

**ARCTIC STORM, INC.**400 North 34th Street, Suite 306  
Seattle, Washington 98103 U.S.A.

RECEIVED

Donald McIssac  
Executive Director  
Pacific Fisheries Management Council  
2130 S.W. 5<sup>th</sup> Ave., Suite 224  
Portland, Oregon 97201

PFMC

Oct. 15, 2000

RE: American Fisheries Act (AFA)

Dear Mr. McIssac,

I am writing in support of the industry agreement from the September Council meeting where the control date of September 16, 1999 was established to protect fisheries under the jurisdiction of the Pacific Fishery Management Council from adverse impacts from the American Fisheries Act (AFA), or by any fishery cooperatives in the directed pollock fishery. Arctic Storm, Inc. manages the FV Sea Storm and FV Nealkahnie, catcher vessels currently operating in both the shoreside and mothership whiting fisheries.

The American Fisheries Act included provisions to protect non-AFA participants from advantages gained by AFA boats because of the closed class granted to participants in the BSAI pollock fishery or the formation of cooperatives in that fishery. The Pacific Council was asked to develop protective measures, if necessary, for non-AFA participants in the Pacific whiting fishery. To date there is no evidence that AFA boats have disadvantaged non-AFA boats in the whiting fishery.

The Sept. 16, 1999 control date protects non-AFA boats from future incursions by AFA vessels that have not historically participated in the whiting fisheries. Actions that would eliminate access to either shoreside or mothership whiting markets by vessel owners who have made investments in the whiting fishery prior to passage of the AFA could pose a "takings" problem. The September '99 date protects current participants without negatively impacting vested participants.

At the September 1999 Council meeting a control date of Sept. 16, 1999 was presented to the Council in a unified proposal made by the Midwater Trawlers Cooperative (MTC) and United Catcher Boats (UCB). Nearly all catcher vessels in the whiting fishery are represented by these two organizations. The Council approved this control date and NMFS published it in the Federal Register.

At the March 2000 Council meeting, a second option of using participation years 1995-1997 was presented. The proposer of these dates argued that because it was the qualifying period used by the North Pacific Fishery Management Council (NPFMC) to define sideboards, it should be used by the Pacific Council as well. However, the NPFMC used a wide range of years differing by species and sector. No dates were set in stone by either the AFA or the NPFMC. Industry members of the North Pacific got together and negotiated these dates, just as industry members on the Pacific coast have gotten together and determined that September 16, 1999 works for the industry members here. The newly proposed qualifying years do not correspond to any management actions designed for the Pacific whiting fishery nor are they linked to any licensing or moratorium program.

A legal opinion from NOAA General Counsel and subsequent actions by the North Pacific Fishery Management Council support the concept that additional measures need not necessarily be imposed and need not limit access or conform to qualifying years used by the AFA to identify participants in the closed class for the BSAI pollock fishery.

At the October meeting of the NPFMC, action was taken to postpone indefinitely non-pollock processor sideboards. The analysis concluded that other regulatory and non-regulatory constraints sufficiently protected non-AFA processors, limits would disadvantage other non-AFA participants and limits would be too costly and burdensome for NMFS to monitor or enforce. The Council will instead look at modification of future full retention and bycatch reduction measures as they relate to all fishery participants.

Finally, in the Pacific Council's recently published Groundfish Strategy Plan, the shoreside whiting fishery is identified as the only fishery not in need of capacity reduction to harvest the 2000 OY. The vessels currently participating in that fishery represent the level identified to achieve that goal. In other words, there is no reason to change the Sept. 16, 1999 control date in an effort to reduce capitalization of the current fishery.

We encourage the Pacific Council to reject any changes to the industry agreement which would reduce current participation in the whiting fishery. If further modifications are made to the analysis to determine whether protective actions should be taken, they should focus on adverse impacts to non-AFA participants as has been done at the NPFMC and should distinguish between potential impacts in the whiting and the groundfish fisheries.

Thank you for considering our comments on this important issue.

Sincerely yours,

  
Doug L. Christensen  
President



## Golden Alaska Seafoods, LLC

Limited Liability Company

2200 Sixth Avenue • Suite 707 • Seattle, WA 98121 U.S.A.

(206) 441-1990 • Fax 441-8112

RECEIVED  
October 12, 2000

OCT 12 2000

PFMC

Mr. Donald McIsaac  
Executive Director  
Pacific Fisheries Management Council  
2130 S.W. 5<sup>th</sup> Ave., Suite 224  
Portland, Oregon 97201

Dear Mr. McIsaac,

I am writing to you on behalf of three independent catcher boats which deliver pollock and whiting to our mothership. In addition to delivery to us, these boats also have a history of delivering shoreside whiting.

The boats I am referring to are the Aleutian Challenger, American Beauty and Ocean Leader. These boats are AFA qualified, but under the AFA saw their historic pollock catch reduced as part of the mothership sector.

Prior to the AFA, these boats had established shoreside whiting markets, and invested the necessary money in order to provide their markets with high quality raw material.

The American Beauty and Ocean Leader have been delivering shoreside whiting since 1995/1996, and the Aleutian Challenger since 1998.

These boats depend on a variety of fisheries during the year in order to remain economically viable. Over the years, whiting has become an important part of this mix, as are Alaska fisheries for many of the Oregon boats.

I urge the Pacific Council to approve the Sept. 1999 option date so that our independent boats are not disenfranchised.

Thank you for your consideration.

Sincerely,

Lou Fleming  
President,  
Golden Alaska Seafoods, LLC