

April 1, 2014

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

Re: Agenda Item C-2, Gulf of Alaska Trawl Bycatch Management

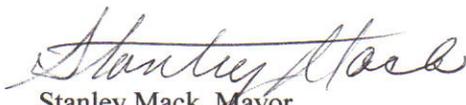
Dear Chairman Olsen, North Pacific Fishery Management Council,

As Mayor of the Aleutians East Borough, I appreciate the efforts of the North Pacific Fishery Management Council to reduce bycatch in the Gulf of Alaska. However I am concerned about the impacts that any new catch share plan will have on our communities. As you move forward to develop the proposed Gulf of Alaska Trawl Bycatch Management program, please consider the goals for new fishery management programs as outlined in Aleutians East Borough Resolution 13-16, attached.

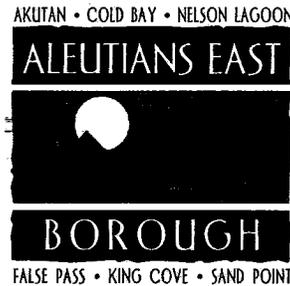
The Aleutians East Borough supports the continued analysis of the community protection elements found in the Council October 2013 motion for Gulf of Alaska Trawl Bycatch Management. In addition, the Council should also include an analysis of community quota ownership. I believe that the Community Fishing Association concept has the potential to enhance the program and protect communities by anchoring some quota through an initial allocation.

As you move forward to build a new trawl bycatch management program, I hope you will continue to make every effort on behalf of the coastal communities of the Gulf of Alaska. Our fishing communities depend on your success in this endeavor to protect our investments and future viability.

Sincerely,



Stanley Mack, Mayor
Aleutians East Borough



RESOLUTION 13-16

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY SUPPORTING COMMENTS TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL REGARDING WESTERN GULF OF ALASKA GROUND FISH MANAGEMENT PROPOSALS.

WHEREAS, The North Pacific Fishery Management Council is moving forward with a Central Gulf of Alaska Trawl Catch Share Initiative as a way to reduce prohibited species catch; and,

WHEREAS, the Council will consider proposals during the CGOA discussion at their February 2013 meeting, including proposals relevant to the Western Gulf of Alaska fisheries; and,

WHEREAS, National Standards of the Magnuson-Stevens Fishery Conservation and Management Act require that federal fishery management decisions take into account the importance of fishery resources to fishing communities, in order to provide for the sustained participation of such communities and minimize adverse economic impacts on such communities; and

WHEREAS, the Aleutians East Borough strives to support healthy sustainable resources in the Central and Western Gulf of Alaska, while promoting a sustainable, vigorous economy within the Borough including competitive harvesting and processing sectors and support industries.

NOW THEREFORE BE IT RESOLVED, the Aleutians East Borough Assembly supports the following goals for fisheries management programs in the Central and Western Gulf of Alaska:

1. Provide effective controls of prohibited species catch and provide for balanced and sustainable fisheries and quality seafood products.
2. Maintain or increase target fishery landings and revenues to the Borough and AEB communities.
3. Maintain or increase employment opportunities for vessel crews, processing workers, and support industries.

Resolution 13-16

4. Provide increased opportunities for value-added processing.
5. Maintain entry level opportunities for fishermen.
6. Maintain opportunities for processors to enter the fishery.
7. Minimize adverse economic impacts of consolidation of the harvesting or processing sectors.
8. Encourage local participation on harvesting vessels and use of fishing privileges.
9. Maintain the economic strength and vitality of AEB communities.

PASSED AND APPROVED by the Aleutians East Borough Assembly on this 10th day of January, 2013.


Stanley Mack, Mayor

ATTEST:


Tina Anderson, Clerk

THE BOAT COMPANY

Alaska Conservation and Vessel Support
417 Arrowhead Street, Sitka, AK 99835 Tel/Fax: (907) 747-9834 Cell: (907) 738-1033



Wilderness Adventure Tours

April 1, 2014

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C-2 Trawl Bycatch Management Discussion Paper

Dear Mr. Olson:

Thank you for the opportunity to comment on the April discussion paper for the North Pacific Fishery Management Council's ("the Council") consideration of a bycatch management program for Gulf of Alaska trawl fisheries. I submit the following comments on behalf of The Boat Company (TBC). TBC is a tax exempt, charitable, education foundation that conducts multi-day tours in southeast Alaska aboard its two larger vessels, the 145' M/V Liseron and the 157' M/V Mist Cove and features sport fishing opportunities for halibut and chinook. Both species are experiencing ongoing declines, resulting in conservation-based harvest restrictions for targeted recreational, commercial and subsistence fisheries.

The adequacy of the Gulf of Alaska (GOA) bycatch management control measures to a large extent will determine whether conservation, recreation, commercial and subsistence interests will have adequate access to public marine resources affected by trawl bycatch. The Council's purpose and need for the program design in general is "to provide tools for the effective management and reduction of PSC and bycatch" and specific program goals include reducing bycatch in the trawl fisheries. Section 2 of the discussion paper suggests the potential implementation of bycatch quotas as a possible means to achieve the Council's goals. The section also identifies two ways to measure PSC reductions – (1) a reduction in the PSC rate per metric ton of groundfish harvested, and (2) a reduction in the total amount of bycatch.

TBC agrees that bycatch quotas have been a component of management programs that have achieved significant reductions but notes that those programs explicitly sought a mandatory 50% reduction in the total amount of bycatch. For example, Section 8 of the discussion paper describes the bycatch reduction programs for the British Columbia and Pacific Coast trawl fisheries. A critical component of both programs was a 50% bycatch reduction goal. In particular, the Canadian program reflected a joint U.S./Canada commitment to achieve a 50% reduction in trawl halibut bycatch mortality.

In 2011 and 2012 when the Council established PSC limits for halibut and chinook based on historical averages, Council discussions implied that additional halibut and salmon bycatch reductions that were more fully responsive to resource concerns could occur when a comprehensive program provided the industry additional tools to adapt. But it is still unclear

whether the GOA program will provide mandatory reductions, or whether the program design will instead focus on enabling the industry to adjust to existing PSC limits and rely primarily on performance incentives in order to achieve bycatch reductions.

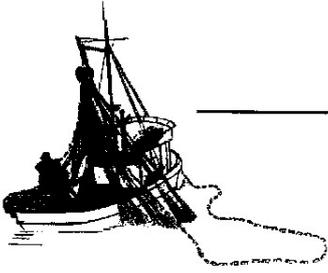
Although performance incentives may help in part to achieve program goals, TBC submits that the most critical incentive for bycatch reduction will be mandatory reductions of PSC limits for chinook salmon and halibut. TBC thus requests that further development of the new program include the establishment of bycatch reduction goals up front to inform the development of the various tools reviewed in the series of bycatch management discussion papers.

Also, TBC requests that the Council continue to consider measures to incorporate bycatch reductions in the flatfish fisheries as part of the bycatch management program. Section 9 of the discussion paper and the tables displaying background data indicate that the program would be incomplete without clear direction for bycatch reduction in the flatfish fisheries. The CV flatfish fisheries accounted for, on average, over 41% of the halibut PSC mortality from 2003 – 2012 and increased to 48% of the halibut PSC mortality from 2007 – 2012. The CV and CP deep and shallow water flatfish fisheries also currently (2008-2012) account for nearly 82% of the estimated chinook salmon PSC in the non-pollock trawl fisheries.

In sum, the Council's discussion and review of 2011 and 2012 actions reducing PSC limits for chinook salmon and halibut seemed to include an expectation that further bycatch reductions could be mandated through the new bycatch management program. In light of the ongoing population declines for these resources, TBC requests that the Council begin to develop specific bycatch reduction goals to be incorporated in further analyses.

Sincerely,

Paul Olson, Attorney at Law
606 Merrill St.
Sitka, AK 99835
polsonlaw@gmail.com



City of False Pass

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Telephone (907) 548-2319 • Fax (907) 548-2214

April 1, 2014

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

Dear Chairman Olsen, North Pacific Fishery Management Council,

As Mayor of the City of False Pass, I appreciate the efforts of the North Pacific Fishery Management Council to reduce bycatch in the Gulf of Alaska. However I am concerned about the impacts that any new catch share plan will have on our communities. As you move forward to develop the proposed Gulf of Alaska Trawl Bycatch Management program, please consider the goals for new fishery management programs as outlined in Aleutians East Borough Resolution 13-16.

