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November 30, 2010

By facsimile to: 907-271-2817
[15 pages in total]Eric Olsen, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501Re: Request for Staff Tasking Regarding Protections Against Adverse Impacts
of the American Fisheries Act (AFA)

Dear Chairman Olsen:

I am writing to you on behalf of the Independent Cod Trawlers Association. The Association is composed of Charles Burrece of the fishing vessel LONE STAR, Omar Allinson of the fishing vessel MISS LEONA, Steve Aarvik of the fishing vessel WINDJAMMER.

I am writing to request that the North Pacific Fishery Management Council direct staff to develop an analysis concerning possible recommendations to the Secretary of Commerce for protections from the adverse impacts on my three clients, and similar non-AFA vessel owners, caused by the AFA and by the pollock fishery cooperatives which have been established in accordance with the AFA. By this letter, my three clients request that the Council recommend protections in accordance with Section 211(c) of the AFA, and the regulations implemented under 50 CFR.

All three of these vessels are small vessels for the BSAI fishery, ranging in length from 75 to 88 feet. They have fished for cod in the Bering Sea since the 1970s (Charles

Burrece), 1980s (Steve Aarvik), and 1991 (Omar Allinson), respectively. All three vessels have primarily engaged in the directed trawl fishery for Pacific Cod, and none of them qualified under the AFA because of their relatively small incidental catches of pollock.

Starting in June of 2000, my clients testified before the Council as to the adverse effects caused by a large increase in the number of vessels fishing in the Bering Sea Pacific cod fishery in January and February as a result of the newly effective AFA. At its December, 2002 meeting the Council adopted as its preferred alternative under Amendment 73 a proposal agreed to by my clients and by AFA trawl catcher vessel interests. Under that agreement, the AFA interests agreed that AFA non-exempt Bering Sea catcher vessels should not exceed a daily average of 10 vessels in the directed Pacific cod fishery for the period of January 20 through February 25.¹

However, at the February, 2003 meeting, NOAA General Counsel indicated that the Amendment 73 problem statement may be legally insufficient, and the Council postponed any protective action indefinitely. Importantly, the Council expressly indicated that "if a really large problem became apparent, the Council would bring it back to the table and look at it again," and that if "the Council saw a problem of displacement by AFA vessels, it would cause reason for the Council to think about a solution."²

Before the Council, these three fishermen had demonstrated the adverse impacts of the AFA, including the ability of AFA vessels to enter their traditional cod fishery early in large numbers. That was the reason that the AFA trawl catcher interests agreed to a compromise solution at the December, 2002 meeting.³ Unfortunately, the adverse impacts have continued and have become more pronounced since that time. During the 2009 BSAI Pacific cod season, conditions in the pollock fishery resulted in an early influx of effort by the AFA fleet in the cod fishery, resulting in a very early closure and no B season. Other recent years have been similar. The short seasons have had real and significant adverse impacts on my clients. In addition to the real hardships of less income

¹ A copy of the Council's December, 2002 minutes setting forth the Council's action is attached as Exhibit A.

²A copy of the Council's February, 2003 minutes setting forth the Council's action is attached as Exhibit B.

³ My clients recognized that the compromise solution did not fully address the adverse impacts caused to them by the AFA, but agreed to the compromise in an effort to secure at least a limited level of protection.

for more effort, in the summer of 2009 foreclosure proceedings were commenced on Steve Aarvik's home.

The Public Review Draft prepared by Council staff (dated January 16, 2003) with respect to Proposed Amendment 73 shows a breakdown in Table 4.4 (pages 33-36) of weekly participation in that fishery for the years 1995-2002. That breakdown shows that in the pre-AFA years of 1995-1999, there was an average of 2½ vessels (which are now AFA vessels without cod exemption) on the grounds in the Bering Sea during the first 5 weeks of the Pacific cod fishery.⁴ Since the fishery normally starts on January 20th of each year, that means that there were never many such vessels on the grounds until near the end of February. Not until the end of February or in early March of each pre-AFA year, was there traditionally a sudden influx into the Pacific cod fishery of vessels which are now AFA.

Since then, the AFA fleet has always held in reserve the ability to massively invade the cod fishery any time that pollock biomass and economics dictate. As a result, the Catch Per Unit Effort of the MISS LEONA, WINDJAMMER, and LONE STAR has been substantially reduced during the post-AFA years.

Because of the frequent race for fish which has resulted, my clients have had to fish in extremely dangerous winter weather conditions for their small vessels, including hurricane force winds. This raises obvious issues under National Standard 10. They also have been often passed by, and have had to fish behind, the much larger AFA vessels. As a result, they have had to fish further from shore, and in a more dispersed area than in pre-AFA years. Additionally, the measures resulting from the 2010 Stellar Sea Lion Biological Opinion will almost certainly increase the race for fish in the cod fishery, and also result in a surge in federally mandated discards (bycatch). Previously, the Council's objective with respect to the Pacific cod fishery has been to spread out the fishing fleet and effort, in order to avoid the risk of localized depletion. Unfortunately, effects of the recent Biop (which presented little real opportunity for public comment) will not be consistent with that objective.

In the AFA, Congress mandated that fishermen outside of the AFA pollock fishery **must** be protected from any adverse impacts of the AFA. As is made clear below, Congress plainly stated that the incursion of freed-up AFA vessels into a fishery such as the Pacific cod fishery is exactly the type of adverse impact which must be prevented. Section 211(a) of the AFA provides as follows:

⁴ A copy of Table 4.4 of the Public Review Draft is attached as Exhibit C.

Sec. 211. Protections for other Fisheries; conservation measures.

(a) General.-- The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

By Section 211, Congress articulated certain measures for the purpose of determining, and remedying, such adverse impacts. In the presentation of the provisions of the AFA to the Senate for its consideration, key sponsoring Senators, including Senator Ted Stevens and Senator Patty Murray, explained what Section 211 requires. Those comments are set forth in the Conference Report (Senate - October 20, 1998).

Senator Murray explained the nearly absolute protections intended in the AFA for non-pollock fisheries as follows:

The bill attempts to ensure adequate protections for other fisheries in the North Pacific from any potential adverse impacts resulting from the formation of the fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are largely left for the Councils to recommend. Those of us involved in the development of this legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible. [Conference Report, at page 12707 (emphasis added)].

Thus, Senator Murray's comments make clear that an early incursion of AFA vessels into the Pacific cod fishery is in and of itself an adverse impact, where those vessels did not have a pre-AFA history of such early participation. Of course, this is particularly obvious in a fishery such as the Bering Sea Pacific cod fishery where the January and February fishery is crowded primarily into a small area.

The comments of Senator Stevens were wholly consistent:

Subsection (a) of Section 211 directs the North Pacific Council to submit measures for the consideration and approval of the Secretary of Commerce to protect other fisheries under its authority and the participants in those fisheries from adverse impacts caused by subtitle II of the American Fisheries Act or by fishery cooperatives in the BSAI directed pollock fishery. The Congress intends for the North Pacific Council to consider particularly any potential adverse effects on fishermen in other fisheries resulting from increased competition in those fisheries from vessels eligible to fish in the BAI directed pollock fishery or in fisheries resulting from any decreased competition among processors. [At page 12781].

Paragraph (3) of subsection (c) directs the Pacific Council to submit any measures that may be necessary to protect fisheries under its authority by July 1, 2000 and allows the Secretary of Commerce to implement measures if the Council does not submit measures or if the measures submitted are determined by the Secretary to be inadequate. [At page 12781].

There can be no doubt that it was Congress' intent that protections be put in place for any adverse impacts on non-AFA fishermen, to ensure that other fisheries are held harmless to the maximum extent possible. And it is clear that Congress intended to forbid the type of extra fishing effort which has occurred in the January and February Bering Sea cod fishery due to the AFA.

On behalf of these three long-time BSAI cod fishermen, I respectfully ask that the Council recommend that regulations be promulgated to provide protections adequate to hold them harmless in fact from the adverse impacts of the AFA, as plainly intended by Congress. To do so, protective measures should return AFA vessels to the level of their pre-AFA (1995-1999) participation in the BSAI Pacific cod trawl fishery, as at least one protective measure mandated under Section 211.⁵

⁵ Additional protective measures should be applied as well. As one example, in the event of rationalization of the BSAI Pacific cod fishery, protection for non-AFA participants whose

Thank you very much for your consideration of this request.

Sincerely,



Russell W. Pritchett

cc: The Honorable Gary Locke, Secretary of Commerce
(With enclosures)

Dr. James Balsiger (With enclosures)

Mr. Allinson, Mr. Aarvik, and Mr. Burrece
(With enclosures)

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catch history has been adversely impacted by the AFA should include adjustments to reflect their pre-AFA historical percentage of catch.

AFA Trawl Catcher Vessel Impacts on Non-AFA Bering Sea Cod Trawlers Discussion Paper April 2011

At its December 2010 meeting, the Council tasked staff to prepare a discussion paper on the winter Pacific cod fishery in the Bering Sea (BS) to determine if American Fisheries Act (AFA) vessels are adversely impacting non-AFA vessels in this fishery. The tasking originates from a request by the Independent Cod Trawlers Association, three trawl catcher vessels that have historically fished for Pacific cod in the BS claiming that implementation of the AFA caused increased competition on the winter cod grounds to the point of adversely impacting their traditional trawl fishery for winter cod (see appendix for industry request). The potential impacts of this increased level of competition include factors such as decreased catch per unit of effort resulting in longer fishing times per trip, reductions in catch and a need to venture further out into the Bering Sea with resulting increased dangers to smaller vessels during January and February. The discussion paper includes information on Pacific cod harvest and participation patterns during the January and February period, weekly fishing patterns for Pacific cod, seasonal distribution of Pacific cod harvests, and distribution of total gross revenue for trawl catcher vessels participating in the Bering Sea winter cod fishery.

AFA Catcher Vessel Sideboard Restrictions

With implementation of the AFA, a portion of the AFA trawl fleet that has traditionally fished the pollock A season are able to shift their pollock shares to more efficient trawlers within the same cooperative. Potentially, this frees up some of the AFA vessels to target other BSAI groundfish such as Pacific cod during January and February. Increased fishing pressure on BSAI Pacific cod by AFA trawlers could increase competition on the fishing grounds for vessels that traditionally participated in the fishery. There are also potential impacts on safety for some of the smaller vessels in the non-AFA fleet. With increased competition for the Pacific cod resource during January and February, operators of the non-AFA trawl catcher vessels may find it necessary to increase their exposure in difficult fishing conditions for longer periods of time to successfully operate in the post-AFA fishery.

Recognizing the potential for adverse impacts resulting from the formation of fishery cooperatives, the AFA establishes harvest restrictions on the participation by AFA-qualified catcher vessels in other BSAI groundfish. Specifically, Section 211(c)(1)(A) of the AFA provides that the Council shall recommend measures to “prevent the catcher vessels eligible under subsections (a), (b), and (c) of section 208 from exceeding in the aggregate the traditional harvest levels of such vessels in other fisheries under the authority of the North Pacific Council as a result cooperatives in the directed pollock fishery;...”. To address concerns of AFA trawl catcher vessels impacting other fisheries, the Council in June 1999 recommended adopting a suite of catcher vessel sideboard limits. The Council recommended sideboards to be based on landed catch and managed through directed fishing closures. The Council recommended exempting from Pacific cod sideboards, AFA catcher vessels less 125ft LOA whose annual BSAI pollock landings averaged less than 5,100 metric tons from 1995 through 1997 and that made 30 or more landings of BSAI Pacific cod during that time period. In addition, AFA catcher vessels with mothership endorsements are exempt from Pacific cod sideboard closures after March 1 of each year. The sideboard limit, 86.09 percent of the TAC, is based on the retained catch of AFA catcher vessels of Pacific cod from 1995 through 1997 divided by the available TAC over the same period.

