

**On Time Public Comment List  
Statewide Pacific Cod  
October 18–22, 2013**

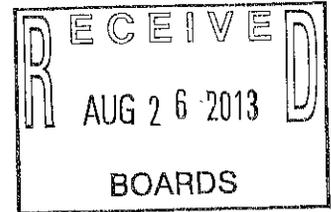
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Tom Evich.....	PC 01
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Dennis Deaver.....	PC 05
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August 20, 2013

Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811-5526



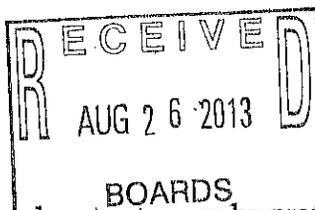
RE: Proposals 18-21 ATTN: BOF COMMENTS

I would like to state that I strongly oppose Proposals 18 through 21 which asks the Board to move an additional 25% of the Federal Cod TAC into state waters for a total of 50% in the Western Gulf of Alaska. I own and operate a 58 foot combination Seiner/Trawler/Pot boat that has fished out of Sand Point since 1979. I live in Bellingham, Washington, but my boat lives in Sand Point, Alaska.

Firstly, the reason that some of the smaller pot vessels did not participate in the A pot cod season is because they made a choice. The choice was to fish for Tanner crab instead of fishing for cod when cod opened on January 1. If you choose to fish for crab, which opens January 15<sup>th</sup> in the state of Alaska you cannot, legally, fish for cod with pots two weeks prior to fishing for crab. Those fishers that are all now complaining made the choice to fish for Tanner crab instead of fishing for cod. By the time the Tanner fishery was done, the pot cod sector was all but done and, yes, from increased effort that is only going to get worse. Is the BOF, and everyone that supports these proposals, aware of just how many new boats that Fred Wahl shipyard in Oregon, and other shipyards, has built in the last several years? I am surprised that the King Cove Advisory committee wants to put more quota into state waters, where there is no limited entry, as opposed to the Federal fishery where you need a permit to participate at least.

Those of us involved with non-rationalized fisheries have to make choices all the time. Last year I chose to leave pollock A and B season behind and go to Adak to fish for cod. I see on the proposal form the question "other solutions considered" and the King Cove Advisory committee answered "None". That surprised me, because there is a pretty simple solution. Ask the State to move the Tanner season to maybe April? That way everyone can participate in the Federal cod fishery and, most likely, finish the state water fishery, and then move on to Tanner crab.

The second point that I would like to make is that if you did decide to act on this proposal you would, in the long term, be allocating pollock to Kodiak. If you get written comment or public testimony on this proposal, I am certain that someone will say, "All the cod can be caught with pots" and for the most part, that is a true statement. But, it is important to understand that you cannot catch pollock with a pot. Why are they related? Trawling is an extremely efficient, but also expensive way to catch fish. Trawling constantly needs to be upgraded with new technologies just to keep up. Every fishery is cyclical and some years cod is better than pollock and some years pollock is more profitable than cod. The point being, we need both cod and pollock to keep our trawlers profitable and upgraded. If you were to remove an additional 25% from the Federal Cod TAC there would not



remain enough cod in the trawl sector to ever be profitable. It would then be difficult to justify the expense of trawling just for pollock. The Board needs to be aware that in the Western Gulf our only trawl opportunities are cod and pollock. There are no markets for flat fish as in the Bering Sea and Kodiak.

The pollock stocks in the Gulf of Alaska are very healthy, but the fact is, the biomass of pollock has shifted the last several years more to the east than to the Western Gulf of Alaska. It is taking more time and effort to catch the pollock quotas than in years past. What we have seen the last couple of years is an increased effort from Kodiak boats that have caught their quotas in the Central gulf and then come and compete with us for the remaining Western Gulf quota. Those boats are larger and more efficient trawlers than the ones we operate, resulting in less pollock being delivered by local boats to local communities. I'm aware of several deliveries, by Kodiak boats, into King Cove the last Pollock D season. Remember, the local Sand Point and King Cove trawlers are all combination limit 58 foot seiners. If we don't have the revenue from both cod and pollock we will fall further behind than we are and more will be delivered by Kodiak boats with the revenue going back to Kodiak. I am certain that King Cove Advisory Committee would not want to see that happen

Thirdly, by putting more of the cod quota into state waters there is a chance that this could trigger a section seven consultation under the Endanger Species Act. There will be more of the fish taken out of the critical habitat of the Stellar sea lion. I don't believe in any of the sea lion restrictions, but I lived through the injunction in 2000 and I don't think anyone wants to go there again. From July until December 2000 I effectively lost my business and the only one who saved it was Senator Ted Stevens and he is not around anymore. I agree with the states position on sea lions, but they just lost in court over the further restrictions placed on Adak.

Fourthly, I see another reason given for giving the pot fleet more quota is by-catch. Yes, a pot does catch less by-catch, but that issue is being addressed at the Federal level. If the trawl fleet is given the tools, we can drastically reduce our by-catch. I saw it myself this past winter. We had a short season in early March to allow us to catch the remainder of the trawl quota. The two short tows we made for that time of year, there was no by-catch. None. I would not have believed it if I had not seen it myself. We are trawling too early in the year, but again, that is being addressed at the Federal level.

In my fifth point there is the perception that pot fishing is a much more environmentally friendly way to fish. That may or may not be true. Both a trawl vessel and a pot vessel burn fuel, and yes, a trawl vessel burns more, but a pot vessel needs to bait their pots. A lot of bait. Consider the carbon footprint of that bait. A sardine is the preferred bait and those come from Washington and Oregon. There are a whole lot of boats that run out to catch them. They use air planes so they are flying around burning fuel. This fish gets processed but then it has to be trucked and stored in Seattle. It then is barged to the Alaska Peninsula and put in cold storage there. That is a lot of energy consumed. Also, I know that this Board is starting to consider "forage fish". I believe that the Pacific Council is doing the same and the sardine is considered a forage fish. So at the end of the day does a pot vessel really have less sin than a trawl vessel?



The sixth point I would like to make is the pot fleet had every opportunity to get more fish three years ago. Action taken by the North Pacific Fisheries Management Council is a very deliberative process. The sector split was at least three years in development. I believe that final action on the sector split was in December 2010. I was present and there was only one person, Raymond Nutt from Sand Point who only fishes pots and he actually testified in support of the sector split. If there was a pot fisherman from King Cove, I did not see him. Sam Cotten tried really hard to get someone to testify that they wanted more fish in the pot sector and no one showed up through the whole process, with the exception of Mr. Nutt. He testified, which is in the public records, that the trawlers were not able to catch cod in the fall, or "B" season, but the pot boats were able to. The pot fleet has a larger percentage in the fall and then they get the trawl rollover if the trawl sector cannot catch their quota, which they never have, nor will. I find it interesting that Raymond Nutt has signed one of these proposals

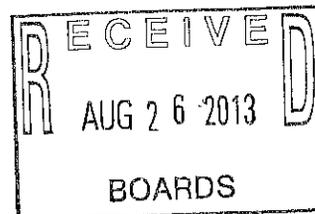
This is purely an allocative issue. Originally, when the Board took the 25% for state waters, the trawlers were catching almost all the cod. I believe it was about 1996 when the board took the 25% for state water and the reason it was to be a "entry level" fishery. Someone that could not afford the expense of a trawl vessel could then work their way up. You will probably hear testimony that the pot fleet is going to ask the state for limited entry. Well, then it is not a entry level fishery, you would have to buy a permit just like the Federal waters. This is the time honored "too many boats chasing too few fish". I wish I could have the 25% back in the Federal trawl quota. These proposals are not very well thought out. The more quota in the state waters is just going to make the Western Gulf more attractive to the large fleet of "super 8s" that are now pot fishing in Unimak Pass. This is the first year ever that they actually caught their under-sixty-pot-only quota in the Bering Sea. Most of them went to Adak this past year and I know of several that didn't like it. 50% of the Federal TAC in state waters, right next to where their pots are already, is going to look awfully inviting. This is important enough to the trawl fleet that there is talk of organizing a "stand down" of the Pollock "D" season so we can attend the BOF meeting.

