

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver *Chris*
Executive Director

DATE: September 23, 2002

SUBJECT: Additional Sideboards for Winter Pacific Cod Fishery

ESTIMATED TIME
4 HOURS
(For all C-9 items)

ACTION REQUIRED

Initial review of measures for BSAI winter Pacific cod amendment

BACKGROUND

In April, 2001, the SSC and AP conducted an initial review of the EA/RIR/IRFA for Amendment 73 (Pacific cod sideboard provisions). Due to time constraints, the Council did not address this agenda item. The SSC recommended the document to be released for public review once additional information on trawl locations, CPUE, and a further summary of the winter Pacific cod fishery by fleet type and month has been included. The AP recommended the document not be released for public review until additional information concerning the impacts of Pacific cod sideboards to AFA and non-AFA vessels has been included in the document.

The EA/RIR/IRFA was revised to reflect the SSC's comments and some of the information requested by the AP, and is presented now for initial review. Copies of the analysis were mailed out two weeks ago. The Executive Summary is attached as Item C-9(a)(1).

The purpose of this action is to provide greater protection to non-AFA trawl catcher vessels targeting BSAI Pacific cod during the months of January and February. The concern is over impacts to the non-AFA vessels that have traditionally fished Pacific cod and may have been subject to increased competition as a result of implementation of the AFA. 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 decreased safety.

Alternatives under consideration include:

Alternative 1: Retain current sideboards measures

Alternative 2: Limit access to the Pacific cod directed trawl fishery during January and February to cod-exempt AFA vessels and to open access vessels which have demonstrated an economic dependency upon the winter Bering Sea Pacific cod fisheries, demonstrated by average January, February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999

Alternative 3: Allocate catch to non-AFA vessels based on Alternative 2 under two options:
option 1. a range of 2.5 to 5 million lbs (with no cap)
option 2. historical catch of TAC of Pacific cod

Alternative 4: Require co-ops to limit the fishing impact AFA vessels have on the cod grounds so as not preempted non-AFA vessels from their historical participation.

At this meeting, the Council will review the analysis and consider releasing it for public review. The Council has not formally identified a Problem Statement for this proposed action, but could consider adopting one before releasing the document for public review.

EXECUTIVE SUMMARY

The proposed amendment would restrict AFA trawl catcher vessels operating in the Bering Sea and Aleutian Islands (BSAI) Pacific cod fishery during January and February months, allocate a portion of the BSAI Pacific cod to non-AFA vessels meeting specified historical landing minimums, or require cooperatives to limit the number or size of AFA vessels on the cod grounds to ensure non-AFA vessels do not get preempted and insure their historical participation.

Problem Statement:

The problem being addressed by this amendment is a claim by three non-AFA vessels, who have historically harvested BSAI Pacific cod during the January and February period, that competition on the winter cod grounds has increased considerable in the past two years because of AFA. AFA-qualified trawl catcher vessels, that normally targeted pollock during this period prior to the AFA, can now transfer their share of pollock allocation to other more efficient cooperatives members and thus, are free to now target winter cod. The increased competition is thought to adversely impact open access vessels through lower catch per unit of effort, reduction in catch, and increased dangers to smaller vessels from crowding on the fishing grounds. The Council has not formally identified a Problem Statement for this proposed action, and should do so prior to releasing the analysis for public review. Some possible benefits of the proposed action could be a potential reduction in competition in the winter cod fishery and a reduction in the temporal concentration of effort.

Alternatives Under Consideration:

There are four proposed alternatives in this amendment. The first is status quo. The second alternative restricts access to the trawl catcher vessel BSAI winter cod fishery based on a threshold level of historical deliveries. The third alternative allocates a portion of the Pacific cod to non-AFA vessels who meet the threshold level of historical deliveries under option two. The forth and final alternative requires cooperatives to limit the number of vessels on the winter cod grounds. Below are the alternatives as outlined by Council.