The rationale for the Pacific cod sideboard exemption was that many of the AFA catcher vessels with relatively low catch history of pollock have traditionally targeted BSAI Pacific cod during the January to March period. The Council stated that restricting these vessels from the winter cod fishery would be inequitable given their historic catch of Pacific cod during this period. The Council also wanted to help ensure the trawl cod harvest was fully taken and allowing these, generally, smaller AFA vessels to continue fishing until the TAC was taken or the cod dispersed was viewed as a reasonable approach.

Background

The traditional winter Pacific cod fishery for Independent Cod Trawlers Association vessels is typically concentrated just Northwest of Cape Sarichef on Unimak Island. The BS winter cod fishery occurs during the January and February, which is part of the A season 20 January to 1 April. Typically, the BS Pacific cod A season for the trawl catcher vessel sectors closes prior to April 1 (Table 1). To determine if AFA vessels are adversely impacting the Independent Cod Trawlers Association vessels during the winter cod fishery, the discussion paper focuses on the Pacific cod grounds in statistical area 655430 within management area 517 during January and February. The relative locations of this statistical area and management area are shown in Figure 1.

Table 1. Pacific cod A season dates for the trawl catcher vessel sectors in the BSAI

2009	Open	20-Jan
	Closed	21-Mar
2008	Open	20-Jan
	Closed	6-Mar
2007	Open	20-Jan
	Closed	12-Mar
2006	Open	20-Jan
	Closed	8-Mar
2005	Open	20-Jan
	Closed	13-Mar

There are three main catcher vessel trawl fleets within the overall Bering Sea/Aleutian Islands Pacific cod fishery that are the focus of this issue. These fleets are the non-AFA trawl catcher vessels which includes the three Independent Cod Trawlers Association vessels, the AFA catcher vessels (10 vessels) having a sideboard exemption for Pacific cod (referred to as AFA cod-exempt trawl vessels), and AFA catcher vessels without a sideboard exemption for Pacific cod (referred to as AFA non-cod exempt trawl vessels).

Important in the development of the discussion paper are individual confidentiality waivers signed by the three permit holders of the fishing vessels Lone Star, Miss Leona, and Windjammer. Under normal circumstances, catch and revenue information associated with these three vessels could not be published, due to confidentiality restrictions, but through the assistance of the Alaska Department of Fish and Game, confidentiality waivers were signed by the above permit holders to allow the release of their confidential data. However, despite having signed confidential waivers by these three permit holders, the discussion paper is limited on the amount of catch and revenue data that can be provided for these three fishing vessels. Providing annual catch and revenue data for these three vessels for every year from 1995 through 2009 would likely disclose confidential data on other non-AFA trawl catcher vessels when combined with previous analyses. In addition, if the Council were to propose future action that included catch and revenue information for other non-AFA trawl catcher vessels, there is a risk of disclosing confidential data. As a result, catch and revenue data is aggregated at the non-AFA trawl catcher vessel fleet level, and

when no other non-AFA trawl catcher vessels participated in the winter cod fishery for that year, Independent Cod Trawlers Association vessels catch and revenue data were provided.

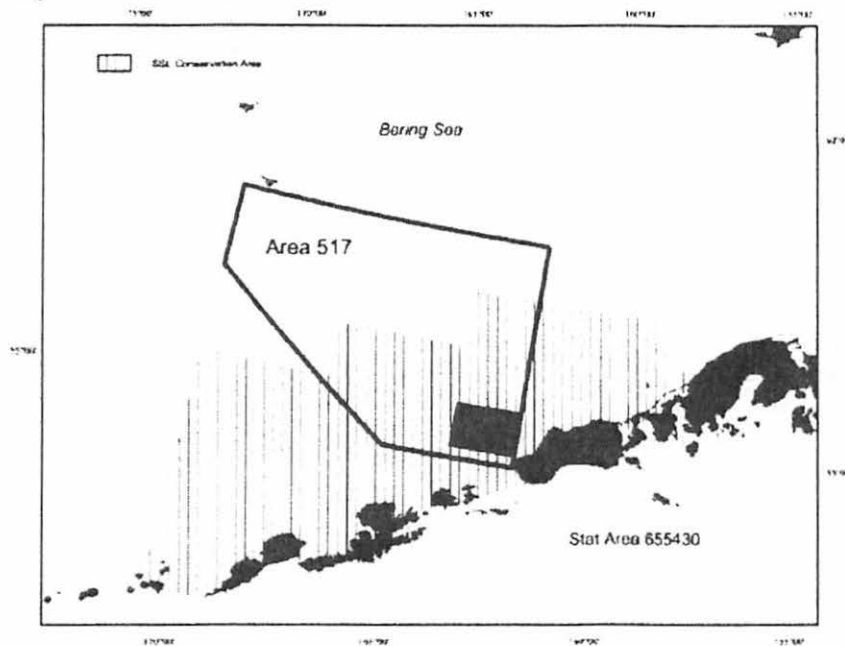


Figure 1. Map of statistical area 655430 and management area 517 in the Bering Sea/Aleutian Islands

Since implementation of the AFA in 1999, this issue has been before the Council on two other occasions. In February 2001, the Council tasked staff to prepare an amendment package to limit adverse impacts of AFA vessels on non-AFA catcher vessels in the BS winter cod fishery. Following this tasking, staff prepared an amendment package that was initially presented at the October 2002 meeting. At its December 2002 meeting, the Council selected as their preferred alternative a joint proposal by AFA and non-AFA trawl catcher vessels participants that would limit access to the directed trawl catcher vessel fishery for Pacific cod for the period of January 20 through February 25th in area 655430 to qualified catcher vessels, cod exempt AFA catcher vessels, and AFA non-exempt BS catcher vessels not to exceed a daily average of 10 vessels for the period of January 20 to February 25th. Exceeding this 10-vessel limit by the AFA non-exempt catcher vessels would have triggered an area closure to Pacific cod fishing the following year. However, in February 2003, the Council postponed indefinitely action on this amendment package. The Council at the time acknowledged that the AFA cooperatives in the years following 2000 have reduced their effort on the winter cod grounds to levels seen before the AFA. Given that the AFA cooperatives had reduced their effort, the Council opted to postpone action until such time as competition from AFA vessels increases on the winter cod grounds to the point of significantly impacting the non-AFA vessels.

In June 2006, the Council while taking final action on Amendment 85 considered an option to provide an allocation of BSAI Pacific cod to the non-AFA trawl catcher vessels. In addition, the Council also considered an option for eligible non-AFA trawl catcher vessels to be included in the AFA catcher vessel sector for purposes of the Pacific cod allocations. The criterion for eligibility under the second option was a minimum of 100 mt of Pacific cod landings during each of the years 1995 through 1997. Three non-AFA trawl catcher vessels would have qualified under this second option, all of which were Independent Cod Trawlers Association members and have been participating in the BSAI Pacific cod fishery since the 1970s, 1980s, and 1991. The vessels' representative testified that if the trawl catcher vessel allocation is split into separate non-AFA trawl catcher vessel and AFA trawl catcher vessel allocations, these three vessels, with significant history in the BSAI Pacific cod fishery, would rather be part of the AFA trawl

catcher vessel sector for purposes of the cod allocations. This is due in large part to the relative certainty associated with the number of vessels eligible to participate in the Pacific cod fishery in the AFA trawl catcher vessel sector, compared to the uncertainty associated with the number of vessels that could participate in any one year in the non-AFA trawl catcher vessel sector. Recall, at the time, that while only 14 non-AFA trawl catcher vessels have retained Pacific cod harvests on average during 1995- 2003, 50 LLPs had the appropriate endorsements for the holder to participate in the BSAI Pacific cod fishery with a (non-AFA) trawl catcher vessel.

In the end, the Council decided to maintain the combined trawl catcher vessel cod allocation (22.1%), in part because elimination of the Pacific cod sideboard would result in termination of the Cod Allocation Agreement between the AFA catcher vessel cooperatives, which would significantly disrupt the current internal cooperative management system. In addition, had the Council created separate trawl catcher vessels allocations for the AFA and non-AFA sectors and selected the option to allow eligible non-AFA trawl catcher vessels meeting the specified landings and participation threshold to be part of the AFA trawl catcher vessel sector, the cod allocation to the remaining non-AFA trawl catcher vessel sector would have been sufficiently low to warrant concern that NMFS may not have been able to manage such a small allocations.

Addressing continued concern of impacts of latent licenses on the BSAI Pacific cod fishery, the Council in April 2008 removed latent trawl catcher vessels licenses from the BSAI. The Council recommended area endorsements be removed from trawl catcher vessel licenses unless the license had at least two trawl groundfish landings during 2000 – 2006 in the endorsement area. As a result, the Council action reduced the number of trawl catcher vessel licenses endorsed for the BS an estimated 22 percent. In addition, the Council also created 12 new AI endorsements for use on existing non-AFA trawl catcher vessels licenses in the Aleutian Islands. Four of those new AI endorsements were awarded to three vessels of the Independent Cod Trawlers Association, fishing vessels Lone Star, Miss Leona, and Windjammer. The intent of the Council was to allow recent participants in the AI parallel or State waters cod fishery to qualify for an AI endorsement in order to participate in the new trawl limited access Atka mackerel and Pacific ocean perch fisheries, as well as the Pacific cod fishery in order to help facilitate economic development in Adak.

Historical and Recent Trends in the Fishery for Bering Sea Pacific Cod

Pacific cod harvest and participation: 1995 – 2009

Historical harvests of targeted Pacific cod were analyzed using fish ticket records. Pacific cod harvests from the different fleets were analyzed to show actual harvests by fleet by year. Table 1 (1995 through 2001) and Table 2 (2002 through 2009) describe the Pacific cod harvests from January and February as well as participation by vessels within each of the three fleet subgroups described above. The focus of the tables is on three geographic areas: the entire BSAI, management area 517, and statistical area 655430.

What is most apparent from Tables 2 and 3 is that statistical area 655430 accounts for most of the winter Pacific cod harvested within area 517 as well as a substantial proportion of the total BSAI harvest in early years, but in recent years the importance of statistical area 655430 and area 517 diminished. One of the primary reasons for the diminished importance of these traditional winter cod grounds was due to the increasing popularity of the Aleutian Islands cod grounds. In recent years, trawlers have shifted effort away from traditional BS winter cod grounds to AI cod grounds. However, implementation of the Steller Sea Lion Reasonable and Prudent Alternative (RPA) in January 2011 will likely shift cod effort from the AI to BS winter cod grounds in statistical area 655430 and area 517.

Participation for the non-AFA fleet is relatively constant throughout the 1995 to 2001 period, ranging from two to six vessels in area 655430. The total annual landings of Pacific cod during this period was

highest in 1995 at slightly over three million pounds. From 2002 to 2009, participation in statistical area 655430 and area 517 also remained relatively constant, but catch by this group diminished to a low of slightly over three hundred thousand pounds in 2009.

For AFA cod-exempt trawl catcher vessels, the participation over the years from 1995 through 2009 is also relatively constant in area 655430. Total landings for winter cod during this period was highest in 1998 at over 11 million pounds, and lowest in 2008 at slightly less than 2 million pounds.

