November 1, 2017

Mr. David B. Witherell

Executive Director

North Pacific Fishery Management Council

605 W. 4th Avenue, Suite 306

Anchorage, AK 99501-2252

Dear Mr. Witherell,

By way of introduction, my name is David Morey. I am the owner, with my son, David, of Alaskan Patriot, an 88' trawl vessel registered in Dutch Harbor, AK but presently located in Seward. Dave, who is an Alaska resident, is part owner and Captain of Alaskan Patriot. Our principle activities have been tendering for salmon during the summer months and trawling for cod and other groundfish during open fisheries in other parts of the year.

Our trawl success, as with other GOA independent catcher vessels, has recently been mixed due to the variable risk of bi-catch closures and avoidance of them. For the past two or three years, in an attempt to find alternative work, many ground fishermen have put more emphasis on Pollock. For Patriot, we have examined the structure and viability of the scallop fishery. Alaskan Patriot was built for just such a purpose and would be ideal in that fishery. In addition, Dave has had experience in the scallop fishery in New England.

In 2014 an open State waters scallop fishery was established by the Legislature and the Commissioner and we registered Patriot to participate. Ultimately, we perceived a limited chance of success, large capital commitment and a time-competing tender contract to be obstacles, and we did not participate. In fact, to date, no additional state-only vessels have participated in the open access state water fishery, confirming our assessment. In our attempt to evaluate the capital requirements and viability of the Scallop fishery for Alaskan Patriot we also did further research into the whole fishery, at both State and Federal levels. We were troubled at what we found. Thus, the purpose of this letter.

In 2001 NPFMC created the scallop LLP to limit the number of participants and reduce fishing capacity in the scallop fishery. Nine limited access licenses were issued to active historic participants. The nine initial issue SLLP's continue to be in force. These licenses are irrevocable but may not be leased. Under elements of the FMP no person can hold more than 2 scallop licenses at once unless that person was initially issued more than 2 licenses, in which case the person can hold the number of licenses initially issued. However, a person who has more than 2 scallop licenses cannot receive a scallop license by transfer until the number of scallop licenses which that person has is less than 2. After obtaining transfer eligibility by dropping below 2 licenses, the person could not again exceed 2 licenses, regardless of his or her earlier status of being allowed to exceed 2 licenses on initial issuance.

In May 2000, six of the nine LLP owners formed the North Pacific Scallop Cooperative under authority of the Fishermen's Cooperative Marketing Act, 48 Stat. 1213 (1934), 15 U.S.C. Sec. 521. The cooperative regulates individual vessel allocations within the GHR and caps under the terms of their cooperative contract. The purpose of the cooperative was ostensibly to slow the race for fish, enabling

participants to develop better techniques for bycatch avoidance, as well as to improve efficiency in targeting scallops. Historically, this appears to have been the case. However, according to cooperative members, "some owners opted to remove their boats from the fishery due to decreased profitability in the scallop fishery in recent years." The catch history associated with those inactive permits was then fished by the remaining vessels in the cooperative. Since formation of the cooperative, fewer vessels participate and fishing effort occurs over a longer time period each season. Since licenses cannot be leased, under this scheme inactive licenses are essentially consolidated to the benefit of the remaining active participants.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended, sets out 10 national standards for fishery conservation and management (16 U.S.C. ' 1851), with which all fishery management plans must be consistent. Standard 4 states "If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges."

As far as public records will permit we have determined that in 2017 only two of the nine SLLP's were actually fished and those two licenses caught 233,009 pounds of scallop meats and the GHL has not yet been caught. According to ADF&G reporting this represents an estimated $2,847,370 at first wholesale level. These facts, if correct, indicate that an entire healthy, high value Alaskan fishery is being prosecuted by only two license holders, and under cooperative agreements, perhaps effectively one. Regardless of pretentions of a formal cooperative, seven of nine licenses are being held in latency. All of these facts have the following ramifications;

