

HARBOR/MARINA DIVISION

March 4, 2009

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PFMC

Don Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland OR 97220-1384

RE: Support for Community Fishing Associations

Dear Chairman Hansen:

Monterey Harbor, which is operated by the City of Monterey, has a long and rich history as an important west-coast commercial fishing port. We have been fortunate to have both significant landings in coastal pelagic species as well as groundfish, with both of these fisheries being the cornerstones that allow for the retention of our commercial fishing infrastructure.

While there are some obvious and previously well discussed benefits of IFQ's, there are also potentially worrisome consequences. One is certainly that groundfish activity, following a new economic reality that IFQ's may present, could mean that central coast ports including Monterey could see groundfish quota sold or leased to other areas of the west coast.

Because of this concern, the City of Monterey strongly requests that the Pacific Fishery Management Council:

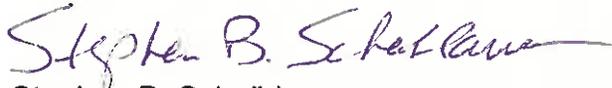
1. Develop a framework for CFAs in the current set of trailing actions to be completed by June 2009, including specific accumulation limit rules for CFAs that meet the requirements.
2. Allow entities that qualify for quota share in excess of individual accumulation limits the opportunity to divest of the excess after initial allocation. Low individual accumulation limits without a grandfather or divestiture provision could lead to a major redistribution of access with serious impacts on communities.

The City of Monterey also strongly requests that the PFMC take action to permit commercial fishing associations prior to the initial allocation process. We fear that if the PFMC waits until after the initial allocation process to address this

issue it will become increasingly difficult for new participants or entities to enter or re-enter the fishery no matter what the historic basis of their fisheries are.

We believe that the revised Magnuson-Stevens Act wisely anticipated the need for community fishing associations and we urge the Pacific Fishery Management Council to act strongly in support of these associations and the needs of communities.

Sincerely,

A handwritten signature in blue ink that reads "Stephen B. Scheiblaue". The signature is written in a cursive style with a long horizontal flourish at the end.

Stephen B. Scheiblaue
Harbormaster

SBS/jp

David Bitts
President
Larry Collins
Vice-President
Tom Hart
Secretary
Marlyse Battistella
Treasurer
In Memoriam:
Nathaniel S. Bingham
Harold C. Christensen



W.F. "Zeke"
Grader, Jr.
Executive Director
Glen H. Spain
Northwest Regional Director
Vivian Helliwell
Watershed Conservation Director
Duncan MacLean
Salmon Advisor

<http://www.pcffa.org>

Please Respond to:

California Office

P.O. Box 29370
San Francisco, CA 94129-0370
Tel: (415) 561-5080
Fax: (415) 561-5464

Northwest Office

P.O. Box 11170
Eugene, OR 97440-3370
Tel: (541) 689-2000
Fax: (541) 689-2500

18 March 2009

Mr. Don Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220-1384

RE: Guidelines for Community Fishing Associations

Dear Chairman Hansen:

The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the West Coast commercial fishing fleet, wishes to thank the Council for action at its March meeting to consider community fishing associations as part of the Pacific Coast Groundfish Fishery Management Plan. This was an action that had been requested by U.S. Senator Barbara Boxer, The Nature Conservancy, Ecotrust, Food & Water Watch, Crab Boat Owners Association and PCFFA, among others.

CFAs, as recognized by Congress, hold the potential for mitigating the impacts of individual fishing quota (IFQ) or "catch share" programs by: 1) assuring broader sharing of the economic benefits from the harvest of public trust fishery resources; 2) protection of fishing communities' historic access to fishery stocks off their coast (including fish processing jobs, and prevention of stranded capital); 3) prevention of excessive consolidation, such as where ownership or control of the fishery is held by a small group of processors, corporations or individuals (e.g., Mid-Atlantic Surf Clam fishery); 4) helping to maintain a "critical mass" of fishing vessels/fishermen to support fishing community infrastructure; and 5) to reduce the capital costs for entry into or participation in a fishery. Moreover, CFAs can help to build widespread community support for fishery conservation.