I am on my way back to Sand Point to start the Pollock "C" season. I hope to be home for a couple of weeks in the middle of September and I would be more than happy to answer any questions about the contents of this letter. I can be contacted by cell phone 360-201-0486 or by E-mail: Tomevich@comcast.net.

Thank you for your time.

Sincerely,

Tom Evich  
F/V Karen Evich





Scott Campbell Jr  
802 Rhea Ln  
Walla Walla Wa. 99362

September 4, 2013

Alaska Board of Fisheries  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Alaska Board of Fisheries Members:

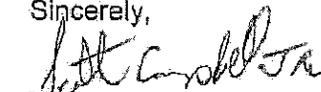
I am writing this letter to express my support for **Proposal 34 – 5 AAC 28.610. Fishing season for Bering Sea-Aleutian Islands Area**. As you are aware, this proposal calls for a moratorium on any new or expanded Pacific Cod fisheries in state waters of Area O until a long-term management plan is adopted by the Board of Fisheries, after a draft management plan for that fishery is reviewed and then approved by relevant AC's, the NPFMC, and ADF&G.

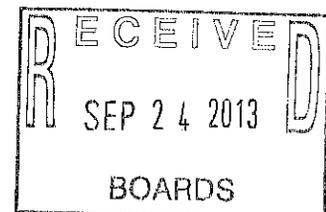
Support for my position on this issue is as follows:

- The opportunity for <60' vessels to participate in the Pacific Cod fishery inside state waters of Bering Sea-Aleutian Islands Area O currently exists in the form of a parallel fishery and roll-over provisions, essentially making implementation of a new or expanded state water fishery unnecessary and duplicative.
- Implementation of a new state water fishery in Bering Sea-Aleutian Islands Area O will foster a "race for fish" scenario, which can create unsafe fishing conditions and is contrary to the current fisheries management trend.
- Increasing the fishing effort inside state waters of Bering Sea-Aleutian Islands Area O may have unintended consequences for Stellar Sea Lion interactions.
- A bycatch accounting system and observer coverage program is not currently available to responsibly manage a new or expanded state waters Pacific Cod fishery.
- All indications point toward an eminent Pacific Cod TAC split between the Bering Sea and Aleutian Islands areas in the very near future. The impacts of this potential split are not fully known at this time. Until the uncertainty about the TAC split is resolved and the ramifications are fully understood, implementation of a new state waters fishery would be premature.
- Implementation or expansion of a new state waters Pacific Cod fishery will cause financial harm to my business.

I appreciate the opportunity to express my concerns and look forward to your support.  
Thank you.

Sincerely,

  
Scott Campbell Jr





Kevleen K LLC  
8941 179<sup>th</sup> PL SW  
Edmonds, WA 98026

September 4, 2013

Alaska Board of Fisheries  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Alaska Board of Fisheries Members:

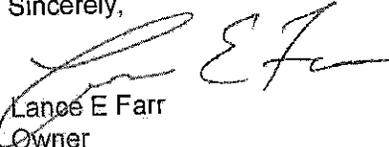
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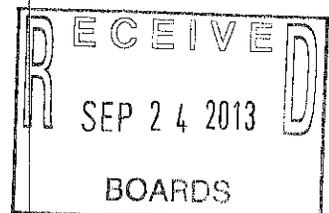
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- Implementation or expansion of a new state waters Pacific Cod fishery will cause financial harm to my business.

I appreciate the opportunity to express my concerns and look forward to your support.  
Thank you.

Sincerely,

  
Lance E Farr  
Owner  
F/V Kevleen K





Arctic Sun Fisheries, Inc  
12042 SE Sunnyside Rd  
PMB 333  
Clackamas, OR 97015

September 23, 2013

Alaska Board of Fisheries  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Alaska Board of Fisheries Members:

I am writing this letter to express my support for **Proposal 24 – 5 AAC 28.610. Fishing season for Bering Sea-Aleutian Islands Area**. As you are aware, this proposal calls for a moratorium on any new or expanded Pacific Cod fisheries in state waters of Area O until a long-term management plan is adopted by the Board of Fisheries, after a draft management plan for that fishery is reviewed and then approved by relevant AC's, the NPFMC, and ADF&G.

Support for my position on this issue is as follows:

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- Implementation or expansion of a new state waters Pacific Cod fishery will cause financial harm to my business.

I appreciate the opportunity to express my concerns and look forward to your support. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Lowenberg", written over a horizontal line.

CL Lowenberg



Dennis Deaver  
1628 Palm Ave. SW  
Seattle, WA 98116  
September 4, 2013

Alaska Board of Fisheries  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Alaska Board of Fisheries Members:

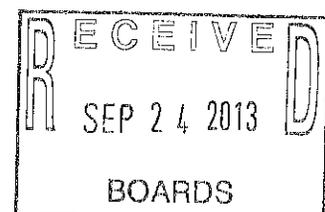
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- Implementation or expansion of a new state waters Pacific Cod fishery will cause financial harm to my business.

I appreciate the opportunity to express my concerns and look forward to your support.  
Thank you.

Sincerely,  
  
Dennis Deaver





September 25, 2013  
Board of Fisheries  
PO Box 115526  
Juneau, Alaska, 99615

Alaska Board of Fisheries Members

My name is Sylvia Kavanaugh. I am 28 years old and I am a commercial fisherman. I work year round on board the Sylvia Star catching grey cod, salmon, and Tanner crab. We start the year out pot fishing for cod. In the spring we fish in Chignik. This state water fishery is 30-50 percent of my income. I am against proposals 2,3,4,5,8,9,10,11,12, and 15. They are directed at me and removing me from a fishery I depend on. Living in coastal Alaska is expensive and I need every penny to make it work. I certainly can't afford such a huge cut in pay. Some of these proposals add more expenses to my settlement. Others want me to stay longer or pull less gear. It's pretty much a known fact that to catch cod you need pots, you need to be able to bait them and pull them to catch fish. I hope that the Board of Fish will see that we are just cod fishermen, that we fish in crappy weather and shouldn't have to hand over an income that we are willing to work for.