1. Standard four of the MSA is undeniably being violated.
2. There is no fair and equitable access to a Federal scallop resource other than the two remaining SLLP participants.
3. Latent permits are precluding new entrants as well as precluding competition for the resource.
4. Millions of dollars in scientific and financial resources committed to the scallop fishery by the State of Alaska and the National Marine Fisheries Service presently benefit only two license holders.
5. Active participants have less incentive to fish any but the most lucrative beds. In time, without intervention, the downward spiral in participation will be complete. The GHL's will not be reached because of lack of adequate capitalization and effort despite the high value of the resource, regardless of scientific advancements and State management efforts.
6. When license consolidation is complete, and it appears that it may already have become, the value of the remaining licenses will be artificially elevated only for the benefit of those who have been allowed to consolidate the fishery, not the fishery itself or the fishing community at large.
7. A cooperative structure in such a limited high value fishery, although seemingly beneficial to the fishery, affords opportunity for "freezing out" competition and the possibility of price collusion.
8. Because of limited participation, unexploited beds known by managers to exist, but not tested by participants, get little or no attention stifling the fishery optimum yield.

Based on our admittedly limited assessment we feel that that the scientific aspects of the fishery have received far greater emphasis by managers than resource allocation. As a result, neither the letter, certainly not the intent of national standard 4 of the Magnuson-Stevens Act with regard to access allocation have been adhered to.

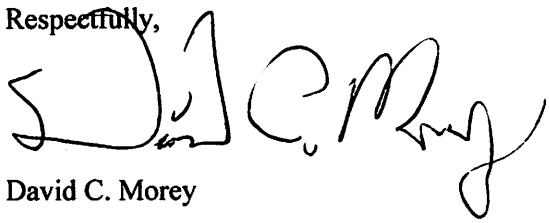
Based on the above facts presented, we would respectfully request that this subject matter become a priority for the Council and that at least the following mitigating actions be initiated;

1. That a detailed assessment of the present SLLP ownership structure be made using standard 4 of the Magnuson-Stevens Fishery Conservation and Management Act as a guide. Any circumvention of the intent of the scallop FMP licensing requirements discovered, however legal or unintentional, should be remedied.
2. That a review of the scallop FMP be commenced immediately with particular attention to LAPP allocations under the Council policy on allocation review triggers.
3. That steps be initiated to amend the Scallop FMP to place a recency requirement on existing licenses and future transfers to prevent the kind of long-term latency that has existed in the scallop fishery. We would hope that this could be scheduled for discussion, if not action, on the agenda of a full meeting of the Council on or before April 2, 2018.
4. That, as a part of the amendment process recommended in the previous item, steps be taken to rescind those SLLP's that have been latent for more than five years to be held for reissue by the council until an equitable allocation process can be formulated and enacted.
5. That known, unexploited, scallop beds be given a higher priority by the Plan Team for scientific testing and management attention in order to increase optimum yield for a robust fishery as required under the MSA.

We understand, and take very seriously, that the above subject matter will be sensitive to many individuals presently involved in the scallop fishery in Alaska, both participants and managers, and that many may not agree with our assessment. We also understand that structural problems in a fishery are not subject to quick, easy and painless fixes. The issues laid out above, however, seem to us egregious enough to require immediate action, and we hope they will be brought to the attention of the entire Council.

Your attention to this matter will be greatly appreciated.

Respectfully,



David C. Morey

Principal Owner

Alaskan Patriot LLC

Cc: David B. Morey dbm6222@hotmail.com

Dan Hull danhullak@gmail.com

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Jim Balsiger jim.balsiger@noaa.gov

Buck Laukitis buck.laukitis@gmail.com

November 27, 2017

Mr. Dan Hull, Chairman
North Pacific Fishery Management Council
605 W. 4th Ave., Ste 306
Anchorage, AK 99501-2252

RE: **Agenda Item #-7 Staff Tasking, December 2017 Council Meeting**

Dear Chairman Hull:

The members of the Fishing Vessel Owners' Association (FVOA) and the members of the Deep Sea Fishermen's Union (DSFU) were encouraged by the recommendation of the Council's Advisory Panel to address the tendering exemption associated with the partial observed coverage fleet. The Council took action to have the staff begin to analyze options to correct the effect this exemption has on random action of the partial-coverage fleet. However, the Council did not schedule this proposed corrective action though it is listed for initial review on your "three meeting outlook".

