



United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

Fax: 907-486-8362



March 9, 2009

Representative Bryce Edgmon, Chair
House Fisheries Special Committee
State Capitol, Room 416
Juneau, AK 99801-1182

Re: HJR 21 "Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska"

Dear Representative Edgmon,

We respectfully submit the following comments in opposition to HJR 21 (i.e., "Requesting the North Pacific Fishery Management Council to cease consideration of an amendment package that would require a Pacific cod endorsement for a license limitation program license holder to participate in the Pacific cod fisheries in the Gulf of Alaska").

I. Introductory Comments

HJR 21 addresses a proposed regulatory action that is under consideration by the North Pacific Fishery Management Council ("NPFMC" or "Council"). The proposed regulatory action is intended to add gear-specific (i.e., pot, hook-and-line, and jig) Pacific cod "Endorsements" to fixed gear licenses for the purpose of limiting entry to the directed Pacific cod fisheries in Federal waters of the Western Gulf of Alaska (WGOA) and the Central Gulf of Alaska (CGOA). Briefly, licenses that meet the selected catch threshold (1, 3, or 5 landings, or 5 mt, 10 mt, 25 mt, or 100 mt of directed Pacific cod catch) using pot, hook-and-line, or jig gear would receive gear-specific Pacific cod "Endorsements". The NPFMC has the flexibility to select different catch thresholds for vessels within the array of gear (i.e., pot, hook and line, etc.), operation type (i.e., catcher vessel, catcher processor, etc.) and vessel length sectors that are included in this proposed action.

It is important to note that the proposed action to implement Gulf of Alaska (GOA) fixed gear P. cod Endorsements provides needed stability for the Alaska resident fleets that participate in the WGOA and CGOA fixed gear P. cod fisheries, and incorporates several tools to ensure ample opportunities for new participation and entry-level participation in these fisheries. The proposed Endorsements action seeks to arrest an ongoing and continued deterioration of, and to provide necessary protection for, the social, cultural and economic characteristics of WGOA and CGOA communities, and those fishing businesses, vessels, vessel owners, operators, crews, support businesses, etc. that are so important to Kodiak and

Representative Bryce Edgmon, Chair
House Fisheries Special Committee
HJR 21; UFMA Testimony
March 9, 2009; Page 2

other Alaska coastal communities, and that depend on stability and growth in the CGOA fixed gear P. cod fishery. The proposed GOA fixed gear P. cod Endorsements action adopts a fleet management protocol that is very similar to that which is instituted in the State of Alaska Limited Entry system; that is, the proposed Endorsements action creates licenses that have a similar purpose and function, for example, as the Limited Entry Licenses that are created by the State of Alaska in the Kodiak salmon, herring and tanner crab fisheries.

In addition to comments that directly address our opposition to HJR 21, we have included a brief compilation of relevant and recent documentary resources that define and explain the complexity of the proposed GOA Fixed Gear P. cod Endorsements action, and the serious and significant attention that has been invested in such proposed action.

II. Comments on HJR 21

We respectfully request that the House Fisheries Special Committee (House Fisheries Committee) take no action on HJR 21.

We respectfully request that the House Fisheries Committee please understand that a regulatory process has been underway for a long period of time to develop a proposed action for GOA fixed gear P. cod Endorsements. We respectfully request the House Fisheries Committee to please understand that many of the Alaskan communities, fishing businesses, vessels, vessel owners, operators, crews, support businesses, etc. that depend on the GOA fixed gear p. cod fishery would be detrimentally impacted by the adoption of HJR 21. We fear that the individuals, businesses and coastal communities who are in need of the proposed Endorsements action may be harmed by any legislative insertion into this process that may be caused by HJR 21. HJR 21 seeks to insert the Alaska Legislature into a regulatory process that is governed by a federally established entity that has developed the proposed initiative for GOA fixed gear P. cod Endorsements. However, HJR 21 falls far short of providing an accurate, thorough, complete and comprehensive consideration and understanding of the issues that are associated with the proposed Endorsements action. We fear that a significant risk exists to the individuals, businesses and coastal communities who are impacted by the proposed Endorsements action if the Alaska Legislature does not guarantee a significant investment of their time and attention to fully and completely understand the significant complexity, considerations, ramifications and details of the statutory, regulatory, social, cultural, economic and statistical considerations and analysis that have heretofore already been invested in the Endorsements initiative.