Alternative 1: (Status Quo) Retain current sideboard measures for AFA trawl catcher vessels targeting Pacific cod in the Bering Sea/Aleutian Islands. Currently these vessels are limited to harvesting no more than the ratio of retained catch of AFA vessels in 1997 (for Pacific cod only) to the available TAC for Pacific cod during that same period.

Alternative 2: Limiting access to the directed trawl fishery for Pacific cod in January and February to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, demonstrated by average January, February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999.

Alternative 3: Allocating catch for non-AFA vessels which meet the criteria set forth in alternative number two under the following options:

Option 1: A range of 2.5 to 5 million lbs (with no cap)

Option 2: Historical catch of TAC of Pacific cod

Alternative 4: Require co-ops to use such measures as limiting the number or size of AFA vessels on the cod

grounds at any given time to ensure that non-AFA vessels do not get preempted and insure their historical participation.

Environmental Impacts:

None of the alternatives under consideration would affect the prosecution of BSAI Pacific cod other than potentially reducing temporal concentration of effort during the winter period. In addition, none of the alternatives are expected to affect takes of species listed under the Endangered Species Act or substantially alter the take of Pacific cod and bycatch rates of other fish and crab. A summary of the environmental impacts are included in Table E1.

Economic Impacts:

The impacts of this amendment are distributional in nature, and reflect the losses or gains from the vessels that would be removed from participation in the January and February Pacific cod fishery in the BSAI or gain from a lower competition in the fishery. The issue is largely one of policy intent by the NPFMC in implementing the AFA and what level of protection they wish to provide for a relatively small group of small trawl vessels with historic participation in the fishery.

If Alternative 2 or Alternative 3 (Options 1 and 2) were implemented, many vessels that have participated in the Pacific cod fishery during January and February in the BSAI would be displaced. Both non-AFA and AFA vessels displaced from the January and February fishery could experience decreased net revenues from Pacific cod. There could also be potential negative impacts to shorebased processing plants from diminished efficiency due to extended period of deliveries for Pacific cod over the year.

A qualitative summary of the benefits and costs that will result from the different alternatives is shown in Table E2. Based on results from analysis, all alternatives except the no-action alternative will likely result in costs exceeding benefits. Alternative 4 is less clear since it does not specify the level of reduction, but it could potentially have a lower economic impact on displaced vessels than Alternatives 2 or 3.