Sincerely yours,

Sylvia Kavanaugh  
719 Cottonwood Circle  
Kodiak, Ak 99615



STATEWIDE PACIFIC COD

PROPOSALS #2,3,4,5,8,9,10,11,12,13,& 14  
PROPOSAL # 13  
PROPOSAL #15AGAINST  
ANNOYED  
UNCERTAIN

September 23, 2013  
Karl Johnstone  
Chair  
Alaska Board of Fisheries, Board Support Section  
PO Box 115526  
Juneau, Ak 99811-5526

Dear Chairman Johnstone & Board Members,

We are writing to you in regards to a sweet of proposals that seek to severely alter and restrict the State's Pacific Cod fishery in the Chignik Management Area. These proposals include #2-5 ; #8-12; & #15. If implemented these changes will drastically change the make up of the current and historical participants; create financial burden and economic hardship; and is grossly allocative by nature.

At the inception of our state-water cod fishery this Board gave reasons for adopting the new fishery. In the discussion dated 12/23/96, #2 stated that both the local and State governments would benefit and #8 cited the potential contribution the State would receive from the resource over time as a justification. The Board stated in #3 that "cost to individuals will involve minimal outlay of cash as it will mean utilizing pots & jigs which are already used in areas affected".

Proposal #12 asks the Board to change the gear specifications for pots. Current participants have invested in gear and requiring disposal and reinvestment of such is a great burden for anyone with currently legal gear that does not meet the proposers ideal. This is in direct conflict with the Boards stated reason #3.

Proposals #9,10, &11 wish to establish trip limits, gear limits, and daily fishing periods. These requests made to "slow the fishery down" add significant additional cost such as extended insurance, added fuel, increased bait, and extra groceries. All of this burdens every boat in the fleet. It financially strains the viability of an already marginal fishery, and increases deductions to crew-shares. The daily trip limit is purely allocative and punitive if you happen to carry just one pound over the set limit. It would require enforcement and additional reporting. It would be further complicated due to boats that charter their own tender. During safe weather conditions and good fishing, fishermen would forgo catch. Additionally, the idea that larger capacity boats have inferior product is unfounded. These boats tend to have more solid refrigerating systems that chills the product quicker and delivers higher quality.



Proposal #8 asks the Board to allocate 50% of the state-water pot cod to boats under 50 ft. We feel that proposal #8 will harm the "potential contribution the state gets from the resources over time" (quoted from reason #8 in the Boards Discussion Paper). The Chignik state-water cod fishery has had an average of:

Date	Boats	Length
2009-13	17	All
2009-13	14	50ft +
2009-13	5	< 50ft
1997-2013	18	All
1997-2013	13	50ft +
1997-2013	5	<50ft
2009	1	<50ft
2009	2	<50ft

Source: ADF&G See Table 1

The difference in vessel length during the five year average (2009-13) of 14-3 and the fisheries lifetime average (1997-2013) of 13-5 participants, is 17%. It is compounded by two years (2009-10) where little effort by <50ft vessels occurred. (See Table 1) Without those two anomalies, the <50ft vessels maintain their historic 5 boat average. This illustrates no reduction in the participation of smaller vessels.

Total allowable catch for 2013 in the Chignik state-water cod fishery was 8.5 million pounds. If proposal #8 were adopted, vessels < 50ft would have increase their catch by 4.275 million pounds for 2013. This is a 1,035% increase for the current year. This guarantee would have been for a fleet of 4 participants (21%) out of 19 total. (See Table 1)

This does not include quota requested by proposals #2,3,4,& 5; which would increase the Chignik state-water cod (of 8.5%) to 17-25%. This 100-300% increase is a reallocation of quota from the fully utilized federal fishery. Note, Reason #11 in the Boards Discussion Paper justifying the adoption of a state-water cod fishery;

"This fishery will create opportunity without adversely affecting the existing Federal Management Plan".

It is also a misrepresentation to imply that large amounts of quota are caught in Chignik state-waters during the Federal Parallel Fishery. An average of 200,000 lbs were caught annually and can be confirmed through ADF&G. Effectively, these proposals could increase the quota of 4 participants (2013) by approximately



PAGE 3

2,500-3,780 percent. We feel this is aggressively allocative and the State's potential longterm benefit would be undermined due to stranded quota.

We are pot fisherman, we utilize pot gear to catch cod fish and are like fisherman to other pot-cod boats. Our boat has been part of the small boat fleet since it was built and put into Alaskan Waters. The Sylvia Star has fished cod since 1991. Our income is dependent on pacific cod to be viable. Our participation in Chignik has a long history. We fish state-water cod Spring and Fall in Chignik- we are the only boat fishing in the Chignik Management Area today- Sept 23rd, 2013. We will be there until the canneries close for maintenance and holidays; and we no longer have a processor.

Proposal #15 is difficult for us to support. The unharvested jig quota is rolled over and made available to pot boats in the Fall, we are **one of two recent participants** that have harvested this quota. It would obviously effect us directly and in lean years, we would be out of work. Chignik is a super-exclusive area and we would be blocked from participation elsewhere. This re-allocation is troublesome, and the combined effect of #15 with the above mentioned proposals would be financially devastating.

Finally we would like to consider testimony from last year, during a statewide cod meeting- where much debate was heard about start dates for areas. We submitted that no date would fully satisfy it's participants. The date change to September 1st had no resistance. As one of the two fishermen to harvest the fall roll over, we do not wish to see date changes year after year. Proposal #13 creates confusion and uncertainty if the Board continues to fluctuate start dates.

There is continued opportunity for cod fishermen. The Chignik Management Area is open Sept 1 for Fall cod. The weather is better in September & October- there is no ice. Anyone can fish for cod right now- today. It would seem that anyone eager to be a cod fisherman would be fishing in "their own backyard" under these conditions... favorable weather, lack of competition, and available quota.

Ron & Julie Kavanaugh



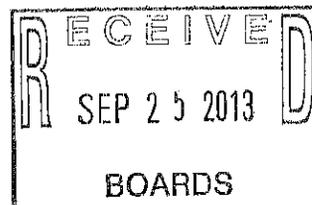
	58' Vessels		50'-57' Vessels		<50' Vessels	
	Pounds	Number	Pounds	Number	Pounds	Number
1997	474,004	3	CF	1	624,921	6
1998	2,478,320	11	1,647,180	11	1,315,296	10
1999	2,880,951	11	1,930,671	12	1,347,469	8
2000	1,012,280	8	420,089	4	323,937	8
2001	1,305,869	6	611,576	4	453,798	5
2002	2,522,784	4	1,105,017	4	275,519	4
2003	2,418,749	5	1,053,098	5	562,657	5
2004	3,459,350	5	1,473,280	5	676,134	7
2005	3,710,756	6	1,088,367	4	851,471	5
2006	1,795,257	4	1,258,885	5	385,380	3
2007	3,469,125	6	1,603,156	5	628,580	5
2008	4,036,445	12	2,219,597	6	485,049	4
2009	3,679,653	5	1,835,324	5	CF	1
2010	6,986,206	10	1,522,412	3	CF	2
2011	8,043,853	14	1,092,930	3	985,673	6
2012	8,425,614	12	1,224,040	4	580,314	4
2013	6,967,220	11	1,368,255	4	376,714	4
1997-2013 Avg	3,745,085	8	1,340,867	5	658,194	5
2009-2013 Avg	6,820,509	10	1,408,592	4	647,567	3

Table 1



September 20, 2013  
Alaska Board of Fisheries

PO Box 115526  
Juneau, Alaska 99811-5526  
PH (907)465-4110  
FAX (907)465-6094



Dear Board of Fisheries Members,

I am a lifelong resident of Alaska. I was born and raised in Kodiak. I am married and have 4 children. I make my home in Kodiak and pot-fish for cod whenever there is a season available.