Table 2. Summary of Pacific cod harvests (pounds) by area during January/February by fleet category from 1995 through 2001

Fleet	1995	1996	1997	1998	1999	2000	2001
Non-AFA Trawlers							
# of Vessels							
BSAI	4	6	4	3	4	4	2
Area 517	4	6	4	3	3	3	2
Statistical area 655430	4	6	4	3	3	3	2
Total PCOD (lbs)							
BSAI	3,273,431	2,131,670	2,382,374	*	1,498,965	2,010,449	1,039,980
Area 517	3,273,431	2,093,917	2,382,374	*	1,406,236	1,826,130	1,023,379
Statistical area 655430	3,111,054	2,037,852	2,374,927	*	1,380,093	1,826,130	1,023,379
AFA P. Cod Exempt Trawlers							
# of Vessels							
BSAI	4	4	5	6	6	6	7
Area 517	4	4	5	6	6	6	7
Statistical area 655430	4	4	5	6	6	6	7
Total PCOD (lbs)							
BSAI	6,849,182	5,427,019	9,559,427	11,595,904	9,113,888	6,348,380	5,748,568
517	6,734,631	5,396,937	9,434,960	11,595,904	8,626,735	6,290,951	3,253,083
655430	6,630,268	5,198,545	9,434,960	11,337,657	8,626,735	6,189,949	2,108,650
AFA P. Cod Trawlers w/o Exemption							
# of Vessels							
BSAI	4	3	4	14	23	37	25
Area 517	4	3	4	10	22	35	21
Statistical area 655430	4	3	4	10	22	35	21
Total PCOD (lbs)							
BSAI	1,815,636	*	3,344,616	14,386,419	9,456,399	17,902,511	4,209,309
Area 517	1,815,636	*	3,344,616	7,565,991	8,934,992	16,596,917	2,923,356
Statistical area 655430	1,815,636	*	3,344,616	7,515,937	8,928,441	16,407,370	2,898,471

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 3 Summary of Pacific cod harvests (pounds) by area during January/February by fleet category from 2002 through 2009

Fleet	2002	2003	2004	2005	2006	2007	2008	2009
Non-AFA Trawlers								
# of Vessels								
BSAI	10	14	5	3	6	5	9	7
Area 517	4	4	1	3	6	5	5	2
Statistical area 655430	4	4	1	3	6	5	5	2
Total PCOD (lbs)								
BSAI	2,251,169	2,085,726	1,146,012	*	2,406,081	2,384,483	3,262,803	3,760,521
517	1,246,918	811,434	544,563	*	1,602,324	1,423,680	465,546	333,699
655430	1,246,918	811,434	544,563	*	1,574,529	1,379,430	456,361	333,699
AFA P. Cod Exempt Trawlers								
# of Vessels								
BSAI	7	7	8	7	7	7	8	7
Area 517	7	7	6	7	7	6	7	6
Statistical area 655430	7	7	6	7	7	6	7	6
Total PCOD (lbs)								
BSAI	7,099,340	5,913,723	10,926,877	10,084,093	10,219,596	6,354,782	4,653,543	6,909,436
Area 517	5,846,630	2,437,173	2,883,845	4,192,522	7,116,181	3,816,390	1,892,257	2,860,348
Statistical area 655430	5,748,568	2,384,007	2,883,845	4,072,539	7,075,965	3,668,384	1,892,257	2,851,664
AFA P. Cod Trawlers w/o Exemption								
# of Vessels								
BSAI	17	20	19	23	29	26	34	17
Area 517	14	17	15	20	25	21	18	9
Statistical area 655430	14	16	15	20	24	21	15	9
Total PCOD (lbs)								
BSAI	8,179,743	6,612,338	11,083,115	16,520,084	22,210,982	12,882,762	17,312,565	9,244,614
Area 517	5,399,104	2,782,621	4,357,829	8,894,275	11,793,128	4,759,614	915,067	1,210,133
Statistical area 655430	5,399,104	2,766,061	4,333,858	8,868,989	11,493,182	4,595,970	878,399	1,207,162

Source: AKFIN Comprehensive_FT

* Confidential Data

The number of AFA non-exempt trawl catcher vessels participating in the winter cod fishery varied widely over the 1995 to 2009 period. Data in Table 2 shows that in 1995 through 1997, less than five vessels participated in the winter cod fishery. Starting in 1998, the number of AFA non-exempt vessels increased peaking in 2000 at 35 vessels. Since 2000, the number of AFA non-exempt vessels has fluctuated between a high of 24 vessels in 2004 to a low of 9 vessels in 2009. Landings of winter cod during this period were highest in 2000 at over 16 million pounds, while the lowest in 2008 at less than 1 million pounds.

Aside from the obvious advantage of fishing during the early months of the year when there is a high concentration of fish in area 655430, there could be several other factors affecting the increased number of vessels on the winter cod grounds after 1999. First, cooperative fishing began under the AFA program in 1999, so cooperatives began to recognize the advantage of cooperative fishing. Cooperative members also grappled with the issue of when to harvest pollock roe to maximize net revenues. As a result, those AFA vessels targeting Pacific cod in those first few years of cooperative fishing discovered that harvesting pollock later in the season resulted in water roe (over mature roe) that is of less value when compared to roe harvested earlier in the season.

Another potential explanation for the large number of AFA vessels on the winter cod grounds during the early years of AFA was the fear of being the "last man standing" under the new AFA management regime. Since there were many unknowns with the new management regime, there was some concern by participants that the fishery could be closed prematurely. Exceeding seasonal apportionments, bycatch caps, and initial allocations often lead to a premature closing of a fishery, and combined with unknown management regime, AFA vessels who normally fish during the March to June period could have opted to fish during the January and February to avoid being shut out.

Since those early years of AFA, the number of AFA non-exempt trawl catcher vessels on the winter cod grounds has diminished. One of the primary reasons cited by industry representatives is an informal agreement to limit the number of AFA non-exempt trawl catcher vessels on the winter cod grounds at any one time during the January and February period if the fishing vessels Lone Star, Miss Leona, or Windjammer are on the grounds. These three vessels have fished on the winter cod grounds nearly every year. There were exceptions like 2004 when only one of the three participated in the winter cod fishery and in 2001, 2005, and 2009 when only two vessels participated in the winter cod fishery. In recent years, one of these vessels has also participated in the AI during the January and February period.

In addition to the AFA and non-AFA trawl catcher vessels on the winter cod grounds, other vessels have targeted winter cod in statistical area 655430. For example, in 2008, there were five pot vessels that targeted Pacific cod during the January and February period in statistical area 655430. In 2009, six pot vessels and one trawl catcher processor targeting winter cod.

Weekly fishing patterns by trawl catcher vessel: 1995 – 2009

The primary concern is increased competition on the fishing grounds, particularly during January and February, and particularly within statistical area 655430. To focus specifically on the fishing activity on the fishing grounds, data was provided to show the level of fishing effort within statistical area 655430. Fish ticket data was focused on fishing activity through the end of April for the years 1995 through 2009 to allow a comparison of the number of vessels and total harvests by week over this period. The catcher vessel categories included in the data were the non-AFA vessels, the AFA vessels with a Pacific cod exemption, and AFA vessels without a Pacific cod exemption. It is the latter group that was shown to have an increased participation in the fishery starting in 1999.

Tables 4, 5, 6, 7, 8, 9, 10, and 11 report the weekly vessel activity and total Pacific cod harvest for Statistical area 655430. In comparing the data in these tables, it is important to note that the number of vessels reported in the January and February period include all unique vessels making a landing during that period. The vessels included in the weekly totals for any one week are uniquely identified for that period, but they may appear in the totals for other weeks if they made landings during that period.

The analysis of weekly fishing patterns shows a fairly consistent and relatively modest participation for non-AFA vessels in the fishery from year to year during the January and February period. In general, the number of vessels participating in the January and February fishery has ranged from a low of one vessel to a high of 13 vessels. In most years, participation by the non-AFA vessels during the first two weeks is very limited with only one or two vessels. For AFA non-exempt vessels, weekly fishing patterns show a relatively modest participation in the fishery. Prior to 1999, weekly participation for January and February ranged from one to eight vessels, but in 1999, the number of vessels increased significantly peaking in 2000. During that period, the greatest number of vessels on the winter cod grounds in any one week was 25. Following the peak in 2000, the number AFA non-exempt vessels on the winter cod grounds declined to more modest levels. The reduction in vessel numbers on the winter cod grounds is likely due, in part, to an effort by the cooperatives to limit the number of vessels on the grounds so as not to harm the non-AFA trawl catcher vessels.

Table 4. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
1995	28-Jan	314,406	3	*	3	*	1
	4-Feb	487,620	3	1,144,048	4	*	2
	22-Feb	1,055,626	4	1,387,007	4	*	1
	18-Feb	675,831	3	2,118,136	4	*	2
	25-Feb	577,571	4	1,461,365	4	*	3
	4-Mar	559,335	4	2,109,258	5	2,667,243	13
	11-Mar	351,035	4	976,245	5	3,798,910	35
	18-Mar	115,033	3	1,018,355	5	3,303,581	32
	25-Mar	49,201	5	367,958	4	3,097,696	38
	1-Apr	150,957	4	817,369	5	6,003,726	38
	8-Apr	282,291	4	*	2	7,652,258	37
	15-Apr	*	3	*	2	13,473,692	38
	22-Apr	*	3	*	2	11,780,411	40
	29-Apr	none reported	none reported	*	2	3,886,593	28
1996	27-Jan	513,301	3	*	3	*	3
	3-Feb	697,490	5	1,034,451	4	*	2
	10-Feb	159,996	3	614,289	4	*	2
	17-Feb	394,777	5	1,356,535	4	*	2
	24-Feb	272,288	3	1,176,889	4	*	2
	2-Mar	437,029	4	1,315,152	4	*	4
	9-Mar	393,586	4	968,021	5	3,303,559	28
	16-Mar	101,822	4	517,326	6	4,783,849	43
	23-Mar	310,564	5	201,095	6	1,542,005	51
	30-Mar	72,659	6	212,360	6	1,583,889	64
	6-Apr	128,079	6	325,982	6	2,751,438	59
	13-Apr	143,379	5	477,882	6	4,576,958	58
	20-Apr	213,760	5	557,367	6	4,290,105	61
	27-Apr	49,332	5	236,883	6	1,291,933	60

Source: AKFIN Comprehensive_FT

* Total exclude confidential Data

Table 5. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
1997	25-Jan	226,792	2	*	3	*	1
	1-Feb	462,886	3	*	3	*	1
	8-Feb	698,187	3	2,620,919	5	*	1
	15-Feb	608,734	3	2,643,636	5	*	1
	22-Feb	378,328	4	2,422,069	5	1,378,232	4
	1-Mar	554,882	4	1,537,239	5	7,779,783	33
	8-Mar	260,982	4	877,464	5	5,965,839	44
	15-Mar	125,883	4	871,137	5	4,722,312	47
	22-Mar	38,142	4	249,611	6	1,674,226	52
	28-Mar	99,325	5	161,962	5	1,253,578	56
	5-Apr	177,395	5	137,514	7	1,439,719	51
	12-Apr	225,545	5	521,729	7	4,417,729	49
	19-Apr	265,118	5	527,683	5	6,191,070	49
	26-Apr	191,052	5	236,725	5	3,019,304	44
	1998	24-Jan	*	1	642,510	5	*
31-Jan		*	2	2,535,353	5	*	2
7-Feb		*	1	2,276,745	5	945,320	6
14-Feb		*	2	1,962,127	6	1,929,765	7
21-Feb		*	2	2,309,494	6	1,515,742	7
28-Feb		*	3	1,611,428	6	1,362,589	8
7-Mar		*	2	1,120,420	6	3,603,217	35
14-Mar		*	2	385,017	6	2,790,491	40
21-Mar		25,532	6	308,431	7	1,792,451	60
28-Mar		10,148	6	100,387	6	801,917	61
4-Apr		none reported	none reported	none reported	none reported	1,233,419	30
11-Apr		56,254	5	350,380	6	4,498,378	59
18-Apr		68,245	2	367,760	6	2,234,108	44
25-Apr		none reported	none reported	160,612	5	445,111	21

