

North Pacific Fishery Management Council

216th Plenary Session – December 9-16, 2013

Anchorage Hilton Hotel

Public Comment (12/3/13) by Stephen Taufen, Kodiak AK

ID 13-022 Staff Tasking – Future Agenda re GOA Privatization Topics

**Ref: October 5, 2013 — C-5(a) GOA Trawl Bycatch Management
& the October 2013 C-5(a): GOA DISCUSSION PAPER.**

Mr. Secretary, Governor, Mr. Chair and Council members:

I am Stephen Taufen of the Groundswell Fisheries Movement, a public advocacy in North Pacific fisheries.

When considering any and all proposals and the upcoming (revised) discussion report by Darrell Brannan and Sam Cunningham; updating— to reflect the new framework, and to move:

- Beyond TIER 1 issues — what species, how is quota allocated, to whom, duration of allocations, and transferability?
- Into the TIER 2 concerns — who may purchase QS/IFQ/IBQ; excessive share limits, limits on use; sideboards to protect other sectors; fit with MSA §303A [provisions and requirements associated with the use of LAPPs]; and State water issues?

Groundswell believes that all Alternatives and Elements, of all proposals, should pay specific attention to:

- 1. The Commercial Fishing Vessel Safety Act of 1988 & 46 U.S.C. §10601 Lay Share & Federal contract law.**
 - (a) That captains and crews historical roles as independent contractors be preserved, and that the USCG do proper boarding inspections to ensure contracts for all covered voyages are on board, provided to crew, and meet federal requirements.**
 - (b) That it be specified any Leases may only come off the books AFTER the fish settlement portions of trips are computed, after “net adjusted revenues” and allocative fuel and related direct costs.**
 - (i) I.E. crew should not be paying for any costs of quota funding, buyback fees, nor private contractual arrangements between vessel owners and vessel operators.**

(ii) Crews are third-parties, not privileged to contract such Leases, and do not receive legally required copies of contracts (cooperatives etc.) to which their incomes are bound.

1. Absent meeting many of the material facts and other requirements for a valid set of crew contracts (in many cases), if the ITQ holders want to have “private contractual agreements” — and not include crew in the negotiation of those leases, nor of ex-vessel ticket prices: by granting them a role in binding arbitrations — then those Sealord excessive rents (50% to 75%) should come off after captains and crews have already received their rightful lay shares.

(c) Accordingly, for GOA groundfish, **that the historical ratio of revenues (ex-vessel) of 35% to 45% be preserved for captains and crews** (see earlier Alaska Groundfish Data Bank testimony) and be maintained into the long future.

2. Sherman and Clayton Act requirements on avoiding antitrust, especially on the level of Restraints of Trade be examined.
3. That the Congressional top ranking World Trade Organization treaty obligations be examined and adhered to, so that no Processor Quotas are awarded.
 - a. It is important to note that Crab Rationalization’s IPQs certainly could be ruled internationally in violation of the WTO treaty rights of other nations to act in Alaska as buyers (competitors) from USA fishermen.
4. That State of Alaska CORE reports on ex-vessel values be considered and noted appropriately in regulations, as the greatest and most direct economic regional drivers of healthy coastal communities derives from preserving price bargaining, avoiding price-making plenary power of a government sponsored set of monopolies (a tight oligarchy of processors, mostly foreign owned and controlled).
 - a. The best way to serve Alaskan communities, rather than have them try to get off track in rationalization regime designs, is to simply preserve and enhance the base levels from which local taxes are derived – maximizing both federal and state value from the MSY of USA fisheries under the Council’s rein.
5. That, first — other applicable federal laws, then second — MSA statutes, along with National Standards be prioritized and ranked in importance, for consideration and comparisons among potential Alternatives and reaching a preferred alternative.

