



LATE COMMENT Fax

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Fax to: North Pacific Fishery Management Council
From: Jerry McCune, Cordova District Fishermen United
Date: March 20, 2011
Subject: Comments on preliminary review of salmon FMP
Fax #: (907) 271-2817
Pages: 2 (including this page)

The following comments are for Council consideration during the discussions on Salmon FMP, particularly as this topic relates to management of the Copper River area.

Jerry McCune, has been the President of Cordova District Fishermen United for 23 years, and is an Area E drift gillnet commercial fisherman that resides part of the year in Cordova, and

MEMORANDUM FOR THE COMMISSIONER

Reference is made to the report of the Special Agent in Charge, dated [illegible], and the report of the [illegible], dated [illegible].

The [illegible] of the [illegible] is [illegible].

It is recommended that [illegible].

Very truly yours,
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



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

Re: Agenda item - Preliminary Review of Salmon FMP

Dear Eric Olson, Chair and Council Members,

In lieu of attending the next Council meeting held in Nome, Cordova District Fishermen United (CDFU) would like to provide the following comments on the preliminary review draft of the Salmon Fishery Management Plan (FMP). This review is very important to the gillnet fleet in Cordova that commercially harvest salmon species in the exclusive economic zone (EEZ) of the Copper River.

CDFU supports the review process, including an update of the salmon FMP, but has concerns about new MSA requirements to impose annual catch limits (ACL's) and accountability majors (AM's) that are not practical for salmon fisheries.

After reviewing the meeting documents we would like the Copper River to remain in the FMP, managed by the State in a manner that would fulfill MSA and National Standard 1 requirements for Alaska salmon fisheries. We are aware of the need to prevent the unregulated harvest of salmon in the EEZ by vessels that the state does not have the authority to regulate.

I hope that the Council can resolve this problem in a timely matter, as this is very important to the 540 commercial fishermen that gillnet in the Copper River EEZ during each season.

Sincerely,

Jerry McCune
President, Cordova District Fishermen United



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March 30, 2011

Chairman Jim Balsiger, PhD
International Pacific Halibut Commission
2320 W. Commodore Way Suite 300
Seattle, WA 98199-1287

LATE COMMENT

Dear Dr Balsiger and Fellow Commissioners,

We understand the International Pacific Halibut Commission (IPHC) has been asked by the Alaska Department of Fish and Game to review the scientific basis for the 37 inch size limit assigned to Area 2C charter halibut. While we respect the ADFG's role in monitoring the halibut charter fishery, we do not support additional reconsideration of 2011 halibut management decisions. The Halibut Coalition supports the scientific process that informed the IPHC's conservation management action and the deliberative, public process that the IPHC followed. Our position is explained in more detail below.

Conservation issues in Area 2C

As the Commission is aware, the halibut resource is in decline and the commercial catch limits have been substantially reduced in a number of IPHC management areas. Catch limit reductions have been particularly severe in Area 2C, where the exploitable biomass has declined by 58% over the past decade and the commercial catch limit has been reduced 73% since 2003. The Area 2C commercial catch limit reduction between 2010 and 2011 was particularly severe, dropping fishermen's individual quotas by 47%. In sharp contrast, the Area 2C charter industry has exceeded its guideline harvest level (GHL) allocation by 22-115% every year since 2004, creating a management and conservation concern. For many years the charter overages were deducted from the commercial catch limit, shifting the burden of conservation entirely onto the commercial halibut fishermen even though the commercial sector was not exceeding catch limits. In recent years the charter overages have been deducted from the resource, resulting in overharvest of the Area 2C biomass and contributing to the stock decline. Subsistence, sport and commercial harvesters have all suffered from charter overharvest. Total removals must be restrained to the established quota to protect the rebuilding potential of the Area 2C halibut stocks before it is too late.