I began fishing at 13 and at 17 years old went cod fishing on the Sylvia Star. It was obvious to me that fishing would be my future. Eventually, I bought my first boat the Tiffany Lee. I replaced the Tiffany Lee with the Mariah Dawn in 2008 and I have fished the Chignik state water fishery either on deck or in the wheelhouse from 1998 to 2013.

Chignik state-water cod is not an extra fishery for me. It is a part of my operating plan- it's part of the proposal I showed the bank so I could buy my boat. Pot gear is the only gear I use to catch fish. Proposal 12 would force me to purchase all new gear for a single fishery. I am against this proposal due the high cost of replacing my existing gear.

As for Proposal 8, I find that handing 50 percent of the pot quota to 20 percent of the fleet, difficult to support. The boats that are under 50 feet were typically built to fish in fair weather and in protected waters. This year maybe 4 boats where under 50 feet. Because of their limited size and build, these boats need to fish in a concentrated- more protected area. I'd suggest that it would be hard to catch an extra 4 million pounds with 4 boats, using less effective gear, in a confined space.

Proposal 9 seeks to make a trip limit....why? because the proposal states that large boats fish 24 hours a day and that their product is damaged. Well, I can truthfully tell you we can't and don't fish 24 hours a day. The weather and physical limitations prevent that. Even I need to sleep, eat, and change the oil. My boat does provide a safer platform for my crew to work. So, while this proposal seeks to create a smaller length fleet, it absolutely makes Chignik a more dangerous fishery.

Proposal 10 decreases the number of pots from 60 to 30. This gear reduction's purpose is to slow the fishery down as stated by the proposer. As a pot fisherman I have invested in the legal amount of gear and believe that this proposal would marginalize 100 percent of the fleet. Proposal 11



wants to limit fishing to daylight hours. It suggests that boats under 50 ft are forced out of the fishery- But I've been fishing there. There are the same amount of small boats. Some have different names, but the numbers are stable. There is a low number of small boats because it is a difficult place to fish. It's cold, it's dark, and it's hard work. Extending the season would expose my crew to more danger. I'd need to haul gear in all kinds of weather to keep my pots baited and fishing. My crew would have smaller checks because the bait, fuel, and groceries come off the gross. My insurance company would be about the only one to benefit- because they could sell me more coverage.

Proposals 2-5 change the state-water cod TAC in Chignik from 8.5% to a range of 17-25%. So, not only do 4-5 fisherman want to grab half the quota, but they want to double or triple that quota. This multiplies their current catch by more than a thousand. It's not asking for a slow down of a fishery- it's asking to hand over 9 million to 25 million pounds. The Chignik Management Area doesn't even have a quarter million pounds caught inside of 8 miles during the Parallel Fishery- so I don't understand... they would then be taking TAC from other areas? I hope the Board sees this for what it is, a massive re-allocation from a resource that is fully utilized.

This state cod fishery has been going on for 16 years. The opportunity has been there for people to fish for 16 years. The opportunity is still there. No one is pushed out. You go, you fish, you catch cod or you don't. If you want to be a cod fisherman- you go back regardless.

Sincerely yours,

Christopher Arndt

PO Box 3225

Kodiak Alaska 99615



## Alaska State Board of Fisheries

My names is Don Bumpus and have been resident of Chignik Lagoon for 40 years. My wife was there and raised 3 children in the lagoon.

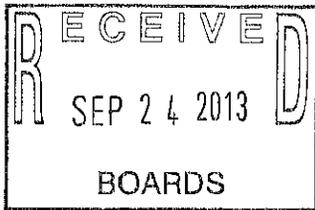
My oldest son has taken over the cod and salmon part of the business and I still do the crab when we have a season. We have a 50ft. fishing boat and by most standards is considered a small boat for fishing the winter fisheries. With the boat we have, it still competes with the larger 58ft. fleet.

Proposal 4 will create an unnecessary burden on the local boats that have fished the state water P-cod from the beginning. The longer we stay fishing, the more cost we have.

To allocate another fishery with in the cod fishery will just leave more uncaught fish like the jig fishery. When the main quota is caught, the tenders will stop coming to pick up fish because it is not cost effective for the processor. Chignik will have more fish going to roll over fishery in late summer. In the past those fish are caught by nonlocal boats.

We have to remember that these smaller boats were built for the salmon fishery. If these people want to have a equal opportunity at the cod fishery they have to upgrade their boats and gear like the rest of the fleet has done for the last 25 years, not change the fishery to fit the boat.

Thank you  
Sincerely, Don Bumpus



LAW OFFICE OF  
**BRUCE B. WEYHRAUCH, LLC**

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September 24, 2013

Mr. Karl Johnstone, Chairman  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
1255 W. 8th Street  
Juneau, AK 99811-5526

**RE: BS/AI State Water Pacific Cod Proposals**

Dear Chairman Johnstone:

We represent Mr. Jeff Steele and the Bering Sea Pot Cod Cooperative and write to express support for Proposal 34 (amending 5 AAC 28) and ask the Board to adopt that Proposal. At the same time, we have serious concerns about Proposals 29, 35, and 36. We oppose those Proposals and ask the Board of Fisheries not to adopt those without a more thorough review by relevant agencies such as the North Pacific Fishery Management Council. Finally we support Proposal 34 because it is based on the conservation and development of the Pacific Cod fishery in BS/AI state waters. Unlike Proposals 29, 35 and 36 which are allocative, Proposal 34 is not allocative.

**Proposal 34 is Consistent with the Management Goals set by the Groundfish FMP**

Proposal 34 is grounded in, and complies with, the Policies and Objectives of the North Pacific Fishery Management Council's ("Council") BS/AI Groundfish Fisheries Management Plan for Groundfish of the BSAI Management Area ("Groundfish FMP"). The same cannot be said of Proposals 29, 35, and 36.

The state manages the P Cod fishery in state waters pursuant to the Groundfish FMP. The FMP requires the state and Council to cooperate and coordinate management programs in order to meet conservation requirements, promote economically healthy and sustainable fisheries and fishing communities, and maximize efficiencies in management programs through continued consultation, coordination, and cooperation. Groundfish FMP page 7.



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Proposal 34 is consistent with the Groundfish FMP's intent to ensure the sustainability of the P Cod fishery resource for the benefit of future and current generations. Groundfish FMP page 4. In addition, the Groundfish FMP requires management approaches to protect managed species from overfishing, which is another purpose of Proposal 34. Finally, Proposal 34 asks the Board to adopt management measures in the BS/AI state water P Cod fishery that are based on the best scientific information available. Groundfish FMP, page 4. It is also the purpose of Proposal 34 to balance competing uses of the P Cod resource in the BS/AI in order to achieve sustainable fishery management goals, and protect the long-term health of the P Cod resource and the optimization of yield.

NMFS data indicate that there are more than 200 fixed-gear boats, 60-foot LOA and less that are presently qualified to participate in the BSAI state water fishery. Those boats could move in the BS/AI state water P Cod fishery with serious adverse effects if that fishery is not managed for the long-term health of all participants in the P Cod fishery, and the P Cod resource. Any further allocation of the resource in this state water fishery will negatively affect existing traditional harvesters and future possible participants. These kinds of actions would be contrary to the Policies and Objectives set forth in the Groundfish FMP.