The members of the FVOA request the Council to prioritize this action item for its initial review during one of the next three meetings under staff tasking. FVOA has provided previous testimony and written comments on this matter which are on file with the Council

Sincerely,

FISHING VESSEL OWNERS' ASSOCIATION

Robert D. Alverson
Manager

Sincerely,

DEEP SEA FISHERMEN'S UNION

James J. Johnson
Executive Director

RDA:cb

Nicole Alexandra Svetz

West Chester University of Pennsylvania

NS851350@wcupa.edu

November 20, 2017

North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252
Phone: (907) 271-2809
Fax: (907) 271-2817
npfmc.comments@noaa.gov

Dear North Pacific Fishery Management Council,

I am writing in support of The Arctic Management Plan of 2009 and its association with current request that commercial fishing expand northward into the high seas of the Arctic Ocean. I am happy to hear of your acceptance for public comment and enlightened by what have learned about your council and NOAA's efforts to conserve, protect and regulate commercial fishing in the Arctic Ocean. Attached is my first ever constructed public comment. I hope you will review my thoughts on this expatiation and arrange for some feedback if time is allowed.

Thank you for your time and consideration.

Sincerely,

Nicole Svetz

WEST CHESTER UNIVERSITY OF PENNSYLVANIA

Expansion of Commercial Fishing into the High Seas of the Arctic Ocean

Nicole Alexandra Svetz

November 2, 2017

11/2/2017

https://www.istockphoto.com/photos/fishingboat?excludenudity=true&sort=mostpopular&mediatype=photography&phrase=fishing%20boat

Expansion of Commercial Fishing into the High Seas of the Arctic Ocean

Nicole Alexandra Svetz

November 2, 2017

Introduction:

Due to the request that commercial fishing expand northward, on August 25, 2017, U.S Coast Guard Cutter Healy set sail with a team of NOAA scientist and collaborators on a 22 day cruise to study the environmental changes in the high seas of the Arctic Ocean (Allen, 2017). The Arctic Management Plan, established in 2009, and the U.S. Secretary of Commerce, Gary Locke, have forbidden the expansion of commercial fishing in federal Arctic waters until researchers gather sufficient information about the Arctic's current and future marine environment with the purpose of preventing adverse impacts to the ecosystem due to commercial harvesting activity (McLean, 2009). Today, November 2nd marks 82 days since the team set sail and it will be wonderful to see what information they bring home and becomes made available to the public in the near future.

As an environmental health student and lover of the ocean, the ability to support commercial fishing was rather difficult until sorting out research on what is going on in the Arctic to monitor and prevent negative effects on such an unknown territory. Economically, it would be an advantage to just allow commercial fisheries to expand, but the National Oceanic and Atmospheric Administration (NOAA) has put a halt on any actions until they get a better understanding of what is going on so they may put a defensive plan in place. Our oceans have become consequently defenseless to climate changes in the past few decades making it important

to do everything we can now to minimize as much stress as possible to such a vulnerable environment. The greatest thing humanity can do at this point is prevent any further impairments to the environment and work with what we are given because we cannot undo the damage that has been done in a day, year, decade or even century's. It is refreshing to gather knowledge about NOAA and the North Pacific Fishery Management Council's (NPFMCs) concern for the Arctic's ecosystem and it is hard to resist growing into a supporter of both and their proposed and final rules.

Discussion:

Sea ice is declining rapidly in the Arctic and its ecosystem is responding to its rising sea levels, water temperatures and ocean acidification. Consequently, fish populations and their migration patterns are changing and its effects on commercial fishing are only beginning to be understood. While people tend to view any change from the current status as negative, some changes may have positive effects, such as faster growth of aquatic fish and shellfish, and the extension of range into newly productive regions (Johnson, 2010). Historically, modest increases in atmospheric and ocean temperatures have appeared to benefitted Alaska salmon, but these temperature changes could also allow invasive species, not normally seen in Alaskan waters such as tuna, salmon sharks, and mackerel to increase abundantly which may in addition harm fishery resources (Johnson, 2010). According to marine and fisheries specialist, Anna M. Gornova, "with the use of environmental monitoring, indicator species often give more valuable information than direct assessment with the help of special devices, since indicators react

immediately to the entire impact system. Indicator species include living organisms responding to environmental changes by their presence, absence, appearance, chemical composition, and behavior. In addition, having a "memory", such organisms reflect by their reactions to pollution for a long period of time" (Gornova, 2016). Many of Alaskan fisheries target a single species within limited geographical boundaries, making them defenseless to modest environmental change. The range and distribution of at least some fish stocks found in places like the Bering Sea will likely extend northward if they have not already (Stein, 2017). These changes in migratory patterns will make it difficult for commercial fishermen to meet their quotas and pursue if they are unable to follow these fish into forbidden fishing zones.