Alaska Longline Fishermen's Association • Cordova District Fishermen • Deep Sea Fishermen's Union •
Fishing Vessel Owners Association • Halibut Association of North America • Kachemak Bay Fisheries
Association • North Pacific Fisheries Association • Petersburg Vessel Owners Association • Sea Food
Producers Cooperative • Southeast Alaska Fishermen's Alliance • United Cook Inlet Driftnetters Association
• United Fishermen's Marketing Association • United Southeast Alaska Gillnetters Association

Selecting a charter management measure

The Area 2C charter industry exceeded its GHL in 2010 by an estimated 62%, and was projected to exceed the 2011 GHL by an equivalent amount. The IPHC notified the charter industry, the Council, and the public in January 2010 that the Commissioners would consider management actions to constrain charter harvest in Area 2C to the established GHL unless other management measures were in place to prevent an overage. In December, 2010 the IPHC published the annual stock assessment report that included staff recommendations for limiting Area 2C charter harvest to the GHL. During the January 2011 Annual IPHC meeting, the two advisory boards to the IPHC addressed the charter management issue and the charter industry representatives participating on the harvester advisory board were given the opportunity to propose a management measure to constrain charter harvest. Charter representatives did not suggest any management measures and voted against the conference board recommendation to the Commissioners to adopt an effective management measure for their industry. In short, the charter industry was well aware of the conservation concerns in Area 2C and on notice that the IPHC would consider additional restrictions on charter harvest during the 2011 annual meeting, yet still refused to suggest or to support effective conservation measures to stop the chronic charter overharvest of the Area 2C resource.

In selecting an appropriate charter harvest control measure, the IPHC staff relied on management measures that had been identified by the North Pacific Fishery Management Council and analyzed by the Council's staff and Science and Statistical Committee. As stated in the Federal Register Final Rule:

The IPHC sought to meet several objectives with the maximum size limit for charter vessel harvests in Area 2C:

- 1. Ensure measures meet IPHC conservation goals;*
- 2. Maintain the charter harvest within the GHL, the charter harvest policy developed by the NPFMC and implemented in Federal regulations;*
- 3. Minimize season disruption to the extent practicable;*
- 4. Promote equity of access and applicability to all charter anglers in Area 2C;*
- 5. Ensure measures result in enforceable accountability; and*
- 6. Simplify application by basing measures on previous analyses where possible.*

76 Fed. Reg. 51 (March 16, 2011)

Precautionary management

The Halibut Coalition recognizes that the IPHC identified a management measure that met these objectives by selecting the 37 inch size limit. As the calculations in the Final Rule disclose, if the charter industry harvests the same number of halibut in 2011 as were harvested in 2010 and those fish are 37 inches, the GHL will be reached, if not slightly exceeded. The IPHC made the precautionary assumption that charter clients would "high grade" halibut up to 37 inches—in other words, release or discard smaller fish in pursuit of a 37 inch fish. This assumption is supported by documented behavior in Area 2C angler behavior since implementation of the one halibut daily bag limit—the average size of halibut taken in the charter fishery has increased substantially, even though the average size of halibut in the biomass has decreased. The average size of a charter caught halibut would not be increasing when the average size of halibut in Area

2C is decreasing unless the charter industry is high grading. Further proof of high grading can be found in the results of the undercover enforcement actions that have documented cases of dead halibut being dropped over the side when a larger halibut is harvested.

The State of Alaska has urged the IPHC to consider a higher maximum size limit for the Area 2C charter fishery. The methodology used in the State's analysis does not account for high grading of fish below the size limit. Previous experience shows this assumption to be flawed and to underestimate charter harvest. Methodologies using this assumption underestimated actual harvest by 486,000 pounds in 2007 and 457,000 pounds in 2009. The methodology now suggested by the State risks charter harvest exceeding the GHL allocation in 2011. Given that the Area 2C charter industry has exceeded its allocation for the past seven years and that the GHL is a "total maximum poundage" that should not be exceeded, it is difficult to understand why the State would suggest a management action with such a high risk of resource overfishing.

The IPHC precautionary action is consistent with Executive Order 13597, issued by President Obama on July 19, 2010. In that Executive Order, the President directs federal agencies to take a precautionary approach to the conservation of oceanic and other resources. In the absence of complete data, federal agencies are to err on the side of conservation. Here, there is not, and cannot be, complete and perfect data on what the charter industry will harvest in 2011. Therefore, application of the President's Order would require U.S. agencies to establish a regulatory program that errs on the side of additional restrictions on the charter industry to ensure that the resource is protected. Thus, a higher size limit would not be consistent with the Administration's own precautionary principle.