Proposal 34 would not allow any new or expanded P Cod fisheries in the state waters of Area O until a long-term management plan is adopted by the Board, after a draft management plan for that fishery is reviewed and then approved by relevant advisory committees, Council staff, ADF&G, affected users, and the Board. This is a prudent measure, clearly in line with the Board's mandate to conserve and develop fisheries.

Proposal 34 would prevent any new or expanded P Cod fisheries in state waters by all gear groups until the P Cod resource is better understood, and an appropriate, long-term management plan is adopted by the Board. The fundamental reason Proposal 34 was submitted to the Board for its consideration is because the BS/AI P Cod fishery is fully allocated, fully prescribed, and over-capitalized.

**Proposal 34 is Consistent with the Conservation and Development of the P Cod Fishery**

Proposal 34 asks the Board to temporarily halt new commercial fishing on P Cod in Area O until a long-term management plan is adopted by the Board, after



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a draft management plan for that fishery is reviewed and then approved by relevant ACs, the NPFMC, and ADF&G. Proposal 34 has both conservation and a development benefits to the state and the P Cod fishery. If the Board does not adopt Proposal 34, as the Proposal form submitted to the Board explained:

race for fish will continue and escalate; that will continue to put lives at risk, and expanded pressures on what are now fully allocated and over capitalized fisheries, and could adversely effect the fishery resource now and in the future, to the detriment of all Alaskans.

There is precedent for the Board's support of Proposal 34, and it is a proper exercise of the Board's authority to manage the P Cod fishery for conservation and development of that fishery. Adoption of Proposal 34 will result in the short-term preclusion of new commercial fishing for P Cod in the state waters of Area O. This kind of limitation is common within Alaska fishing regulations, though not specifically termed a "moratorium." If the Board adopts the proposed moratorium, it could amend or repeal it at any point in the future, even if the management plan contemplated by the moratorium proposed by Proposal 34 had not been developed.

The definition and example of the use of moratorium is "a temporary prohibition of an activity: an indefinite moratorium on the use of drift nets." Apple Dictionary, Version 2.2.1 (143.1). According to that definition, any gear, time, area, or other limitation imposed by the Board on commercial fishing is, in essence, a moratorium.

For example, 5 AAC 30.331(a)(I) provides that "in the Alsek River no set gillnet may be less than 10 fathoms or more than 25 fathoms in length." This is a prohibition on the use of gillnets other than those between 10 and 25 fathoms, until the regulation may be changed at a future point during a future Board meeting. Thus, the regulation imposes a moratorium on certain gear.

Another example is 5 AAC 12.320, which says that salmon may be taken in the Aleutian Islands Area "June 1-July 18: from 6:00 a.m. Monday until 6:00 p.m. Friday," and that "from July 19 through September 30 salmon may be taken during the open season only during fishing periods established by emergency order." This is a prohibition on salmon harvest other than during the listed dates, until the regulation may be changed at a future point during a future Board



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meeting. Thus, the regulation imposes a moratorium on salmon fishing outside of the specified dates for that area.

Yet another example is 5 AAC 06.200, which establishes and describes fishing districts in the Bristol Bay Area, in combination with 5 AAC 06.320, which outlines when the fishing in those districts is open. This is a prohibition on salmon harvest in the described areas other than during the listed dates, until the regulations may be changed at a future point during a future Board meeting. Thus, the regulations impose a moratorium on salmon fishing in particular places, during particular dates.

A parallel in the wildlife exists in Game Board management measures. That board has explicitly recognized that a prohibition on hunting is a moratorium. In 5 AAC 92.123(b)(2)(B)(iii), the board explained that “since 2004, there has been a moratorium on moose hunting in the Kuskokwim River drainage in Unit 18 and this has increased the demand for moose for subsistence purposes in Unit 19(A).” It further describes that “if the moose hunting moratorium in Unit 18 is successful in increasing the moose population in that area it will help relieve some of the demand on Unit 19(A).” 5 AAC 92.123(b)(2)(B)(vii).

Thus, moratoria on harvest, gear, areas, and time periods are common throughout — and indeed are essential to — fish and game regulation in Alaska.

By adopting Proposal 34 until a P Cod management plan is developed and approved, a later Board could modify or repeal that action — and could do so even before if the proposed management plan were not developed, if the Board deems that to be the most reasonable policy course.

Certainly, there are some fishery moratoriums imposed by Alaska law that would limit contrary future action by the Board. Those are moratoriums that have been put in place by the Alaska Legislature, over which the Board has no authority, or which have been implemented by the Commercial Fisheries Entry Commission (CFEC”), an agency over which the Board has no authority.

Some fishery moratoriums have been imposed by statutes enacted by the Legislature, which are binding on the Board because the Legislature can limit action by state agencies. Examples of such statutorily imposed fisheries moratoriums are found in AS 16.43.228, which established four-year moratoria in the sea cucumber, abalone, geoduck, and sea urchin fisheries. Sec 2 ch. 125 SLA



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1996. Enacted in 1996, the statute was supported by a finding that “a moratorium on entry into the Southeast Alaska dive fisheries is necessary to allow a proper review and analysis of the sea cucumber, abalone, geoduck, and sea urchin fisheries before permanent damage is done to these fishery resources due to the accelerated growth in participation in these fisheries.” Sec 1 ch. 125 SLA 1996.

Other fishery moratoriums have been instituted by regulations adopted by the CFEC. The Board has no authority to undo such action by a sister agency. An example of such a regulatory moratorium is 20 AAC 05.1010, by which the CFEC imposed “moratoria on new entrants into the Southeastern Alaska Dungeness crab pot, ring net, and diving fisheries to help control effort while the investigation required [by statute] is conducted.”

However, if the Board developed Proposal 34’s moratorium on “any new or expanded P Cod fisheries in state waters of Area O until a long-term management plan is adopted” by the Board, a later Board could change that determination. Consider again the dictionary definition and example of the use of moratorium quoted earlier: “a temporary prohibition of an activity: an indefinite moratorium on the use of drift nets.” Apple Dictionary at 143.1 (emphasis added). The prohibition suggested by the proposal — a moratorium — is by definition a temporary one.

Further, no Board can bind a later Board to particular actions or inactions. This principle is so basic that it can be hard to find support for it.

However, the principle can be demonstrated by analogy to moratoriums established by the Legislature, which similarly cannot bind a later Legislature. For example, as explained by an Alaska Attorney General’s Opinion, a particular bill “extend[ed] the moratorium on finfish farming in the state from its current July 1, 1988 expiration date (one year after it was initially enacted), to July 1, 1990.” 1988 WL 249470 (Alaska A.G. June 7, 1988). This means that one Legislature set up a moratorium on finfish farming that included an end date of July 1, 1988, and then a later Legislature — not at all bound by that initial pronouncement — modified the moratorium to have it expire two-years after the original end date.