The City of False Pass supports the continued analysis of the community protection elements found in the Council October 2013 motion for Gulf of Alaska Trawl Bycatch Management. In addition, the Council should also include an analysis of community quota ownership. I believe that the Community Fishing Association concept has the potential to enhance the program and protect communities by anchoring some quota through an initial allocation.

As you move forward to build a new trawl bycatch management program, I hope you will continue to make every effort on behalf of the coastal communities of the Gulf of Alaska. Our fishing communities depend on your success in this endeavor to protect our investments and future viability.

Sincerely,

Tom Hoblet
Mayor, City of False Pass

CITY OF SEWARD

P. O. Box 167
1300 4th Avenue
Seward, Alaska 99664



Harbor Department
907.224.3138 907.224.7187 fax
harbormaster@cityofseward.net
www.cityofseward.net/harbor

April 1, 2014

North Pacific Fishery Management Council,

Via Electronic Mail

Thank you for the opportunity to comment on the subject of Gulf of Alaska (GOA) Trawl Bycatch Management. The discussion paper is full of statistics and ways to manage the fishery stocks in a scientific manner, but the local economic impacts need further study prior to implementation.

The City of Seward is the home of three fish processors. We are concerned about the potential adverse impacts of the new fishery quota program on our local economy including the potential loss of jobs at our local fish processors.

Section 6 of the Report is titled "Fishery Dependent Community Stability," however, only one community, Kodiak, is mentioned in that section. In fact on page 43, it is noted that one proposal includes "a Kodiak port of landing requirement." Why is that? And later, "Kodiak is the only community in the Central GOA (Gulf of Alaska) and West Yakutat management areas in which processor-based cooperatives would exist..." What about Seward? The report offers this feeble suggestion, "...the Council may be able to ensure that contracts between harvesters and processors receive input from a community representative."

The discussion paper plans to manage the fish stocks via quotas. The paper focuses on new and existing cooperatives, but the report also states, "The Council recognizes that persons cannot be mandated to join a cooperative, and that a cooperative is by definition a voluntary association of persons." (page 12) How do privately owned fish processors fit into the fishery management program? If adopted, how will this new quota plan affect existing processors?

Sincerely,

Mack Funk, Harbormaster
For Jim Hunt
City Manager

Eric Olson,

NPFMC,

605 West 4th Ave, Ste. 306

Mr. Olson

Council Members

My name is Bill Connor and I have been involved with trawling in the Western gulf and Central gulf since 1992.

I write in support of a trawl rationalization program that will help reduce bycatch and slow the race for fish, all while protecting the participants who have invested hundreds of thousands of dollars and decades into making this into a viable fishery.

I feel that a control date is arbitrary at this point for it has prevented new entrants in the race for history, and that we need consistency in our qualifying years by using the recency formula the council has used in eliminating latent LLPs and also history to arrive at allocation issues, using the years (2005 thru 2014).

I believe that we should allow for gear change from trawl, to pots or long line using LLPs that are p-cod endorsed, this would allow PSC to be lowered or used to harvest underutilized species in other trawl fisheries.

I do not believe in community shares. This would become political it could become favoritism it could also eliminate communities that have historical participation. I am from Petersburg Alaska and have participated since 1992 annually in the trawl and at times pot harvest of p-cod. How would you give Petersburg a community share so I am not eliminated from my historical participation?

I also believe that to provide stability and reduce bycatch in the trawl rationalization program, that the initial allocations or quota shares also be made permanent and transferable and only to any LLPs that are endorsed for the species p-cod or Pollack. The cost to experiment and develop gear that will help lower or eliminate bycatch needs the stability of permanent and transferable quota. This will give us the tools to incorporate into our business plans, the high cost it will take to develop these methods. Without quota allocations the cost are so significant in gear modifications I fill the opportunity to develop bycatch reduction will not receive the attention that could otherwise be pursued.

Thanks

Bill Connor and Alaska Sustainable Wild Seafood



907-772-9211

360-951-9213

March 24, 2014

NPFMC
217th Plenary Session
April 9-14, Hilton Hotel, Anchorage, AK

Agenda Item C-2 (GOA Trawl Bycatch Management)

Submitter: Jody R Cook , Representing: Self

Chairman Olson, and Council Members,

My name is Jody Cook. I am an owner/operator of the 58' F/V Cape Reliant., home port is Petersburg. I have been involved as a crew, a skipper and owner operator in the trawl fisheries for Pacific cod and Pollock in Western and Central Gulf for over 20 years.

As this process of managing bycatch develops, I would like to see the focus remain on giving the fishermen that have been involved, and are currently involved, the opportunity to choose where and when to fish. The biggest factor that will allow the fisherman to fish more selectively is to eliminate the race for fish. In light of the trend toward "recency" and some biomass trends, I would also ask that the council consider including 2013 and 2014 in the history used for determination of possible shares. My primary fishing is done out of Sand Point. The main reasons we wanted the control date for Western Gulf was, #1, to document and secure our place in the process, and #2, to discourage a race for history from boats that normally wouldn't consider fishing here. I believe that both of those things have been accomplished and that there is no reason to not recognize the current efforts and production. In the past we had a pot endorsement but lost it through the recency process. In light of the same Recency principles that took our pot endorsement away, I would like to see Recency applied to also recognize 2013 and 2014 production. It is hard to say how long this process will take, but I am sure that all information from these years will be available by finalization.

In the past, I have testified before the council asking that a line adjustment be considered. That the line between Central(620), and Western Gulf(610), be moved East. Currently, the line runs North/South down the Eastern edge of the Shumigan Islands. The Sand Point fleet has not been able to fish in this area since Sea Lion regulations went into effect and closed most of the traditional areas for trawling. But, for the last three years, we have been able to fish in those traditional cod grounds off Simeonof Island. There has been a huge biomass of pollock that most of the Kodiak trawl fleet has focused on in Central Gulf. This has allowed the cod season to last longer and as the spawning season arrives the cod have been in some areas that we could fish them around Simeonof, and North, around Mitrofanina Island. Both these areas have been traditionally fished heavily by the Sand Pt fleet in years past.. But none of these years are even close to being considered in the current discussion papers. If the last 3 years were included in the qualifying years for history, I believe it would, #1: Stay in keeping with the trend toward "Recency" that the council has favored recently.. #2: Be a fair and equitable way of allowing the Sand Point and King Cove trawl fleet to maintain some limited access to an area that has been cut off to them by regulations set in place by a shaky biological opinion. It would also make the line change less of an issue, as it would at least give the Western Gulf fleet some history in the area around Simeonof Island and Mitrofanina Island. These areas are currently in Central Gulf, but are much closer to Sand Point than Kodiak. For perspective, it

would be similar to a situation where the boundary line would be 50 miles west of Kodiak. That would be the 154 line that runs from Hallo Bay on the mainland, through Uyak Bay on the north side of Kodiak and through Sitkinak island on the South. The Sand Point fleet would have more access to the huge pollock biomass than the Kodiak fleet. Even though they had to travel over 200 miles to fish it. The Simeonof tow is 260 miles from Kodiak. It is 65 miles from Sand Point, on the edge of the Shumigan Islands. The tow actually goes right to the 159 line. The 159 line is 50 miles straight east of Sand Point.

I would favor the years 2004 -2014, and the ability to throw out 3 years.

I like Commissioner Campbells motion in regards to co-ops. I would leave the by catch management up to the co-ops. The hard caps are in place and are the ultimate tool for a shutdown by the federal managers. Let the fishermen decide how to police themselves on it, and just establish an effective way of observing and reporting.

I hope that many of the proposals that were originally presented from the Peninsula Fishermens Alliance can be worked into the process.