The IPHC's precautionary approach is also consistent with the IPHC's decision to abandon the slow up/fast down (SU/FD) harvest policy for a "full down" reduction in the commercial catch limits in 2011. The slow up/fast down is an asymmetrical harvest policy that decreases harvest more rapidly than what might necessary when there is a decrease in stock size, and allows increases more slowly than might be justified when the data shows increases in stock size. The SU/FD policy is widely recognized and has been defended by the IPHC as a conservative approach that over times leaves more fish in the water. Nevertheless, the IPHC suspended this policy in 2011 to take an even more precautionary approach, which reflects the level of concern IPHC managers have about Area 2C halibut stocks. The more conservative full down harvest policy was responsible for 27% of the 47% Area 2C commercial catch limit reduction, and has imposed serious economic harm on Area 2C commercial fishermen, processors and their communities. Many will lose their quota holding this year, forced to sell or to default on loans because they are not able to make payments. Some may lose their boat and other quota holdings that were used to secure the loan. The economic impact to the commercial fleet in Area 2C is devastating, and is only bearable if total removals are controlled to established harvest levels to promote stock recovery and rebuilding.

Consistency with Council process

The methodology used by the IPHC to identify the 37 inch maximum size limit is based on the measures developed and reviewed by the Council to constrain charter harvest under the

Council's Catch Sharing Plan that is scheduled for 2012 implementation. As the Final Rule for the 37 inch size limit states:

The maximum size limit recommended by the IPHC uses the same algorithm described in the NPFMC's CSP to establish a maximum size limit for the guided charter fishery under conditions of lower biomass.

76 Fed. Reg. 51(March 16, 2011)

The IPHC correctly limited discussion of management measures and methodologies to those reviewed by the public and advisory boards to the Council and identified by the Council as effective but least disruptive to the industry. While it is true that the CSP has not yet been implemented, the analysis used in the CSP to identify charter management measures is the best available science that has been scientifically reviewed and recommended by the Council. The IPHC followed, as ever, a deliberative and well publicized process for establishing catch limits and management measures. Disrupting that process at this point to re-evaluate the IPHC action on this issue is of questionable legality and clearly contrary to the public process.

In short, the IPHC adopted drastic conservation measures for the commercial sector in Area 2C out of concern for halibut stocks. The IPHC adopted a conservation management measure for the charter industry to halt the chronic overfishing of the Area 2C resource by this fleet. The IPHC followed a thorough and very public process to manage the halibut fishery to established domestic harvest limits and promote rebuilding of the halibut resource. As Dr. Leaman has explained, the IPHC selected a management tool identified by the Council during development of the Catch Sharing Plan, and selected the 37 inch size limit after careful review of existing data and Council analysis. The charter industry and ADFG were on notice since last year that additional management measures would be implemented in the charter fishery if charter overages were not curtailed, and had multiple opportunities to submit additional information or propose alternative management strategies through the normal IPHC process. Additional review of the IPHC action is unnecessary and inappropriate.

The Halibut Catch Sharing Plan is scheduled for 2012 implementation. The CSP includes a process for evaluating and adjusting charter management measures, including bag limits and maximum size limits. ADFG and the charter industry again have the opportunity to engage in identifying effective charter management tools that promote resource conservation and prevent charter allocation overages through comments on the CSP proposed rule. Halibut Coalition members support the IPHC in urging timely and productive engagement by these parties in the management process. We do not support revisiting the IPHC action.

Summary

In closing, the Halibut Coalition respects both the Council and the IPHC management process. We also welcome the State's engagement in the halibut management process, and believe all sectors could benefit from that engagement through the established and deliberative IPHC process. Coalition members fully participate in all halibut management forums and expect concerned members of other industries and management agencies to do the same. Regular review and adjustment of charter halibut management measures are part of the CSP that will be

in place by next year, providing an opportunity to adjust measures, if indicated by 2011 harvest levels. Holding all sectors to their allocations is critical to conserving the resource and maintaining viable fisheries. We appreciate the commitment of the IPHC to long-term sustainable management of the halibut resource and to maintaining the established and deliberative management process. We believe conservation concerns and aggressive actions to reduce commercial catch limits in Area 2C demand precautionary management measures in the halibut charter fishery as well. The Halibut Coalition does not believe that deliberative, precautionary process should be disrupted.