In another example in a different legislative arena — retirement benefits for Alaska’s public employees — the Attorney General’s Office recommended that the executive branch examine possible amendments that could be considered in



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the following legislative session, despite the Legislature's intent that there be a moratorium on the subject:

Although sec. 141 sets out the legislature's intent that there be a moratorium on legislation affecting the retirement systems until after the ARMB has made the report required by that section regarding the systems' funds, we recommend that the administrator and this office continue to work together to analyze the provisions of these plans to identify changes that could be considered for action during next year's legislative session.

2005 WL 3872603 (Alaska A.G. July 26, 2005). Underlying this advice is the implicit assumption that one Legislature cannot bind a later Legislature from amending any enactment, even if the earlier Legislature indicated its intention that there should be a moratorium on such amendments. Indeed, a number of examples of moratoriums being ended by the entities that developed them can be found online, and sometimes those terminations are on different terms than the entities originally envisioned.

In January 2013, forty scientists, who the year before had declared a moratorium on their study of bird flu, announced that they were going to "restart the work."<sup>1</sup> In August 2013, the Los Angeles city council "set ... the wheels in motion to lift a decade-long restriction on murals in Los Angeles," after the city had had in place "a moratorium on murals" since 2002.<sup>2</sup> In October 2010, the federal government "lifted the moratorium on deepwater oil and gas drilling" that it had imposed after the Deepwater Horizon explosion and spill; the moratorium had been set to expire the following month, but the government modified the end date after it issued new rules for the industry.<sup>3</sup> In July 2013, the United Kingdom was considering bringing an early end to an enforcement moratorium that had allowed certain herbal products to be sold.<sup>4</sup>

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<sup>1</sup> <http://www.npr.org/blogs/health/2013/01/23/170072436/scientists-put-an-end-to-moratorium-on-bird-flu-research>.

<sup>2</sup> <http://www.juxtapoz.com/street-art/los-angeles-close-to-ending-decade-long-mural-moratorium>.

<sup>3</sup> [http://www.nytimes.com/2010/10/13/us/13drill.html?\\_r=0](http://www.nytimes.com/2010/10/13/us/13drill.html?_r=0).

<sup>4</sup> <http://www.nutraingredients.com/Regulation/Herbal-clampdown-UK-seeks-to-end-moratorium-by-year-s-end>.



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In each of these examples, an entity or group had decided to make something off-limits for a period — flu research, mural painting, oil and gas drilling, enforcing against herbal products. Then, that same entity or group either decided to end, or was considering ending, the restriction — sometimes before it had originally be scheduled to end.

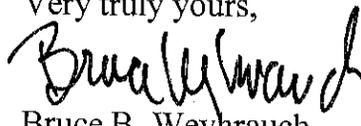
Similarly, if the Board decided to make new commercial fishing on P Cod in BS/AI state waters off-limits for a period — to impose a moratorium — there is nothing to prevent the Board from lifting the moratorium either after the management plan Proposal 34 contemplates is completed, or — if the Board so chose at a future point — before then.

Any regulatory action by a board must, of course, meet the proper legal standards. Any regulation — including the adoption or the amendment or repeal of a moratorium — must be “adopted according to [Administrative Procedure Act] procedures and within the discretion vested in the Board by the legislature.” Kenai Peninsula Fisherman’s Co-op. Ass’n, Inc. v. State, 628 P.2d 897, 906 (Alaska 1981). It must also be “consistent with the statute (i. e., within the scope of the Board’s authority) and reasonably necessary to its purposes,” and it must be “reasonable and not arbitrary.” Id.

The Board has ample experience in meeting these criteria. They pose no bar for repeal or amendment of a moratorium on new commercial fishing on P Cod in BS/AI state waters, should there be reason to do so at a future Board meeting.

We respectfully request that the Board adopt Proposal 34. We also ask the Board to reject Proposals 29, 35, and 36.

Thank you for your service to the public.

Very truly yours,  
  
Bruce B. Weybrauch

Enclosure

C: Mr. Eric Olson, Chairman, North Pacific Fishery Management Council  
Governor Sean Parnell



**Bering Sea Pot Cod Cooperative**  
218 Center St  
Kodiak, AK 99615

September 20, 2013

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

Dear Mr. Chairman:

**Re: B-3; ADF&G Report (including review of BOF Statewide cod proposals)**

The groups and individuals listed below respectfully request that the Council communicate with the Alaska Board of Fisheries (BOF) by letter asking the BOF to support a moratorium on the establishment of state water Pacific Cod fisheries in Area O of the BSAI Area, and to oppose any increase in the Guideline Harvest Level (GHL) for any additional P Cod in the Aleutian Island Area.

This request is consistent with the BSAI Groundfish Fisheries Management Approach adopted by the Council in its June 2013 FMP for Groundfish of the BSAI Management Area (Groundfish FMP). This request comports with the Council's ongoing responsibility to cooperate and coordinate management programs with the BOF to meet conservation requirements, promote economically healthy and sustainable fisheries and fishing communities, and maximize efficiencies in management programs through continued consultation, coordination, and cooperation.

This request is also consistent with the Council's management approach for BSAI Groundfish Fisheries. This request is both a judicious and responsible fishery management practice and it will ensure the sustainability of the P Cod fishery resource for the benefit of future and current generations.

One of the policies that the Council adopted and underscores throughout the Groundfish FMP, is the Council's mandate to consider and adopt measures that accelerate the Council's precautionary, adaptive management approach that protect managed species from overfishing. Our



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request is consistent with that mandate. In addition, this request seeks to make management measures in the Area O P Cod fishery that are based on the best scientific information available. Further, the request balances many competing uses of the P Cod resource to achieve sustainable fishery management goals, protect the long-term health of the P Cod resource and the optimization of yield.

While we look forward to working with you and Council staff on your letter to the BOF, we suggest it voice the Council's position that it does not support any new or expanded P Cod fisheries in the state waters of Area O until a long-term management plan is adopted by the BOF, after a draft management plan for that fishery is reviewed and then approved by relevant advisory committees, NPFMC staff, ADF&G, affected users, and the BOF.

In effect, the Council would be supporting a moratorium on any new or expanded P Cod fisheries in state waters by all gear groups until the resource is better understood, and an appropriate long-term management plan is adopted by the BOF. The Area O P Cod fishery is fully allocated and fully prescribed. The NMFS database indicates that there are more than 200 fixed gear boats 60' LOA and less that are presently qualified to participate in the BSAI state water fishery. Those boats could move in the Area O state water P Cod fishery with adverse effects if that fishery is not managed for the long-term health of all participants in the P Cod fishery, and the P Cod resource.

Any further allocation into a state water fishery will negatively impact and financially harm the traditional harvesters.

The industry is presently dealing with the uncertainty of a looming BSAI TAC split as well as SSL RPA's that are in development. Until these issues are resolved by the Council, any decision that has the actual or unintended effects of reallocating fish cannot properly be made without fully understanding all the long term management and resource impacts.

There are currently plenty of opportunities to new entrants into the P Cod fishery. Furthermore, it is past time for the Council to take a precautionary, adaptive management approach that protects the P Cod fishery from overfishing. The parallel-season state water P Cod fishery is presently being conducted without observer coverage, logbooks, or VMS. The



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bycatch issues in this fishery are an important factor in managing any fishery in accordance with the Magnuson Stevens Act. The Council's letter is a proactive cautious request of the BOF that will ensure the sustainability of the P Cod resource.