In regards to the consideration of CFA's, I am apposed to them.. I cannot say that I understand their complete structure or proposed administration. But,.. I do know, that even at this beginning stage of consideration, that the fishermen I have talked to have not been asked or consulted in regards to their opinions. So,.. I am already confident that the effort behind the idea is not seeking the benefit of the fishermen that I know. Otherwise I am confident that they would have consulted and sought our support. I did see a pamphlet that presented the worst case scenarios for catch shares and a warm fuzzy, very vague scenario for the CFA's. All the concerns that have been noted in the pamphlet from AMCC and GOAC3 have been addressed in proposals from fishermen organizations from Western Gulf and Central Gulf, (Sand Point, King Cove, Kodiak). These proposals have been presented to the council already. I believe that the council is much more qualified to address the issues of safeguarding fishermen and their kids, processors, and fishing communities. The last thing I would hope that the council would consider is another bureaucracy wanting to leach money out of the fishermen. The expense of an observer program is not known yet. But, it will be considerable. The pamphlet did not even mention by catch. The only thing that will be guaranteed through the CFA's at this point is a loss to the fishermen and an income to some pencil pushers. Everything else is speculation and just warm fuzzy promises with no validation or plan. Sand Point and King Cove and Kodiak are very healthy communities. I believe that these cities do not match the ones that were used as examples in the Seattle council meetings. Let the proposers of the CFA idea put together a plan that a bank will loan them money on. Then they can buy the shares just like anyone else and do their great things.. That is what the kids have been doing for generations in Petersburg. And thats what they are doing currently. There have been talks of an aging fleet. I really don't see it so much. There are lots of young skippers and boat owners. Things are healthy in Alaska fisheries through the current council and board management. I say don't screw it up by adding a component that really hasn't been tested in this area.

Sincerely,


Jody R Cook

Darren Platt

F/V Agnes Sabine

Kodiak, AK

To the North Pacific Fishery Management Council,

I am writing to request that the council further analyze the incorporation of a community fishing association (CFA) into the gulf groundfish trawl management plan. The current proposal for a bycatch reduction contains insufficient protections for coastal communities, as it fails to include any viable means for coastal residents and new entrants to access the resource without forsaking all economic profits or assuming insurmountable financial risk. Past experiences with rationalization, including the rockfish pilot program, have resulted in massive generational gaps in fishing participation, as subsequent generations of fishermen who enter the industry without any form of initial allocation of quota are financially incapable of acquiring adequate blocks of quota. Even with low interest loans available to residents through the state of Alaska, coastal community members are still finding themselves unable to assume the financial burden of quota acquisition. A CFA could essentially eliminate this problem by essentially providing an initial allocation to potential new fishery entrants, allowing for the long term prosperity of fishing communities. Coastal towns, such as Kodiak, cannot be protected from the known harm caused by rationalization unless future generations are provided with meaningful and viable options to access the resource. As the owner operator of a commercial fishing vessel, I have found that my generation of fishermen has been entirely disenfranchised by many past fishery management decisions that tend to disregard the long term social and economic health of fishing communities.

I am also writing to request that the council continue analyzing the use of limited duration shares so that allocations can be revisited on a regular schedule. Additionally, if limited duration shares are implemented, a CFA could receive its initial allocation at the time share expiration, allowing more time to craft a community plan, while causing no financial impact on the current stakeholders.

Thank you,

Darren Platt

Groundfish Forum

4241 21st Avenue West, Suite 302
Seattle, WA 98199
206-213-5270 Fax 206-213-5272
www.groundfishforum.org

April 1, 2014

Mr. Eric Olson, Chairman
North Pacific Fishery Management Council
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C2, GOA Trawl Bycatch Management

Dear Chairman Olson,

Groundfish Forum represents five companies and sixteen vessels operating in the Amendment 80 (A80) sector of the Bering Sea/Aleutian Islands (BSAI) groundfish fisheries. Many of our vessels have a long history of and dependence on Gulf of Alaska fisheries. We are writing to voice support for Council actions to facilitate better management of PSC in the Gulf, specifically through a catch share program.

Our experience with Amendment 80 in the BSAI has proven that catch share programs provide the tools to reduce and better utilize bycatch. Eliminating the race for fish gives participants the stability necessary to make better decisions about when and where to fish. It also facilitates cooperative development of new technologies (such as excluders and gear modification) that is more difficult to achieve when vessels are racing against each other. Perhaps most importantly, it encourages and rewards communication between vessels on the grounds so that captains can respond quickly to address bycatch concerns.

We encourage the Council to keep this last point in mind when crafting a program for the Gulf of Alaska. A program element that discourages cooperation on the grounds, whether intentionally or unintentionally, will remove one of the most powerful tools for bycatch reduction. If there is a perceived benefit in withholding information from other vessels, real-time opportunities to respond quickly on the grounds will be lost.

Our vessels work very hard to minimize PSC in all circumstances. We foresee greater opportunities to accomplish this in the GOA in the future. In addition to the tools we have seen in the BSAI, the size of the halibut in the GOA could make it the best arena for deck-sorting to minimize halibut mortality. We look forward to working with the Council and other stakeholders to reduce the overall amount of PSC while better utilizing what is taken.

Finally, whether addressing PSC bycatch reduction or allocations, we encourage the Council to structure the program to allow for continued access to current harvest history so that markets are preserved. If PSC reductions and allocations create limiting species where there were none before, fish may be stranded and markets disrupted, causing harm to the nation as a whole.

Thank you for the opportunity to comment.

Sincerely,



Lori Swanson
Executive Director

Community Protection in the Gulf of Alaska Trawl Bycatch Management Program

Submitted by: Gulf of Alaska Coastal Communities Coalition,
Ernie Weiss, Terry Haines, Theresa Peterson, Alexis Kwachka, Dave Kubiak,
Alaska Marine Conservation Council

Introduction

We submit this proposal to the North Pacific Fishery Management Council for inclusion in their Gulf of Alaska bycatch management motion. The current Council motion offers many programmatic benefits including 100% observer coverage and bycatch reduction goals. Nevertheless, the motion's structure allocating transferable quota shares and using co-operatives to manage the GOA trawl pollock and cod fisheries is likely to rearrange the fisheries' relationship to Alaska's coastal communities.

We commend the Council for including several components in the motion specifically addressing possible community impacts. However, these provisions, at best, only address a subset of expected impacts. We believe that an allocation of quota to fishing communities via a Community Fishing Association (CFA) provides additional community protections that are unique and broader than those currently in the motion. Specifically, a Community Fishing Association offers an opportunity to strengthen the relationship of captain, vessel, vessel owner and crew to the community, to address transitional entrance into the trawl fisheries and provide opportunity for future generations, and to encourage equitable crew compensation. In addition, a community that owns quota is likely to remain an active stakeholder in the management and prosecution of the fishery itself. None of these critical community impacts are sufficiently addressed by current components of the motion, and a Community Fishing Association can provide an accessible and flexible way to address these community concerns.

Recent NOAA guidance as well as independent legal analysis confirm that the Magnuson-Stevens Fisheries Conservation and Management Act (MSA) authorizes allocations to fishing communities.¹ In addition, National Standard 8 of the MSA specifically requires that management measures provide for the sustained participation of communities and that adverse impacts on communities are minimized.² The Gulf of Alaska trawl bycatch management program provides an opportunity for this Council to lead the nation in developing a new method for providing for a full suite of protections for fishing communities. **We urge you to take up this challenge and include the following proposal for a Community Fishing Association in the Gulf of Alaska trawl bycatch reduction package.**

¹ See Josh S. Stoll & Mark C. Holliday, U.S. Dept. of Commerce, NOAA, *The Design and Use of Fishing Community and Regional Fishery Association Entities in Limited Access Privilege Programs*, NOAA Technical Memorandum NMFS-F/SPO-138 (2014); 16 USC § 1853a(c)(3). See also George J. Mannina, Jr., *Allocation of Harvest Rights*, Memorandum to the Gulf of Alaska Coastal Communities Coalition and Alaska Marine Conservation Council (Sept. 24, 2013)(submitted to the North Pacific Fishery Management Council for the Oct. 2013 meeting).

² 16 USC § 1851(a)(8).

Proposal for a Community Fishing Association

I. Structure

The Community Fishing Association (CFA) entity must be a non-profit entity qualified by NMFS, with a community sustainability plan approved by the Secretary as specified in the MSA.³ The Council can establish set requirements for the Community Fishing Association entity to be approved, possibly mirroring many of the CQE requirements. The Community Fishing Association could be a single Gulf-wide administrative entity, or a single entity with two divisions, one for the Central Gulf and one for the Western Gulf.

