

1995.⁴

The administrative record shows that the vessel that qualified Mr. Jacobsen for his LLP groundfish license (LLG1427) is the F/V MS INGRID (ADFG 25187; USCG 563238). The record also shows that the vessel harvested LLP groundfish or crab between January 1, 1988, and June 17, 1995, but only with trawl gear.

On appeal, Mr. Jacobsen produced two fish tickets to show that the F/V MS INGRID harvested Pacific cod with non-trawl gear between January 1, 1988, and June 17, 1995. Both fish tickets show that the vessel harvested Pacific cod with non-trawl gear, but the fish tickets do not show that the fish were harvested or landed between January 1, 1988, and June 17, 1995. The first fish ticket (G99016805) does not show the date of the harvest or landing of the fish, but it does show that the buyer received the fish on March 5, 2000. The second fish ticket (G99016597) also does not show the date of the harvest or landing of the fish, but it does show that the F/V MS INGRID began fishing Pacific cod on March 12, 2000, and that the buyer received the fish the following day, March 13, 2000. I find, by a preponderance of the evidence in the record, that neither of the fish tickets shows that the F/V MS INGRID harvested groundfish with non-trawl gear between January 1, 1988, and June 17, 1995.

Mr. Jacobsen did not produce any other proof to show that the F/V MS INGRID harvested LLP groundfish or crab with non-trawl gear between January 1, 1988, and June 17, 1995. As a result, I conclude that Mr. Jacobsen's LLP groundfish license does not qualify to be designated for trawl and non-trawl gear, based on the fishing history of the F/V MS INGRID.

FINDING OF FACT

The F/V MS INGRID did not harvest LLP groundfish or crab with non-trawl gear between January 1, 1988, and June 17, 1995.

CONCLUSION OF LAW

Mr. Jacobsen's LLP groundfish license does not qualify to be designated for trawl and non-trawl gear, based on the fishing history of the F/V MS INGRID.

DISPOSITION

The IAD that is the subject of this appeal is **AFFIRMED**. This Decision takes effect May 24, 2006, unless by that date the Regional Administrator takes further action under 50 C.F.R. § 679.43(o).

The Appellant or RAM may submit a Motion for Reconsideration, but it must be received by this

⁴50 C.F.R. § 679.4(k)(3)(iv)(B).

Office not later than 4:30 p.m., Alaska time, on the tenth day after this Decision, May 1, 2006. A Motion for Reconsideration must be in writing, must specify one or more material matters of fact or law that the Administrative Judge overlooked or misunderstood, and must be accompanied by a written statement in support of the motion.

Randall J. Moen
Administrative Judge