However, if guidelines for CFA establishment and operation are not thorough and well-crafted, CFAs may fail to fulfill their promise to mitigate the many and very real downsides of

individual quota programs. There is always the chance a CFA may become nothing more than a front organization for a large processor, a tyranny of a majority or a tyranny of a minority running roughshod over a port, or otherwise not acting in a manner consistent with the best use and conservation of fish stocks. This means that guidelines have to be carefully crafted. To that end, neither PCFFA nor others requesting CFA guidelines expect to dump guideline development on overworked Council staff for approval in June. PCFFA, anyway, with hundreds of years of fishing experience – hook-and-line, longline, trap and trawl – between its board members and over 50 years of experience between its two staff attorneys crafting legislation and drafting regulations, is willing to assist this effort.

CFA guidelines, at minimum, will have to address:

1. A Definition of what constitutes a Community Fishing Association
 - a) membership (i.e., minimum number of fishermen and processors)
 - b) community support (e.g., letters, city or county resolutions)
 - c) geographic range – minimum and maximum in size.
 - d) who a CFA may represent (one or multiple communities)
2. The Structure of a CFA
 - a) minimum amount of capitalization, assets (other than quota)
 - b) type of incorporation, IRS tax status
 - c) organizational bylaws and structure of board of directors
 - d) record availability for review, name of person for service of process
 - e) types of members (e.g., inclusion of fishermen’s marketing associations, cooperatives)
3. Rights of Members and Non-Members in a Community
 - a) a list of the rights of an individual member of a CFA
 - b) a list of rights of non-members in a community *vis a vis* those of members
4. Quota held by CFAs
 - a) grant of quota to CFAs (including access to quota divested by others)
 - b) purchase of quota by CFAs
 - c) maximum amount of quota that may be held by a CFA
 - d) leasing of quota to CFA members, non-members, including maximum percentage charged for leasing quota.
 - e) use of a CFAs quota outside of the community’s geographic region
 - f) sale of CFA quota
 - g) disbursement of quota upon cessation of a CFA
5. Participation of CFA With Multiple Gear Types and/or in Multiple Fisheries
 - a) converting quota from one gear to another gear.
 - b) engagement in multiple fisheries, federal and state-managed

You have also received a list of criteria from The Nature Conservancy and Ecotrust, some of which is listed above, for consideration in developing CFA guidelines. We will be attending the April Council meeting and look forward to discussing this important issue further with Council members. Please do not hesitate to contact us if you have questions or need further information.

Sincerely,

W.F. “Zeke” Grader, Jr.
Executive Director

David Bitts
President
Larry Collins
Vice-President
Tom Hart
Secretary
Marlyse Battistella
Treasurer
In Memoriam:
Nathaniel S. Bingham
Harold C. Christensen

**PACIFIC COAST FEDERATION
of FISHERMEN'S ASSOCIATIONS**



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18 March 2009

Mr. Don Hansen, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place
Portland, OR 97220-1384

RE: Groundfish Trawl Rationalization – Ownership Requirements

Dear Chairman Hansen:

The Pacific Coast Federation of Fishermen's Associations (PCFFA) represents working men and women in the West Coast commercial fishing fleet. Among those fishermen, belonging to PCFFA member organizations, that we represent are many engaged in the open access groundfish fishery, as well as some in the fixed gear limited entry and trawl fisheries.

PCFFA is concerned by the Council's decision to allow ownership of quota share in the Groundfish trawl fishery to any US citizen or resident alien. As our staff and our board members testified at the March meeting in Seattle, PCFFA believes that is imperative to place eligibility requirements on the ownership of quota share in order to protect fishermen and allow for new entrants to purchase affordable quota share. This means that ownership of quota share should be limited to fishermen on board (both captain and crew) and to Community Fishing Associations. While the Council has not yet defined the criteria for Community Fishing Associations, PCFFA requests that the Council restrict the sale of quota to either 1) fishermen engaged in the fishery or 2) to Community Fishing Associations.

The Council and members of the public brought up some legitimate concerns about how to address the issue of fishermen and other entities that currently own more than one boat or permit or whose quota share would exceed accumulation limits. PCFFA recommends that the sale of quota share be limited in the second generation to fishermen engaged in the fishery and to Community Fishing Associations. By restricting the market for quota share to participants in the fishery, speculators will be kept out and the price of quota share will remain affordable for fishermen.

Sincerely,

Nate Grader
Deputy Director