The entity will be governed by a Board of Directors. The Board of Directors will include balanced representation from fishing and community interests, including the cities and boroughs, trawl co-op representatives (note that co-op representatives would not need to be community residents), non-trawl fishermen and conservation interests. Municipalities (city/borough) could appoint their own designees, as well as the non-trawl seats. Co-ops could appoint their own representatives, and the board itself could appoint a conservation seat. The goal for the Board of Directors is to ensure that board composition is broad enough to ensure both fishery and community interests are represented, but small enough to function efficiently.

The specific composition of the Board of Directors will be set in regulation to ensure that all interest groups are represented.

II. Community Eligibility

The MSA defines a fishing community generally as “a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs, and includes fishing vessel owners, operators, and crew and United States fish processors that are based in such community.”⁴ Specifically in regards to allocations to fishing communities in the context of Limited Access Privilege Programs (LAPPs), a community must be “located within the management area of the relevant Council,” meet criteria developed by the Council and established by the Secretary and “consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council’s management area.”⁵ Under both of these definitions, a community need only be engaged in fishing or processing within the management area. There is no requirement that they specifically engage in the target species fishery, or in a particular fishery. In fact, in developing participation for a fishing community under the LAPP provisions, Councils are required to consider “economic barriers to access to the fishery,” and “the potential for improving economic conditions in

³ 16 USC § 1853a(c)(3)(A)(i)(IV).

⁴ 16 USC § 1802(17).

⁵ 16 USC § 1853a(c)(3)(A)(i)(I-III).

remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.”⁶ These considerations, particularly the latter, specifically support the inclusion of communities in the management area which do not currently participate in the trawl fishery in particular. Under the LAPP definition, a fishing community may even consist of residents who conduct fishery-dependent support businesses, harvesting and processing activity is not required.

Under this program we propose fishing community criteria⁷ to include communities within the Central and Western Gulf of Alaska management areas which have:

1. Traditional fishing or processing practices in, and dependence on, fisheries in the management area;
2. Cultural and social ties to fisheries in the management area;
3. Economic barriers to access to the fishery;
4. A high potential for economic and social impacts associated with a LAPP program on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery;
5. There will be no more than two Community Fishing Associations, one for the Western and one for the Central Gulf of Alaska.

III. Allocation

The Community Fishing Association would be allocated fishing quota for all CV target and PSC species allocated under the program. For analysis, the Council should consider an allocation range of 10-20%.

Quota allocated to the Community Fishing Association may not be sold.

IV. Quota Distribution

- Quota will be leased on an annual (option: every 3 years) basis according to allocation criteria established by the Board which meet the goals and objectives for the Community Fishing Association established by the Council in regulation.
- To ensure that quota leased from the Community Fishing Association achieves the goals and objectives established by the Council, quota will be leased subject to specific contract terms which meet the goals and objectives adopted by the Council, and referenced below in Section VII.

⁶ 16 USC § 1853a(c)(3)(B)(iii,vi).

⁷ Note that under the MSA provisions, eligibility criteria must be developed by the Council, approved by the Secretary, and published in the Federal Register. These eligibility criteria are therefore submitted as recommendations, but further refinement should be developed by the Council.

V. Lease Fees

- Lease fees will be used only to directly support the Community Fishing Association's operational and administrative costs and will not exceed reasonable costs as audited by NMFS.

VI. How the CFA Intersects with the Overall Program

- The Community Fishing Association will operate within the co-op structure. Quota leased from the Community Fishing Association must be utilized through a cooperative.
- Community Fishing Association quota will be subject to the same set of rules as other quota in the program in terms of bycatch management, observer coverage, sector allocations, cooperative structure, regionalization, and gear conversion.
- Any vessel and owner consolidation limits established under the overall program will also apply to quota leased by the Community Fishing Association, e.g. the consolidation limit will apply to quota directly owned or fished by a vessel and any quota leased from the Community Fishing Association.
- A participant who leases quota from the Community Fishing Association will be required to fish at least that amount of fish within their co-op (e.g. a vessel may not lease quota from the CFA, then have that quota fished by another vessel in the co-op since the contract terms would not apply to a vessel which had not leased quota from the CFA).

VII. Reporting, Accountability and Transparency

- The Council would set goals and objectives for the CFA (as per Amendment 91 requirements for the Incentive Plan Agreements) and allow the CFA board to adopt CFA policies and operational guidelines to meet those goals and objectives.
- To be eligible to participate in the program, the CFA must "develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register."⁸
- The Council would receive an annual report from the CFA and evaluate its progress toward meeting the Council's policy goals.
- The annual report must also be distributed to all communities in the relevant management area.
- The Council would also review the CFA as part of the review process of the catch share program overall.

⁸ 16 USC § 1853a(c)(3)(A)(i)(IV).

- The Council could initiate action at any time to modify the catch share program, including modifying or eliminating the CFA if it is not meeting the Council's goals and objectives.

VIII. Goals and Objectives of the Community Fishing Association

- A. Council-established Goals and Objectives for the CFA (in regulation and/or the FMP):
1. Provide for the sustained (current and historical) participation of fishing communities (MSA National Standard 8).
 2. Minimize adverse economic impacts on fishing communities (MSA National Standard 8).
 3. Assist entry-level and small vessel owner-operators, captains and crew and fishing communities (MSA §303A(c)(5)(C)).
- B. The CFA responds to several of the Council's established Goals and Objectives for the program (numbers refer to Council Goals and Objectives):
4. Authorize fair and equitable access privileges that take into consideration the value of assets and investments in the fishery and dependency on the fishery for harvesters, processors, and communities.
 6. Promote community stability and minimize adverse economic impacts by limiting consolidation, providing employment and entry opportunities, and increasing the economic viability of the groundfish harvesters, processors, and support industries.
 13. Minimize adverse impacts on sectors and areas not included in the program.
 14. Promote active participation by owners of harvest vessels and fishing privileges.
- C. Possible CFA goals and objectives adopted by the CFA within Council objectives:
1. Maintain the historical number of active trawl vessels home-ported in CFA communities.
 2. Maintain the historical number of active trawl skippers that are resident in CFA communities.
 3. Maintain the historical number of GOA trawl vessel crewpersons that are resident in CFA communities.
 4. Maintain the amount of quota owned and/or operated by CFA community residents.
 5. Maintain crew compensation at levels established prior to the rationalization program.
 6. Enable fishermen to transition into the GOA trawl fishery under the new management program.
 7. Facilitate gear conversion within provisions of main program.
 8. Incentivize additional bycatch savings beyond standard requirements by rewarding those willing to adopt additional measures to reduce bycatch with access to additional CFA quota.

Rationale for a Community Fishing Association

I. Why a Community Fishing Association?

A catch share program in the Gulf of Alaska trawl fishery has the ability to provide management benefits by ending the “race for fish” and providing the trawl fleet with a tool to reduce bycatch. In addition, this program will provide the added benefit of 100% observer coverage. However, nearly twenty years of direct experience with catch share programs in Alaska, as well as experience around the world, demonstrates clearly how catch share programs can adversely impact fishing dependent coastal communities. Coastal communities suffer when catch share programs result in absentee ownership of quota, fewer locally based vessels, high leasing fees, short term and long term vessel consolidation and consolidation of quota ownership, lower crew pay and job loss. The lessening of the relationships between fishing communities and those owning and fishing the resource as well as the out-migration of fisheries-based wealth and fishery access opportunities from the communities in proximity to the fishery resources is the most enduring impact on communities.

A Community Fishing Association provides an opportunity to expand coastal community protections by allocating a portion of the quota directly to a community entity. According to a recently published NOAA Guidance, “These entities [Fishing Communities and RFAs] represent one way to anchor limited access privileges in place-based and interest-based communities to help maintain their long-term access to federal fisheries.”⁹ Anchoring a portion of quota in the community ensures that the community—and community residents—retain access to some portion of the fishery over the long-term. The community can use this quota to maintain a local fleet, provide opportunities for transition and entry into the fishery (for example, by serving as a stepping stone for residents to transition into quota ownership), and ensure access to the resource for future generations. A Community Fishing Association also provides a mechanism for maintaining equitable crew compensation and maintaining local crew hire. Because the community owns the quota in a Community Fishing Association, they have the ability to set rules on how that quota is used, much as an individual quota owner does.