"The high Arctic's sea-ice production, extent, and duration are critical for influencing annual primary production of ice algae and phytoplankton, as well as water mass formation. The vulnerability of the Arctic's ecosystem to environmental change is thought to be high, particularly as sea ice extent declines and seawater warms" (Jacqueline M.Grebmeier, 2006). In attempt to quantify the change in marine primary productivity in the Arctic water due to recent losses on sea ice cover, Kevin R. Arrigo and his team "implemented a primary productivity algorithm that accounts for variability in sea ice extent, sea surface temperature, sea level winds, down welling spectral irradiance, and surface chlorophyll concentrations" (Kevin R. Arrigo, 2008). What Kevin and his team of scientific researchers found was that surface nutrients in the Arctic are generally low, so it is possible that future increases in production caused by decreased sea ice extent and longer phytoplankton growing seasons will slow as surface nutrients inventories are exhausted and could result in primary production loss in waters downstream of

the Arctic (Kevin R. Arrigo, 2008). In summary, as sea ice extent shrinks, productivity is destined to immediately rise, but if commercial fishing follows this productivity it will also be destined to abruptly decrease which is why it is so important now to introduce a plan to conserve the high Arctic's productivity so it may prosper and adapt to such abrupt fluctuations.

Provided that the importance of high Arctic marine areas is predominantly sensitive, the conservation of marine life resources has to be address in a way that alleviates adverse effects for the protection and conservation of the high Arctic's biodiversity. One way to address this is by establishing Marine Protected Areas (MPAs) where human activities are more strictly regulated to ensure long-term viability and to maintain the genetic diversity of marine spaces and systems though suitable conservation of living resources and upkeep of stable ecosystem services (Kathleen Morris, 2016). Since approximately 20% of the high Arctic sea lies outside of economic zones, no single state has sovereignty over it making it uncertain whether MPAs can be created in areas beyond national jurisdiction, but "since both the high seas and the seabed beyond the outer limits of the continental shelf are international commons, all other states, including those in the Arctic, have legitimate interests, as well as obligations, in that part of the marine area" (Kathleen Morris, 2016). Human activities, for example, summer shipping, primarily occurs after marine mammals migrate, but as sea ice continues to melt this will enable longer shipping seasons causing collisions between mammals and vessels (Kathleen Morris, 2016). The creation of MPAs becomes even more important as sea melt causes migration pattern in fish stock, aquatic mammals and polar bears towards higher latitudes where this 20% of unowned Arctic waters lie.

Expansion of Commercial Fishing into the High Seas of the Arctic Ocean

Nicole Alexandra Svetz

November 2, 2017

Conclusion:

In conclusion, the unique Arctic marine ecosystem of over 2000 types of algae, 5000 animal species and tens of thousands of ecologically critical microbes are being presented with its most acute challenge: rapid climate change caused by global warming. As sea ice continues to rapidly decline, by 2045-2059 the North Pole is expected to become entirely accessible and consequently cause fish populations and Arctic mammal's migratory patterns to continuously change in response to these ecological fluctuations. With these newly productive regions will give rise to a greater desire in commercial fishermen to follow, a challenge which has only begun to surface. Rather than giving accessibility to fishermen who seek to enter outside of their economic zones so they may strive economically, The Arctic Management Plan prohibits it until an abundance of information on the current and future state of the Arctic's ecosystem is better understood so it can be managed and preserved as best as possible. Once we can get a handle on what we are dealing with, all five Arctic Ocean costal states (Canada, Denmark, Norway, Russia and the United States) should come to an agreement and work together in establishing Marine Protected Areas (MPAs) where human activities are strictly regulated to ensure long-term viability and preserve the genetic diversity of marine spaces and systems. Efforts to protect and conserve vulnerable ecosystems rather than being careless is most surely attainable and remarkably inspirational in a world in which societies strive to enhance economically.

