

# North Pacific Fishery Management Council

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Senator Mark Begich  
United States Senate  
111 Russell Senate Office Building  
Washington, DC 20510-0201

RE: Proposed legislation to codify Amendment 80 allocations

Dear Senator Begich:

Pursuant to your office's solicitation of Council input on proposed legislation, I am writing to provide you some comments relative to the proposed codification in statute of the multi-species trawl allocations established by the North Pacific Fishery Management Council (Council) for the 'Amendment 80' sector. At this time, we feel it is important to point out how such legislation could affect the Council's ability to manage the Amendment 80 program going forward.

While these allocations are at least theoretically subject to the changing will of the Council, the allocations are clearly one important component of a broader set of tools that the Council has at its disposal in achieving the goals and objectives associated with the Council's initial implementation of Amendment 80. Removing those allocations from the Council's set of management tools would impact the Council's flexibility to respond to changes in the resource, changes in the performance of the fishery, or other considerations related to our achievement of the National Standards and the Council's own management objectives. Part of the Council's rationale for establishing the broader Amendment 80 cooperative program was to create a more responsive and accountable management system. I would also note that on a national scale there is considerable focus on the need of the Councils to review allocation decisions. While this discussion is driven largely by issues related to allocations between commercial and recreational sectors in other regions, the fact remains that Councils have an obligation to manage adaptively, and codifying allocations in legislation may conflict with that role and obligation.

In terms of whether Amendment 80 allocations should be viewed differently than other allocations (for example, the American Fisheries Act, or AFA allocations of pollock) which are established through legislation, there are considerable differences. First and foremost, the AFA allocations were established by Congress in order to rationalize an overcapitalized pollock fishery. One could not make the same argument regarding Amendment 80, where the allocations are but one integral component of the Council's overall action to rationalize that sector. Further, the AFA only went so far as to prescribe entity-level allocations for the shoreside catcher vessel sector in consideration of the size of the sector and the dynamics that might challenge a self-determined allocation strategy. Allocations among entities in all other sectors were established and are upheld through private contracts. By contrast, the Amendment 80 fleet already has the benefit of allocations backed up by regulation.

We do recognize the positive aspects this codification would provide for the participants in the Amendment 80 sector, although the same argument about allocations could be made by any sector or gear type that is managed by the Council. The Council also supports this sector being able to build replacement vessels that will be safer, more efficient, and offer more flexibility for meeting Council requirements such as observers, flow scales, improved bycatch handling, and modified gear to minimize bottom contact. Additionally, the Council is not expressing concern with regard to the vessel eligibility/vessel replacement provisions of this draft legislation. In summary, we simply believe that it would be prudent to consider the possible shift in incentives to work cooperatively in the achievement of public policy management objectives when allocation of benefits is established permanently through legislation.

Thank you for your consideration of these comments.

Sincerely,



Eric A. Olson  
Chairman

cc: Senator Lisa Murkowski  
Congressman Don Young  
Senator Maria Cantwell  
Senator Patty Murray  
Senator Jeff Merkley  
Senator Ron Wyden