To be clear, we respect and support the authority, interests and prerogatives of the Alaska Legislature, on behalf of the State of Alaska, its resources and its citizens, to convey official expressions and resolutions of interest, intent and policy for the purpose of addressing

specific resource management initiatives that may otherwise lie within the official jurisdiction of a resource management entity that is officially established apart from the jurisdiction of the State of Alaska. However, the action that is proposed in HJR 21 is misdirected, unproductive and unreasonable, and leads to no practical or beneficial result whatsoever. And the accuracy, efficacy, manner of expression and foundation of the provisions therein contained are in large part hyperbole, malapropos, uninformed and inaccurate. HJR 21 suggests action that would significantly disadvantage and harm Alaska-resident harvesters and Alaskan coastal communities, and, instead, permit the continuing erosion of Alaskan interests in the GOA fixed gear P. cod fishery that is caused by non-Alaskan interests, and other interests that are otherwise enriched by favorable management programs in other fisheries.

Please bear in mind that the consideration of the proposed action for GOA fixed gear P. cod Endorsements is given by federal statute to a federally established entity (i.e., the NPFMC) in which the State of Alaska has statutorily been provided with significant official standing, involvement, influence and participation. The State of Alaska has reasonably sufficient and experienced professional resources with which to engage, and which have, in fact, reasonably engaged, in the development of the proposed Endorsements action. The State of Alaska has significant and ample opportunity to consider, balance, judge and advocate the details and impacts, and the policy and other considerations, that are associated with the proposed Endorsements action.

Importantly, the proposed Endorsements action that is referenced in HJR 21 has been under development for several years, and is scheduled for final action during the April, 2009, NPFMC meeting. The proposed action is very important to the stability, survival and future growth of the traditional and customary social, cultural, economic and business framework of Kodiak and other Alaska coastal communities. In fact, aggressive action to address the problems, challenges and threats to such stability, survival and future growth, such as are addressed in the proposed GOA Endorsements action, should have been taken and implemented many years ago.

We respectfully request that the House Fisheries Special Committee, the House Resources Committee and the Alaska Legislature please do not insert themselves in the proposed GOA fixed gear P. cod Endorsements initiative, especially in the manner that is expressed in HJR 21. We respectfully request that the House Fisheries Committee take no action on HJR 21.

III. Brief Compilation of Relevant and Recent Documentary Resources

A. Analysis (Public Review Draft EA/RIR/IRFA; March 3, 2009)

Representative Bryce Edgmon, Chair
House Fisheries Special Committee
HJR 21; UFMA Testimony
March 9, 2009; Page 4

"PUBLIC REVIEW DRAFT; ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/INITIAL REGULATORY FLEXIBILITY ANALYSIS for a Proposed Amendment to the Fishery Management Plan for Groundfish of the GOA Management Area to ADD PACIFIC COD ENDORSEMENTS TO WESTERN AND CENTRAL GOA FIXED GEAR LLP LICENSES; March 3, 2009" (129 pages)
<http://www.fakr.noaa.gov/npfmc/current_issues/pcod/fixedgearrecency309.pdf>

The above referenced document is commonly referred to as an "Analysis", and illustrates the most recent version of the analytical review of those conservation, management, community, statutory, regulatory, policy and other issues that the Council has determined to be included in such Analysis, in response to significant and diverse public testimony, agency comment (including from NOAA General Counsel, National Marine Fisheries Service Sustainable Fisheries Division and Enforcement Division personnel or "NMFS", Alaska Department of Fish & Game or "ADF&G", United States Coast Guard or "USCG", etc.), conformity with federal statutory and regulatory requirements (i.e., NEPA, etc.), etc.

Please see Chapter 1.1 ("Purpose and Need for the Action"; page 21), and the associated "GOA Fixed Gear Recency Purpose and Need Statement" (page 23).

Please also see that the subject Analysis identifies the most recent array of "Alternatives and Options" that are under consideration by the NPFMC for the proposed regulatory action (please see Chapter "1.2 Alternatives"; page 24).

B. December 2008 NPFMC Newsletter Article (see page 7) "GOA Fixed Gear LLP Pacific cod Endorsements"
<<http://www.fakr.noaa.gov/npfmc/newsletters/news1208.pdf>>

This NPFMC December 2008 newsletter article provides the public with a brief summary of the status, elements, direction and expectations for NPFMC action on the proposed GOA fixed gear P. cod Endorsements action that is the subject of HJR 21.

Thank you for your consideration of our comments on HJR 21.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey R. Stephan". The signature is written in a cursive, flowing style.

Jeffrey R. Stephan