

January 7, 2014

To: Mr. Karl Johnstone, Chairman, Alaska Board of Fisheries, Kodiak, Alaska

From: Jim Stone

Dear Chairman Johnstone:

The Alaska Scallop Association submits these supplemental comments to the Alaska Board of Fisheries related to Proposal 369 on Alaska's Scallop Management in response to other public comments the Board received on this Proposal.

Public Comment: Support a FMP for state waters weathervane scallops fishery.

ASA Response: There is already state management plan for state waters in state regulation and Proposal 369 will add to that Management Plan. The NPFMC has adopted a Scallop FMP for state and federal waters and has delegated management of scallops in state waters to ADF&G.

Public Comment: Homer once had an active small boat scallop fishing fleet. After the F/V Mister Big scandal and Federal takeover that small boat fleet has disappeared.

ASA Response: • The Mr. Big incident happened in January 1995. This caused extreme economic damage to the other honest scallopers as fishing was halted for a year while managers searched for a way to close the loophole the Mr. Big had taken advantage of. The NMFS -prepared 2013 Scallop SAFE Report reads as follows on this comment: "In January 1995, the captain of a scallop fishing vessel [Mr. Big] returned his 1995 scallop interim use permit card to the State of Alaska Commercial Fisheries Entry Commission in Juneau and proceeded to fish scallops in the EEZ with total disregard to harvest limits, observer coverage, and other management measures and regulations. In response to this unanticipated event, federal waters in the EEZ were closed to scallop fishing by emergency rule on February 23, 1995."

- In 1997 both NMFS and Alaska Legislature established vessel moratoriums using historic catch records that included the "Homer small boat scallop fleet" this comment refers to.
- Catches today are much more conservatively managed than the 80's and early 90's and are 22% of what they were in 1992, the highest scallop catch on record, or 4.38 times larger in 1992 than today.
- Scallops are still landed today in Homer as well as other traditional scallop landing ports of Kodiak, Dutch Harbor, Yakutat, and Sitka. None are landed outside of Alaska.
- ADF&G's observer requirement has resulted in better in-season management and a significant reduction of crab bycatch.

Public Comment: This benefit from state water scallops has mostly been displaced by a distant consolidated fleet with but a few owners.

ASA Response: All vessels currently fishing are home ported in Alaska, mostly in Kodiak, and participate in multiple Alaskan fisheries.

Public comment: Disagreement with CFEC's analysis of what is "break even" in costs and profits.

ASA Response: The breakeven point in the analysis is what it is based on the data available to CFEC. Many vessels have opted not to operate because the costs of fishing under the recent, conservative, very low quotas of the last 10-12 years, have not yielded a profit. CFEC's analysis is objective and based upon facts gathered in part by ADF&G's conservative management of the scallop fishery and the ability to obtain accurate data through 100% observer coverage.

Public Comment: Request for vessels using a 6-foot dredge or smaller be required to carry an observer if requested by regional ADF&G. The observer costs for a smaller boat with small dredge may be an unnecessary and prohibitive burden.

ASA Response:

- An exemption for the onboard observer requirement would be a significant step backwards in the successful management of Alaska's scallop fishery for the past 21 years, since the observer program's implementation 1993.

- Observers record and report all crab bycatch, which forces fishermen to avoid areas of high crab densities. Without an onboard observer, fishermen would naturally fish in the areas of highest scallop densities with complete disregard to crab bycatch. A 6-foot dredge still catches crab and must be towed longer than a larger dredge; multiple 6-foot dredges can catch large quantities of crab.

- Onboard observers ensure scallopers fish within the proper boundaries. VMS is a useful tool, but it will only tell enforcement if a boat is in a legal or illegal area and not necessarily if they are fishing inside of those areas or not.

- The observer program has allowed the Board of Fisheries to open areas to fishing, and some of those areas had been closed to scallopers for 30 or 40 years. Observers give the department's fishery managers a virtual window into what every boat is catching every day.

- The observer program has protected scallop fishermen and ADF&G from members of the public asking for scallop fishing restrictions based on opinions and perceptions and not facts: the observer program provides facts and catch data, not opinions.

- By using the accurate and trustworthy data reported from the trained onboard observers, ADF&G managers are able to close scallop areas within 0.1% of their GHL's and/or bycatch caps: that is enviable, and unheard of precision not found in most other fisheries.

- Weathervane scallops are sold to some of the world's best restaurants. These high-end restaurants and their customers are very sensitive to the "sustainability" movement. As a result of the very strong and effective Alaska scallop observer program, the existing scallopers with the help of UAF, ADF&G, and NMFS have been successful in lobbying the Monterey Bay Aquarium to give Alaska Scallops their highest "Best Choice" or "Green" rating. If the observer program is weakened or partially eliminated, we have no doubt the Aquarium would give the Alaska scallop fishery its lowest "Red Avoid" rating. This would be devastating to the demand and therefore the dock prices, and significantly and negatively affect the conservation and development of this fishery.