

NATIONAL MARINE FISHERIES SERVICE, ALASKA REGION
OFFICE OF ADMINISTRATIVE APPEALS

In re Application of)	Appeal No. 01-0003
)	
BRUCE LEWIS,)	
F/V CLIPPER ENDEAVOR, et al,)	DECISION
ADF&G # 56602,)	
Appellant)	July 10, 2001
_____)	

STATEMENT OF THE CASE

The Restricted Access Management (RAM) program issued an Initial Administrative Determination (IAD) that denied Mr. Lewis' application for groundfish and crab licenses under the North Pacific Groundfish and Crab License Limitation Program (LLP), based on the fishing histories of the following eight vessels: F/V CARRIE LYNN (ADFG #unknown); F/V CLIPPER ENDEAVOR (ADFG #56602); F/V ZOLOTOI (ADF&G #40917); F/V OLGA LYNN (ADFG #unknown); F/V DOLPHIN (ADF&G #01781); F/V STARRIGAVIN (ADF&G #27044); F/V STORFJORD (ADF&G #50226); F/V SUMNER STRAIT (ADF&G #23258). RAM issued eight (8) interim LLP licenses to Mr. Lewis, pending final agency action.

Mr. Lewis filed a timely appeal of the IAD. When this Office accepted Mr. Lewis' appeal, we advised him that he had until July 2, 2001, to produce evidence in support of the appeal. Mr. Lewis did not produce additional evidence by that date. The record in this appeal was closed on July 3, 2001.

Mr. Lewis' interests are directly and adversely affected by the IAD. An oral hearing was not ordered because the record contains sufficient information on which to reach a final decision.

ISSUE

Is Mr. Lewis entitled to LLP groundfish or crab licenses as applied for?

BACKGROUND

RAM's records do not show that on June 17, 1995, Mr. Lewis owned any of the eight (8) vessels listed on his application for LLP groundfish or crab licenses, or that he owns the fishing history of any of those vessels.

Mr. Lewis did not produce a U.S. Coast Guard abstract of title, a bill of sale, or any other document that shows he owned the vessels on June 17, 1995. Nor did he produce a written contract that shows he owns the fishing histories of the vessels, or that six (6) of the vessels had the required qualifying landings. Mr. Lewis' appeal is based solely on his unsupported assertions.

DISCUSSION

To be eligible for an LLP groundfish or crab license, an applicant must have owned a vessel on June 17, 1995, that made the minimum number of qualifying documented harvests of groundfish or crab; or be the owner of the fishing history of such a vessel, based on the express terms of a written contract.¹

The record is absent of any documents that show Mr. Lewis owned a vessel on June 17, 1995, that made a documented harvest of LLP groundfish or crab; or that he owns the fishing history of a vessel that made a documented harvest of LLP groundfish or crab.

Therefore, based on the weight of evidence, I find that Mr. Lewis did not own a vessel on June 17, 1995, that made a documented harvest of LLP groundfish or crab; and that he does not own the fishing history of a vessel that made a documented harvest of LLP groundfish or crab. I conclude that Mr. Lewis is not entitled to the LLP groundfish and crab licenses applied for.

FINDINGS OF FACT

1. Mr. Lewis did not own a vessel on June 17, 1995, that made a documented harvest of LLP groundfish or crab.
2. Mr. Lewis does not own the fishing history of a vessel that made a documented harvest of LLP groundfish or crab.

CONCLUSION OF LAW

Mr. Lewis is not entitled to the LLP groundfish and crab licenses applied for.

DISPOSITION AND ORDER

The IAD that is the subject of this appeal is **AFFIRMED**. RAM is hereby ordered to revoke the eight (8) interim LLP groundfish and crab licenses issued to Mr. Lewis in this case. This Decision takes effect August 9, 2001, 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, July 20, 2001. 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 of points and authorities in support of the motion.

¹See the definition of “eligible applicant” under 50 C.F.R. § 679.2.

Randall J. Moen
Appeals Officer

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