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 6. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
1999	23-Jan	195,000	2	360,587	6	257,022	5
	30-Jan	107,711	2	1,025,063	6	1,093,754	8
	6-Feb	251,549	3	1,617,577	6	1,020,486	6
	13-Feb	311,745	3	1,876,446	6	1,411,838	7
	20-Feb	284,394	4	2,103,704	6	3,519,265	15
	27-Feb	405,194	3	1,643,358	6	1,626,076	10
	6-Mar	604,384	3	2,075,564	6	5,891,269	33
	13-Mar	93,799	3	1,049,401	6	4,532,035	51
	20-Mar	57,550	3	152,833	6	1,833,255	55
	27-Mar	none reported	none reported	34,164	2	476,430	35
	3-Apr	175,873	6	337,079	6	1,568,190	53
	10-Apr	132,714	6	486,883	5	2,311,943	39
	17-Apr	none reported	none reported	444,340	5	2,187,269	28
	2000	22-Jan	86,039	1	*	3	*
29-Jan		256,294	4	1,372,839	6	3,465,310	23
5-Feb		237,072	4	1,106,026	6	5,219,482	25
12-Feb		254,109	4	1,019,281	6	2,717,480	17
19-Feb		456,695	4	1,042,905	6	2,244,981	16
26-Feb		535,921	4	1,357,313	6	2,512,767	19
4-Mar		149,477	4	994,175	6	1,521,636	15
11-Mar		273,410	4	721,343	5	1,943,607	24
18-Mar		101,370	5	254,504	6	692,377	37
25-Mar		116,708	6	90,003	5	430,458	49
1-Apr		36,313	6	173,108	5	252,351	52
8-Apr		44,104	5	570,632	5	2,276,778	40
15-Apr		336,826	6	684,691	5	2,254,779	34
22-Apr		96,750	4	644,393	6	522,604	25
29-Apr		91,676	3	412,146	6	296,480	14

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 7. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
2001	27-Jan	26,491	1	169,204	6	704,354	23
	3-Feb	91,546	1	423,382	6	414,803	8
	10-Feb	299,133	2	*	3	775,792	6
	17-Feb	360,323	2	568,077	5	707,155	6
	24-Feb	245,886	2	526,091	5	296,367	4
	3-Mar	251,143	3	445,479	6	444,254	8
	10-Mar	386,995	3	426,421	7	274,474	7
	17-Mar	108,222	3	229,372	7	239,924	12
	24-Mar	8,178	5	58,484	6	125,810	20
	31-Mar	none reported	none reported	103,644	6	211,227	23
	7-Apr	none reported	none reported	358,979	7	312,921	24
	14-Apr	51,850	3	551,147	6	652,071	27
	21-Apr	16,398	5	369,054	6	364,673	26
	28-Apr	46,951	4	*	3	28,836	11
2002	26-Jan	83,846	1	322,169	6	346,237	5
	2-Feb	*	2	1,787,587	7	1,536,590	7
	9-Feb	228,716	4	716,583	6	653,170	7
	16-Feb	*	3	1,322,630	7	1,049,397	12
	23-Feb	426,916	9	1,599,599	7	1,813,710	13
	2-Mar	537,068	11	1,041,388	6	1,646,622	15
	9-Mar	111,205	12	201,370	4	510,656	17
	16-Mar	40,575	12	8,033	4	391,491	23
	23-Mar	41,531	10	none reported	none reported	201,718	30
	30-Mar	none reported	none reported	72,227	6	116,820	42
	6-Apr	100,712	12	96,912	4	1,541,116	35
	13-Apr	168,485	6	84,813	7	1,597,972	29
	20-Apr	16,675	4	261,481	5	1,518,281	16
	27-Apr	*	3	*	3	341,872	6

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 8. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption		
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	
2003	25-Jan	55,656	1	394,547	6	309,416	6	
	1-Feb	53,341	3	134,500	7	329,233	7	
	8-Feb	96,333	4	388,202	7	168,439	10	
	15-Feb	333,222	9	917,632	7	871,011	11	
	22-Feb	272,882	13	549,126	7	1,087,962	16	
	1-Mar	13,606	15	403,663	7	534,370	17	
	8-Mar	10,530	18	374,965	7	445,760	20	
	15-Mar	13,263	15	93,895	7	137,040	20	
	22-Mar	none reported	none reported	none reported	none reported	11,076	25	
	29-Mar	710	16	6,618	7	169,908	35	
	5-Apr	69,988	11	101,876	6	295,110	36	
	12-Apr	108,599	5	167,316	7	654,314	35	
	19-Apr	none reported	none reported	72,299	6	423,928	21	
	26-Apr	75,286	3	117,003	4	751,330	11	
	2004	24-Jan	13,904	1	439,908	5	308,264	4
		31-Jan	42,762	1	372,898	6	*	3
7-Feb		51,372	1	509,072	6	285,945	6	
14-Feb		*	2	817,403	6	1,255,271	11	
21-Feb		153,515	1	717,200	6	1,120,988	15	
28-Feb		117,785	4	27,364	7	1,155,298	15	
6-Mar		none reported	none reported	8,373	6	417,438	19	
13-Mar		none reported	none reported	182,756	6	483,700	18	
20-Mar		none reported	none reported	745,671	7	189,511	29	
27-Mar		none reported	none reported	184,365	8	816,886	33	
3-Apr		none reported	none reported	none reported	none reported	25,205	4	
10-Apr		*	2	61,890	8	242,555	31	
17-Apr		10,719	1	*	3	153,703	7	

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 9. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
2005	22-Jan	70,581	1	*	3	*	2
	29-Jan	9,394	2	413,449	5	654,069	6
	5-Feb	*	3	1,041,628	5	2,146,335	13
	12-Feb	*	3	915,777	7	2,095,923	13
	19-Feb	*	3	1,207,048	7	2,355,448	15
	26-Feb	*	3	205,545	7	1,453,277	18
	5-Mar	77,739	8	138,120	7	2,308,665	21
	12-Mar	15,239	8	14,741	8	124,897	24
	19-Mar	none reported	none reported	21,722	7	10,684	20
	2-Apr	none reported	none reported	none reported	none reported	72,875	28
	9-Apr	*	2	147,844	6	741,819	27
	16-Apr	*	2	213,544	3	553,755	13
	2006	23-Apr	47,579	1	155,017	2	none reported
30-Apr		none reported	none reported	2,452	1	none reported	none reported
21-Jan		6,812	1	*	1	none reported	none reported
28-Jan		231,783	2	1,822,409	7	1,753,006	10
4-Feb		466,963	5	1,438,329	7	2,834,353	13
11-Feb		306,977	5	1,266,500	6	2,328,088	16
18-Feb		*	3	927,535	7	1,769,968	21
25-Feb		*	3	1,543,121	7	2,807,767	24
4-Mar		351,659	4	807,401	7	1,978,934	27
11-Mar		239,602	5	167,777	7	267,765	27
18-Mar	none reported	none reported	none reported	none reported	none reported	none reported	
25-Mar	none reported	none reported	none reported	none reported	none reported	none reported	
1-Apr	none reported	none reported	none reported	none reported	none reported	none reported	
8-Apr	32,712	4	14,171	7	668,344	30	

Table 10. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption		
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	
2007	27-Jan	114,930	4	358,874	6	635,929	17	
	3-Feb	277,692	5	672,934	6	857,460	17	
	10-Feb	291,019	5	494,379	7	858,073	18	
	17-Feb	432,913	5	1,473,366	7	1,197,364	16	
	24-Feb	262,876	5	668,831	7	1,047,144	16	
	3-Mar	284,319	5	613,728	6	337,204	21	
	10-Mar	92,773	6	557,248	7	1,434,717	31	
	17-Mar	none reported	none reported	51,787	6	335,766	26	
	24-Mar	none reported	none reported	none reported	none reported	none reported	none reported	
	31-Mar	none reported	none reported	none reported	none reported	none reported	none reported	
	7-Apr	none reported	none reported	42,065	6	112,153	21	
	14-Apr	*	3	39,335	6	108,549	20	
	2008	1-Jan	51,039	5	494,715	7	310,648	10
		2-Feb	29,416	7	95,556	7	96,480	16
9-Feb		39,792	7	430,177	6	130,800	18	
16-Feb		165,834	8	467,436	7	210,776	24	
23-Feb		170,280	9	404,373	8	129,695	28	
1-Mar		237,436	9	892,782	8	601,111	30	
8-Mar		124,171	11	340,563	8	598,764	34	
15-Mar		none reported	none reported	none reported	none reported	none reported	none reported	
22-Mar		none reported	none reported	none reported	none reported	none reported	none reported	
5-Apr		3,650	9	30,985	5	70,796	21	
12-Apr		none reported	none reported	none reported	none reported	none reported	none reported	

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 11. Weekly trawl catcher vessel participation and Pacific cod harvest (pounds)

Year	Week End Date	Non-AFA Trawlers		AFA P. Cod Exempt Trawlers		AFA P. Cod Trawlers w/o Exemption	
		Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels	Total PCOD (lbs)	# of Vessels
2009	24-Jan	none reported	none reported	126,702	5	10,506	7
	31-Jan	*	3	260,782	6	62,125	11
	7-Feb	100,465	4	521,547	6	117,571	7
	14-Feb	101,326	4	783,040	7	614,500	8
	21-Feb	33,662	5	360,365	7	78,327	10
	28-Feb	95,488	7	799,228	7	324,133	11
	7-Mar	92,097	9	528,058	7	66,752	13
	14-Mar	259,339	10	252,543	4	276,877	16
	21-Mar	560,160	14	556,152	6	828,513	17
	28-Mar	none reported	none reported	159,227	5	99,836	8
	4-Apr	none reported	none reported	511,562	6	87,761	11
	11-Apr	96,064	5	52,056	5	35,274	8

Source: AKFIN Comprehensive_FT

* Confidential Data

Seasonal distribution of Pacific cod by trawl catcher vessel fleet: 1995 – 2009

Tables 12 and 13 provide information on the seasonal distribution of BSAI Pacific cod landings for the trawl catcher vessel fleets described above. Looking first at the annual distribution of Pacific cod harvests for the non-AFA trawl feet, there does not appear to be a consistent pattern in the seasonal landings during 1995 through 2009 period. From 1995 through 2000, the percent of Pacific cod harvested during the January and February period ranged from a low of 30 percent to a high of 47 percent. During the 2001 through 2004 period, the proportion of Pacific cod harvested during the January and February period declined significantly, ranging from a low of 13 percent to a high of 18 percent. After 2004, the proportion of Pacific cod harvested in the January and February period increased, ranging from a low of 29 percent to a high of 46 percent.

Looking at the AFA non-exempt vessels, this group has a lower proportion of annual harvest during January and February and a higher proportion of annual harvest during March. From 1995 through 1997, the proportion of Pacific cod harvested in the January and February period was less than 4 percent. However, from 1998 onward, the proportion of Pacific cod harvest during the January and February period increased, ranging from a low of 12 percent to a high of 44 percent.

The seasonal comparison for the AFA cod exempt fleet shows a relatively constant pattern. Pacific cod landings during January and February varied between a low of 30 percent of total annual landings in 2001 to a high of 64 percent in 1998.