- i. **I.E. National Standards must be correctly specified by all proposers, not manipulated.** E.G. one proposer writes in public news media that there be “fair and equitable opportunities” while you know the actual wording is “fair and equitable distributions.” Big differences!, especially considering what “fair and equitable” mean for crew (captains and deckhands who actually fish at sea).

We hope these comments assist, for now, in guiding your upcoming efforts. We may submit a proposal with Alternatives and Elements at a later session.

Thank you.

Stephen Taufen, founder

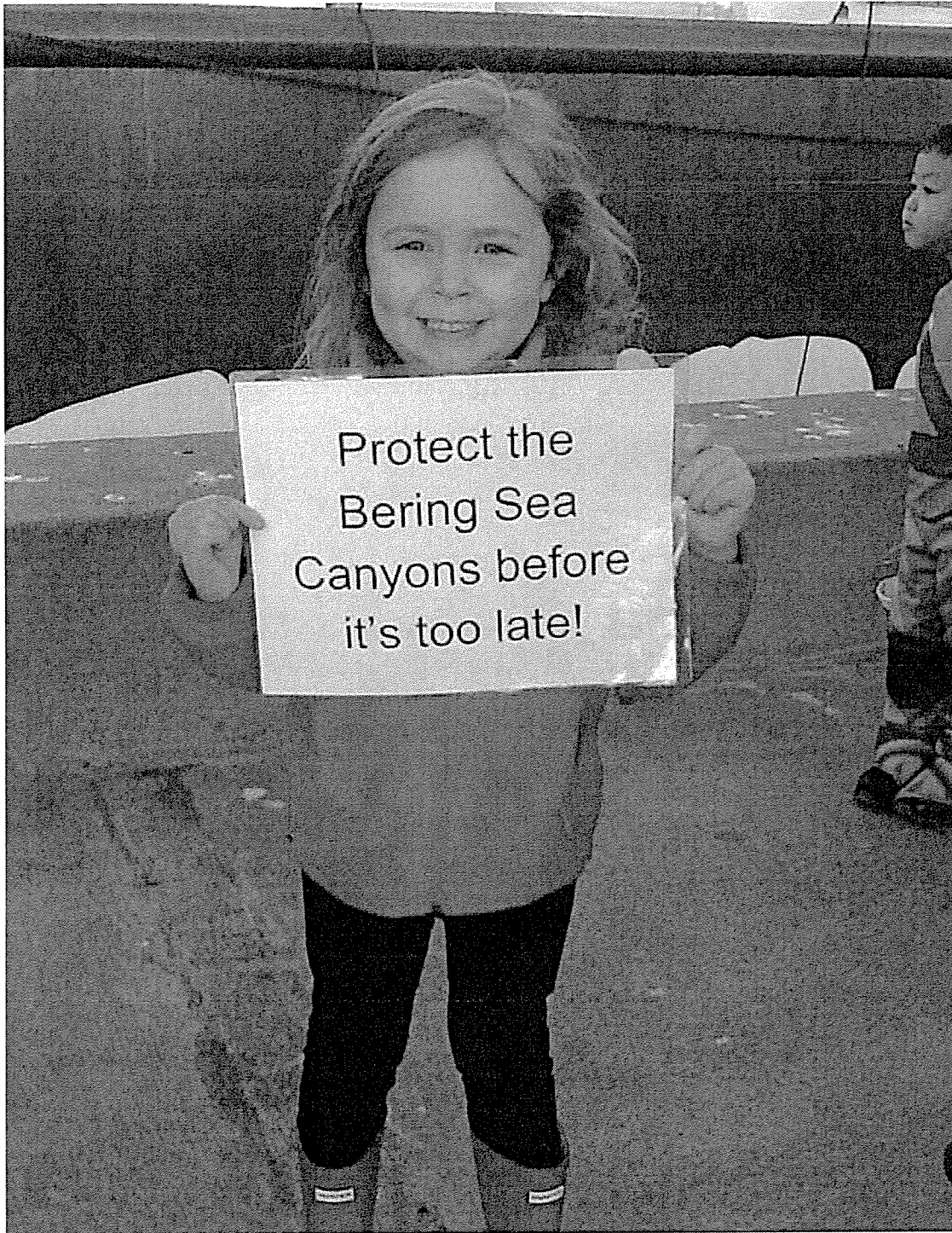
Groundswell Fisheries Movement (website: <http://groundswellalaska.com>)

c/o F/V Stormbird; P.O. Box 714; Kodiak, AK 99615.

