects and tasking. Item D-6(e) is the Council's groundfish workplan, which was revised and adopted in February. At the last meeting, the Council initiated several new projects (BSAI crab 'active participation', BSAI crab post-delivery transfers, halibut subsistence for rural residents, ESA recovery criteria review, and discussion papers related to GOA sector splits and LLP recency) to the tasking list. 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.

The Council received one proposal (Item D-6(f)) requesting changes to halibut subsistence regulations in the Ketchikan area (expanding fishing area and increased amount of hooks). The Council has already requested a discussion paper, scheduled for review in June, regarding proposed changes in defining rural area boundaries for purposes of halibut subsistence.

NPFMC Committees & Workgroups
(revised March 21, 2007)

AGENDA D-6(a)
APRIL 2007

Council/Board of Fisheries Joint Protocol Committee

Updated: 7/28/03	<u>Council:</u> Dave Benson Doug Hoedel Eric Olson	<u>Board:</u> Mel Morris Art Nelson (Vacant)
Staff: Jane DiCosimo		

Council Chairman and Executive Director Committee

Appointed April 2005	<u>CFMC:</u> C: Eugenio Pinerio ED: Miguel Rolon	<u>NPFMC:</u> C: Stephanie Madsen ED: Chris Oliver
Staff: Chris Oliver	<u>GMFMC:</u> C: Robin Riechers ED: Wayne Swingle	<u>PFMC:</u> C: Donald Hansen ED: Don McIsaac
	<u>MAFMC:</u> C: W. Peter Jensen ED: Dan Furlong	<u>SAFMC:</u> C: George J. Geiger ED: Robert Mahood
	<u>NEFMC:</u> C: John Pappalardo ED: Paul Howard	<u>WPFMC:</u> C: Frank McCoy ED: Kitty Simonds

Council Executive Committee

Updated: as needed	Chair: Stephanie Madsen Jim Balsiger/Sue Salvesson Denby Lloyd Roy Hyder Jeff Koenings
Staff: Chris Oliver	

Bering Sea Salmon Bycatch Workgroup

Appointed March 2007	Stephanie Madsen, Co-chair Eric Olson, Co-chair John Gruver Karl Haflinger Jennifer Hooper Paul Peyton Becca Robbins Gisclair Mike Smith
Staff: Diana Stram	

NPFMC Committees & Workgroups
(revised March 21, 2007)

Crab Interim Action Committee

[Required under BSAI Crab FMP]

Jim Balsiger, NMFS Denby Lloyd, ADF&G Jeff Koenings, WDF

Ecosystem Committee

Updated: January 2005	Chair: Stephanie Madsen Jim Ayers Jim Balsiger/Sue Salveson/Jon Kurland Dave Benton Doug DeMaster Dave Fluharty John Iani
<u>Status:</u> Active	
Staff: Chris Oliver/David Witherell/Diana Evans	

Enforcement Committee

Updated: July 2003	Chair: Roy Hyder Lisa Ragone, USCG James Cockrell, F&W Protection Bill Karp, NMFS Earl Krygier, ADF&G Lisa Lindeman, NOAA - GC Jeff Passer, NMFS-Enforcement Sue Salveson, NMFS
<u>Status:</u> Active	
Staff: Cathy Coon/Chris Oliver	

Finance Committee

Updated: 9/28/05	Chair: Stephanie Madsen Jim Balsiger/Sue Salveson Denby Lloyd (ADF&G) Dave Hanson Roy Hyder Jeff Koenings (WDF) Gordon Kruse
<u>Status:</u> Meet as necessary	
Staff: Gail Bendixen/Chris Oliver	

Fur Seal Committee

Updated: 7/25/03	Chair: David Benson Larry Cotter Aquilina Lestenkof Paul MacGregor Anthony Merculief Steve Minor
<u>Status:</u> Active	
Staff: Bill Wilson	

NPFMC Committees & Workgroups

(revised March 21, 2007)

GOA Groundfish Rationalization Community Committee

<p>Appointed: November 2004</p> <p>Staff: Nicole Kimball</p>	<p>Chair: Hazel Nelson Julie Bonney Duncan Fields Chuck McCallum Patrick Norman Joe Sullivan Chuck Totemoff Ernie Weiss</p>
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Halibut Charter Stakeholder Committee

<p>Appointed: January 2006</p> <p>Staff: Jane DiCosimo</p>	<p>Chair: Dave Hanson Seth Bone Robert Candopoulos Ricky Gease John Goodhand Kathy Hansen Kelly Hepler</p>	<p>Dan Hull Joe Kyle Larry McQuarrie Rex Murphy Charles "Chaco" Pearman Greg Sutter</p>
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IFQ Implementation Committee

<p><u>Status:</u> Reconstituted as shown (July 2003)</p> <p>Staff: Jane DiCosimo</p>	<p>Chair: Jeff Stephan Bob Alverson Cora Crome Tim Henkel Dennis Hicks</p>	<p>Don Iverson Don Lane Gerry Merrigan Kris Norosz Paul Peyton</p>
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Non-Target Species Committee

<p>Updated: 7/31/06 Appointed: 7/26/03</p> <p>Staff: Jane DiCosimo, NPFMC/ Sarah Gaichas, NMFS</p>	<p>Chair: Dave Benson Julie Bonney Ken Goldman Karl Haflinger Simon Kinneen Peggy Murphy</p>	<p>Michelle Ridgway Janet Smoker Paul Spencer Lori Swanson Dave Wood</p>
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Observer Advisory Committee

<p>Reconstituted: 1/31/06</p> <p><u>Status:</u> Active</p> <p>Staff: Chris Oliver/ Nicole Kimball</p>	<p>Chair: Joe Kyle Bob Alverson Jerry Bongen Julie Bonney Rocky Caldero Paul MacGregor</p>	<p>Tracey Mayhew Brent Paine Peter Risse Kathy Robinson Susan Robinson Thorn Smith</p>
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NPFMC Committees & Workgroups
(revised March 21, 2007)

Pacific Northwest Crab Industry Advisory Committee

Updated: 6/2/04 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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Steller Sea Lion Mitigation Committee

Appointed: 2/10/01 Updated: Jan 2006 [formerly SSL RPA Committee; renamed at Feb 02 meeting] Staff: Bill Wilson	Chair: Larry Cotter Jerry Bongen Julie Bonney Sam Cotten Ed Dersham John Gauvin John Henderschedt Daniel Hennen	Sue Hills Frank Kelty Terry Leitzell Dave Little Steve MacLean Max Malavansky, Jr Art Nelson
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VMS Committee

Appointed: 06/02 <u>Status</u> : Idle, pending direction Staff: Cathy Coon	Chair: Earl Krygier Al Burch Lisa Ragone Guy Holt Bob Mikol	Ed Page Lori Swanson
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DRAFT NPFMC THREE-MEETING OUTLOOK - updated 3/22/07