Table 12. Seasonal Pacific cod harvest (pounds) by fleet and period from 1995 through 2001

Year	Fleet	Jan/Feb			March			Apr-Dec		
		Total PCOD (lbs)	# of Vessels	Pct of Total	Total PCOD (lbs)	# of Vessels	Pct of Total	Total PCOD (lbs)	# of Vessels	Pct of Total
1995	Non-AFA Trawlers	3,273,431	4	46.9%	1,884,990	5	27.0%	1,819,435	5	26.1%
	AFA w/o Exemption	1,815,636	4	2.7%	19,249,987	47	28.7%	46,011,496	59	68.6%
	AFA Exempt Trawlers	6,849,182	4	47.3%	4,745,160	5	32.8%	2,876,167	5	19.9%
1996	Non-AFA Trawlers	2,132,670	6	29.8%	2,301,184	8	32.1%	2,728,969	7	38.1%
	AFA w/o Exemption	*	3	*	36,092,297	72	*	52,328,008	78	*
	AFA Exempt Trawlers	5,427,019	4	36.5%	5,203,937	6	35.0%	4,239,468	6	28.5%
1997	Non-AFA Trawlers	2,382,374	4	34.3%	1,871,120	5	27.0%	2,686,381	6	38.7%
	AFA w/o Exemption	3,344,616	4	3.6%	48,897,108	60	52.9%	40,237,212	62	43.5%
	AFA Exempt Trawlers	9,559,427	5	51.0%	4,689,563	6	25.0%	4,495,058	7	24.0%
1998	Non-AFA Trawlers	*	3	*	929,574	7	*	910,774	6	*
	AFA w/o Exemption	14,386,419	14	21.4%	28,349,520	66	42.2%	24,445,418	67	36.4%
	AFA Exempt Trawlers	11,595,904	6	64.0%	3,999,936	7	22.1%	2,518,740	6	13.9%
1999	Non-AFA Trawlers	1,495,965	4	*	884,733	3	*	1,482,255	7	*
	AFA w/o Exemption	9,456,399	23	16.5%	30,191,997	60	52.6%	17,747,858	57	30.9%
	AFA Exempt Trawlers	9,113,888	6	62.1%	3,712,970	6	25.3%	1,850,094	6	12.6%
2000	Non-AFA Trawlers	2,010,449	4	31.6%	2,439,003	6	38.4%	1,909,729	7	30.0%
	AFA w/o Exemption	17,902,511	37	27.1%	23,017,826	60	34.9%	25,077,027	57	38.0%
	AFA Exempt Trawlers	6,348,380	6	51.1%	2,826,186	6	22.8%	3,240,953	6	26.1%
2001	Non-AFA Trawlers	1,039,980	2	15.6%	2,305,663	7	34.6%	3,315,884	5	49.8%
	AFA w/o Exemption	4,209,309	25	14.8%	13,279,625	36	46.5%	11,040,041	39	38.7%
	AFA Exempt Trawlers	3,253,083	7	29.9%	5,241,878	7	48.1%	2,394,365	7	22.0%

Source: AKFIN Comprehensive_FT
* Confidential Data

Table 13 Seasonal Pacific cod harvest (pounds) by fleet and period from 2002 through 2009

Year	Fleet	Jan/Feb			March			Apr-Dec		
		Total PCOD (lbs)	# of Vessels	Pct of Total	Total PCOD (lbs)	# of Vessels	Pct of Total	Total PCOD (lbs)	# of Vessels	Pct of Total
2002	Non-AFA Trawlers	2,251,169	10	17.8%	7,036,535	13	55.6%	3,375,329	14	26.7%
	AFA w/o Exemption	8,179,743	17	14.6%	33,189,056	44	59.1%	14,767,245	37	26.3%
	AFA Exempt Trawlers	7,099,340	7	44.2%	5,674,335	7	35.3%	3,290,382	7	20.5%
2003	Non-AFA Trawlers	2,085,726	14	12.5%	10,930,944	18	65.4%	3,703,546	14	22.2%
	AFA w/o Exemption	6,612,338	20	12.3%	32,090,758	42	59.6%	15,113,366	46	28.1%
	AFA Exempt Trawlers	5,913,723	7	35.7%	7,071,901	7	42.7%	3,558,954	8	21.5%
2004	Non-AFA Trawlers	1,146,012	5	13.7%	5,963,495	12	71.2%	1,260,415	4	15.1%
	AFA w/o Exemption	11,083,115	19	20.2%	34,844,433	42	63.6%	8,886,691	36	16.2%
	AFA Exempt Trawlers	10,926,877	8	48.7%	9,630,908	8	42.9%	1,870,612	8	8.3%
2005	Non-AFA Trawlers	*	3	*	2,228,442	8	*	*	3	*
	AFA w/o Exemption	16,520,084	23	35.6%	21,019,006	30	45.3%	8,904,813	30	19.2%
	AFA Exempt Trawlers	10,084,093	7	58.2%	5,198,494	8	30.0%	2,039,571	6	11.8%
2006	Non-AFA Trawlers	2,406,081	6	46.4%	2,306,156	7	44.4%	477,020	4	9.2%
	AFA w/o Exemption	22,210,982	29	44.4%	20,349,904	34	40.6%	7,501,350	30	15.0%
	AFA Exempt Trawlers	10,219,596	7	59.0%	5,311,123	7	30.7%	1,796,224	7	10.4%
2007	Non-AFA Trawlers	2,384,483	5	30.2%	4,295,593	15	54.5%	1,208,756	13	15.3%
	AFA w/o Exemption	12,882,762	26	29.0%	26,151,496	34	58.9%	5,351,046	26	12.1%
	AFA Exempt Trawlers	6,354,782	7	47.0%	5,346,314	7	39.6%	1,814,323	6	13.4%
2008	Non-AFA Trawlers	3,262,803	9	29.1%	6,582,438	15	58.7%	1,376,795	11	12.3%
	AFA w/o Exemption	17,312,565	34	40.0%	20,853,207	36	48.2%	5,081,563	28	11.8%
	AFA Exempt Trawlers	4,653,543	8	41.1%	5,964,605	8	52.6%	712,730	6	6.3%
2009	Non-AFA Trawlers	3,760,521	7	35.3%	6,058,497	14	56.9%	823,936	12	7.7%
	AFA w/o Exemption	9,244,614	17	28.4%	18,360,669	22	56.4%	4,942,225	14	15.2%
	AFA Exempt Trawlers	6,909,436	7	49.3%	5,580,626	7	39.8%	1,522,347	6	10.9%

Source: AKFIN Comprehensive_FT
* Confidential Data

Distribution of total gross revenue for trawl catcher vessel fleet: 1995 – 2009

Also important is the relative dependency for winter cod fishery relative to all other fisheries. Tables 14 through 16 provide annual gross revenue from harvested Pacific cod during the January and February period in statistical area 655430 relative to the total gross revenue for all targets in all areas for each trawl catcher vessel fleets. These tables provide perspective on the relative importance of the winter cod fishery for each of the trawl catcher vessel fleets. Using the relative gross income from winter cod compared with the overall gross revenue in all other fisheries off Alaska, we can calculate its relative importance each year.

For the non-AFA fleet during the 1995 through 2009 period, winter cod harvested in statistical area 655430 provided an average of 23 percent of all gross revenues for fisheries in Alaska, with a range of 7 percent in 2008 to 46 percent in 2000. In recent years, the percentage of gross revenue from the traditional winter cod fishery declined from an average of 31 percent during the 1995 through 2002 period to 13 percent during the 2003 through 2009 period. The decline in revenue from statistical area 655430 relative to BSAI total revenue is an indication that non-AFA trawl catcher vessels have shifted effort to other areas of the BSAI during January and February. Also a factor in the diminishing importance of the winter cod fishery in recent years is the dramatic increase in total revenue that can be attributed to the non-AFA trawl catcher vessels, absent Independent Cod Trawlers Association vessels, that are targeting other groundfish and shellfish. In contrast, the only source of revenue for Independent Cod Trawlers Association vessels from 2003 to 2009 was Pacific cod. As for the decline in statistical area revenue in 2009, factors contributing to that decline are likely ex-vessel price paid for cod, which was less than half of what it was in 2008, and the decline in the number of non-AFA trawl catcher vessels participating in the winter cod fishery.

During the same period, the data show that winter cod landings provided an average 25 percent of all gross revenues for the AFA cod exempt trawl catcher vessels and 7 percent of all gross revenues for the AFA non-exempt trawl catcher vessels. For the AFA non-exempt vessels, pollock provides by far the largest share of total gross revenue for these vessels, both pre-AFA and post-AFA, while for the AFA cod-exempt vessels, Pacific cod is the primary revenue source post-AFA.

Table 14. Gross revenue for January/February Pacific cod in Statistical area 655430 and gross revenue for other fisheries off Alaska for non-AFA trawl catcher vessels from 1995 through 2009

Non-AFA Trawlers				
Year	Statistical area revenue (\$)	Total revenue (\$)	Percent	# of Vessels
1995	509,589	1,189,861	42.83%	4
1996	324,691	1,003,018	32.37%	6
1997	409,627	1,349,922	30.34%	4
1998	*	*	*	3
1999	330,634	819,379	40.35%	3
2000	537,719	1,164,926	46.16%	3
2001	247,066	864,214	28.59%	2
2002	254,982	1,083,084	23.54%	4
2003	223,715	1,896,658	11.80%	4
2004	122,395	712,951	17.17%	1
2005	*	*	*	3
2006	586,528	6,564,336	8.94%	6
2007	620,708	4,934,232	12.58%	5
2008	267,093	3,734,682	7.15%	5
2009	83,431	669,707	12.46%	2

Source: AKFIN Comprehensive_FT

* Confidential Data

Table 15. Gross revenue for January/February Pacific cod in Statistical area 655430 and gross revenue for other fisheries off Alaska for AFA Pacific cod exempt trawl catcher vessels from 1995 through 2009

AFA P. Cod Exempt Trawlers				
Year	Statistical area revenue (\$)	Total revenue (\$)	Percent	# of Vessels
1995	1,039,714	3,027,802	34.34%	4
1996	759,008	2,592,372	29.28%	4
1997	1,479,799	3,977,706	37.20%	5
1998	1,633,868	3,692,993	44.24%	6
1999	1,966,759	4,777,256	41.17%	6
2000	1,799,563	4,615,134	38.99%	6
2001	514,483	4,642,058	11.08%	6
2002	1,158,367	5,597,161	20.70%	7
2003	672,153	8,268,815	8.13%	7
2004	646,206	5,951,087	10.86%	6
2005	1,031,689	6,179,976	16.69%	7
2006	2,591,600	8,981,988	28.85%	7
2007	1,606,071	7,575,923	21.20%	6
2008	1,099,216	8,782,553	12.52%	7
2009	704,138	4,511,095	15.61%	6

Source: AKFIN Comprehensive_FT

Table 16. Gross revenue for January/February Pacific cod in Statistical area 655430 and gross revenue for other fisheries off Alaska for AFA non-exempt trawl catcher vessels from 1995 through 2009

AFA P. Cod Trawlers w/o Exemption				
Year	Statistical area revenue (\$)	Total revenue (\$)	Percent	# of Vessels
1995	287,907	3,469,003	8.30%	4
1996	*	*	*	3
1997	531,178	4,831,084	11.00%	4
1998	1,030,468	8,176,947	12.60%	10
1999	2,055,882	32,303,279	6.36%	22
2000	4,952,961	61,902,265	8.00%	35
2001	676,625	32,911,014	2.06%	21
2002	1,100,587	18,313,748	6.01%	14
2003	768,127	20,054,025	3.83%	16
2004	976,809	18,658,013	5.24%	15
2005	2,272,589	31,432,861	7.23%	20
2006	4,320,897	46,741,842	9.24%	24
2007	2,135,900	36,917,031	5.79%	21
2008	544,167	29,830,862	1.82%	15
2009	296,371	10,794,081	2.75%	9

Source: AKFIN Comprehensive_FT

*Confidential Data

Vessel count by area for the Independent Cod Trawlers Associate vessels: 1995 – 2009

In order to provide insight on fishing patterns of Independent Cod Trawlers Association vessels, vessel counts for statistical area 655430, AI, BS other than statistical area 655430, and GOA during January and February were included in the discussion paper (see Table 17). The most obvious insight from the table is the importance of statistical area 655430. Since 1995, at least one vessel from the Independent Cod Trawlers Association has fished in statistical area 655430. It also appears that starting in 2002 (except

2004) two or more Independent Cod Trawlers Association vessels fished on BS winter cod grounds other than those grounds in statistical area 655430. Finally, these three vessels have very little history in the AI during January and February, while in recent years these vessels have begun focusing their attention on the GOA during this period.

Table 17. Vessel count by area during January and February from 1995 through 2011 for the Independent Cod Trawlers Associate vessels

Year	Statistical area			
	655430	AI	BS*	GOA
1995	3		1	
1996	3			
1997	3		1	
1998	1			2
1999	3		3	
2000	3			1
2001	2		1	
2002	3		3	
2003	3		3	1
2004	1		1	
2005	2		2	
2006	3		3	
2007	3		3	
2008	2	1	3	
2009	2	1	2	
2010	3		3	3
2011	2		3	2

Source: AKFIN Comprehensive_FT 1995-2000, AKFIN Comprehensive_Blend_CA 2003-2011

* BS does not include statistical area 655430

Summary

In summary, despite the increased effort on the winter cod grounds since implementation of the AFA, effort levels by non-AFA vessels on the winter cod grounds in statistical area 655430 as a percent of Pacific cod TAC has remained constant during the 1995 through 2007 period. In more recent years, non-AFA trawl catcher vessels have shifted effort away from statistical area 655430 in favor of other areas in the BSAI during January and February. This shift in effort is reflected in Table 3, which shows that the proportion of winter cod from statistical area 655430 diminished significantly relative to BSAI area wide harvest of Pacific cod. Although the number of AFA non-exempt trawl catcher vessels on the winter cod grounds has increased since implementation of AFA, their vessel numbers and their catch has remained modest relative to their historical fishing patterns during the month of March. The number of AFA non-exempt trawl catcher vessels participating in the winter cod fishery prior to implementation of the AFA ranged from 1 to 8 vessels on a weekly basis, after implementation of the AFA the numbers of AFA non-exempt vessels has ranged from 2 to 28 vessels on a weekly basis.