Impacts from catch share programs are difficult to predict. A Community Fishing Association, managing quota, will have the ability to adaptively respond to unexpected programmatic community impacts. Nothing in the current motion provides this flexibility to address unexpected or unanticipated community impacts. This ability to adapt and address impacts as they arise is critical - experience in the North Pacific shows that once quota is allocated it is very difficult if not impossible for the Council to address these impacts (see, for example, ROFRs in the crab program).

⁹ Stoll & Holliday, U.S. Dept. of Commerce, NOAA, *supra* note 1, at iv.

II. What added benefits does a Community Fishing Association provide beyond the current program options?

The Council's October 2013 motion includes several community protection provisions, such as limited duration of quota shares, community sign-ons on co-op contracts and regionalization. These provisions are significant and potentially address a number of community concerns. A Community Fishing Association, however, addresses issues and community impacts beyond those provided by the current community protection provisions. Specifically, none of the community protections contained in the current motion provide a mechanism for ensuring that some portion of quota remains anchored in the community, and that the economic wealth of quota ownership (not just the landings) does not all migrate away from local fishing communities. The provisions in the motion do not maintain or strengthen ties of skippers, crew, vessel owners or vessels to the fishery dependent community. In addition, the motion does not contain a mechanism for entry/transition into the fishery. A Community Fishing Association provides a mechanism for entry into the fishery addressing the substantial barriers to entry posed by the added cost of acquiring quota. By providing quota to new quota owners, a Community Fishing Association can facilitate transition into the fishery in a manner which allows for access to the fishery and ensures that a path is available for new participants who do not have the capital to purchase quota. Finally, a Community Fishing Association is the only construct that may help to mitigate crew compensation changes. Crew face impacts as a catch share program shifts ownership, increases leasing and changes fishing practices. The Council has struggled with how to maintain equitable crew compensation within a catch share program. A Community Fishing Association may provide unique crew equity constructs within a flexible co-op framework.

In summary, the Community Fishing Association is another "tool in the toolbox" as the Council develops a new management program. At this stage, it is important to have a full range of alternatives and options analyzed. A complete set of community protections is critical to the success of a new management program. A Community Fishing Association, as described in this document, provides unique and additional benefits beyond those contained in the current program framework and should be included as an option within the program design.

III. Why is an initial allocation required?

Our experience in Alaska provides ample examples of why an initial allocation of quota is needed to create a successful community protection entity. The Community Quota Entity (CQE) program in the Halibut and Sablefish IFQ fishery was created to provide community access to the resource and to reverse the impacts of quota and access migrating away from rural fishing communities. However, the CQE program was not provided with an allocation of quota, rather, communities are required to buy quota. As a result, while many communities have formed CQEs, only two have actually acquired quota and the amount purchased is de minimus. While the structure of the trawl bycatch management program is significantly different from the Halibut/Sablefish IFQ program, the dynamics of leasing, consolidation, and inactive participation and how these impact a

community are the same. In contrast to the CQE program, a Community Fishing Association which is allocated quota at the outset can immediately, in the first year of the program, plan mitigation strategies as well as plan for more long term protections for crew and for transitional fishing opportunities.

Providing an initial allocation to a Community Fishing Association is critical to the success of the Association, and to ensuring that community protection goals are met. Direct allocations to fishing communities are well established as a matter of law and policy. The Magnuson-Stevens Act requires that “in developing a limited access privilege program to harvest fish a Council or the Secretary shall...include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew and fishing communities *through set-asides of harvesting allocations, including providing privileges, which may include set-asides of allocations of harvesting privileges or economic assistance in the purchase of limited access privileges (emphasis added).*”¹⁰ In addition, a recent NOAA Guidance clearly indicates that an allocation to a fishing community is an option for Councils to use to address the types of concerns raised in this situation: “Fishing community allocations (e.g., FC, RFA, Community Fishing Association, etc.) represent an alternative to individual allocations...in instances where small-scale and rural fishing communities exist and/or quota consolidation is a real or perceived concern, they represent a reasonable option for Councils to analyze.”¹¹

Providing an allocation of harvesting allocations to a fishing community to meet the needs of the community, including maintaining community ties with skippers, crew, owners and vessels has been anticipated by those crafting the governance documents for our federal fisheries and is well within the Council’s authority. The ability to allocate directly to fishing communities was provided as a matter of public policy specifically to address these types of challenges, and we urge the Council to take full advantage of the tools provided within the MSA in this regard.

Recommendations for Community Protections in the Current Motion

I. Duration of shares (Element (1)(b))

Limiting the duration of quota shares, or some portion of quota shares, is an important program element. The provision’s impact is primarily on the economic value of the quota which an individual holds/takes to the co-op. This provision could reduce quota value but the cost of entry is likely to remain high. Consequently, limited duration of shares alone is unlikely to provide opportunity for entry into the fishery. More importantly, limited duration of shares will not impact migration of quota and/or skippers, crew and owners away from the community. In addition, the April 2013 discussion paper highlights some significant administrative barriers to implementing a limited duration construct. A Community Fishing Association may be able to achieve the benefits of

¹⁰ 16 USC §1853a(c)(5)(C).

¹¹ Stoll & Holliday, U.S. Dept. of Commerce, NOAA, *supra* note 1, at 29.

a limited duration quota with less administrative burden. Therefore, we support continued development of a limited duration concept, and careful examination of how this concept and a CFA may work in tandem or separately.

II. Community sign-off on co-op agreements

One of the most significant community protection measures included in the current program design framework is the option for requiring community sign-off on contracts. This could also be a powerful mechanism for a community to weigh in on issues of community concern but it is unlikely to address the broader community concerns outlined herein. For this provision to be effective, the community would have to have full signatory (veto) power over the contract. In addition, a community structure would need to be developed to ensure that the “community’s” opinion is not simply the opinion of one single designated community representative. For this to work, co-ops would have to agree to waive confidentiality rights and essentially open up their contracts for public review. It would not be sufficient for the co-ops to waive confidentiality rights only for a single designated community representative. A broader community group would have to be provided with access to co-op contracts to ensure adequate community participation. We support continued development and refinement of this option, with particular attention to the issues raised above.

III. Consolidation limits

Consolidation limits are critical and should be included in the program design. Limits must be placed on both individual quota ownership and vessel quota use. Vessel use limits should not be erased when vessels join co-ops (unlike crab rationalization). Further, the extent of vertical integration of the fishery should be analyzed and better understood.

IV. Regionalized delivery requirements

Regionalization is another consideration in the current program framework. However, regionalization only addresses landings. Landings are important to community sustainability, but there is much more to a healthy fishing community. In addition, regionalization applied too strictly necessarily limits other fishery dependent communities from participation and may inhibit innovation, new product forms, changes in transportation and increase inefficiencies. Also, regionalization does not address maintaining or strengthening ties between community and skippers, crew, owners and vessels, transitional fishing opportunities and equitable crew compensation—all of which can be addressed through the CFA. Nonetheless, landings clearly represent a critical source of community stability, and the Council should continue to consider regionalized delivery requirements.

Introduced by: Borough Assembly
Requested by: Kodiak Fisheries Workgroup
Drafted by: Borough Clerk
Introduced on: 09/20/2012
Adopted on: 09/20/2012

**KODIAK ISLAND BOROUGH
RESOLUTION NO. FY2013-10**

**A JOINT RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY AND THE
CITY OF KODIAK COUNCIL SUPPORTING COMMENTS TO THE NORTH PACIFIC
FISHERY MANAGEMENT COUNCIL ON PENDING ACTIONS REGARDING
COMPREHENSIVE MANAGEMENT OF PROHIBITED SPECIES CATCH (PSC) BY THE
TRAWL FISHERY IN THE CENTRAL GULF OF ALASKA**

WHEREAS, the North Pacific Fishery Management Council is considering the need for and beginning development of a comprehensive program to manage prohibited species catch by the trawl fleet of the central Gulf of Alaska; and

WHEREAS, any such comprehensive management program for fisheries in the central Gulf of Alaska will have major and direct effects on the economy and well-being of residents of the Kodiak region; and

WHEREAS, National Standards of the Magnuson-Stevens Fishery Conservation and Management Act require that federal fishery management decisions take into account the importance of fishery resources to fishing communities, in order to provide for the sustained participation of such communities and minimize adverse economic impacts on such communities; and

WHEREAS, the Kodiak Island Borough and the City of Kodiak represent the communities of the Kodiak region, rather than individual user groups or fishing interests; and

WHEREAS, the Kodiak Island Borough and the City of Kodiak have begun a program to participate directly in public processes for fishery policy decision-making as outlined in Resolution No. FY2013-09 of the Kodiak Island Borough

NOW, THEREFORE BE IT JOINTLY RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY AND THE CITY OF KODIAK COUNCIL that these bodies support the Kodiak Fisheries Workgroup's proposed overarching purpose for consideration of fishery management issues of interest and concern to the Kodiak region as follows:

Overarching Purpose:

1. Maintain healthy, sustainable resources in the central (and western) Gulf of Alaska.
2. Promote a sustainable, vigorous economy in the Kodiak region with healthy and competitive harvesting and processing sectors and support industries.
3. Maintain quality of life and social well-being in Kodiak.