March 26, 2007 Anchorage, Alaska	June 4, 2007 Sitka, Alaska	October 1, 2007 Anchorage, Alaska
<p>Joint meeting with Alaska BOF Revised NEPA process: <i>Review and comment</i> SSL Recovery/consult schedule: <i>Discuss/action as necessary</i> National Bycatch Report: <i>Update</i> GOA Sideboards: <i>Review Discussion Paper</i> GOA sector split: <i>Review problem statement and develop alternatives</i> GOA latent licenses: <i>Review problem statement and develop alternatives</i> WGOA pollock trip limit: <i>Review discussion paper</i> BSAI Crab 18 month review: <i>Receive Report</i></p> <p>Charter Halibut Mgmt: <i>Final action on moratorium</i> Charter Halibut State/Fed Mgmt: <i>Review discussion paper</i> Charter Halibut 2C GHM Measures: <i>Initial review of analysis</i> Charter Halibut Allocation: <i>Discussion paper/action as necessary</i> <i>Committee Report/action as necessary</i></p> <p>Comprehensive Socioecon. Data Collection: <i>Workgroup report</i> Crab Data Collection Protocols: <i>Review</i> Observer Program: <i>Report and action as necessary</i> Trawl LLP Recency: <i>Progress report on interactions</i> <i>Disc paper on implementation issues</i></p> <p>Salmon Bycatch (B-1): <i>Update on workgroup</i> Salmon Bycatch Workshop (SSC)</p> <p>CDQ Program: <i>Status report</i></p> <p>Arctic management: <i>Review discussion paper</i> BS Habitat Conservation: <i>Initial Review</i> HAPC Priorities and Timing: <i>Review/Action as necessary</i> EFH AI Open Area Adjustment: <i>Final Action</i></p> <p>Other Species: <i>Discussion paper</i> Dark rockfish: <i>Final Action</i></p> <p>Scallop SAFE: <i>Review</i> AI FEP: <i>Initial Review</i> SOPPS: <i>Review and action as necessary (T)</i></p>	<p>Draft MMPA LOF for 2008: <i>Action as necessary (T)</i> SSLMC Report on proposal review: <i>Action as necessary (T)</i> SSL Recovery Plan: <i>Review progress and related ESA discussion paper</i> GOA sector split: <i>Action as necessary</i> GOA latent licenses: <i>Action as necessary</i></p> <p>BSAI Crab Custom Processing: <i>Discussion paper</i> BSAI Crab 'Active Participation': <i>Discussion paper</i> BSAI Crab Post-delivery Transfers: <i>Discussion paper</i> Charter Halibut Permanent Solution: <i>Action as necessary</i></p> <p>Charter Halibut GHM Measures: <i>Final action</i></p> <p>Halibut Subsistence Rural Definition: <i>Discussion paper</i></p> <p>Cost Recovery: <i>Discussion Paper (T)</i> Observer Program: <i>Committee rpt/ action as necessary (T)</i></p> <p>Trawl LLP Recency: <i>Review information to date (T)</i></p> <p>Salmon Bycatch (B-1): <i>Workgroup report/refine alternatives</i></p> <p>GOA arrowtooth MRA: <i>Initial Review (T)</i> CDQ Am. 71/22: <i>Discussion paper on Alternatives and legal opinion (T)</i> CDQ regulation of harvest: <i>Initial Review/Final Action (T)</i> Arctic management: <i>Action as necessary</i> BS Habitat Conservation: <i>Final Action (T)</i></p> <p>Research Priorities: <i>Review</i></p> <p>PSEIS Priorities: <i>Review</i></p> <p>Seabird avoidance measures in 4E: <i>Action as necessary</i> AI FEP: <i>Final Review (T)</i> BSAI Crab Overfishing Definition: <i>Initial Review (T)</i></p>	<p>Revised NEPA process: <i>Comment</i> SSL Recovery Plan and BiOp Update: <i>Action as necessary</i> GOA sector split: <i>Initial Review (T)</i> GOA latent licenses: <i>Initial Review (T)</i> BSAI Crab custom processing: <i>Initial Review (T)</i> Charter Halibut Permanent Solution: <i>Action as necessary</i> Charter halibut: <i>Review sportfish mortality</i> Observer Program: <i>Action as necessary (T)</i> Trawl LLP Recency: <i>Initial Review (T)</i> Salmon Bycatch (B-1): <i>Initial Review (T)</i> GOA arrowtooth MRA: <i>Final action (T)</i></p> <p>Other Species: <i>Initial Review (T)</i> Groundfish specifications and SAFE: <i>Initial action</i> BSAI Crab SAFE BSAI Crab Overfishing Definition: <i>Final Action (T)</i></p>

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

AI - Aleutian Islands
 GOA - Gulf of Alaska
 SSL - Steller Sea Lion
 BOF - Board of Fisheries
 FEP - Fishery Ecosystem Plan
 CDQ - Community Development Quota
 ESA - Endangered Species Act
 (T) Tentatively scheduled

Future Meeting Dates and Locations

March 26 - April 2, 2007 in Anchorage

June 4 - 12, 2007 in Sitka

* August meeting to comment on SSL recovery plan (T)

October 1 - 9, 2007 in Anchorage

December 3 - 11, 2007 in Anchorage

February 4 - , 2008 in Seattle

March 31 - , 2008 in Anchorage

Council Project Summary Updated March 21, 2007

Council Projects	Projected Weeks	Council/ NMFS %	Comments
Groundfish Fishery Issues			
GOA Sector Splits	?	70/30	Discuss in March (Mark)
GOA Latent Licenses	?	90/10	Discussion paper in March (Mark)
GOA Sideboards	2	90/10	Discussion paper in March (Jon)
IR/IU flatfish trailing amendments (Am 80)	3	80/20	Being prepared for Secretarial Review (Jon/Mark)
Break out other species category into TAC groups	10	60/40	Discussion paper in March; analysis in Oct (Jane/NMFS)
Rockfish management	?	60/40	CIE issues resolved (Jane/NMFS).
Observer Program (fee and deployment mechanism)	0	80/20	Being prepared for Secretarial review (Nicole/Chris)
BSAI Pacific cod Allocations (Am 85)	0	90/10	Partial approval; PR comment period thru 3/26 (Nicole/NMFS)
BSAI and GOA Dark Rockfish	4	90/10	Final Action in March (Diana S./NMFS)
GOA Rockfish Demonstration Program	2	10/90	Being Implemented. (Mark/Elaine/NMFS)
Groundfish overfishing definitions	?	10/90	On hold pending EIS for NS 1 (NMFS HQ)
MRA enforcement for non-AFA trawl sector	?	10/90	Being prepared for Secretarial Review (NMFS)
Trawl LLP Recency	8	90/10	Initial Review in June (Jim/Mark/Elaine/Jeanne/NMFS)
GOA arrowtooth MRA	?	10/90	Initial Review in June (NMFS/Diana S.).
Pacific cod BS and AI split	8	90/10	Tabled for further discussion in Feb 2008 (Jon/Nicole/NMFS)
Comprehensive economic data collection	?	10/90	Workgroup report in March (NMFS/Mark)
BSAI Sablefish pot fishery regulations	?	70/30	Plan Team Workgroup formed December 2006 (Jane/NMFS)

Halibut Fishery Issues			
Halibut Charter Moratorium	4	90/10	Final action in March (Jane/Nicole/NMFS/contractor)
Halibut Charter Allocations/Share Based Solutions	4	90/10	Discussion paper in March (Jane/NMFS/contractor)
Halibut Charter 2C GHM Measures	6	90/10	Initial Review in March (Jane/contractor/NMFS)
IFQ Omnibus 5	0	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)
Halibut subsistence III amendment	0	90/10	Being prepared for Secretarial Review (Jane/Jim/NMFS)

Crab Fishery Issues

Crab Overfishing definition revision	4	50/50	Initial review in June (NMFS/ADF&G/Diana S/Jon)
BSAI Crab Vessel Use Caps	?	90/10	Include discussion in 3 year reeview (Mark/NMFS)
BSAI Crab Custom Processing	?	90/10	Discussion paper in June (Mark/NMFS)
BSAI Crab 'Active Participation'	?	90/10	Discussion paper in June (Mark/NMFS)
BSAI Crab Post-delivery Transfers	?	80/20	Discussion paper in June (Mark/NMFS)
BSAI Crab Economic Data Reporting	?	30/70	Discussion paper in March (NMFS/Mark)
Crab 18 month review (C shares; arbitration)	?	90/10	Paper in April 2007 (Mark/NMFS)

CDQ Issues

CDQ eligible communities	0	50/50	Integrated into Am. 71/22 (Nicole)
CDQ: After the fact transfers	2	10/90	Reg. am. being prepared for SOC. (Nicole)
CDQ Cost-Recovery	?	10/90	(NMFS/Nicole)
CDQ Amendment 71/22	?	50/50	Discuss alternatives in March/June (Nicole/NMFS)
CDQ: Regulation of harvest (MSA provision)	4	10/90	Initial/Final action in June (Nicole/NMFS)

Bycatch Issues

Repeal of VIP	0	0/100	Being prepared for Secretarial Review (NMFS)
GOA Salmon and Crab Bycatch Controls	?	80/20	Review data at future meeting (Diana S./Cathy/Elaine/ADF&G)
BSAI Salmon Bycatch (Package A)	0	80/20	Submitted for Secretarial Review on 3/19 (DianaS/NMFS)
BSAI Salmon Bycatch (Package B)	10	70/30	Workshop in March (Diana S./other)
Non-target (other rockfish, other flatfish, o. species) development	?	60/40	Ongoing committee discussions (Jane/NMFS).