E1. Summary of Environmental Impacts

Area of Consideration	Alternative 1 Retain Current Sideboard Measures (Status Quo)	Alternative 2 Limited Access	Alternative 3, Option 1 Allocate 2.5 - 5 million lbs	Alternative 3, Option 2 Allocated based on Catch History	Alternative 4 Co-ops Limit Effort
Impacts on Pacific cod stocks	Alternative 1 is not expected to change Pacific cod stocks. In retaining the current sideboard restrictions, effort by AFA and non-AFA catcher vessels will continue to target Pacific cod on fishing grounds northwest of Unimak Island during the January and February period.	Alternative 2 is not expected to change Pacific cod stocks. There is the potential for some reduction in effort on the winter cod fishery. In addition, there could be some temporal and spatial shifting, but no significant impacts are expected.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Direct impacts of trawl gear on habitat	Alternative 1 is not expected to change the intensity, timing, or location of the winter cod fishery. Effort by AFA and non-AFA catcher vessels will likely continue northwest of Unimak Island during the January and February period.	Alternative 2 could potentially reduce the impacts of trawling on the habitat northwest of Unimak Island during the January and February period. There is the potential for some temporal or spatial shifting by AFA catcher vessels, but no significant impacts are expected.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Impacts on essential fish habitat	Alternative 1 is not expected to impact the essential fish habitat. Effort by AFA and non-AFA catcher vessels will likely continue northwest of Unimak Island during the January and February period.	Alternative 2 is not expected to adversely impact the essential fish habitat northwest of Unimak Island and could even decrease impacts caused by reduced effort. There is the potential for some temporal and spatial shifting in effort by AFA catcher vessels to other areas in the Aleutian Islands and Bering Sea, but no significant impacts are expected.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Bycatch and discard impacts	Alternative 1 is not expected to adversely impact the bycatch rate from status quo level.	Alternative 2 is not expected to adversely impact the bycatch rate. The action does not alter the amount of Pacific cod harvested. There is the potential for effort by AFA catcher vessels to shift to other areas in the Bering Sea and Aleutian Islands during the January and February period, but bycatch rates are similar or lower in these areas.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Endangered or threatened species	Alternative 1 is not expected to adversely impact endangered or threatened species. Effort will likely continue northwest of Unimak Island during the January and February period by AFA and non-AFA catcher vessels.	Alternative 2 is not expected to adversely impact endanger or threaten species. There is some potential for temporal and spatial shifting of effort by AFA catcher vessels, but no significant impacts are expected.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Marine Mammal Protection Act	Same as Endangered or Threatened Species	Same as Endangered or Threatened Species	Same as Endangered or Threatened Species	Same as Endangered or Threatened Species	Same as Endangered or Threatened Species
Cumulative Effects	Alternative 1 will retain the existing sideboard regulations, so there is no additional cumulative impact	Alternative 2 is anticipated to have minor incremental cumulative impacts, but are similar enough to and within the scope of the cumulative impacts presented in Alternative 3 of the AFA EIS and Alternative 1 of the Groundfish DPSEIS that the conclusion would not defer in any significant way from the reference studies.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels
Significance of fishery management actions	Alternative 1 is not expected to result in any adverse impacts to the environment that would result in a significance determination.	Alternative 2 is not expected to result in adverse impacts to the environment that would result in a significance determination. There is the potential for establishing a precedent for future actions by restricting access to the fishery for a limited number of participants.	Same as for Alternative 2, but with the likelihood of a larger degree of temporal and spatial shifting of AFA vessels including cod-exempt vessels.	Same as for Alternative 3	Same as for Alternative 2, but with the likelihood of a smaller degree of temporal and spatial shifting by AFA catcher vessels

Table E2. Qualitative Summary of Impacts.

	Alternative 1	Alternative 2	Alternative 3, Option 1	Alternative 3, Option 2	Alternative 4
Impact on resource management	none	A reduction in the number of vessels participating in the January/February BSAI Pacific cod fishery. There would be a potential for shifting harvest to March-December months.	A minimum allocation of 2.5 to 5 million pounds would be reserved for the qualifying non-AFA vessels. The reduction in vessels would be the same as Alternative 2.	A historical allocation would result in reserving 1.25 to 1.88 million pounds for the qualifying non-AFA vessels for the January/February BSAI Pacific cod fishery. The reduction in vessels would be the same as Alternative 2.	The number of AFA vessels (including both AFA cod-exempt and non-cod exempt) vessels participating would be restricted to a maximum daily limit during January and February in the BSAI.
Benefits	no change from the status quo	Decreased on-grounds competition for Pacific cod during January and February. The level of decrease in participation would depend upon whether or not the restrictions were applied to both the AFA cod-exempt vessels and AFA non-cod exempt vessels.	Decreased on-grounds competition for Pacific cod during January and February.	Same as for Alternative 3, Option 1.	Same as for Alternative 3, Option 1.
Costs	no change from the status quo	Economic dislocation from vessels restricted from future participation in the BSAI January/February Pacific cod fishery. Potential for shifts to higher fishing costs and spreading out the processing period for shoreside plants	same as for Alternative 2	same as for Alternative 2	same as for Alternative 2
Net Benefits	non change in net benefits	Benefits to the number of qualified vessels are likely to be exceeded by costs to excluded vessels and to shoreside processing companies. The increased costs result from: a) displaced effort to the March-December Pacific cod fishery will result in decreased catch per unit of effort on dispersed stocks, b) increases in running and fishing time will increase vessel costs or displaced vessels, and c) shoreside processing companies may have extended processing periods for Pacific cod throughout a longer season, resulting in lowered efficiencies.	same as for Alternative 2	same as for Alternative 2	Economic dislocation from vessels restricted from future participation in the BSAI January/February Pacific cod fishery would be the same as described for Alternative 2. Since this amendment does not specify the level of reduction, it would possible have a lower economic impact on displaced vessels than Alternative 2 or 3.
Objectives of Amendment		Achieves a reduction in on-ground competition for qualifying non-AFA vessels, as well as qualifying AFA vessels participating in the January and February Pacific cod fishery in the BSAI.	same as for Alternative 2	same as for Alternative 2	same as for Alternative 2
E.O. 12866 significance	Does not appear to be significant. The entire ex-vessel value of the January/February Pacific cod fishery during the 1995-2000 period for the three fleet groups ranges from \$1.6 million in 1996 to \$7.2 million in 2000.	same as for Alternative 1	same as for Alternative 1	same as for Alternative 1	same as for Alternative 1