By supporting a BOF moratorium on any new or expanded P Cod fisheries in Bering Sea Area O and in the AI, the Council will be helping the BOF to make an informed decision.

Thank you very much for your consideration in this matter.

Sincerely,

Craig Lowenberg, Manager  
Bering Sea Pot Cod Cooperative

On Behalf of:

Alaska Boat Company  
Alaskan Leader Fisheries  
Atlanta Corp  
Coastal Villages Region Fund  
F/V Arctic Lady  
F/V Cape Caution  
F/V Katrina Em  
F/V Kona Kai  
Groundfish Forum  
Kaldestad Fisheries, LTD  
Kodiak Vessel Owner's Association  
Jeff Steele  
Jerry Bongen  
Trident Seafoods  
United Catcher Boats  
United Fishermen's Marketing Association

Cc: Chris Oliver, Executive Director  
North Pacific Fishery Management Council



Mr. Chairman members of the Board.

First I'd like to thank you for the opportunity to be able to submit these written comments before the board meets during it's October meeting for pacific cod.

I will try to be as brief as possible.

My name is Tom Hoblet I currently reside in the community of False Pass,Alaska.

Our Advisory committee submitted proposals to increase the State Water P-Cod fishery to 55percent of the total allowable catch for the western gulf of Alaska, however for deliberations purposes I'm in favor of the 50 percent that others in the region have submitted.

The sector split between gear types for the western gulf which was implemented in 2012-2013 has created more of a race for fish than anticipated by the NMFS. The way the fishery is prosecuted now, there is still a race for fish between gear types ( pot & trawl) sectors. Some of the trawl fleet that have both (trawl&pot) endorsements will fish until the pot sector is caught then go trawling when pot sector closes. The proposal that the False Pass Advisory Committee has submitted for changing the start date back to 7 days following the federal pot sector, is not intended to take fish from other gear groups, but to simply put the pot fisherman back on the water sooner rather than later when the quality is at it's best. If the trawl fleet with both endorsements wants to take part in the state fishery, they can.

Further in staff comments to proposal 24-5 AAC 28.577(e)(1)South Alaska Peninsula Area Pacific Cod Management Plan, they suggest that the quality of fish later in the season is of lesser quality because of spawned out fish.

1- in looking back over the 8 year period 2003-2010 the pot sector for P-Cod has exceeded more than the 50percent asked for in these proposals of the annual western gulf inshore pacific cod quota.

2-in the last 2 years since the NMFS implemented sector splits the Pot sector has sat on the beach for over a month between seasons. Fishers in the pot sector had to store gear, pay for crew to hang out for a month waiting for the state water fishery to open. Also absorbing the costs for fuel to run gear back to the dock then in a month run the gear back to the fishing grounds. Some of the smaller vessels having to make multiple trips to get their gear back on the grounds.

3- The trawl sector talks about a small boat fishery 58ft. and less. What is not said is that the 58ft. vessels that participate in both sectors are wide body big vessels, some are exceeding widths of over 50percent of their length. There are times when these vessels are out fishing when the sideboard boats are anchored for weather.

4- unfortunately the truly small boat fisherman In the south Alaska peninsula P-Cod fishery do not have the resources to attend all of (National Marine Fishery Service or the North Pacific Management Councils) meetings where the decisions about sector splits and how the program was set up are made. Some of the trawl fleet have hired skippers to run their vessel while they look out only for their interests and attend all meetings. The small boat fleet has to be on the fishing grounds when the season is open just to try and make it a viable and maybe profitable season. We don't have the luxury to hire skippers and hire people to attend these meetings to look out for the truly small vessels in the area.

5-I will conclude by saying that, I'm in favor of all proposals to increase the state water P-Cod by 25percent for the South Alaska Peninsula, also move the opening Date back to 7 days following the closure of the Federal Pot Sector Season.

I'm opposed to proposal 24 for the fact that this proposal was submitted by trawl vessels and this would give them more time to catch the trawl sector of the federal quota and move right into the State fishery, I cannot speak for the processing sector, but the quality of cod earlier in the season is much better than at the end of the State season. Must be some value to the processing sector, they fly mill out on a daily basis, before spawning starts.

The Alaska Department of Fish & Game Mission Statement.

The ADF&G mission is to manage, protect, maintain and improve the fish, game and aquatic plant resources of Alaska. Our goal is to ensure that Alaska's renewable Fish & Wildlife resources and their HABITAT ARE CONSERVED and managed on a sustainable yield principles, and the use and DEVELOPMENT OF THESE RESOURCES ARE IN THE BEST INTEREST OF THE ECONOMY AND WELL BEING OF THE PEOPLE OF THE STATE.



Thank you, Tom Hoblet

Submitted By Arthur Schultz

Affiliation

Phone (907) 487-2722

Email [fish2live@acsalaska.net](mailto:fish2live@acsalaska.net)

Address 3580 Sitkinak Dr  
Kodiak, Alaska 99615



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I support Proposal 14, removing the superexclusive registration for vessels using jig gear in the Chignik Area.

Since its inception, participation in the Chignik jig fishery has been poor, with only a small fraction harvested in even the best year. No Chignik based vessel has ever registered to jig in the Chignik Area. There is also no processor or buyer during the time of year when smaller jig boats are able to participate. The twin burdens of superexclusivity and distant delivery combine to effectively lock the jig quota away from possible harvest.

Meanwhile, a fairly large number of small boats, often carrying jig gear, transit the Chignik Area every spring and summer, going to Area M, Bristol Bay, etc. The overwhelming majority of these boats have already registered in an exclusive area like Kodiak, so that they are not allowed to fish for cod in the Chignik Area. By changing the jig fishery to open access in the Chignik Area these boats would have an opportunity to prospect this distant and remote area and at the very least have a chance to defray expenses while traveling.

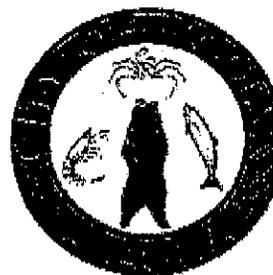
Currently the Chignik Area is just too great a gamble for a small jig boat. Not only does the superexclusive requirement severely limit any other options in case of poor fishing, the long run times to delivery ports impose a heavy financial and time constraint. It makes far more sense to let small boats combine fishing with travel, instead of imposing an expensive ongoing time and fuel burden.

I oppose Proposal 15, the creation of a separate group of pot boats that could harvest the jig quota. This does nothing to decrease the derby aspect of the Chignik pot fishery. It only throws more fuel on the fire. Pot boats are already allowed to take 90% of the quota, and after the pot quota has been harvested, there is nothing to stop pot boats from installing jig machines and attempting to harvest the jig allocation.

This proposal certainly does nothing to increase opportunities for smaller boats. Note, for instance, that the proposed opening date is actually moved one full week forward into the dead of winter, rather than later in the year when better weather might be expected. What this proposal actually does is sequester a special million pound quota for one or two pot boats that are already in the derby. They already have access to the full quota. They just aren't allowed to use the same high volume method for all of it. Please don't allow it.