Ecosystem Issues

Bering Sea habitat conservation	6	50/50	Initial Review in March (NMFS/Cathy/David)
AI Habitat Conservation Area adjustment	2	60/40	Final Action in March (Cathy/NMFS)
Ecosystem-based Management	?	90/10	Alaska Marine Ecosystem Forum established (Diana E)
Aleutian Islands Fishery Ecosystem Plan	6	90/10	Initial Review in March (Diana E.)
Arctic Fishery Management Planning	4	90/10	Review draft paper in March (Bill, Diana E/NOAA GC)
ESA Consultation on FMPs	12	50/50	SSL Mitigation Committee developing changes (NMFS/Bill)
Seabird interactions	2	20/80	Being prepared for Secretarial Review (NMFS/Bill)

Project timeline and major tasking for council analytical staff. Updated 3/21/07							
Analytical Staff	March/April	May	June	July	August	September	October
Mark Fina, Sr. Economist GOA Sector splits; LLP latency BSAI crab custom processing BSAI crab active participation Crab 18 month review Miscellaneous Oversight	discussion paper		discussion paper discussion paper				Initial Review Initial Review
Jon McCracken, Economist Crab Overfishing (assist) P.cod BS and AI split (lead) Misc. economic assistance			Initial Review (T)				Final Action (T)
Jim Richardson, Economist GOA Sector splits (assist) Misc. economic assistance Trawl LLP Recency	discussion paper		Initial Review (T)				Final Action (T)
Elaine Dinneford, Fishery Analyst Data Support (all projects) AKFIN Liaison		Elaine retires Elaine retires Elaine retires					
Jeannie Heltzel, Data Analyst Data Support (all projects) AKFIN Liaison							
Jane DiCosimo, Sr. Plan Coord Other species/non-target Halibut Charter GHL Halibut Charter Moratorium other Halibut Charter Issues	Discussion paper Initial Review Final Action discussion papers		Final Action			PT 9/17-21	discussion papers
Diana Stram, Plan Coordinator BSAI Salmon bycatch (Lead) Crab Overfishing Def./Management Scallop Management GOA dark rockfish/ GOA MRA	Salmon Workshop Review SAFE Final Action (rockfish)	CPT 5/22-24	discussion paper Initial Review			CPT 9/10-13 PT 9/17-21	Initial Review (T) SAFE/Final Action Final Action (MRA)
Bill Wilson, Protect Species Arctic Mgmt issue Marine Mammal issues Seabird Bycatch FMP Consultation	Discussion paper		LOF for 2008		review proposed rule		SSLMC report
Diana Evans, NEPA Specialist EAM and AI FEP NEPA assistance	Initial Review (T)		Final Action (T)				
Cathy Coon, Fishery Analyst AI EFH adjustment Being Sea EFH (lead)	Final Action (T) Initial Review (T)		Final Action (T)				
Nicole Kimball, Fishery Analyst CDQ Projects (lead) Observer Program (lead) Halibut Charter (community) GOA community issues	Discussion paper Report Final Action (T)		Initial/Final Action (T)				

Groundfish Workplan - priority actions revised in February 2007

General Priority (in no particular order)	Specific priority actions	Related to management objective:	Status (updated 3-20-07)	2008					2009									
				Apr	Jun	Oct	Dec	Feb	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' breakout analysis for BSAI and GOA initiated	██████████														
	b. evaluate effectiveness of setting ABC levels using Tier 5 and 6 approaches, for rockfish and other species	4	AFSC responding to CIE review of rockfish harvest strategy				██████████											
	c. continue to develop a systematic approach to lumping and splitting that takes into account both biological and management considerations	5																
Preserve Food Web	a. encourage and participate in development of key ecosystem indicators	10	ecosystem SAFE presented annually; AI FEP to identify ecosystem 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	Initial review Apr 07	██████████														
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	██████████														
	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	revised ranking system for species of concern	██████████														
	d. develop statistically rigorous approaches to estimating bycatch in line with national initiatives	14, 19	National Bycatch Report update in Mar/Apr 07	██████████														
	e. encourage research programs to evaluate population estimates for non-target species	16																
	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	revise alternatives for regulatory closure areas for Jun 07	██████████														
	g. assess impact of management measures on regulatory discards and consider measures to reduce where practicable	17	partially addressed by GOA arrowtooth MRA discussion paper	██████████														

A

2008-2009 Federal Subsistence Fishery Proposal

(Attach additional pages as needed)

Submission deadline:
5 p.m. Friday
March 23, 2007

Names: Franklin H. James, Sr.
Organization: ANB Camp 14 and sit on KIC Subsistence Committee
Address: P.O. Box 8324 Ketchikan, AK 99901
Phone: (907) 247-6560 Fax: (907) 247-6560
E-mail: fhjames40@kpunet.net
Date: February 22, 2007

RECEIVED
 MAR - 23 2007

This proposal suggests a change to (check all that apply):

<input checked="" type="checkbox"/> Harvest season	<input checked="" type="checkbox"/> Methods and means of harvest
<input checked="" type="checkbox"/> Harvest limit	<input checked="" type="checkbox"/> Customary and traditional use determination

N.P.F.M.C.

1. What regulation do you wish to change? Include fishing district, area, species, and the current regulation if possible.

- Amount of hooks used on a subsistence halibut skate
- **(Include fishing district, area)** Change fishing regulation boundaries around Ketchikan area
- **(Species)** Halibut
- **(and the current regulation if possible)** right now you are only allowed 30 hooks on a subsistence halibut skate; the boundaries are closed 1 mile off Bold Island, and 1 mile off Revillagiedo Island heading South and South Behm Canal are closed; 1 mile off Pt Mc Cartey, 1 mile off Gravina, 1 mile off Guard Island to the point on Cleveland Peninsula, and all areas inside those boundaries are closed

2. How should the new regulation read? Write the regulation the way you would like to see it written.

- Halibut subsistence users fishing with a halibut skate in the Ketchikan area with 2 or more people aboard are allowed to use 90 halibut hooks on there subsistence skate between the months of September to April.
- All areas around Ketchikan will be opened for halibut for subsistence users using 90 hooks halibut skate between September to April.

B**3. Why should this regulation change be made?**

- During the fall and winter months, the weather conditions are very poor and dangerous which could at times put our subsistence users in harms way.
- Our days are short, and we have to travel too far, and we are limited where we could fish.
- Legal area you can fish off of Bold Island is very limited; most all that area is deep water and is impossible to haul your gear by hand.
- Legal area right off Pt Mc Carty is very limited where you could set your subsistence skate.
- Traveling to grounds off West side of Annette Island is to far that time of the year.
- There is really no place to fish 1 mile off Garvina, it is too deep.
- There is really no place to fish 1 mile off Guard Island, to travel outside off Cammano Pt is too far in the fall and winter months.
- During the winter months, most halibut move into the deep waters, and in our small boats we can not fish in those deep waters. During the winter months we are lucky if we catch 1 or 2 halibut when we go out, most of the time we don't catch at all.
- It is hard to fish with only 30 hooks, and catch any halibut in the fall and winter months.
- Just to get some fishing time on our short fishing days, we have to travel at least two half hours before daylight and travel back to town in the dark for at least two half hours, and that is very dangerous for our small boats.

4. What impact will this change have on fish populations?

- There has never been an impact in the past on halibut; right now I see it being no different then our halibut commercial derby days.
- In the past we have always fished in all areas, we never hurt the halibut population.
- In the past the only impact I have seen that depleted halibut where boats that were dragging.
- The only other impacts I see are the outside sports fishermen.
- Again I will reiterate, most of the halibut go to deep waters, and our small boats can not fish in deep waters.