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PRITCHETT & JACOBSON

ATTORNEYS AT LAW

RUSSELL W. PRITCHETT
MEG J. JACOBSON

870 DEMOCRAT STREET
BELLINGHAM, WASHINGTON 98226
(360) 647-1238
FAX (360) 671-5352
E-MAIL: PandJ@nas.com

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September 24, 2002

RECEIVED
SEP 24 2002
N.P.F.M.C.

David Benton, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C-9(a) - Pacific Cod Sideboard Amendment

Dear Chairman Benton:

I am writing on behalf of the Independent Cod Trawlers Association, which is composed of Omar Allinson of the fishing vessel MISS LEONA, Steve Aarvik of the fishing vessel WINDJAMMER, and Charles Burrece of the fishing vessel LONE STAR. I am writing with respect to the adverse impacts on my three clients caused by the American Fisheries Act (AFA) and by the pollock fishery cooperatives which have been established in accordance with the AFA.

No new offer has been made by the cooperatives to resolve this issue.

All three of these vessels are small vessels for the Bering Sea 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 in the Eastern Bering Sea, and none of them qualified under the AFA because of their relatively small incidental catches of pollock.

Starting in June of 2000, my clients have testified before the North Pacific Fishery Management Council as to the adverse effects caused by the increase in the number of vessels fishing in the Bering Sea Pacific cod fishery in January and February as a result of the AFA. The Initial Review Draft for this agenda item prepared by Council staff shows a breakdown in Table 4.4(a) (page 27) of weekly participation in that fishery for the years 1995-2001. That breakdown shows that in the pre-AFA years of 1995-1999, there was an average of 2 $\frac{1}{3}$ 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. 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 non-cod-exempt.

In 2000, Table 4.4(a) shows that the average number of AFA vessels on the cod grounds in the first 5 weeks shot up to an average of 15.2. In 2001, the situation was better, with average of 6 AFA non-cod-exempt vessels during the first 5 weeks. However, in the first week of 2001 alone there were 18 such vessels on the grounds; that number diminished only because biology and economics convinced the AFA fleet that they would do better that year switching to pollock. The year 2002 was similar to 2001 in the number of AFA vessels. However, the AFA representatives have never agreed to having a total of less than 24 of their non-cod-exempt vessels on the grounds at any time in January and February. The AFA fleet is holding in reserve the ability to massively invade the cod fishery any time that economics dictate, as it did in 2000 and in the first week of the fishery in 2001.

Additionally, even though 2001 and 2002 have been somewhat better than 2000, the Catch Per Unit Effort of the MISS LEONA, WINDJAMMER, and LONE STAR has been substantially reduced during all of the AFA years, as shown by the statistics and charts submitted with this letter. Those statistics and charts show the following for these three vessels for the years 1995-2002:

- Pacific Cod Harvest per Hour Trawled; and
- Average Pacific Cod Haul Time by Year.¹

¹ The charts were prepared by Jennifer Sorensen and JoAnn Tweiten, based upon Fish Ticket Data and the NMFS Daily Fishing Logbooks of the three vessels. The years 1998 and 1999 were affected by the AFA as well because in 1998 Pacific cod markets virtually dried up in January and February in the Bering Sea due to the race to accumulate pollock history with the AFA looming. And 1999 is actually a post-AFA year. The AFA was passed in 1998.