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NOW, THEREFORE BE IT FURTHER JOINTLY RESOLVED BY THE KODIAK ISLAND BOROUGH ASSEMBLY AND THE CITY OF KODIAK COUNCIL that these bodies support the Kodiak Fisheries Workgroup's proposed goals for management programs as follows:

Goals for Management Programs:

1. Provide effective controls of prohibited species catch and other bycatch to provide for balanced and sustainable fisheries and healthy harvesting and processing sectors.
2. Maintain or increase target fishery landings and revenues to Kodiak.
3. Maintain or increase employment opportunities for vessel crews, processing workers, and support industries.
4. Provide increased opportunities for value-added processing.
5. Maintain opportunities for fishermen to enter the fishery.
6. Maintain opportunities for processors to enter the fishery.
7. Minimize adverse economic impacts of consolidation of the harvesting or processing sectors.
8. Maximize active participation by owners of harvesting vessels and fishing privileges.
9. Maintain the economic strength and vitality of Kodiak's working waterfront.
10. Establish methods to measure success and impacts of all programs, including collection and analysis of baseline and after-action data.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS TWENTIETH DAY OF SEPTEMBER, 2012**

ATTEST:



Nova M. Javier, MMC, Borough Clerk

KODIAK ISLAND BOROUGH



Jerome M. Selby, Borough Mayor



Kodiak Island Borough
710 Mill Bay Road, Rm. 101
Kodiak, AK 99615
907.486.9310



City of Kodiak
710 Mill Bay Road, Rm. 216
Kodiak, AK 99615
907.486.8636

April 1, 2014

Mr. Eric Olson
North Pacific Fishery Management Council

Re: Agenda item C-2, GOA Trawl Bycatch Management

Dear Chairman Olson:

The City of Kodiak and Kodiak Island Borough look forward to participating in this Council action and will provide the North Pacific Council with the views of our community as a whole. The Kodiak Fisheries Work Group has held many public meetings and discussions and understands the outcome of the trawl bycatch management action will have profound effects on our community as well as on harvesters and processors. From these meetings and discussions Kodiak municipal leaders consider the community to be the necessary "third leg of the stool." The welfare of all three of these sectors will continue to be our focus as the Council moves forward.

By Resolution (attached), the City and Borough have identified ten community goals to be considered in this fishery management action. First on this list is to provide effective controls of prohibited species catch and other bycatch, to provide for balanced and sustainable fisheries and healthy harvesting and processing sectors. We strongly support the Council's initiative to reduce bycatch and encourage timely Council progress in advancing a cooperative management program as a tool in this effort.

- We support continued expansion and analysis of Section 1 of the framework motion, Bycatch Management, particularly reduced PSC and Cooperative Management
- We support expanded analysis of Section 1, Part (b), which deals with duration of shares and calls for a portion of target species share allocation to be evaluated for retention based on achievement of Council bycatch targets and other Council objectives. The discussion

paper notes that any subsequent redistribution could be made to existing shareholders, or to others, including groups that organize as fishing community non-profits.

- We support Section 2, 100% observer coverage.
- We support Section 5, Allocated Species, which anticipates that the program will allocate target species pollock and Pacific cod, as well as PSC species including halibut and Chinook salmon.
- We support expanded analysis of the framework motion Section 6 regarding the potential structural elements required in the voluntary cooperatives, particularly Parts (d), (e), and (f), in order to help accomplish our community goal of maintaining or increasing employment opportunities for vessel crews, processing workers and support industries.
- We support expanded continued analysis of Part (d), which deals with the required duration of the initial cooperatives (two years).
- We support expanded analysis of Part (e), which deals with cooperative contracts between processors and harvesters and cooperative exit strategy. It also contains an option for requiring community sign-off on cooperative contracts, which enables some form of community participation in the cooperative management structure. More information on this option will give community members the opportunity to deliberate on how community participation might best be accomplished. Also in Part (e) the rules governing the ability of a harvester to exit an initial cooperative associated with his historical processor could potentially contribute to our community goal of maintaining opportunities for processors to enter the fishery.
- We support expanded analysis of Part (f), which deals with potential additional cooperative contract elements such as bycatch management, active participation requirements, mechanisms to facilitate entry and other community provisions. It was noted that the community could potentially bring elements to the cooperative contract structure.
- We support continued analysis of Section 7, Part (a) which deals with limiting consolidation through setting caps on vessel use, on allocation percentages held, and on processors, which would maintain or increase employment opportunities for vessel crews, processing workers, and support industries. Consolidation limits through ownership and use caps could also aid in maintaining opportunities for fishermen to enter the fishery.
- We support adding a provision for analysis that would also set a cap on the percentage of quota that could be held in one cooperative.
- We support continued analysis of Section 7, Part (b), which would require that target species continue to be landed in the region to which the fish has been delivered historically.

- We strongly support expanded analysis of the port delivery requirement in the Part (b) Option, which would require target species in the Central Gulf that have been historically landed in Kodiak to continue to be landed in Kodiak.
- We support expanded analysis of Section 7, (Part c), which requires individuals or entities to meet fishery participation criteria, or other criteria, to purchase an eligible license with associated history. This provision could help prevent the acquisition of available quota by entities with no fishery participation. The discussion paper notes that transfer limitations could be structured as a right of first refusal (ROFR), where local acquisition of available quota is given priority. The Council could consider making transfer limitations a means of maintaining an owner-operated fleet or of providing other ways of tying licenses and quota to a community.
- *We support continued analysis of Section 8 on Transferability, Part (b), which allows the severing of target species history from an LLP. This could allow the harvester with little or no quota the opportunity to add to his quota without purchasing an additional LLP and a large block of quota.
- We support adding an element to the action, for analysis, that provides for community entity ownership of quota. Criteria for participation in or through a community entity could include crew pay and local crew hire requirements and other community provisions. Criteria for community ownership entities could also include providing additional quota to a harvester who has below a threshold level of quota, or no initial allocation, facilitating the continued participation of harvesters in the rationalized fisheries. The analysis should compare and contrast the community entity ownership option with the other options and alternatives that address community participation contained in the framework motion. This comparative analysis should clarify which option or options would be of the most benefit to all three stakeholders: harvesters, processors and the community.
- We anticipate that slowing down the fishery for harvesters and processors through a cooperative management structure will facilitate the industry's ability to maximize the resource through improved quality and value-added processing. Additionally, it will reduce the stress placed on the community infrastructure when production is maintained at peak for prolonged periods.
- We support a management program that will help minimize adverse economic impacts of consolidation of the harvesting or processing sectors while maintaining the economic strength and vitality of Kodiak's working waterfront.
- We support the establishment of methods to measure success and impacts of management programs including collection and analysis of baseline and after action data. This will mean

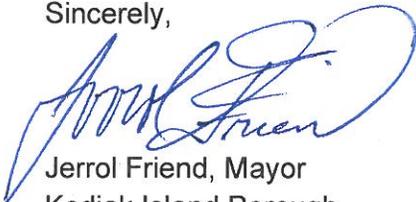
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robust data collection and reporting requirements including continued analysis of maintaining the ability for reporting on cooperatives in light of confidentiality requirements.

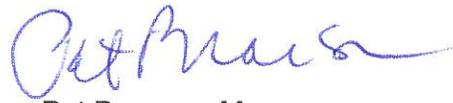
- We also support Council action requiring reviews of the management program, including the five-year review required by the Magnuson Stevens Act, and possible reviews at the one and three year marks.

Thank you for undertaking the important work of designing and implementing this trawl bycatch and cooperative management program for the Gulf of Alaska. The City of Kodiak and Kodiak Island Borough will remain actively involved in this decision process and we encourage your questions and comments as we move forward together.