5. How will this change affect subsistence uses?

- If anything it would help subsistence users; we that are on fixed retirement income can not afford to travel to far to fish and get skunked
- We that are used to having that food for our diet, it will help us getting food that is badly needed, and in no way will it affect subsistence use.

Charles M. James, Sr. – Saxman
William Kushnick, Jr. – Saxman

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6. How will this change affect other uses, such as sport/recreational and commercial uses?

- Between September and April we do not have any outside sports fishermen in Ketchikan area.
- Most local sport fishermen that fish for halibut never used halibut skates, and I foresee no problems.
- Most commercial halibut fishermen already have there quota, and I strongly believe it will not harm them in anyway.
- I have been a commercial fisherman since 1949 and I have been a commercial skipper for over 45 years trolling, seining, black coding and for halibut; when we halibut fished, we never fished in the shallows around Ketchikan, we always fished in the deep water; as a subsistence fisherman, we fish in the shallows.

7. Which communities have used this resource?

- Saxman, Ketchikan, Metlakatla, and at times people from Hydaburg, Craig and Klawock; mostly people from Saxman and Ketchikan would use this resource.

8. Where has this resource been harvested? Indicate specific areas if possible.

- All the areas I have stated under "what regulation do you wish to change?"
- About 95% of the areas that are now set are too deep for our small boats to fish when we are pulling by hand.
- If you look at your marine charts, you will see that we are very limited where we can fish.

9. In what months has this resource been harvested?

- 12 months out of the year, it always depending on the weather.

These are some of the people that would like these laws changed:

- Franklin H. James, Sr. – Ketchikan
- Kevin R. Callahan, Jr. – Ketchikan
- Troy Anderson – Ketchikan
- Melvin J. Charles, Sr. – Saxman
- Virginia Fox – Saxman IRA
- Marvin L. Charles, Sr. – Saxman
- Daryle D. James – Saxman
- Stewart Peterson – Ketchikan
- Charles M. James, Sr. – Saxman
- William Kushnick, Jr. – Saxman

Franklin H. James, Sr.

FACIMAIL LETTER

DATE: February 28, 2007

FAX FROM: Franklin H. James, Sr.

TELEPHONE: (907) 247-6560

E-MAIL ADDRESS: fhjames40@kpunet.net

FAX LETTER TO: Alaska Board of Fisheries
All Board Members

FAX NUMBER: (907) 465-6094

E-MAIL ADDRESS: When available; I would like your address

NUMBER OF PAGES NOT INCLUDING COVER PAGE: 7

RE: Proposal made to Alaska Board of Fisheries by Steve Vanek

MESSAGE: You don't have to read all the laws; most of those laws are important to study, it surely would help you and your people when they make their decisions. I and many others think Mr. Vanek proposal is ludicrous, and that is the most worthless proposal I seen or heard of.

Franklin H. James, Sr.



Cc: Thomas E. Luebben Esq. – Albuquerque, New Mexico
Dolph Barnhouse – Esq. –Albuquerque, New Mexico
Thomas Harris – Anchorage
Lazaro “George” Quinto – Anchorage
Robert Skulka – Anchorage
Robert J. Henrichs – Native village of Eyak
Carolyn Kelly – Kodiak
Kevin Kristovich – Ketchikan
Richard Jackson – Ketchikan – KIC President
Thomas Skulka – Ketchikan

Franklin H. James, Sr.
P.O. Box 8324
Ketchikan, Alaska 99901
Tel: (907) 247-6560 E-mail: fhjames40@kpunet.net

February 28, 2007

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
Fax: (907) 465-6094

To Whom It May Concern:

Proposal made by Steve Vanek; the Alaska Department of Fish and Game will take up the matter in March. The proposal calls for an end to quasi-subsistence limits for Alaskans who scoop salmon – mostly sockeye – using hoop nets on long handles.

“Tell me what people are going to do with 100 fish, or even 50 of those big Kenai River reds,” Vaneck said.

FHJ Comments:

1. In 2006 my family put up 84 sockeyes for home use, and we only have enough left to last us for another 2 months.
2. In 2006 our family put up 32 king salmon weighing on the average of 32 lbs each; we used up our entire king salmon.
3. In 2006 our family put up 28 silver salmon weighing on the average of 7 lbs each; we used up our entire silvers.
4. In 2006 our family put up 52 pink salmon weighing on the average of 4 lbs each; we used up our entire pinks.
5. Most of our salmon are canned; we smoke and kipper sockeyes, kings and silvers; and we vacuum salmon steaks.
6. I have not added to my fish list, halibut, ling cod, true cod, rock fish and red snapper, out diet consists of fish.

I know Mr. Vanek is talking the Kenai area; I just want to let you know, if that takes affect it will not stop there, I am requesting you people to use you brains when you make a decisions; in the following page, I will quote you some laws and also the **“The Imminent Theft of Alaska.”**

The Northwest Ordinance of 1787:

(1 Stat.50) Article 3 assured the "The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken without their consent; and, in their property, **rights and liberty**, they shall never be **invaded or disturbed**, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them."

President George Washington:

Shortly following the passage of the NW Ordinance, President Washington explained to obligation of the United States for protection of tribal lands from alienation in a speech to Indian tribal leaders. Part of the text follows:

(The United States) "...will never consent to your being defrauded, but it will protect you in **all your just rights**..."

United States Constitution, Article I, Section 8, Powers of Congress Commerce Clause "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

This portion of the United States Constitution specifically places the Indigenous Native American Nations and their peoples in the category of foreign nations. A Government-to-Government Relationship exists between the Indigenous Nations and the United States government. The Constitution, the supreme law of the land, protects the status and **Sovereignty of Natives**. Thos was reaffirmed by House and Senate Joint Resolution 76.

No Lands or Resources or Rights of Indigenous Americans can legally be taken without the consent of the Indigenous Peoples involved.

The Alaska Statehood Act – Disclaimer Clauses:

Public Law 85-503, Act of July 1958 (72 Stat. 339), As Amended, Section 4:

"As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property, (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives.

Superfund Amendments and reauthorization Acts of 1986 (SARA)

(PL 99-499) The SARA Amendments to the Clean Water Act – recognize the Indian Tribes as Co-trustees of the **environment** and identify broad powers for chronicling and reporting water resource emergencies; furthermore, testimony from Tribes carries the weight of rebut table presumption when determining losses and restorations. The amendments define "Indian tribe" as any Indian tribe, band, nation or other organized group or community, including any Alaskan Native Village, but not including any Alaskan Native regional or village corporation...-Page 5172.

Ada E. Deer, Assistant Secretary, Indian Affairs, U.S. Department of the Interior:

June 23, 1994 memorandum: "Tribes, as sovereigns, are not subject to State jurisdiction, are not subordinate to State Governments, and should not be dealt with through Federal/State processes and arrangements designed to serve the interests of the general public..."

Indian General Allotment Act of 1887, as amended (R.S. Chap. 119; Stat. 389; U.S.C. 334)

Provides for the allotment of lands to individual Indians for the purpose of settlement and subsistence through pastoral pursuits. Similar provisions were made for Alaska natives in a 1906 Act (P.L.59-171; 34Stat. 197; 48 U.S.C.3570).

I have included the following chronology of the laws, acts and other significant events which have had a profound effect on the lives of Alaska's Indigenous Peoples since the beginning of United States occupation.