Sincerely,



Rochelle van den Broek, Cordova District Fishermen United



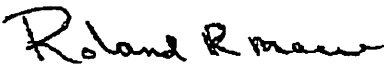
Jeff Stephan, United Fishermen's Marketing Association



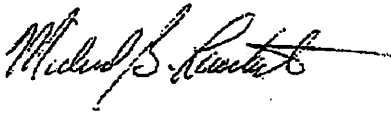
Robert Alverson, General Manager, Fishing Vessel Owners Association



Linda Behnken, Alaska Longline Fishermen's Association



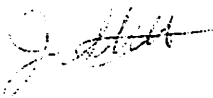
Roland Maw, Upper Cook Inlet Driftnetters Association



Buck Laukitis, North Pacific Fisheries Association



Julianne Curry, Petersburg Vessel Owners Association



Jan Standaert, President, Deep Sea Fishermen's Union

Mr. Charles Swanton, Director, Sportfish Division, ADFG
Mr. Jeff Regnart, Director, Commercial Fisheries Division, ADFG
Ms. Stefanie Moreland, Subsistence and Federal Issues Coordinator, ADFG
Secretary Gary Locke, Department of Commerce
Dr Jane Lubchenco, Undersecretary of Commerce for Oceans and Atmosphere, NOAA
Ms Monica Medina, Senior Advisor to Undersecretary of Commerce for Oceans and Atmosphere, NOAA
Mr. Eric Schwaab, Assistant Administrator NOAA Fisheries
Dr Jim Balsiger, NMFS Alaska Region
Mr. Eric Olson, Chair, North Pacific Fishery management Council
Secretary Hillary Clinton, Department of State
Dr. Kerri Ann Jones, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State
Mr. John Field, Senior Foreign Affairs Officer, U.S. Department of State

Southeast Alaska Fishermen's Alliance

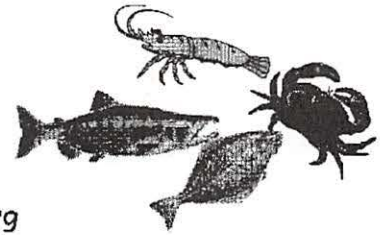
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March 25, 2011

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

LATE COMMENT

RE: Agenda item C-3 (a) Preliminary Review of Salmon FMP

Dear Eric Olson, Chair and Council Members,

Southeast Alaska Fishermen's Alliance (SEAFA) would like to comment on the preliminary review draft of the Salmon FMP. First we hope that when the Council looks at scheduling future meetings on this topic they will continue to be in Anchorage which would be economically accessible to participants in the salmon fishery affected by this action.

SEAFA supports a thorough review and update of the Salmon FMP even while we are concerned about the ramifications of the new MSA requirements to impose annual catch limits (ACL) and accountability measures (AM). In reading through the review documents it appears that there is a leaning towards trying to drop out as much as possible because it would be easier even while they are providing good justification why all areas should remain within the FMP. **Based on the information within the document we would prefer to see all areas East & West currently covered by the FMP remain within the plan including the sport fishery with formal deferral or delegation to the State of Alaska using the National Standard Guideline exemption for stocks managed under an international fishery agreement with regard to ACL/AM requirements for Chinook salmon harvests under the Pacific Salmon Treaty in the East area and use the State's salmon management program as an alternative approach to satisfy MSA requirements in the remaining areas/fisheries.**

We believe that it would be important to retain the federal closure in the non-historical net fisheries areas of the EEZ and it appeared that this could only remain in effect if included in the salmon FMP.

The review did not provide any information about the effects of removing the sport fishery from the salmon management plan with delegated authority to the State of Alaska. Would the State have automatic management authority over the sport fishery in the EEZ if removed from the Salmon FMP or could a person recreationally fishing in the EEZ contest any violation received for exceeding a state bag limit for salmon in the EEZ? The review stated that most of the harvest is taken in State waters but how much is taken in State waters and how much is taken in federal waters or is the break down between the two areas not really known?

SEAFA represents members involved in salmon, crab, shrimp and longline fisheries of Southeast Alaska but we also have members who participate in the Prince William Sound and Yakutat salmon fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line extending to the right.

Kathy Hansen
Executive Director