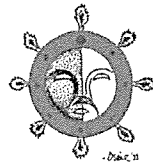
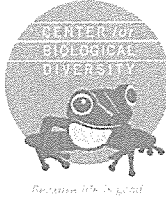
SUBMITTED DECEMBER 3, 2013

December 3, 2013
Mr. Eric Olson
Council Members
North Pacific Fishery Management Council

RE: E1 – Staff Tasking



One example of over 700 people from Seattle, Washington voicing their request to the NPFMC.



December 3, 2013

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

RE: E1 - Staff Tasking

Dear Chairman Olson and Council Members,

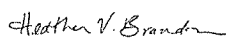
During the past decade, the Council has received white papers, peer-reviewed scientific papers, and thousands of public comments regarding the uniqueness and importance of the Bering Sea shelf break, and in particular Zhemchug and Pribilof canyons. Although much more can be learned about the canyons, enough is known today for you to take action to protect these ecosystems and the organisms contained in them. Ecosystem-based management allows for important fish habitat areas, such as the Bering Sea canyons to be protected as important components of the marine ecosystem, even without determination of essential habitat for a fishery. Recent scientific studies and modeling, including submarine enabled on-site observation, clearly indicate that a large portion of the Bering Sea's vital coral and sponge habitat occurs within these canyons. In 2006, the Council cited "insufficient information" as the reason to delay protections for these canyons. However, based on the additional scientific information collected over the last six years, the Council acknowledged at the June 2013 meeting that there is now enough scientific information available to move ahead with a plan to protect the canyons. We urge you to do that, today.

The Green Belt habitat, which includes the canyons, is the only major habitat type in the Bering Sea for which no protections have been enacted. As climate change and ocean acidification continue to rapidly alter the fisheries, habitats, and ecosystem dynamics of the Bering Sea, one of the few ways fisheries managers can buffer the marine ecosystem from the impact of global warming is by maintaining the resilience of ecosystems through limiting disturbance to high-value areas.¹ Deep-sea coral and sponge communities are keystone species and hotbeds of biodiversity, and many commercial fish and invertebrate species depend on these ecosystems for survival. A failure to swiftly protect this known habitat – one that took millennia to develop but is vulnerable to complete destruction in a single sweep of bottom tending fishing gear – is not justifiable in light of the Council's mandate to protect and enhance essential fish habitat and to consider what is in the best interest of the ecosystem.

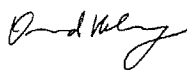
As stakeholders who value the continuing health, resilience and productivity of the Bering Sea ecosystem, we urge the Council to safeguard the future, and not just this year's profits. Please demonstrate your commitment to long-term stewardship by starting the formal process to identify a range of alternatives to protect Zhemchug and Pribilof canyons.

Sincerely,

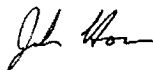
Heather Brandon
Senior Fisheries Officer
World Wildlife Fund



David Helvarg
President
Blue Frontier Campaign



John Hocevar
Oceans Campaign Director
Greenpeace



Teri Shore
Program Director
Turtle Island
Restoration Network



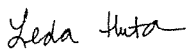
Lance Morgan Ph.D.
President
Marine Conservation Institute



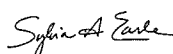
Cindy Shogan
Executive Director
Alaska Wilderness league



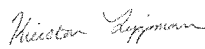
Leda Huta,
Executive Director
Endangered Species
Coalition