- 1867 Treaty of Cession
- 1871 U.S.A. Ending of Treaty Making with Indigenous Nations
- 1884 Alaska was divided up by the "Missionary Christian Churches" (see Eskimo Administration by Diamond Jennings)
- 1884 District Organic Act
- 1906 Native Allotment Act
- 1924 Indian Citizenship Act
- 1936 Indian Re-organization Act was extended to Alaska (IRA)
- United States signed United Nations Charter (Art. 73)
- 1953 Public Law 280
- 1958 Alaska Statehood Act sec.4
- 1959 Alaska become the 49th State of the United States
- 1968 Indian Civil Rights Act amending PL 280 (ICRA)
- 1968 Oil discovered on the North Slope at Prudoe Bay
- 1970 State of Alaska removed the English speaking Perquisite to vote in Alaska
- 1971 Alaska Native Claims Settlement Act (ANCSA)
- 1975 Indian Self-Determination and Educational Assistance Act
- 1976 Federal Land Policy and management Act (FLPMA)
- 1978 Indian Child Welfare Act (ICWA)
- 1980 Alaska National Interest Lands Conservation Act (ANILCA)
- 1982 Indian Tribal Governmental Tax Status Act (ITGTSA)
- Alaska Railroad Transfer Act
- 1984 Indian Tribal Governmental Tax Status Act (amendments)
- 1986 Recodification (recognition/recognition) of United States Code title 25 "Indians"
- 1988 ANCSA "1991 amendments"
- 1988 Genocide Act (Proxmire Act) ratified by U.S. Congress

Published by Sierra Club Books: The Imminent Theft of Alaska (by) Thomas R. Berger Village Journey: The report of The Alaska Native Review Commission:

Comments: It has been stated by Thomas R. Berger that the 1971 Settlement Act was illegal. He stated that the Natives owned 100% of everything; people that were appointed to represent the Natives were done by the U.S. Government. They were never appointed by the Natives from any of the villages, and that makes it illegal.

It stated in his book, the Native/Indians should always have top priority on all hunting and fishing rights.

When Russian tried to sell Alaska to United States, The U.S. Officials made this statement, they asked Russia; how can you try and sell something you never owned? So how could the U.S. Say they bought Alaska from Russia when they knew that Russia never owned Alaska?

Signed March 13, 1867: Article III

The inhabitants of the Territory, according to their choice, reserving their natural allegiance, may return to Russian within three years, but if they should prefer to remain in the Territory, they, with the exception of uncivilized native Tribes, shall be admitted to the enjoyment of all the rights Signed by; William H. Seward and (I might misspelled his name) Edouard De Stoeckl.

- Russian has stated to the U.S., the uncivilized tribes should always enjoy their freedom, their life-style, and the U.S. should never interfere with the uncivilized tribes. They called the Thling-gits uncivilized, for they could never control them.

Inalienable Rights: (What are the Russians saying?)

- Rights which are not capable of being surrendered or transferred without the consent of the one possessing such rights; freedom of speech or religion, due process, and equal protection of the laws.

What is Subsistence?

- Who made that word up, when the Natives always had the freedom to put up all the food's they needed for their household; they never wasted.
- Natives never knew what was welfare was, that was forced on the Natives by the U.S. government.
- Subsistence is a made up white-man word they made for the Indians; please remember, made for the Indians in the later part of the 1800's.

Subsistence:

- Support. Means of support, provisions, or that which procures provisions or livelihood.

Support:

- To maintain; to provide for; to enable to continue; to carry on. To provide a means of livelihood. To vindicate, to maintain, to defend, to uphold with aid or countenance.

Support:

- That which furnishes a livelihood; a source or means of live; subsistence, sustenance, maintenance, or living. In a broad sense the term includes all such means of living as would enable one to live in the degree of comfort suitable and becoming to his station of life.

Con game:

- A swindle or any arrangement in which a person is deliberately defrauded because of his trust in the one who is swindling.

Confidence game:

- The elements of the crime of "confidence game" are:
 1. an intentional false representation to the victims as to some resent act,
 2. knowing it to be false,
 3. with intent that the victims rely on the representation,
 4. the representation being made to obtain the victims confidence and thereafter money property, subsistence rights,
 5. Which confidence is then abused?

Comment:

- Not only did the United States defraud the Natives of their land, which they owned 100%, before they forced the 1971 Settlement Act on Alaskan Natives, they also used trickery in appointing people to represent Alaskan Natives during the negotiations.
- Alaskan Natives also had rights to go our and fish anytime without interference from the fish & game, and that was taken away from the Native "read Justice Thomas Berger report."

Necessaries:

- An article which a party actually needs. State v. Earnest, Mo.App., 162 S.W.2d 338,341. Things indispensable, or things proper and useful, for the sustenance of human life.
- Necessaries consist of food; however, liability for necessaries is not limited to articles required to sustain life; it extends to articles which would ordinarily be necessary and suitable, in view of the rank, position, fortune, earning capacity, and mode of living of the individual involved.

Comment:

- Not only have the Natives been defrauded of their land, they have been defrauded of their use of their subsistence way of making a living.
- The Natives have lost their fishing markets, and now it is taken over by the non-natives; by losing their fishing markets, and now we can not provide fish to our people who can not go out and get their fish.

Necessitous circumstances:

- Needing the necessities of life, which cover not only primitive physical needs, things absolutely indispensable to human existence and decency, but those things, also, which are in fact necessary to the particular person left without support?

Comment:

- When they made all our fisheries come under the unlimited entry program, our Native people lost their support. They not only lost their support for supporting themselves, but also the help of supporting the Natives that we helped in the past.

Sovereignty:

- The international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictations.

Comment:

- The natives of Alaska always said the United States was foreign to us, and they agreed never to dictate how we should live. Read what they signed when they bought 400 acres of land from Russia and Russia's trading rights.
- If the U.S. only bought 400 acres of land, what gave them right to all the land and water and resources in Alaska???

Grandfather clause:

- Provision in a new law or regulation exempting those already in or a part of the existing system which is being regulated. An exception to a restriction that allows all those already doing something to continue doing it even if they would be stopped by the new restriction. One of the original purposes of the "grandfather" clause of the Motor Carrier Act was to permit the continued operation of carrier businesses already established prior to passage of the Act. *Transamerican Freight Lines v. United States*, D.C.Del., 51 F.Supp. 404,409.

Comment:

- The White-man courts honor the rights of Transamerican Freight Lines, the U.S. should honor Alaskan Native rights; how long was Transamerican in business before the Motor Carrier Act went into Law? The Alaskan Natives had their subsistence way of making a living for over 6,000 years; don't you think the Alaskan Natives have any rights?

Impunity:

- Exemption or protection from penalty or punishment

Comment:

- When the U.S. purchased Russia's trading rights in Alaska, the U.S. was supposed to protect our Native rights; yet the fish & game look for any excuse to arrest a Native; when they are fishing for salmon/halibut/cod for home use, they are always checking to see if they have more than their limit.

- You ask the fish & game to check out the sport fishermen, they say they can't for they need probable cause; they do not need probable cause to check the Natives.
- We should be exempt from any kind of punishment that is what the U.S. agreed on when they purchase the trading rights from Russia.

My Conclusions

Again I will reiterate; the U.S. should look at what they signed, and honor it, they honored the White-man in courts under the Grandfather clause. A non-native needs only to live in Alaska for one year and he almost has more rights then the Alaskan Natives that lived here for over 6,000 years.

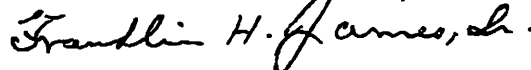
Our Natives in Alaska, no matter where he lives, in a rural or non-rural area should have the right to fish for subsistence. If we grew up in a small village of 30 people and lived on our native food's, and we left that small village and moved to a city with over 1 million people, I would have to say, my taste buds will not change, no matter what, I will still crave my native food's; no native in Alaska should be denied his rights to his native food's, and no limit should be put on a native household.

Once you open the door for Mr. Vanek that could move throughout Alaska; and if that door is opened, I could see a legal issue that would be greater then the "Alaska native Claims Settlement Act."

If any more restrictions are put on our natives in Alaska, I would like to turn something like this over to "Indian Claims Commission" the Indian Claims Commission hears and determines claims against the United States on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the United States.

When evaluating Mr. Vanek proposal, I request you think about taking it away from the non-natives and leave the traditional natives alone.

Franklin H. James, Sr.



