

applicable general qualifying period (GQP)¹ and endorsement qualifying period (EQP)² specified in the LLP regulations for the endorsements sought by Appellant.

The LLP regulations limit evidence of a “documented harvest” of groundfish to a state catch report, federal catch report, or other valid documentation that indicates the amount of LLP groundfish harvested, the groundfish reporting area, the vessel and gear type used to harvest the groundfish, and the date of harvesting, landing, or reporting.³

The official LLP record of the National Marine Fisheries Service (NMFS) does not show that the F/V BLUE ALEUTIAN made the requisite documented harvests to qualify for an LLP groundfish license with the endorsements sought by Appellant.

Appellant claims that it is unable to obtain the fishing history of the F/V BLUE ALEUTIAN from the vessel's former owner and estate, or the vessel's former captains. Neither NMFS, nor this Office, has authority to disclose the fishing history of the vessel without the written consent of the holder of the commercial fishing permit that harvested the fish. However, this Office does have authority to examine NMFS' records to verify the vessel's fishing history. I did so, and found that the F/V BLUE ALEUTIAN does not have the fishing history to qualify Appellant for an LLP groundfish license and the endorsements sought by Appellant.⁴

Neither the NMFS official LLP record, nor the record on appeal, show that the F/V BLUE ALEUTIAN made the requisite documented harvests of groundfish to qualify Appellant for an LLP groundfish license and the endorsements that Appellant seeks on appeal. Therefore, I conclude that Appellant does not qualify for an LLP groundfish license, with endorsements for the Aleutian Islands, Bering Sea, Western Gulf of Alaska, and Central Gulf of Alaska, based on the fishing history of the F/V BLUE ALEUTIAN.

FINDING OF FACT

The F/V BLUE ALEUTIAN did not make the requisite documented harvests of LLP groundfish to qualify for an LLP groundfish license with the endorsements that Appellant seeks.

¹50 C.F.R. § 679.4(k)(4)(i).

²50 C.F.R. § 679.4(k)(4)(ii).

³50 C.F.R. § 679.4(k)(4).

⁴On December 19, 2000, RAM produced for this Office the fish ticket data of NMFS for the fishing history of the F/V BLUE ALEUTIAN between 1988 and 2000. The fish ticket is marked “confidential” in the record on appeal.

CONCLUSION OF LAW

Appellant does not qualify for an LLP groundfish license, with endorsements for the Aleutian Islands, Bering Sea, Western Gulf of Alaska, and Central Gulf of Alaska, based on the fishing history of the F/V BLUE ALEUTIAN.

DISPOSITION

The IAD that is the subject of this appeal is **AFFIRMED**. This Decision takes effect February 7, 2005, unless by that date the Regional Administrator orders review of the Decision.

The Appellant or RAM may submit a Motion for Reconsideration, but it must be received by this Office not later than 4:30 p.m., Alaska Time, on the tenth day after this Decision, January 18, 2005. A Motion for Reconsideration must be in writing, must specify one or more material matters of fact or law that were overlooked or misunderstood by the Appeals Officer, and must be accompanied by a written statement in support of the motion.

Randall J. Moen
Appeals Officer