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March 22, 2011

By facsimile to: 907-271-2817
[12 pages in total]

RECEIVED
MAR 22 2011

Eric Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

Re: Agenda Item D-2(d) - Discussion Paper on AFA on Bering Sea Cod
Trawlers

Dear Chairman Olson:

I am writing to you on behalf of the Independent Cod Trawlers Association. The Association is composed of Charles Burrece of the fishing vessel LONE STAR, Omar Allinson of the fishing vessel MISS LEONA, and Steve Aarvik of the fishing vessel WINDJAMMER. These owners of small non-AFA cod trawl vessels have fished for cod in the Bering Sea since the 1970s (Charles Burrece), 1980s (Steve Aarvik), and 1991 (Omar Allinson), respectively.

Starting in June of 2000, my clients testified before the Council as to the adverse effects caused by a large increase in the number of vessels fishing in the Bering Sea Pacific cod fishery in January and February as a result of the AFA. Those increases have resulted in very early closures of the BS cod trawl fishery, and in recent times an absence of B season.

This letter is written prior to the public availability of the discussion paper which is the subject of this agenda item, and therefore it is not possible to address the findings

which will be set forth in that paper. Therefore, the comments here are based upon (1) the Public Review Draft prepared by Council staff (dated January 16, 2003) with respect to Proposed Amendment 73, and (2) data recently received from NMFS Sustainable Fisheries Division. Table 4.4 of the Public Review Draft is attached as Exhibit A, and data from NMFS Sustainable Fisheries showing AFA trawl vessel participation in the targeted BSAI cod fishery for the years 1995-2002 is attached as Exhibit B. Those documents show that AFA vessel participation in that January-February fishery in the most recent five years has increased approximately 270% as compared to the five years (1995-1999) preceding the effective beginning of the AFA on the fishing grounds. Here is a comparative summary of the data in those two documents for the pre-AFA years 1995-1999 and the recent years 2007-2011:

<u>Year</u>	<u>Average # of AFA vessels Targeting Cod Per Week in Season's First 5 Weeks</u>	<u>Year</u>	<u>Average # of AFA vessels Targeting Cod Per Week in Season's First 5 Weeks</u>
1995	4.4	2007	22.6
1996	5.4	2008	28.8
1997	6.2	2009	16.6
1998	9.4	2010	19.0
1999	13.6	2011	18.2

The figures show that in the pre-AFA years of 1995-1999, there was an average participation during those weeks of only 7.8 vessels which are now AFA, but that in the five most recent years the average participation of AFA vessels was 22.6 vessels, an increase of about 270%, or a near tripling of AFA participation as a result of the AFA and the coop system created under the AFA.

In the pre-AFA years of 1995-1999, there were never many now-AFA vessels on the grounds until near the end of February. Not until the end of February or in early March of each pre-AFA year, was there traditionally a sudden influx into the Pacific cod fishery of a large number of vessels which are now AFA.

Because of the frequent race for fish which has resulted in the small area of "cod alley" in the Eastern Bering Sea, my clients have had to fish in extremely dangerous winter weather conditions for their small vessels. This raises obvious issues under

National Standard 10. They also have been often passed by, and have had to fish behind, the much larger and more powerful AFA vessels, and have even been instructed by passing AFA vessels to move over or have their gear run over. As a result, the non-AFA vessels have had to fish further from shore, and in a more dispersed area than in pre-AFA years.

In the AFA, Congress mandated that fishermen left out of the AFA **must** be protected from any adverse impacts of the AFA. Congress plainly stated that the incursion of freed-up AFA vessels into a fishery such as the Pacific cod fishery is exactly the type of adverse impact which must be prevented. Section 211(a) of the AFA provides as follows:

Sec. 211. Protections for other Fisheries; conservation measures.

(a) General.-- The North Pacific Council shall recommend for approval by the Secretary such conservation and management measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

By Section 211, Congress articulated certain measures for the purpose of determining, and remedying, such adverse impacts. In the presentation of the provisions of the AFA to the Senate for its consideration, key sponsoring Senators, including Senator Ted Stevens and Senator Patty Murray, explained what Section 211 requires. Those comments are set forth in the Conference Report (Senate - October 20, 1998).

Senator Murray explained the nearly absolute protections intended in the AFA for non-pollock fisheries as follows:

The bill attempts to ensure adequate protections for other fisheries in the North Pacific from any potential adverse impacts resulting from the formation of the fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are largely left for the Councils to recommend. Those of us involved in the development of this legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible. [Conference Report, at page 12707 (emphasis added)].

Thus, Senator Murray's comments make clear that an early incursion of AFA vessels into the Pacific cod fishery is in and of itself an adverse impact, where those vessels did not have a pre-AFA history of such early participation. Of course, this is particularly obvious in a fishery such as the Bering Sea Pacific cod fishery where the January and February fishery in crowded primarily into the small "cod alley."

The comments of Senator Stevens were wholly consistent:

Subsection (a) of Section 211 directs the North Pacific Council to submit measures for the consideration and approval of the Secretary of Commerce to protect other fisheries under its authority and the participants in those fisheries from adverse impacts caused by subtitle II of the American Fisheries Act or by fishery cooperatives in the BSAI directed pollock fishery. The Congress intends for the North Pacific Council to consider particularly any potential adverse effects on fishermen in other fisheries resulting from increased competition in those fisheries from vessels eligible to fish in the BAI directed pollock fishery or in fisheries resulting from any decreased competition among processors. [At page 12781].

Paragraph (3) of subsection (c) directs the Pacific Council to submit any measures that may be necessary to protect fisheries under its authority by July 1, 2000 and allows the Secretary of Commerce to implement measures if the Council does not submit measures or if the measures submitted are determined by the Secretary to be inadequate. [At page 12781].

There can be no doubt that it was Congress' intent that protections be put in place for any adverse impacts on non-AFA fishermen, to ensure that other fisheries are held

harmless to the maximum extent possible. And it is clear that Congress intended to forbid the type of extra fishing effort which has occurred in the January and February Bering Sea cod fishery due to the AFA – a near tripling of effort by AFA vessels as shown by the data.

On behalf of these three long-time BSAI cod fishermen, I respectfully ask that the Council continue to develop this agenda item, and that the Council recommend that regulations be promulgated to provide protections adequate to hold them harmless from the adverse impacts of the AFA.

To do so, protective measures should return AFA vessels to the level of their pre-AFA (1995-1999) participation in the BSAI Pacific cod trawl fishery, as at least one protective measure mandated under Section 211.

Although these non-AFA fishermen might not be able to be represented personally at this Council meeting in Anchorage, the Council is asked to fully protect their interests in accordance with the requests set forth above.

Thank you very much for your consideration of this request.

Sincerely,



Russell W. Pritchett

cc: Mr. Allinson, Mr. Aarvik, and Mr. Burrece
(With enclosures)

SQ/NPFMC.Ltr 03 22 2011

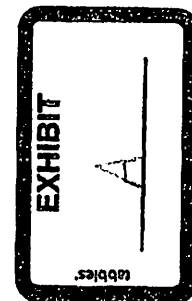
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Table 4.4(a). Weekly Trawl Catcher Vessel Participation and Average Harvest

Weekly Participation and Average Harvest in the Pacific Cod Fishery for Statistical Area 655430 by Trawl Catcher Vessel Fleets 1995 through 2002 (see confidentiality footnote below)						
Non-AFA Vessels			AFA Vessels with P. Cod Exemption		AFA Vessels w/o P. Cod Exemption	
1995	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/22	1	100,893	1	not reportable	0	none reported
week ending 1/29	2	106,754	4	119,671	0	none reported
week ending 2/05	4	222,880	5	334,539	1	not reportable
week ending 2/12	4	162,928	5	337,264	0	none reported
week ending 2/19	3	225,276	6	433,271	0	none reported
week ending 2/26	3	192,522	7	277,027	1	not reportable
week ending 3/05	3	236,407	8	293,574	11	233,332
week ending 3/12	4	78,626	9	136,886	20	154,148
week ending 3/19	1	not reportable	8	119,026	18	121,424
week ending 3/26	3	not reportable	7	62,663	32	90,780
week ending 4/02	3	not reportable	7	123,741	31	189,572
week ending 4/09	3	not reportable	4	157,173	34	228,603
week ending 4/16	2	138,670	5	356,976	34	303,983
week ending 4/23	3	not reportable	4	187,557	30	305,168
week ending 4/30	0	none reported	4	149,623	12	140,297
1996	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/21	3	28,640	2	not reportable	1	not reportable
week ending 1/28	3	168,822	4	333,858	2	not reportable
week ending 2/04	5	123,677	5	224,675	1	not reportable
week ending 2/11	3	53,330	5	115,439	1	not reportable
week ending 2/18	5	78,954	5	364,868	1	not reportable
week ending 2/25	3	90,762	5	252,743	1	not reportable
week ending 3/03	4	109,256	5	306,917	3	not reportable
week ending 3/10	5	108,533	7	158,922	26	124,389
week ending 3/17	4	63,263	9	85,424	34	139,229
week ending 3/24	5	36,910	8	33,457	14	52,373
week ending 3/31	4	22,296	6	71,093	19	73,384
week ending 4/07	5	41,775	6	51,077	26	67,260
week ending 4/14	5	44,345	8	87,390	36	104,904
week ending 4/21	6	46,890	7	80,618	34	97,178
week ending 4/28	3	not reportable	6	30,517	25	30,508

Source: from NPFMC BSAI Amendment 73 data base, November 2002.

Note: release of confidential data in this table was approved by specific authorization to the NPFMC by the vessel owners and permit holders.



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Table 4.4(b). Weekly Trawl Catcher Vessel Participation and Average Harvest

Weekly Participation and Average Harvest in the Pacific Cod Fishery for Statistical Area 655430 by Trawl Catcher Vessel Fleets 1995 through 2002 (see confidentiality footnote below)						
Non-AFA Vessels			AFA Vessels with P. Cod Exemption		AFA Vessels w/o P. Cod Exemption	
1997	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/26	3	131,525	3	not reportable	1	not reportable
week ending 2/02	3	98,365	3	not reportable	1	not reportable
week ending 2/9	3	258,121	5	594,155	1	not reportable
week ending 2/16	4	214,458	5	514,255	1	not reportable
week ending 2/23	3	71,853	5	377,048	6	379,593
week ending 3/02	4	144,968	5	316,541	30	245,413
week ending 3/9	5	74,404	4	265,035	41	164,439
week ending 3/16	3	not reportable	5	117,313	40	96,477
week ending 3/23	3	not reportable	5	46,282	32	44,155
week ending 3/30	2	not reportable	4	41,468	28	40,109
week ending 4/06	3	not reportable	3	not reportable	22	91,186
week ending 4/13	4	72,697	5	111,701	38	109,191
week ending 4/20	4	83,916	4	141,394	37	173,437
week ending 4/27	5	25,621	5	52,246	36	69,582
1998	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/25	2	not reportable	5	250,579	3	not reportable
week ending 2/01	1	not reportable	5	412,239	2	not reportable
week ending 2/8	1	not reportable	5	473,953	4	323,095
week ending 2/15	2	not reportable	7	296,615	5	284,890
week ending 2/22	2	not reportable	7	323,872	4	379,236
week ending 3/01	3	not reportable	6	240,857	6	185,611
week ending 3/8	1	118,071	7	181,278	27	153,719
week ending 3/15	1	89,416	5	96,731	18	125,925
week ending 3/22	5	14,652	7	27,905	31	49,763
week ending 3/29	3	not reportable	8	18,197	24	33,476
week ending 4/05	0	none reported	1	not reportable	15	73,838
week ending 4/12	3	not reportable	7	86,442	40	99,780
week ending 4/19	4	53,507	6	74,753	30	55,186
week ending 4/26	2	not reportable	6	31,152	12	31,009

Source: from NPFMC BSAI Amendment 73 data base, November 2002.