Shakan Kwaan First Chair Holder/Tribal Spokesman
Alaska Native Brotherhood Member; sit on subsistence committee
KIC Tribal Member; sit on subsistence committee
Representative for Indigenous People in North and South American
In Puerto Rico
VII Encuentro Indigena De Las Americas

D-6

**BS/AI CRAB RATIONALIZATION IFQ REALLOCATION
FOR SKIPPER/CREWMEN COOPERATIVE
AMENDMENT PROPOSAL**

D-6 STAFF TASKING
RE: ~~C-4~~ CRAB MANAGEMENT
North Pacific Fishery Management Council

Name of sponsor: Shawn C. Dochtermann **Date:** April ³X, 2007

Address: P.O. Box 3886
Kodiak, AK 99615

Telephone: 907-486-8777

Email: drdrmann@hotmail.com

Brief Statement of Proposal:

1. Reallocation of a percentage of Individual Fish Quota (IFQs) harvest privilege shares of "CR Crab" - Bering Sea/Aleutian Islands king crab, opilio, and tanner crab fisheries - to active crab crewmembers; and
2. Provision for a single Crewmember's Cooperative for all "CR Crab".
3. Retain Open Market for All Crewmember Shares.

Objectives of the Proposal (What is the Problem?):

The problem is an inequitable distribution of CR Crab fishing privileges that resulted in excessive shares being assigned to vessel owners, and granted them inordinate control over fishermen on decks and in the wheelhouses, who are engaged in active fish harvesting.

This was an unbalanced, direct and deliberate distribution of the opportunity to fish to a discrete user group or set of individuals that excluded long-term participants (boots-on-deck fishermen) without any justification in terms of the objectives of the Crab Rationalization FMP.

This failed to preserve the status quo of economic distributions in the crab fisheries, ignored the dependence of present participants (crew) and coastal communities, and failed to fully consider the social and economic consequences (harms) of the scheme (rationalization).

1. **Correct Inequitable Distribution of Harvester Shares under CR Crab FMP; and Restore Historical Crewmembers Compensation Levels.**

Skipper shares of 3%, combined with a complete failure to recognize deckhands as members of a vessel crew (by allocating 0% to them), fall drastically short of the historical earnings of crewmembers who actually harvest crab. A germane legal argument is that an inequitable 'takings' occurred as vessel owners confiscated upwards of 70% of ex-vessel fish ticket earnings as quota rents once the CR Crab FMP went into effect.

Reallocation of crab quotas would provide the crewmen with fair and equitable quotas with which they, as small businesses that were needlessly harmed (even foreclosed) by

inequitable allocations under Crab Rationalization to date, can retain future employment opportunities in these crab fisheries.

2. Crewmember Representation in Binding Arbitration & Price Negotiation.

Add crewmember representatives to the binding arbitration tables to protect the financial interests of the skippers and crewmembers.

3. Assure Experienced Crews are Available and Rewarded in CR Crab Fisheries.

Assure crewmember jobs in the future have earnings that are commensurate to their personal investments and the dangers of participation in CR Crab fisheries.

Needs and Justifications for Council Action

(Why can't the problem be solved through other channels?):

The drastic reduction of jobs and pay with the massive consolidation of the rationalized crab fisheries forces this issue to be dealt with forthwith. There was no provision for crewmen to actually receive allocated quota initially in BS/AI crab rationalization, which violates:

Section 600.325 National Standard #4 Allocations.

Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, such allocations shall be:

- (1) Fair and equitable to all such fishermen.*
- (2) Reasonably calculated to promote conservation.*
- (3) Carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.*

Discussion: In determining the allocations under CR Crab regime(s), the privileges were not rationally connected to the achievement of Optimum Yield – especially considering that it is through the crewmembers earnings that maximum net economic benefits flow widely to communities. The motives for making particular allocations were not justified in terms of objectives – i.e. to increase safety and reduce overcapacity – and disadvantaged crewmembers as individuals and a user group, without cause. Nor did the FMP properly contain income shifts from crewmembers to rent-seeking owners, nor deter acquisition of excessive shares. This resulted in obvious inequities that need to be corrected, not the least of which are up to 70% quota lease rents.

There are two ways to correct this:

- 1) Council action to correct the inequities and re-establish crewmembers quota share (ownership) rights; or**
- 2) Judicial Review – i.e. a lawsuit.**

This proposal gives the Council the opportunity to correct program flaws and avoid such litigation.

Foreseeable Impacts of the Proposal (Who wins, who loses?):

Who Wins: By having quota rights Crewmembers (deckhands, engineers and skippers) gain ability for substantial employment opportunities and are more likely to achieve fair earnings. This enhances the interests of new entrants, as well. Crew will benefit from increased bargaining power for ex vessel compensation with both cooperatives and processors. Fishery dependent communities will benefit from increased (restored) crew incomes. Federal and state taxes will likely be higher, in total, as crewmembers invariably pay taxes whereas corporations shelter them.

Are there alternative solutions? If so, what are they? And why do you consider your proposal the best way of solving the problem?:

Yes, an alternative would be to overturn crab rationalization and return to Open Access with a 100 pot limit for king crab and 250 for opilio. This is the option that would best have modified Status Quo, which when coupled with buyback would have helped maintain crew jobs and avoid excessive consolidation onto fewer boats.

A second alternative is to cap rents for vessel owners to a much reduced percentage, more like 35%, rather than the current exorbitant rates of between 70%-50% being taken by boatowners/IFQ holders. This would be coupled with giving the crewmembers their historical 35% - 40% of total fish value.

Reallocation to fair and equitable historical participation levels through Council action is far better than facing inevitable and costly litigation.

Supportive Data and Other Information

(What data are available and where can they be found?):

Previous to IFQ shares being allocated to all entities, vessel owners, or corporations they were all required to submit 3 years (2002-04) of crab data to NMFS in order to receive crab quota shares. NMFS and/or related agencies could release this data in summary to substantiate the overall participation levels (i.e. to establish the estimated 35% to 40% historical crew rights).

The present BS/AI crab rationalization requires that all quota shares holders furnish NMFS with extensive crew and other data. Gunnar Knapp of ISER conducted a study for the City of Kodiak and it contained preliminary analysis that puts job losses in the BSAI crab industry at 892 persons who held jobs prior to rationalization. (An estimated 1,500 persons previously held crab jobs before rationalization.)

Additional Notes

Inherent in this proposal is a request that the Council begin a Discussion Paper and provide data for the allocation of the historical crewmembers' share of Bering Sea/Aleutian Islands "CR Crab" IFQs to be assigned to a Crewmembers Cooperative.

Signature:

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

181th Plenary Session – March 26- April 3, 2007
Hilton Hotel - Anchorage, Alaska
Testimony: Crewmen's Association

DB STAFF TASKING
Public Comment re: ~~6-4 BSAI Crab Management~~

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

Mr. Secretary, Madame Chair, Council members, and
Honorable Citizens of the United States:

The Crewman's Association based in Kodiak represents hundreds of commercial fishermen in the state of Alaska and other West Coast states. We would like to propose that the NPFMC **reallocate a percentage of the Bering Sea/Aleutian Individual Fish Quotas (IFQs) of king and tanner crab for the formation of a crewmen's cooperative.** It is clear that between 800-1,000 crewmen were disenfranchised from the crab fleet with the consolidation of the crab fleet as a result of improper measures during Crab Rationalization. To ensure that there is a future for crewmen, plus fair earnings paid, the crewmen will depend on a co-op that will be a single shareholder of crab quotas.

The proposal is to reallocate crab quotas to a crewmen's co-op that would be held as a single IFQ proportion of the TAC for all crewmen that are members of the co-op and who fish in a calendar year. No actual person will ever hold IFQs, as the IFQ holder would be the Bering Sea Crab Crewmen's Cooperative (BSCCC). The BSCCC would be formed from the total numbers of crew positions that are actually available in the present BS/AI crab fishery plus 5 or 10 %, as to provide for injury, family emergencies, and other unavoidable situations that may arise while the crab fleet is prosecuting a fishery.

The BSCCC would give haven to all BS/AI crab crewmen from being exploited by crab and co-op owners paying low wages for some of the most dangerous work in the world. There should be minimum pay percentages for all crewmen, engineers, and captains of BS crab fleet. Once the BSCCC had a fair allocation this would give the crewmen leverage for fair and equitable pay percentages.