Sincerely,



Jerrol Friend, Mayor
Kodiak Island Borough



Pat Branson, Mayor
City of Kodiak



April 1, 2014

Mr. Eric Olson, Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, AK 99501-2252

Dr. James Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

RE: C-2: Gulf of Alaska Trawl Bycatch Management

Dear Mr. Olson, Dr. Balsiger, and Council members:

We commend the North Pacific Fishery Management Council (NPFMC) for taking some steps to cap and reduce Pacific halibut and Chinook salmon bycatch in the Gulf of Alaska trawl fisheries. As the NPFMC considers a new management regime for these fisheries, it should further those efforts by designing a program that will reduce bycatch, protect habitat, increase the ecological sustainability of the fisheries, and provide stability to coastal communities.

A new program must support progress towards ecosystem-based fishery management and ecologically sustainable fisheries, and it should not simply divide up historical trawl bycatch amongst participants. Standards for such a program must include at a minimum:

- Ecologically sustainable quotas;
- 100% observer coverage and estimation of the catch and bycatch of all species, including benthic invertebrates;
- Clear annual catch limits, overfishing limits, and bycatch caps for all marine life;
- Requirements to reduce bycatch, including bycatch of prohibited species;
- Incentives for one-way transfer of quota to lower impact gears;
- A timeline to reach a goal of no discards of edible fish that could not otherwise be released alive and without harm;
- Protection of important ecological areas and sensitive habitats;
- Mitigation of any cumulative impacts on areas supporting remaining open-access fisheries, including fisheries in Alaska state waters;
- Collection of royalties to pay for monitoring, research, and management of the fishery;
- Transparency, including public release of fisheries data;
- Annual reports to the Council, Secretary of Commerce, and the public; and
- Adaptive management that can respond to environmental concerns as they arise.

Oceana requests you consider the above standards when designing a fisheries management program that will prioritize healthy ocean ecosystems and ecologically sustainable fisheries. We will continue to work with you to find ways to protect the health, productivity, and biodiversity of the North Pacific marine ecosystem while maintaining fishing opportunities and vibrant coastal communities.

Sincerely,

A handwritten signature in black ink that reads "Susan J. Murray". The signature is fluid and cursive, with the first name being the most prominent.

Susan Murray
Deputy Vice President, Pacific

BOARD RESOLUTION 2014-02

A RESOLUTION SUPPORTING ANALYSIS OF COMMUNITY FISHING ASSOCIATIONS FOR SOUTHWEST ALASKA FISHING COMMUNITIES IN THE GULF OF ALASKA BYCATCH MANAGEMENT PROGRAM

WHEREAS, healthy fisheries are the backbone of the economies and cultures for Southwest Alaska coastal communities, including fishermen, processors, support businesses and community residents; and

WHEREAS, the North Pacific Fishery Management Council (NPFMC), is currently considering a bycatch management program for the Gulf of Alaska groundfish trawl fisheries which includes a catch share or rationalization program; and

WHEREAS, catch share programs, if improperly designed, result in significant harm to coastal communities through fleet consolidation, unnecessary loss of crew jobs, high quota lease rates, reduced crew compensation, reduced revenues for support business and municipal infrastructure and loss of access to fisheries resources for local fishermen and processors; and

WHEREAS, Community Fishing Associations on both the East and West Coasts of the US have successfully mitigated some of the adverse impacts that catch share programs can have on coastal communities.

NOW BE IT RESOLVED that the SWAMC Board of Directors requests the NPFMC include an option for Community Fishing Associations to be analyzed for possible inclusion as a component of the Gulf of Alaska trawl bycatch management/catch share program; and

BE IT FURTHER RESOLVED that the SWAMC Board of Directors requests the NPFMC ensure that the Gulf of Alaska trawl bycatch management/catch share program includes adequate community protections to sustain fisheries access and maximize, to the extent practicable, economic benefits for Southwest Alaska communities.

PASSED AND ADOPTED by the Southwest Alaska Municipal Conference Board of Directors this 8th Day of March, 2014.

IN WITNESS THERETO:

ATTEST:

Alice Ruby, SWAMC President

Erik OBrien, SWAMC Interim Director

North Pacific Fishery Management Council (NPFMC)
April Plenary Session — For the Record by Fax to 907-271-2817
April 7-14, 2014 Hilton Hotel; Anchorage, Alaska
Public Comment by Stephen Taufen, Groundswell Fisheries Movement

Groundswell is an advocate for public rights and accountability and transparency in USA fisheries.

Re BYCATCH 14-004 — C-2: GOA Trawl Bycatch Discussion Paper, EDRs

Thurs. April 10 thru Friday April 11, 2014 from 1:00 to 6:00 pm (8 hours+)

Secretary Pritzker, Chairman Olson, and Council Members:

I am Stephen Taufen, founder of the Groundswell Fisheries Movement, public advocates since the early 1990's for what is best for the economy and social goals of the United States.

I believe that any Alternative to the Groundfish FMP, even as particular as for Trawl fleets fishing pollock and cod, must enforce and contain the following elements:

1. Lay Share Laws – 46 U.S.C. §10601, §11107 of the United States Coast Guard's bill of 1988, the Fishing Vessel Safety Act.
2. EDR data and historical review must include gathering the facts to quantify the trip settlements for trawling since 2006 and capture the true percentage of the adjusted gross, pre-leasing, of the Captains and Crew – said to be between 35% and 40%.
3. No IFQs should be allowed to rent quotas as a top-line expense that diminishes the shares the Captains and Crews, Vessel Owners/Operators get – in accordance with historical participation. I.E. no leasing should be allowed until after crewmen are settled from the traditional "net adjusted gross after fuel, bait and other direct costs."
4. No Fishing Community Entities and their proposals should be allowed to go forward without describing, first and foremost, the type of business, its bylaws and election methods, and how Communities actually hold rights as members or stockholders. The public should know all, and Transparency should be complete, unlike CDQs. No private inurement should be allowed, as well.

"Fisheries are a human phenomenon. fisheries are places where human activities are linked with marine ecosystems and renewable resources. Human fishing activity is the defining attribute of a fishery. [and] if fisheries management is to be more successful in the future it must integrate social and cultural concerns with the management of natural resources and ultimately the level of its success will rest upon how well it promotes the well-being of people living in fishing communities." — The Food and Agriculture Organization of the United Nations: Understanding the Cultures of Fishing Communities: A Key to Fisheries Management and Food Security, 2001.

Repeating important reminders:

- The issue is Bycatch Reduction – for Sustainability and Conservation needs – not allocations, gifts of the national Commonwealth. The bycatch reduction toolbox already has tools available, especially when considering new technology, and the restrictions of TAC setting, of course.

- 50 CFR § 600.345 NS#8—Communities: states ***“This standard does not constitute a basis for allocating resources to a specific fishing community nor for providing preferential treatment based on residence in a fishing community.”*** It does not get any clearer than that.
- Allocations – even to Communities – are not bycatch reduction tools, and cannot provide for meaningful reductions in the bycatch of halibut, king salmon, and other species. 50 CFR § 600.345 NS#8—Communities: provides for sustained participation ... but ***“This standard requires that an FMP take into account the importance of fishery resources to fishing communities. This consideration, however, is within the context of the conservation requirements of the Magnuson-Stevens Act.”***
- Community allocations are a poor substitute for direct allocations to those who fish – the **captains and crew (historically 35-40%)** & local boat owners (historically 60-65% of adjusted gross revenues): i.e. those who spend in the community.
- Tying a catch share to a community would be better achieved by setting an amount of quota that can only be awarded to historical participants: actual fishermen who supply fish.
- Awarding or tying to Processing companies who are Buyers of the fish has an Anticompetitive effect, shores up their market powers and lowers prices ex-vessel. Awarding IPQs to foreign-owned and –controlled corporations ensures Alaska is a resource exploitation colony, a branch economy of foreign nation(s), whose interests are not in leaving wealth nor producing secondary products in the USA, nor marketing products outside their guarded industrial realm.
- Referring to a 20 year history in Alaska with IFQs simply demonstrates the deliberate march, species by species, to privatize a national resource without paying for it. It does not demonstrate a means of bycatch reduction, nor a tool.
- No Fishing Community Entity approach can be successful until the CDQ program is properly, fully assessed and its lessons learned. The FCE subset called “the CFA proposal” currently in play outlines Boards that will inevitably prove to fail Kodiak. That entire proposal is a cart before a horse with no nose, and reflects improper public process.