Note: release of confidential data in this table was approved by specific authorization to the NPFMC by the vessel owners and permit holders.

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Table 4.4(c). Weekly Trawl Catcher Vessel Participation and Average Harvest

Weekly Participation and Average Harvest in the Pacific Cod Fishery for Statistical Area 655430 by Trawl Catcher Vessel Fleets 1995 through 2002 (see confidentiality footnote below)						
1999	Non-AFA Vessels		AFA Vessels with P. Cod Exemption		AFA Vessels w/o P. Cod Exemption	
	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/24	2	9,749	6	82,980	5	68,820
week ending 1/31	2	71,397	6	161,027	7	160,442
week ending 2/7	3	72,154	6	256,525	5	204,483
week ending 2/14	3	126,024	6	312,738	5	277,172
week ending 2/21	3	136,394	6	396,964	16	222,356
week ending 2/28	3	107,280	6	260,470	10	190,542
week ending 3/7	3	165,534	6	374,213	32	191,805
week ending 3/14	3	31,265	6	113,679	39	101,227
week ending 3/21	3	19,183	5	33,358	37	51,911
week ending 3/28	0	none reported	3	not reportable	15	25,376
week ending 4/04	5	38,058	4	76,931	30	62,782
week ending 4/11	5	29,633	5	128,627	27	83,448
week ending 4/18	1	not reportable	3	not reportable	16	107,658
week ending 4/25	0	none reported	0	none reported	0	none reported
2000	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/23	1	86,038	4	91,781	3	not reportable
week ending 1/30	3	85,429	6	249,224	25	184,401
week ending 2/6	3	97,630	7	211,942	20	203,461
week ending 2/13	3	83,703	7	164,566	15	164,182
week ending 2/20	3	155,974	7	190,610	14	149,587
week ending 2/27	3	150,210	7	208,793	15	131,528
week ending 3/5	3	64,247	7	150,595	13	120,197
week ending 3/12	3	76,709	7	103,304	20	94,031
week ending 3/19	3	33,787	5	43,759	17	24,820
week ending 3/26	4	29,175	2	not reportable	8	61,887
week ending 4/02	2	18,156	4	50,813	11	22,469
week ending 4/9	3	71,007	6	97,737	22	111,944
week ending 4/16	3	55,964	7	123,746	21	86,166
week ending 4/23	3	41,215	6	126,631	8	77,339
week ending 4/30	2	32,384	4	62,669	4	48,952

Source: from NPFMC BSAI Amendment 73 data base, November 2002.

Note: release of confidential data in this table was approved by specific authorization to the NPFMC by the vessel owners and permit holders.

PUBLIC REVIEW DRAFT

Table 4.4(d). Weekly Trawl Catcher Vessel Participation and Average Harvest

Weekly Participation and Average Harvest in the Pacific Cod Fishery for Statistical Area 655430 by Trawl Catcher Vessel Fleets 1995 through 2001 (see confidentiality footnote below)						
2001	Non-AFA Vessels		AFA Vessels with P. Cod Exemption		AFA Vessels w/o P. Cod Exemption	
	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/28	1	49,165	7	38,556	19	38,919
week ending 2/4	1	68,868	7	79,561	5	78,018
week ending 2/11	2	149,565	4	95,012	5	132,396
week ending 2/18	2	180,160	5	144,686	2	not reportable
week ending 2/25	2	122,941	5	155,938	2	not reportable
week ending 3/4	3	149,011	6	85,528	3	not reportable
week ending 3/11	4	55,088	6	67,032	4	73,295
week ending 3/18	2	47,167	3	not reportable	3	not reportable
week ending 3/25	1	8,175	2	not reportable	5	36,093
week ending 4/01	0	none reported	4	55,131	5	54,574
week ending 4/8	0	none reported	4	60,521	8	21,832
week ending 4/15	2	25,923	7	99,409	16	41,772
week ending 4/22	2	8,198	6	47,246	7	45,434
week ending 4/29	3	15,650	2	not reportable	0	none reported
2002	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)	# of vessels	average P. cod harvest (lbs.)
week ending 1/27	2	not reportable	6	154,818	4	118,593
week ending 2/3	2	not reportable	7	221,959	6	179,689
week ending 2/10	3	not reportable	7	132,415	3	not reportable
week ending 2/17	3	not reportable	8	248,561	5	169,287
week ending 2/24	5	103,959	7	229,182	7	161,312
week ending 3/3	5	113,319	6	158,372	7	203,181
week ending 3/10	3	not reportable	4	69,465	8	50,302
week ending 3/17	3	not reportable	2	not reportable	7	43,734
week ending 3/24	3	not reportable	2	not reportable	2	not reportable
week ending 3/31	1	not reportable	2	not reportable	4	47,400
week ending 4/7	3	not reportable	4	58,938	16	87,574
week ending 4/14	5	33,696	5	75,475	20	95,621
week ending 4/21	1	not reportable	3	not reportable	10	95,065
week ending 4/28	1	not reportable	3	not reportable	4	69,920

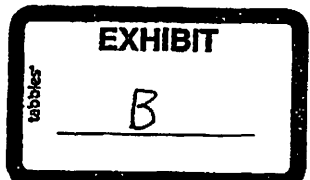
Source: from NPFMC BSAI Amendment 73 data base, November 2002.

Note: release of confidential data in this table was approved by specific authorization to the NPFMC by the vessel owners and permit holders.

BSAI trawl catcher vessels in the Pacific cod target

Year	Week	# of vessels	AFA	total vessels
2003	1/25/2003	4	N	
2003	1/25/2003	13	Y	17
2003	2/1/2003	3	N	
2003	2/1/2003	12	Y	15
2003	2/8/2003	4	N	
2003	2/8/2003	17	Y	21
2003	2/15/2003	11	N	
2003	2/15/2003	21	Y	32
2003	2/22/2003	15	N	
2003	2/22/2003	23	Y	38
2003	3/1/2003	15	N	
2003	3/1/2003	23	Y	38
2004	1/24/2004 < 3		N	
2004	1/24/2004	10	Y	10
2004	1/31/2004 < 3		N	
2004	1/31/2004	8	Y	8
2004	2/7/2004 < 3		N	
2004	2/7/2004	13	Y	13
2004	2/14/2004	3	N	
2004	2/14/2004	19	Y	22
2004	2/21/2004 < 3		N	
2004	2/21/2004	21	Y	21
2004	2/28/2004	3	N	
2004	2/28/2004	23	Y	26
2004	3/6/2004	3	N	
2004	3/6/2004	6	Y	9
2005	1/22/2005 < 3		N	
2005	1/22/2005	10	Y	10
2005	1/29/2005 < 3		N	
2005	1/29/2005	10	Y	10
2005	2/5/2005	3	N	
2005	2/5/2005	19	Y	22
2005	2/12/2005	3	N	
2005	2/12/2005	19	Y	22
2005	2/19/2005 < 3		N	
2005	2/19/2005	18	Y	18
2005	2/26/2005	4	N	
2005	2/26/2005	28	Y	32
2005	3/5/2005 < 3		N	
2005	3/5/2005	12	Y	12
2006	1/21/2006 < 3		N	
2006	1/21/2006	12	Y	12
2006	1/28/2006	4	N	
2006	1/28/2006	21	Y	25
2006	2/4/2006	5	N	
2006	2/4/2006	20	Y	25
2006	2/11/2006	4	N	
2006	2/11/2006	22	Y	26
2006	2/18/2006	4	N	

Data Produced by NMFS Sustainable Fisheries Division



2006	2/18/2006	28 Y	32
2006	2/25/2006	4 N	
2006	2/25/2006	31 Y	35
2006	3/4/2006	4 N	
2006	3/4/2006	27 Y	31
2007	1/20/2007	1 N	
2007	1/20/2007	17 Y	18
2007	1/27/2007	5 N	
2007	1/27/2007	24 Y	29
2007	2/3/2007	5 N	
2007	2/3/2007	24 Y	29
2007	2/10/2007	5 N	
2007	2/10/2007	26 Y	31
2007	2/17/2007	5 N	
2007	2/17/2007	22 Y	27
2007	2/24/2007	5 N	
2007	2/24/2007	27 Y	32
2007	3/3/2007	3 N	
2007	3/3/2007	25 Y	28
2008	1/26/2008	5 N	
2008	1/26/2008	22 Y	27
2008	2/2/2008	8 N	
2008	2/2/2008	24 Y	32
2008	2/9/2008	8 N	
2008	2/9/2008	26 Y	34
2008	2/16/2008	8 N	
2008	2/16/2008	34 Y	42
2008	2/23/2008	8 N	
2008	2/23/2008	38 Y	46
2008	3/1/2008	9 N	
2008	3/1/2008	38 Y	47
2009	1/24/2009 < 3	N	
2009	1/24/2009	18 Y	18
2009	1/31/2009 < 3	N	
2009	1/31/2009	17 Y	17
2009	2/7/2009	4 N	
2009	2/7/2009	15 Y	19
2009	2/14/2009	4 N	
2009	2/14/2009	15 Y	19
2009	2/21/2009	6 N	
2009	2/21/2009	18 Y	24
2009	2/28/2009	7 N	
2009	2/28/2009	18 Y	25
2010	1/23/2010 < 3	N	
2010	1/23/2010	9 Y	9
2010	1/30/2010 < 3	N	
2010	1/30/2010	15 Y	15
2010	2/6/2010	5 N	
2010	2/6/2010	20 Y	25
2010	2/13/2010	5 N	
2010	2/13/2010	23 Y	28
2010	2/20/2010	5 N	

2010 2/20/2010	28 Y	33
2010 2/27/2010	10 N	
2010 2/27/2010	28 Y	38
2010 3/6/2010 < 3	N	
2010 3/6/2010	10 Y	10
2011 1/22/2011 < 3	N	
2011 1/22/2011	10 Y	10
2011 1/29/2011	3 N	
2011 1/29/2011	17 Y	20
2011 2/5/2011	6 N	
2011 2/5/2011	21 Y	27
2011 2/12/2011	9 N	
2011 2/12/2011	22 Y	31
2011 2/19/2011	8 N	
2011 2/19/2011	21 Y	29
2011 2/26/2011	7 N	
2011 2/26/2011	18 Y	25
2011 3/5/2011	3 N	
2011 3/5/2011	7 Y	10

AGENDA ITEM D-2(d)

April 3, 2011

Presented by: Russell Pritchett, for the Independent Cod Trawlers Association.

INTRODUCTION

The Council is asked to direct Staff to further develop the discussion paper under this agenda item to analyze the effects upon the BSAI non-AFA cod trawl fleet resulting from the following.

1. **There has been a greater than 300% increase in the number of AFA vessels fishing in the BSAI cod trawl fishery in the first 5 weeks of the fishery, as compared to the pre-AFA years.**

As shown by the Exhibits to the March 22, 2011 letter of Russell W. Pritchett,¹ the overall average number for all AFA vessels (both cod-exempt and not cod-exempt) fishing for cod during those 5 weeks in the pre-AFA years of 1995-1998 was 6.4 vessels. The Independent Cod Trawlers position has always been that the first 5 weeks is the directly impacted time period. AFA effort always increased near the end of February. Therefore, the discussion paper, which groups all of January and February, depicts somewhat higher historical AFA effort because it also includes the historical late-February surge of AFA vessels into the cod fishery.

As compared to a pre-AFA average for all AFA vessels of only 6.4 vessels during those 5 weeks, the average for all AFA vessels during that period during the last 5 years (2007-2011) has been 21 vessels. This is an increase of 328% as compared to the pre-AFA years.