The proposed reallocation of BS/AI crab IFQ shares to crewmen would be formulated on the basis of past historical compensation of the crews and skippers, as an average of the years of 2002-4.

It is clear that National Standard #4 was never applied in the preferred alternative that was recommended to the U.S. Congress in August 5, 2002 by chairman David Benton. Therefore, we request that the NPFMC follow this standard:

Sec. 600 .325 National Standard #4 Allocations If it becomes necessary to allocate or assign fishing privileges among various U.S fishermen, such allocations shall be:

- (1) Fair and equitable to all such fishermen
- (2) Reasonably calculated to promote conservation
- (3) Carried out in such a manner that no particular individual, corporation, or other entity acquire an excessive share of such privileges

The crewmen are actually small businesses that were needlessly harmed (even foreclosed) by inequitable allocation distribution under the Crab Rationalization. There are two ways to correct this:

- 1) **Council action to correct the inequities and reestablish crewmembers quota share (ownership) rights; or**
- 2) **Judicial Review- i.e. a lawsuit**

This proposal gives the Council the opportunity to correct program flaws and avoid such litigation.

Another correction for the CR crab program is one of binding arbitration. Crewmen as I have stated previously are small businesses that privately contract for their services. Therefore, **a crewmembers' representative needs to be added at the binding arbitration table** to protect the financial interests of the skippers and crewmembers.

The Crewman's Association requests that the Council begin a Discussion Paper on provide data for the reallocation of the historical Bering Sea/Aleutian crab Individual Fish Quotas as a crewmembers cooperative.

Respectfully,

Shawn C. Dochtermann
Secretary-Crewman's Association
Kodiak, AK 99615

NPFMC
April 3, '07

D-6 Staff Tasking
RE: Request for COP/SOPP
re Problem Statements
(Development Protocol)

Mr. Denby Lloyd, Commissioner
& Member of the NPFMC
Alaska Department of Fish & Game
PO Box 115526
Juneau, Alaska 99811-5526
commissioner@fishgame.state.ak.us
Phone: (907) 465-4100
FAX: (907) 465-2332

March 24, 2007

> From: Ludger Dochtermann, Kodiak AK
F/V North Point, Stormbird

RE: NPFMC PROTOCOL NEEDED FOR 'PROBLEM STATEMENTS'

Dear Denby:

At the Portland NPFMC meeting in February, we began the discussion of Problem Statements (PS), and the need for them to be based on facts, properly designed, justifiable and warranted before the Council is allowed to proceed on staff tasking and policy development. We have too often seen Problem Statements get revised, and re-revised, as participants in the policy making run into roadblocks and feel the need to make fickle, self-serving changes.

A primary example of this was for GOA Rationalization, which we can cover at some point. But let's work instead toward a solution through a Council Operation Procedure (COP) which I'd like to ask you to introduce.

It may be possible to find other regional fishery councils who already have such a COP on this matter. It goes without saying that as a new council member, you may also be able to find out from NOAA General Counsel if any relevant COP or protocols or known practices already exist for the NPFMC.

This PS issue is central to ensuring that any LAPP or RFA or similar program, amendment, or policy making under the revised MSA Fisheries Acts proceeds with full public input and opportunity to participate in actual design of Problem Statements. This will ensure that we don't have a repeat of discovering a meaningless or improper PS, as we just did for Cod Splits. Thank you again for your assistance on that matter in Portland.

Here are my first thoughts and an outline:

There is a central need for a Council Operating Procedure, i.e. for the development of an official protocol that ensures Problem Statements are developed in conjunction with economic analysis and scientific justification. And that they are publicly reviewed prior to acceptance as a Problem Statement, and only after that may the Council decide during Staff Tasking when and where to insert the item on the Agendas.

The a priori requirement is that any proposed Problem Statements must either be the result of problems noted by actual fisheries participants, or resultant from regulatory language inconsistencies or similar needs noted by legal counsel or the States. The subsequent requirement is that no one group of industry participants may specify a problem and draft its statement to the exclusion or without the combined input of other sectors and species groups in the affected region or fishery, and rush it forward into policy making without general public awareness. That is, better use of the Council website is highly recommended.

The basic elements of the protocol for Problems Statements should be 1) submission, 2) proposal contents, 3) review and approval. Here are my basic ideas for each:

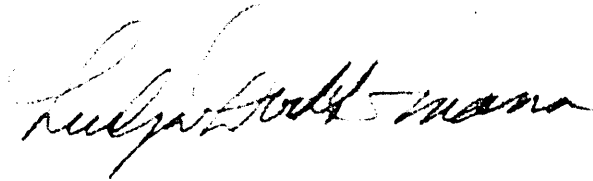
- 1) **Submission**: In order to submit a Problem Statement there must be sufficient information for the Council to determine if the alleged problem actually exists, if it is something that warrants Council action, and recite adequate justification, and it must have been reviewed by the chair of the SSC and/or NOAA GC regarding basic scientific reasoning and/or legal reasoning. Once submitted, it must be posted on the Council website under current issues for public notice.
- 2) **Proposal Contents**: The Problem Statement must be typed on an official Council Problem Statement form with all sections filled in, as well as contain:
 - a. sufficient information to outline all affected fisheries and disclosure of the interrelationship of a proposed policy between gear groups and among species or within a multispecies complex;
 - b. consider each of the National Standards, and outline relevant legal aspects of their application or how the standards would apply in the policy making, as well as outline potential litigation factors;
 - c. examine biological, social, and economic aspects and include each in the Problem Statement outline; and specifically include projected areas of effect on the Optimum Yield (including economic wealth maximization); and where appropriate, outline effects regarding the State of Alaska constitutional requirement to maximize net economic benefits from common use resources;
 - d. provide essential scientific facts that form the baselines, and prove the problem exists, and cover the rationale for developing the statement and policy at this time; and
 - e. include identification of the individuals who are proponents of the proposal and letters of their intentions and recommendations.
- 3) **Review and Approval**: each Problem Statement has to be scheduled for public consideration at the SSC and AP levels and reviewed in full transparency before it can be accepted by the Council, and when the Council reviews it for acceptance, public comment must be allowed. The Problem Statement must be approved in

public session, before agenda-setting and staff tasking may proceed. However, it may be that the chair of the SSC or NOAA GC requests initial staff assistance to summons up the basic preliminary data and analysis to justify their positions before submitting the PS to the Council, in the first place.

Denby, I will not be at the March/April meeting in Anchorage. But I would certainly appreciate you discussing this with members such as Bill Tweit of Washington State, and then immediately moving forward by requesting a PS-COP be developed. I will be sending Stephen Taufen to the Anchorage meeting to communicate on my behalf on these matters, as well.

Thank you again for your consideration and appropriate action at the Portland meeting. It felt like a long devastating tide that has been pushing against our communities and fleets has finally started to roll out to sea again. We are pleased that Governor Palin has placed you at the helm to set a new course for the State of Alaska at the NPFMC.

Best regards,

A handwritten signature in black ink, appearing to read "Ludger Dochtermann". The signature is written in a cursive, flowing style.

Ludger Dochtermann
P.O. Box 714
Kodiak, Alaska 99615
Cell: 206-245-5415
Home: 907-486-5450

Uniform Council Motion to Establish Council Coordination Committee

There shall be established a Council Coordination Committee consisting of the Chairs, Vice Chairs, and Executive Directors of each of the eight regional fishery management councils, other council members, and staff. The Chairs, Vice Chairs, and Executive Directors shall be voting members. The six NOAA Fisheries Regional Administrators or their designees, other council members, and staff shall be non-voting members. The Council Coordinating Committee shall meet from time to time as appropriate to discuss issues of relevance to all councils. The Council Coordinating Committee may establish such subcommittees as it deems appropriate.