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. They 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.

In the AFA, Congress mandated that fishermen outside of the AFA pollock fishery must be protected from any adverse impacts. As is made clear below, Congress plainly stated that the incursion of freed-up AFA vessels in a fishery such as the Pacific cod fishery is exactly the type of adverse 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 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].

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 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 one small area in Statistical Area 655430. Where this has occurred, these three fishermen should not be required to conclusively prove that there is no other possible cause contributing to the adverse impacts -- a burden which would be impossible to ever meet.

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

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.

The North Pacific Fishery Management Council has voted unanimously to initiate an amendment to examine alternatives suggested for protective measures to be implemented in the January and February Bering Sea cod fishery. A copy of the section from the Council's newsletter, describing the alternatives, is attached for reference.² On behalf of these three long-time Bering Sea cod fishermen, I respectfully ask that the Council adopt recommendations for protections adequate to in fact hold them harmless from the adverse impacts of the AFA.

Sincerely,



Russell W. Pritchett

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

#155/AFA.1

² Please note that the staff's Initial Review Draft (at page 36) misstates one of the alternatives adopted by the Council. The Council adopted an alternative which involved limiting access to the Pacific cod fishery to vessels shown to have a history of economic dependency upon the winter Bering Sea cod fishery as demonstrated by average January and February deliveries of at least 500,000 pounds for 4 out of the 5 pre-AFA years of 1995-1999. However, the Initial Review Draft at page 36 appears to require a minimum of 500,000 pounds in each of the four years selected, rather than an average of 500,000 pounds for those four years. All three of these vessels would qualify under this alternative as adopted by the Council.

ADDITIONAL AFA MEASURES

A. Sideboard measures to further protect non-AFA catcher vessel Pacific cod fishermen (submitted by Russell Pritchett) with the following provisions:

1. Limiting access to the directed trawl fishery for Pacific cod in January and February to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, as demonstrated by average January, February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999 and
2. Allocating 1) a range of 2.5 to 5 million lbs (with no cap) or 2) historical catch of TAC of Pacific cod to non-AFA vessels which meet the criteria set forth in #1 above.
3. Require co-ops to use such measures as limiting the number or size of AFA vessels on the cod grounds at any given time to ensure that non-AFA vessels do not get pre-empted and insure their historical participation.

Agenda Item: C-9(a)