**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

September 25, 2013

Mr. Karl Johnstone, Chair  
Alaska Board of Fisheries  
c/o Boards Support Section  
Alaska Department of Fish  
P.O. Box 115526  
Juneau, AK 99811-5526

Dear Chairman Johnstone:

Proposal 2, and others

The City of Kodiak and the Kodiak Island Borough have a substantial interest in the management of fisheries in the Kodiak area and throughout much of the Gulf of Alaska. These fisheries provide the foundation for our economic and social wellbeing, supporting large harvesting, processing, and support sectors as well as necessary government functions.

In September 2012, the City and the Borough both passed resolutions outlining our goals and concerns with major fishery management programs and regulatory changes. Our goals are that any management program maintain or increase target fishery landings; provide effective controls on bycatch; maintain or increase employment opportunities for vessel crews, processing workers, and support industries; provide opportunities for value-added processing; maintain opportunities for fishermen and processors to enter the fishery; minimize any adverse effects of consolidation in the harvesting or processing sectors; maximize active participation by owners of vessels and fishing privileges, and maintain the economic strength and vitality of the Kodiak waterfront.

Proposal 2, regarding possible alteration of the state-waters GHL (guideline harvest level) for Pacific cod, will need to be considered carefully. Not only are there the apparent issues surrounding an increase in the proportion of annual P. cod harvests that is managed under the state GHL fishery, but there are also issues with the corresponding diminution of the federal portion of available P. cod harvests in the



Karl Johnstone  
Proposal 2 and others  
September 25, 2013  
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central Gulf of Alaska (CGOA); there would be direct effects on harvesters and processors that are dependent upon the federal fishery. Also, there are a number of ancillary, but important, considerations such as the effect of potential concentration of effort in nearshore waters on Steller sea lions and relation to the current regulatory regime imposed under the Endangered Species Act.

These types of considerations also pertain to some of the other, similar proposals that have been put forward in the Chignik area (Proposals 3, 4, and 5) which also affect the federal CGOA.

We wish you good luck in your meeting cycle this year, and we look forward to working with you on a variety of issues that affect fisheries in the Kodiak area.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerome Selby".

Jerome Selby, Mayor  
Kodiak Island Borough

A handwritten signature in cursive script, appearing to read "Pat Branson".

Pat Branson, Mayor  
City of Kodiak



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



FWS/OSM 13077.GP

**SEP 25 2013**

Mr. Karl Johnstone, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chairman Johnstone:

The Alaska Board of Fisheries will consider 37 fisheries proposals at its Statewide Pacific Cod meeting beginning October 18, 2013.

The U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM), working with four other Federal agencies, has reviewed the proposals and believes that adoption of any of these proposals will not have any significant impacts on Federal subsistence users or fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with the Alaska Board of Fisheries and the Alaska Department of Fish and Game on these issues.

Sincerely,

Eugene R. Peltola, Jr.  
Assistant Regional Director, OSM

CC: Cora Campbell, ADF&G  
Tim Towarak, Chair FSB  
Jeff Regnart, ADF&G, Anchorage  
Hazel Nelson, ADF&G, Anchorage  
Charles Swanton, ADF&G, Juneau  
Jennifer Yuhas, ADF&G, Anchorage

Kristy Tibbles, ADF&G, Juneau  
Lisa Olson, ADF&G, Anchorage  
Drew Crawford, ADF&G, Anchorage  
Kathleen M. O'Reilly-Doyle, DARD, OSM  
Interagency Staff Committee  
Administrative Record

Submitted By Seamus  
Affiliation Commercial Fisherman  
Phone 907-539-2295  
Email [live2fish@aol.com](mailto:live2fish@aol.com)  
Address 305 Neva Way  
Kodiak, Alaska 99615



PC 15  
1 of 1

Re: Alaska Board of Fisheries Statewide Pacific Cod, Oct. 18-22 2013

Proposal #2

To: Members of the Board

My name is Seamus Hayden. I live in Kodiak with my wife and three children and have fished here since 1989. I currently own and operate a 58 foot longliner, the F/V Clyde, home ported in Kodiak. The F/V Clyde is small by the standards of today, but it has taken me a lifelong career to reach this level in fisheries.

For a significant portion of the year I rely heavily on the Pacific Cod fisheries to support my business and primarily local crew here in Kodiak. We land Pacific Cod that are caught in both federal waters and in state waters during the parallel fishery. As you know, there is no provision to allow longliners participation in the state waters Pacific Cod fishery.

Proposal #2 would take a portion of Pacific Cod catch that has historically been caught by longliner's such as myself and remove it from our access. It would allocate that portion of the quota to only those boats that are currently able to participate in the state water fishery, and provide many boats larger than mine, such as the "super 8's" (wider and higher capacity 58 foot vessels) and pot boats longer than 58 feet, greater opportunity.

With the cod price per pound already in decline and with no quick outlook for any improvement in that regard, adopting this proposal would put even more economic pressure on my business, by taking away some of our direct income potential.

I would also like to point out that the proposal is founded on allocative and special economic interest rather than any scientific data.

In conclusion, I strongly oppose Proposal #2 and urge you not to adopt it.

Sincerely,

Seamus Hayden

# ALASKA BOAT COMPANY, LLC

PC 16  
1 of 1**AGENT FOR:**Alaska Rose  
Bering Rose  
Bulldog  
DestinationPO BOX 31091 - SEATTLE, WASHINGTON 98103  
Phone: 206 729-3111 - Fax: 206 547-5056  
General E-Mail: [ABC@AlaskaBoatCompany.com](mailto:ABC@AlaskaBoatCompany.com)**AGENT FOR:**Great Pacific  
Messiah  
MS Amy  
Sea WolfAlaska Boat Company  
PO Box 31091  
Seattle, WA 98103

September 4, 2013

Alaska Board of Fisheries  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526

Dear Alaska Board of Fisheries Members:

I am writing this letter to express my support for **Proposal 34 – 5 AAC 28.610. Fishing season for Bering Sea-Aleutian Islands Area**. As you are aware, this proposal calls for a moratorium on any new or expanded Pacific Cod fisheries in state waters of Area O until a long-term management plan is adopted by the Board of Fisheries, after a draft management plan for that fishery is reviewed and then approved by relevant AC's, the NPFMC, and ADF&G.

Support for my position on this issue is as follows:

- The opportunity for <60' vessels to participate in the Pacific Cod fishery inside state waters of Bering Sea-Aleutian Islands Area O currently exists in the form of a parallel fishery and roll-over provisions, essentially making implementation of a new or expanded state water fishery unnecessary and duplicative.
- Implementation of a new state water fishery in Bering Sea-Aleutian Islands Area O will foster a "race for fish" scenario, which can create unsafe fishing conditions and is contrary to the current fisheries management trend.
- Increasing the fishing effort inside state waters of Bering Sea-Aleutian Islands Area O may have unintended consequences for Stellar Sea Lion interactions.
- A bycatch accounting system and observer coverage program is not currently available to responsibly manage a new or expanded state waters Pacific Cod fishery.
- All indications point toward an eminent Pacific Cod TAC split between the Bering Sea and Aleutian Islands areas in the very near future. The impacts of this potential split are not fully known at this time. Until the uncertainty about the TAC split is resolved and the ramifications are fully understood, implementation of a new state waters fishery would be premature.
- Implementation or expansion of a new state waters Pacific Cod fishery will cause financial harm to my business.

I appreciate the opportunity to express my concerns and look forward to your support. Thank you.

Sincerely,

Chris Kline  
General Manager