2. **As shown by the discussion paper, there has been an almost 400% increase in the percentage of its annual BSAI cod harvest of the non-exempt AFA fleet caught in January/February as compared to pre-AFA years.**

¹ Exhibit A (Am. 73 Public Review Draft for 1995-2002) and Exhibit B (recent NMFS-produced totals for 2003-2010)

Table 12 (page 12) of the discussion paper shows that in the pre-AFA years (1995-1998), the percentage of the non-exempt AFA fleet's annual cod harvest which was caught in January-February ranged from 2.7% to 21.4%, with an average of 9.2%. In the 5 most recent years (2005-2009), shown in Table 13, the percentage ranged from 28.4% to 44.4%, for an average of 35.5%. Thus, **the percentage of its annual BSAI cod harvest which is taken in January-February has increased 385% from a pre-AFA average of 9.2% to a recent-years' average of 35.5%.**

3. There has been sharply increased effort by non-exempt AFA vessels which has resulted in early closures of the BSAI cod fishery in March of each year starting in 2004.

As shown by the attached data prepared by NMFS Sustainable Fisheries Division, the BSAI cod trawl fishery never closed as early as March until 2004, when the non-exempt AFA fleet began to sharply increase the percentage of its annual cod harvest taken in January-February (as discussed in #2 above). Since 2004, and coinciding with that greatly increased effort by the non-exempt AFA fleet, the A season has ended in March every year, as early as March 6th. Regardless of how much cod the non-AFA vessels can catch before those early closures, it is obvious that the non-AFA catch would be significantly higher if that fleet were able to fish through the normal duration of A season. And B season has been similarly affected, as well.

The above issues demonstrate that the discussion paper should be expanded to consider and analyze the above adverse impacts on the non-AFA fleet, as well the adverse impacts resulting from the cooperative system allowed under the AFA, including the ability of AFA vessels to transfer cod or pollock fishing rights or applicable sideboard levels.

Year	Area	Closed	Open	Reason	News Release	News Release
1995						
Pacific Cod (Trawl)	BSAI	24-Apr	25-Oct	Halibut	42	
	BSAI	28-Oct	31-Dec	Halibut	125	
1996						
Pacific Cod (Trawl)	BSAI	14-May	14-Jun	Halibut	52	64
	BSAI	23-Jun	25-Oct	Halibut	69	
	BSAI	9-Nov	31-Dec	Halibut	138	
1997						
Pacific Cod (Trawl)	ZONE 1	23-Apr	31-Dec	BTCR	51	
Pacific Cod (Trawl - Catcher Vessel)	BSAI	29-Apr	15-Oct	TAC	53	124
1998						
No closure						
1999						
Pacific Cod (Trawl - Catcher Vessel)	BSAI	04/11	10/01	TAC	41	117
Pacific Cod (Trawl)	BSAI	10/18	11/16	TAC	135	142
2000						
Pacific Cod (Trawl - Catcher Vessel)		20-Jan	Open			
		24-Apr	Bycatch	TAC	00-46	
		1-Sep	Open	TAC	00-82	
2001						
Pacific Cod (Trawl - Catcher Vessel)		20-Jan	Open	Reg		
		1-Nov	Bycatch	Reg		
2002						
Pacific Cod (Trawl - Catcher Vessel)		20-Jan	Open	Reg		
Pacific Cod (Trawl - Catcher Vessel)		1-Jul	Bycatch	RKC	#02-41	
Pacific Cod (Trawl - Catcher Vessel)		29-Oct	Bycatch	HAL	#02-90	

2003				
Pacific Cod (Trawl - Catcher Vessel)	20-Jan	Open	Reg	
	25-Sep	Bycatch	HAL	#03-82
2004				
Pacific Cod (Trawl - Catcher Vessel)	20-Jan	Open	Reg	
	23-Mar	Bycatch	TAC	#04-32
	1-Apr	Open	Reg	
	4-Apr	Bycatch	TAC	#04-37
	10-Apr	Open	TAC	#04-40
	13-Apr	Bycatch	TAC	#04-40
	10-Jun	Open	Reg	
	1-Nov	Bycatch	Reg	
2005				
Pacific Cod (Trawl - Catcher Vessel)	20-Jan	Open	Reg	
	13-Mar	Bycatch	TAC	#05-25
	29-Mar	Open	TAC	#05-29
	18-Aug	Bycatch	HAL	#05-70
2006				
Pacific Cod (Trawl - Catcher Vessel)	20-Jan	Open	Reg	
	8-Mar	Bycatch	TAC	#06-26
	1-Apr	Open	TAC	
	6-Apr	Bycatch	TAC	#06-35
	8-Jun	Bycatch	HAL	#06-50
	19-Jul	Open	HAL	#06-60
	31-Aug	Bycatch	HAL	#06-87
2007				
Pacific Cod (Trawl - Catcher Vessel)	20-Jan	Open	Reg	
	12-Mar	Bycatch	TAC	#07-32
	1-Apr	Open	Reg	
	9-Apr	Bycatch	TAC	#07-38
	10-Jun	Open	Reg	
	29-Sep	Bycatch	HAL	#07-101

2008

Pacific Cod (Trawl - Catcher Vessel)

20-Jan Open	Reg	
6-Mar Bycatch	TAC	#08-36
1-Apr Open	Reg	
4-Apr Bycatch	TAC	#08-49
10-Jun Open	Reg	
1-Nov Bycatch	Reg	

2009

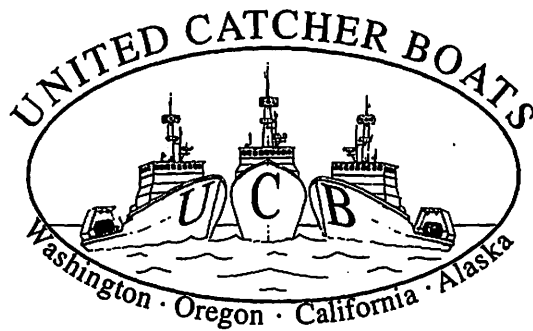
Pacific Cod (Trawl - Catcher Vessel)

20-Jan Open	Reg	
21-Mar Bycatch	TAC	#09-37
1-Apr Open	Reg	
5-Apr Bycatch	TAC	#09-45
10-Jun Open	Reg	
1-Nov Bycatch	Reg	

2010

Pacific Cod (Trawl - Catcher Vessel)

20-Jan Open	Reg	
12-Mar Bycatch	TAC	IB 10-34
1-Apr Open	Reg	
1-Apr Bycatch	TAC	IB 10-42
10-Jun Open	Reg	
1-Nov Bycatch	Reg	



United Catcher Boats Proposed Recommendation
Amendment 73, Additional P. Cod Sideboards
November 25, 2002

The members of United Catcher Boats (UCB) continue to believe that the AFA non-exempt vessels have no negative impact on the non-AFA vessels in the Bering Sea P. cod trawl fishery. However, for purposes of reaching an agreement with the three members of the Non-AFA cod fleet, UCB presents the following proposal for consideration by the three Non-AFA cod catcher vessel owners.

During the time period of January 20th through February 20th the AFA non-exempt Bering Sea vessels will limit their directed fishing for P. cod in ADF&G Stat. Area 655430 to a daily average of 15 vessels. Exceeding this 15-vessel limit in any given year will trigger an area closure to P. cod fishing the following year.

The closure area, if triggered, is defined as the same area closed for the NMFS Cod Fishery Interaction Study (Cape Sarichef Test Area, see attached chart). The triggered closure would be in effect from January 20th to February 20th and applies to AFA cod non-exempt boats participating in the BSAI directed cod fishery.

In addition, the AFA non-exempt vessel cap and trigger mechanism does not apply in years when less than three non-AFA boats that meet the threshold standard of Alternative 2 (over 250,000 lb. in 4 out of 5 yrs) are fishing for P. cod in ADF&G Stat. Area 655430 by February 1st.

Lastly, this regulatory action would terminate upon rationalization of the BSAI P. Cod fishery.

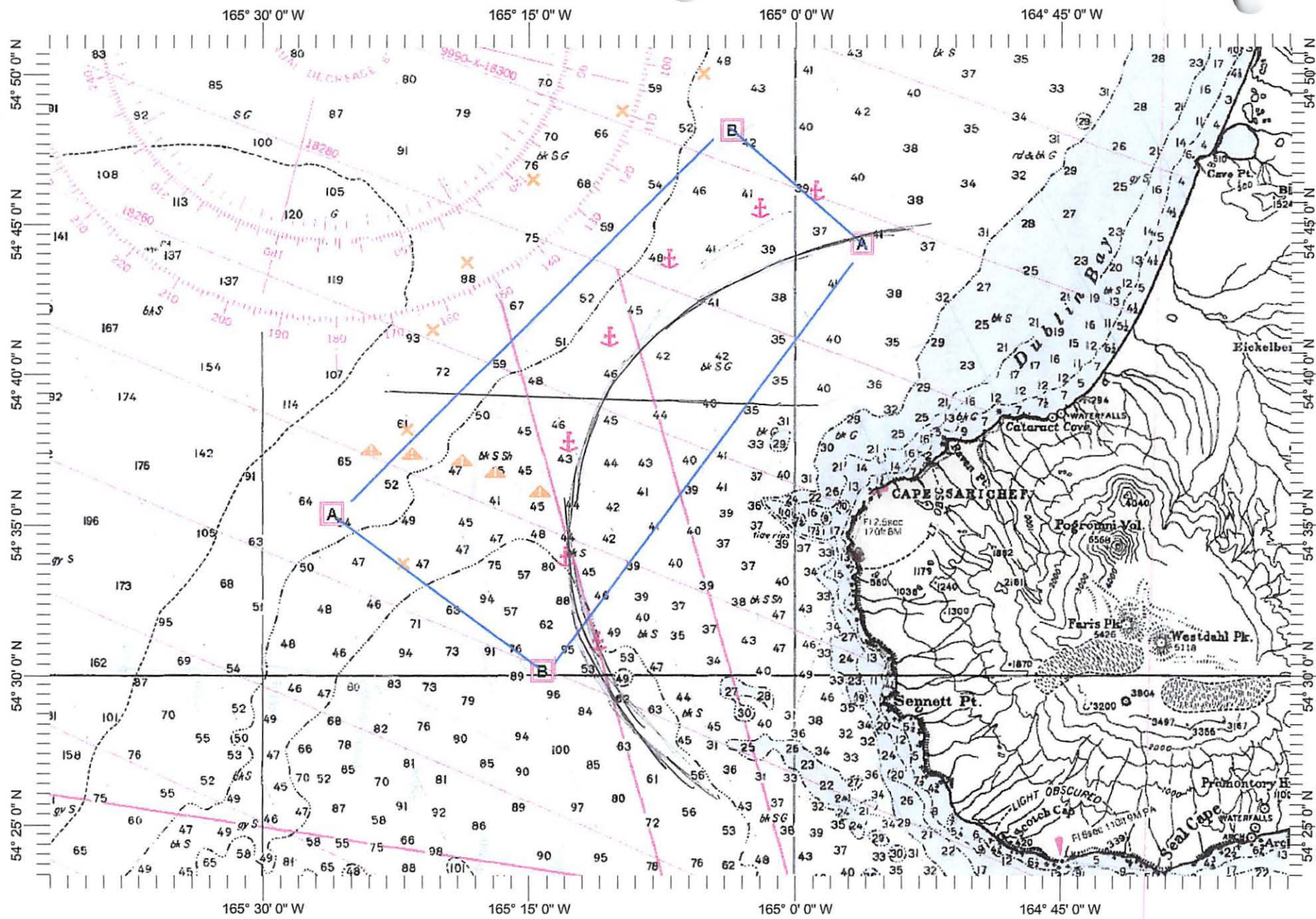


Chart Name: UNIMAK AND AKUTAN PASSES
 Chart ID: 16520_1
 Top Left: 54° 50' 52" N 165° 42' 0" W
 Bottom Right: 54° 23' 19" N 164° 31' 52" W