**Presented by Pritchett & Jacobson, P.S.,
on behalf of Independent Cod Trawlers Association
Date: September 23, 2002**

1995-2002

F/V Lone Star, F/V Miss Leona, F/V Windjammer

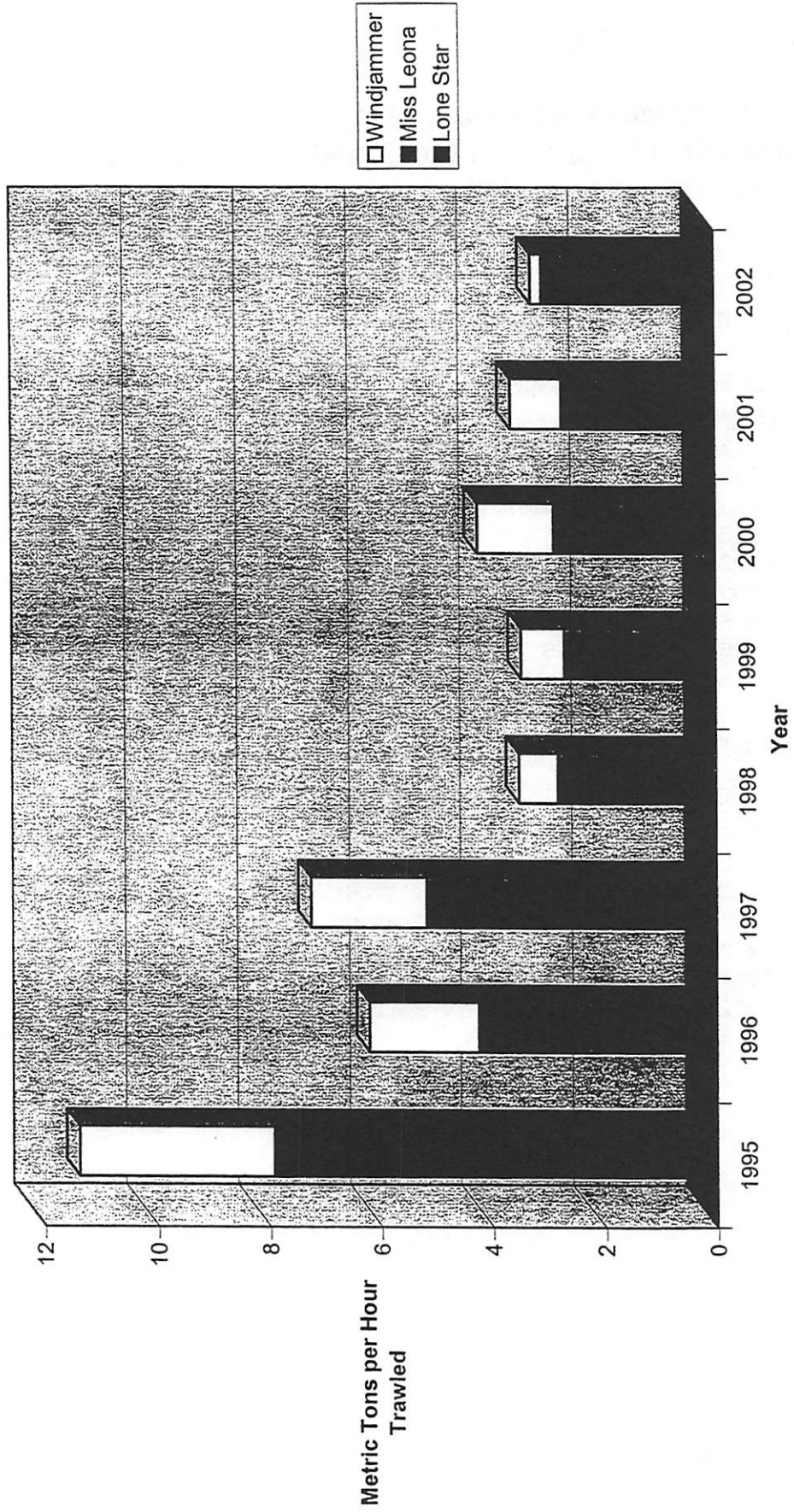
Pacific Cod Harvest per Hour Trawled

<u>Year</u>	<u>Lone Star</u>	<u>Miss Leona</u>	<u>Windjammer</u>
1995	3.4724993	4.2960759	3.450569
1996	2.0427924	2.04103837	1.964772
1997	2.1496634	2.8650257	2.074753
1998	1.9258357	0.72715906	0.701781
1999	1.1926339	1.33492393	0.783199
2000	1.4384306	1.27368928	1.363479
2001	1.2195154	1.34335812	0.919414
2002	1.2961711	1.61691108	0.191961