Conclusion:

Groundswell supports full Transparency and opposes a public larceny of the crews historical shares. We oppose the CFA proposal as presented. We also oppose any private ownership of GOA fisheries.

Respectfully,

Stephen R. Taufen, Groundswell Fisheries Movement

Re: Agenda Item C-2 Gulf of Alaska Trawl Bycatch Management

Chairman Olson,
Esteemed Members of the North Pacific Fisheries Management Council,

My apologies for not engaging in person. I have the good fortune to be standing on the deck of a fishing boat right now.

Your determination to build a well designed and effective bycatch management program as quickly as possible is much appreciated and I certainly understand your desire to move forward. It is therefore crucial that you include the option for initial allocation to a Fishing Community entity in your analysis now.

I won't toss colorful metaphors at you to illustrate the risks for economic and cultural harms inherent in Catch Share programs. You know about them as well as anyone on the planet. I will ask that you examine the potential for this new tool to help communities address these harms for themselves as genuine stakeholders.

The greatest strength of the Co-Ops is the flexibility afforded them to work together to achieve Council goals. A degree of real ownership by the Community will allow its members the flexibility they need to be assets to the program as well.

It could be argued that the Co-Ops amount to a round table at which everyone is compelled to sit. The steaming hot quota at the center of the table is ladled out only after consensus is reached to modify behavior in a way that benefits all.¹ The "CFA" would amount to a second table. At this one the participants agree to behaviors that benefit the entire community.

The NPFMC has proven adept at setting policies and designing programs that serve the resource well. What has proven predictably difficult is the "weeds": those parts of the program specific to time, place and predicament. I suggest we let the farmer figure out the weeds, not the John Deere Company.²

I sincerely thank the Council for the CFA Workshop in February, and for participating at the end of a long meeting. Among the things made clear during the Workshop was the potential for a Fishing Community held portion to anchor the resource to the community and leverage behaviors that provide for a robust economic environment and healthy infrastructure.

It has been observed that the experience of the communities we heard from at the Workshop are much different than ours. That is true. In their case the patient was on life support when they began their efforts. Our patient is healthy now. Let's do all we can to keep it that way, and at least examine the potential for communities to exercise a little self determination.³

Catch Share programs to date have left in their wake a slice of Stakeholders who feel mightily disenfranchised. Part of their frustration has been as a result of a perceived inability to engage the process in a meaningful way. The CFA table provides a seat for every stakeholder. It lets the disenfranchised roll up their sleeves and help rather than shake their fists.

NOAA Technical Memorandum NMFS-F/SPO-138 provides clear direction for development of a Fishing Community entity for the first time. The NPFMC has a rare opportunity to build a world model for a program that works better for the human beings.

Thank You for Your Time and Efforts,
Terry Haines, Kodiak

¹ That's one metaphor.

² And that's two.

³ And three. I am hopeless in this regard

From: Tom Evich [<mailto:tomevich@comcast.net>]
Sent: Wednesday, March 19, 2014 3:11 PM
To: Karen Evich
Subject: npfmc.comments@noaa.gov

Dear Chairman Olsen,

I own and operate a small trawler based in Sand Point, Alaska. I would like to address agenda item C-2, more specifically, community quota shares.

I am adamantly opposed to any sort of community quota. From what I have read, the resource would be controlled /managed by a committee. This catch share plan on which the council is working is because of by-catch. This is all about by-catch. Some one will need to explain to me how a committee, made up of politicians who want to be reelected or appointed by politicians who do not have a FUNDAMENTAL understanding of the fishery or what we do, is better equipped to control by-catch than we are.

I have made the argument that if you want to see success in controlling by-catch you need not look any further than the Bering Sea. It works best when each individual is responsible for his own by-catch. If you want an idea of what a fishery would look like if controlled by a central committee, you need to study Russia starting about 1917. I don't believe it went so well for them.

In other quota based fisheries, a person is able to buy or lease quota. I imagine that we will have to "buy" committee members. I can only imagine the corruption. Again, consider the Soviet Union.

On top of all this, I would guess that the Aleutians East Borough would be involved and they have an obvious anti trawl bias. How will this ultimately help the community? In the State's plan there are community protections. Will they tax the resource more than they already do? I see nothing positive in this scheme. If I were forced to choose, I would chose that you award the entire resource to the processors, rather than a community. At least the processors understand that these boats need to make money. Since the sea lion injunction in 2000 I have been advocating a quota based system. Given a choice between community shares and status quo, I would rather have status quo. I strongly support the State's motion.

Tom Evich
F/V Karen Evich
Sent from my iPhone=

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

Re: Agenda item C-2 Gulf of Alaska Trawl Bycatch Management

Dear Chairman Olson and members of the Council,

I have lived and fished out of Kodiak for over 28 years. Many of us here today worked our way up and found ways to diversify our fishing activity in an ever changing fishing climate. As I look back and try to look forward, one of the greatest challenges I see is the opportunity for the next generation of fishermen to get into fishing. Access is what makes our Kodiak community tick. Major regulatory shifts in management need to build in mechanisms and flexibility to allow guys to get in, whether that is as crew, the captain or owner of the vessel. This Gulf of Alaska trawl catch share program will have fundamental impacts on the future of Kodiaks fishing community. We need to commit to developing a program which has the ability to adapt to the unforeseen consequences of allocation based programs.

I support a new management program focused on reducing bycatch in the Gulf. It is obvious that we can do better and I think we should. From the beginning of the discussion we have heard this program will be different from what we have seen in the past, that this will be a program designed to address bycatch and recognize the unique characteristics of Gulf communities. The current motion doesn't look a lot different from what we have seen in the past. While the motion has some good ideas to mitigate community impacts, it does not go far enough.

The program discussion needs to consider a mechanism which anchors quota into the community to keep diverse economic opportunity. We need a transparent, straight forward access opportunity and a Community Fishing Association can facilitate this need.

The only constant about fishing is change and we would be naïve to think that actions we take today are necessarily going to work for tomorrow.

Please include an option to analyze a Community Fishing Association which would receive a direct allocation in the next analysis. It's time to see something different.

Sincerely,

Alexus Kwachka

POLAR SEAFOODS

Seward, Alaska

Polar Seafoods would like to comment on the proposed trawl by catch plan, particularly sections 2 and 6 (coops and regionalization).

In January 2014, 18 trawl vessels left in mass from Kodiak to fish area 649(Prince William Sound). This was made possible because the Dragger Association had voted to do a catch share in area 630 and was very close to having one for area 620. Thereby freeing the boats up to do whatever they wanted since they were guaranteed their share of the fish in these two areas under the catch share plan. A lot like they will under the proposed coop and regionalization plans. In 2 days time the vessels had managed to exceed the by catch cap of the Prince William Sound Pollock fishery by over 50%, thereby shutting down the fishery for the year with 3.3 million pounds, almost 40% of the 2014 quota still in the water along with an additional 600,000 pounds of State of Alaska test fish that couldn't be taken.

If the coop and regionalization go through, what happened this January in area 649 will become the norm, since the coops will have guaranteed quota share for 620 and 630 there will be no need for them to go after those fish right away, leaving plenty of time to repeat January 2014.

Polar Seafoods asks the Council to please keep in mind the other ports and processors that are located in the Central Gulf when making these important decisions.

Polar Seafoods has not done much 630 pollock since the sea lion protection act of 2000 closed the very productive waters in our back yard. We are, however, located in a prime spot, as are the other processors located in Seward, for when the sea lion zones are modified or removed.

Polar Seafoods hires 65 people to work the Pollock fishery which gives a substantial boost to the local economy at a very critical time of year for many businesses.

We would like to thank the Council for their time and leave you with some Polar Seafoods Pollock statistics.

Of all pollock processed from area 640 (west yak) Polar Seafoods has done 26% in 2012, 18.5% in 2013, and 100% year to date in 2014.

Of all pollock processed from area 649 (pws) Polar Seafoods has done 43.7% in 2011, 35.3% in 2012, 26.5% in 2013, and 22.6% in 2014.

Bill Fejes, manager Polar Seafoods