Expansion of Commercial Fishing into the High Seas of the Arctic Ocean

Nicole Alexandra Svetz

November 2, 2017

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NPFMC comments - NOAA Service Account <npfmc.comments@noaa.gov>

RE: C2 – Bering Sea Halibut PSC Final action

1 message

Wayne Feagley <wfeagley@yahoo.com> Sat, Nov 11, 2017 at 12:58 PM
To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

North Pacific Fishery Management Council

Attention: **Dan Hull**, Chairman

RE: C2 – Bering Sea Halibut PSC Final action

My name is Wayne Feagley and I live in Castro Valley, CA. I have fished in Alaska three time in my life on fishing vacations. Once in Glacier Bay and twice in Sitka. Each time I fished Alaska Halibut was my primary target species. Today I just read about the bycatch and discardment of juvenile halibut and am quire disturbed by this. It's been 11 years since I last fished in Alaska. A few years ago I decided I wanted to go again. But then I looked at the halibut take limits for out of state anglers and decided it simply wasn't worth the cost of the trip to go for so little fish to bring home. I am quite sure that many other fisherman and woman who previously fished Alaska stay away for the same reason. By the way, I'm all for slot limits and have witnessed the positive affects of slot limits in our California Sturgeon fishery. I fully support letting the "barn door" fish go free.

As a recreational fisherman I am very concerned about the high level of by catch of Halibut in the Bering Sea as described in your Final action item C2 – Bering Sea Halibut PSC. Why in the world is this allowed to happen? It doesn't take a fisheries biologist to know this type of population destruction will eventually decimate a species. It has to stop.

We know that the Bering Sea has a huge population of juvenile halibut and that those halibut migrate from the Bering Sea to other areas throughout the range of the pacific halibut. Right now the trawl bycatch is preventing millions of halibut from leaving the Bering Sea and repopulating other areas.
This practice must be curtailed immediately or rural communities will suffer and the future of halibut fishing all over the Pacific will continue to be threatened. These are unacceptable risks to most of the users of this iconic resource in order to the benefit of a small number of trawl vessel owners and crews. It is one thing to ask all users to conserve a resource, but it is quite another to ask most users to sacrifice and conserve the resource to benefit of a specific group of large factory trawlers. That is what is happening and it is not fair or equitable. Bycatch not only needs to be reduced and then linked to abundance, so all users can share in the sacrifice and in the benefits of a healthy resource.

Please show Alaskans you care about the communities and the halibut resource and take significant action to reduce Bering Sea bycatch of halibut to a level that provides opportunity for the rest of us and protects the millions of juvenile halibut from being caught and discarded.

Sincerely,

Wayne Feagley

Castro Valley, CA

NPFMC comments - NOAA Service Account <npfmc.comments@noaa.gov>

Halibut are being destroyed by draggers

1 message

Nick Cuz <fishingtimek@gmail.com> Tue, Nov 28, 2017 at 7:43 PM
To: npfmc.comments@noaa.gov

Im concerned about halibut in alaska them draggers are destroying.
If the draggers wont be stopped dragging the bottom we will have no fish left years ahead.
Longliners are closed 3 months in the winter so they wont disrupt the spawning im looking at it now once the fish spawns here come the destroyer plowing through eggs small larva what will the future bring if your allowed to kill everything on the bottom, from eggs to legal size bycatch before it starts counting.
I want to say from my knowledge fishing almost 40 years we use to fish one area, there was so many different fish for years we pull gravel size rocks with small coral the coral be full of eggs spawned from fish i dont know what fish spawned, same time draggers are allowed to drag, then came the draggers they plowed the area for many years destroyed everything, now there is no fish we dont see coral come up on the gravel they killed everything what was there fish dont want to live there.
I would like to ask the IPHC to look into this an stopping draggers when fish is spawning and destroying fish before it even hatches.
Draggers are destroying everything on the bottom of the ocean, when will the fish management wake up and do something. Alaska fish is disappearing and no one is doing nothing.
Draggers catch bycatch they have set aside that is counted, they kill 20 times more from egg to legal bycatch.

Nick kuzmin
Po box 5246
Delta junction Alaska 99737

907 987 4385