DRAFT NPFMC THREE-MEETING OUTLOOK - updated 4/3/07

June 4, 2007 Sitka, Alaska	* October 1, 2007 Anchorage, Alaska	December 3, 2007 Anchorage, Alaska
<p>SOPPS: <i>Review and action as necessary (T)</i> Draft MMPA LOF for 2008: <i>SSC review</i> SSLMC Report on proposal review: <i>Action as necessary (T)</i> SSL Recovery Plan: <i>Review progress and related ESA discussion paper</i></p> <p>BSAI Crab 'B' Shares: <i>Discussion paper</i> BSAI Crab 'Active Participation': <i>Discussion paper</i> BSAI Crab Custom Processing: <i>Discussion paper</i> BSAI Crab Post-delivery Transfers: <i>Discussion paper</i></p> <p>Charter Halibut Allocation/Compensation: <i>Committee report and action as necessary</i> Charter Halibut Discard Mortality: <i>Discussion paper (T)</i> Charter Halibut 2C GHL Measures: <i>Final action</i></p> <p>Halibut Subsistence Rural Definition: <i>Discussion paper</i></p> <p>Observer Program: <i>Cttee Report, Disc paper; action as necessary</i></p> <p>Trawl LLP Recency: <i>Review information to date</i></p> <p>Salmon Bycatch (B-1): <i>Workgroup report/refine alternatives</i></p> <p>GOA arrowtooth MRA: <i>Initial Review (T)</i> CDQ Am. 71/22: <i>Discussion paper on Alternatives and legal opinion (T)</i> CDQ regulation of harvest: <i>Initial Review/Final Action (T)</i> Arctic management: <i>Review discussion paper</i> BS Habitat Conservation: <i>Final Action</i> HAPC Priorities and Timing: <i>Review/Action as necessary</i></p> <p>Research Priorities: <i>Review and Approve</i></p> <p>PSEIS Priorities: <i>Review</i></p> <p>Guidelines for External Review: <i>Review/Approve</i> AI FEP: <i>Review and Approve</i> BSAI Crab Overfishing Definition: <i>Initial Review</i></p>	<p>Revised NEPA process: <i>Comment</i> Draft MMPA LOF for 2008: <i>Action as necessary (T)</i> SSL Recovery Plan and BiOp Update: <i>Action as necessary</i></p> <p>GOA sector split: <i>Preliminary Review</i> GOA sideboards: <i>Discussion paper; action as necessary</i> GOA latent licenses: <i>Discussion Paper, action as necessary</i> WGOA pollock trip limit: <i>Initial Review</i></p> <p>Crab 'C' Shares: <i>Initial Review</i> BSAI Crab custom processing: <i>Initial Review (T)</i> Crab Advisory Committee: <i>Report and Action as necessary</i></p> <p>Charter Halibut Allocation/Compensation: <i>Initial Review (T)</i></p> <p>Charter Halibut 3A GHL Measures: <i>Initial Review</i></p> <p>Comprehensive Socioecon. Data Collection: <i>Report</i></p> <p>Observer Program Reg. Package: <i>Initial Review (T)</i></p> <p>Trawl LLP Recency: <i>Initial Review (T)</i></p> <p>BSAI Salmon Bycatch (B-1): <i>Initial Review (T)</i></p> <p>GOA arrowtooth MRA: <i>Final action (T)</i> CDQ Program: <i>Action as necessary</i></p> <p>Seabird avoidance measures in 4E: <i>Action as necessary</i></p> <p>Other Species: <i>Committee Report</i></p> <p>Groundfish specifications and SAFE: <i>Initial action</i> BSAI Crab SAFE</p> <p>BSAI Crab Overfishing Definition: <i>Final Action</i></p>	<p>SSL BiOp Review: <i>Action as necessary</i></p> <p>GOA sector split: <i>Initial Review</i></p> <p>GOA latent licenses: <i>Initial Review (T)</i> WGOA pollock trip limit: <i>Final Action</i></p> <p>Crab 'C' Shares: <i>Final Action</i> BSAI Crab custom processing: <i>Final Action (T)</i></p> <p>Charter Halibut Allocation/Compensation: <i>Final Action (T)</i></p> <p>Charter Halibut Longterm: <i>Discuss</i> Charter Halibut 3A GHL Measures: <i>Final Action</i></p> <p>Observer Program Reg. Package: <i>Final Action (T)</i></p> <p>Trawl LLP Recency: <i>Final Action (T)</i></p> <p>BSAI Salmon Bycatch (B-1): <i>Final Action (T)</i></p> <p>Groundfish specifications and SAFE: <i>Final Action</i></p>

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

AI - Aleutian Islands
 GOA - Gulf of Alaska
 SSL - Steller Sea Lion
 BOF - Board of Fisheries
 FEP - Fishery Ecosystem Plan
 CDQ - Community Development Quota
 ESA - Endangered Species Act
 (T) Tentatively scheduled

Future Meeting Dates and Locations

June 4 - 12, 2007 in Sitka

*** August meeting to comment on SSL recovery plan (T)**

October 1 - 9, 2007 in Anchorage

December 3 - 11, 2007 in Anchorage

February 4 - , 2008 in Seattle

March 31 - , 2008 in Anchorage

North Pacific Fishery Management Council

Stephanie Madsen, Chair
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

MEMORANDUM

To: Council members

From: Chris Oliver
Executive Director

Date: April 2, 2007

Subject: Bob Mace Award

You recall at the 30th anniversary celebration last December the Council staff, collectively, were the honored recipients of the Council's first Bob Mace Distinguished Service Award. The Council has not discussed how it wants to handle this award, though I might suggest that it makes sense to consider awarding it annually, or alternatively, award it on an 'as appropriate' basis, but no more than once per year. I believe you will all agree that this award merits a particularly special status.

I suggest that the purview of this award remain fully within the Council, and that it be based on nomination by a Council member (or members jointly) and approved by the Council each year in Executive Session. Perhaps December of each year would be an appropriate normal cycle for determining this award, but you may want to make allowances for approving a recipient at any time, based on circumstances as you deem appropriate.

The Council could develop specific criteria for such an award; however, it may be that, due to the very nature of this award (the words "Distinguished Service" in the title probably say it all), that specific criteria are unnecessary, and the Council can leave that open and adopt a 'we'll know it when we see it' approach.

Generally, it seems the award should be based on an outstanding professional commitment, or particular exemplary performance, relative to the management of fisheries in the North Pacific.



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March 20, 2007

To: North Pacific Groundfish Observer Providers

From: Bill Karp – Director, Fisheries Management and Analysis Division

Subject: Organizational Changes

I would like to let you know about some planned changes in the organizational structure of the Fisheries Monitoring and Analysis (FMA) Division.

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Once we have hired the new manager, the FMA management team will consist of: Bill Karp (Division Director), Martin Loefflad (Deputy Director), Jennifer Ferdinand (Manager of training and associated support services), Doug Turnbull (IT manager), and the new Manager of debriefing services.

I realize that our inability to fully-staff the FMA Division directly impacts the operations of our certified observer service providers and we will continue to do our best to minimize any impacts. Through this planned reorganization we expect to improve the efficiency and effectiveness of debriefing and other observer support services. As I mentioned in an earlier memo, we are also working to establish a contractual arrangement which will allow us to contract with suitably-qualified individuals during peak periods.

CM?
ASK Chris



Please feel free to contact me directly if you have questions or concerns regarding these organizational changes.

cc:

Sue Salveson
Doug DeMaster
Jim Coe
Chris Oliver
Joe Kyle



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NATIONAL MARINE FISHERIES SERVICE
Alaska Fisheries Science Center
Fisheries Monitoring and Analysis Division
7600 Sand Point Way Northeast
Seattle, Washington 98115-0070
March 20, 2007

To: North Pacific Groundfish Observer Providers

From: Bill Karp – Director, Fisheries Management and Analysis Division

Subject: Organizational Changes

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To: North Pacific Groundfish Observer Providers

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Please feel free to contact me directly if you have questions or concerns regarding these organizational changes.

cc:
Sue Salveson
Doug DeMaster
Jim Coe
Chris Oliver
Joe Kyle



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National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Alaska Fisheries Science Center
Fisheries Monitoring and Analysis Division
7800 Sand Point Way Northeast
Seattle, Washington 98115-0070
March 20, 2007

To: North Pacific Groundfish Observer Providers

From: Bill Karp – Director, Fisheries Management and Analysis Division

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