Dr Sylvia Earle
Founder Sylvia Earle
Alliance,
Mission Blue



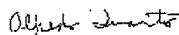
Kiersten Lippmann
Conservation Biologist
Center for Biological Diversity



Marcie Keever
Oceans & Vessels Program Director
Friends of the Earth



Alfredo Quarto
Executive Director
Mangrove Action Project



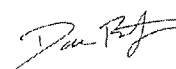
Tina Brown
President
Alaska Wildlife Alliance



Kevin Harun
Arctic Director
Pacific Environment



Dan Ritzman
Alaska Program Director
Sierra Club



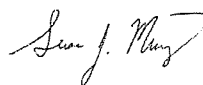
Laura Cassiani
Chief Operating Officer
Mission Blue



Delice Calcote
Executive Director
Alaska Inter-Tribal Council



Susan Murray
Deputy Vice President, Pacific
Oceana



¹ Micheli F, Saenz-Arroyo A, Greenley A, Vazquez L, Espinoza Montes JA, et al. (2012) Evidence That Marine Reserves Enhance Resilience to Climatic Impacts. PLoS ONE 7(7): e40832. doi:10.1371/journal.pone.0040832

Subject: Protect the Bering Sea Canyons
From: Kristian Boose <krisboose@gmail.com>
Date: 10/30/2013 4:05 PM
To: npfmc.comments@noaa.gov

Oct 30, 2013

Mr. Eric Olson
605 West 4th Avenue #306
Anchorage, AK 99501-2252

Dear Chairman Olsen and Council members Mr. Olson,

I have only recently learned of this amazing place and what goes on there. With this letter I am joining with hundreds of thousands of individuals who have, over the course of more than a decade, implored you to protect the essential fish habitat in the Bering Sea Canyons.

Last June the Council received a report on the Bering Sea Canyons from NOAA scientists validating the presence of vulnerable coral and sponge fish habitat in Zhemchug and Pribilof Canyons. The report identifies the shelf break and associated canyons the Green Belt as containing a large portion of the coral habitat that exists in the Eastern Bering Sea.

I understand that the Council declared the Bering Sea canyons a high priority research item in 2006, and I appreciate the effort now under way by NOAA scientists to increase the research record on coral areas in the canyons with field work scheduled for the summer of 2014. There will always be more to learn, and policy decisions will, as they always have, benefit from the best available science at the time. Enough is known now, though, to act to protect these crucial habitat areas.

Until the process to identify and implement management measures for the canyons is completed important coral areas that have been identified remain vulnerable, putting at risk long-lived species that provide essential habitat for commercially important fish and other species in this complex ecosystem. I encourage the Council to make needed progress at this Council meeting by initiating the process to develop alternatives, considering by stakeholder input, to protect this habitat while maintaining fishing opportunities that ultimately support productive fisheries.

Sincerely,

Kristian Boose
1802 N 54th St
Seattle, WA 98103-6122

Subject: Protect the Bering Sea Canyons
From: Dan Schreiber <dschreib@greenpeace.org>
Date: 10/25/2013 4:23 PM
To: npfmc.comments@noaa.gov

Oct 25, 2013

Mr. Eric Olson
605 West 4th Avenue #306
Anchorage, AK 99501-2252

Dear Chairman Olsen and Council members Mr. Olson,

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Sincerely,

Dan Schreiber
1665 Harvard St NW
San Francisco, CA 94110

Subject: Protect the Bering Sea Canyons
From: Yuri Barsukov <ybzpilot@hotmail.com>
Date: 10/28/2013 12:30 PM
To: npfmc.comments@noaa.gov

Oct 28, 2013

Mr. Eric Olson
605 West 4th Avenue #306
Anchorage, AK 99501-2252

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Sincerely,

Yuri Barsukov
14 Anderson St
Fort Rucker, AL 36362-2002