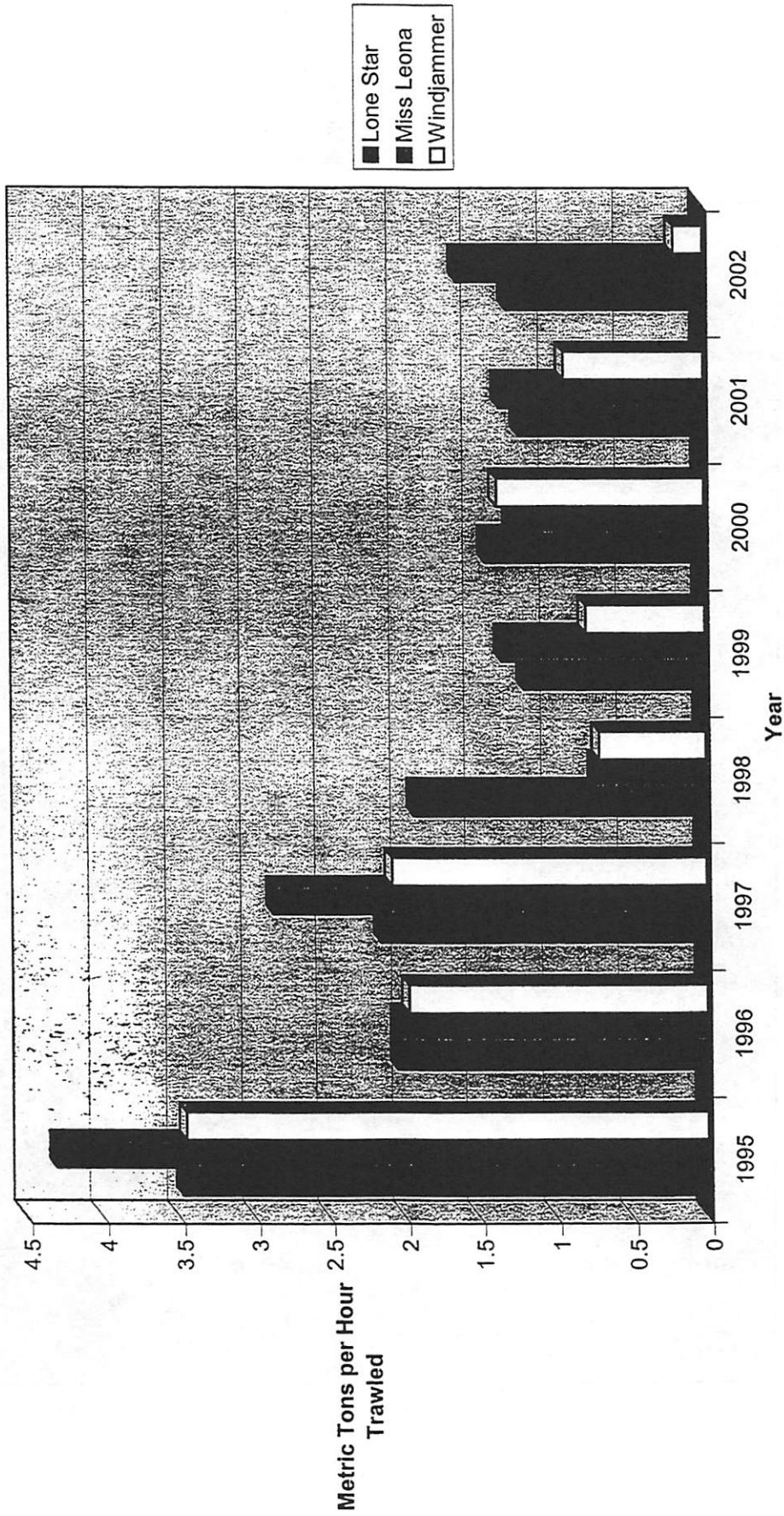
Average Pacific Cod Haul Time per Year

<u>Year</u>	<u>Lone Star</u>	<u>Miss Leona</u>	<u>Windjammer</u>
1995	2.5803241	1.97687075	2.409836
1996	3.0576923	3.34679487	3.388365
1997	3.2221311	3.13777778	3.369048
1998	3.4184211	4.51111111	4.327451
1999	4.3434028	4.44084967	7.948198
2000	4.479321	4.67163121	3.599359
2001	4.7745614	5.15537634	4.34375
2002	4.3225352	3.47318841	3.87963

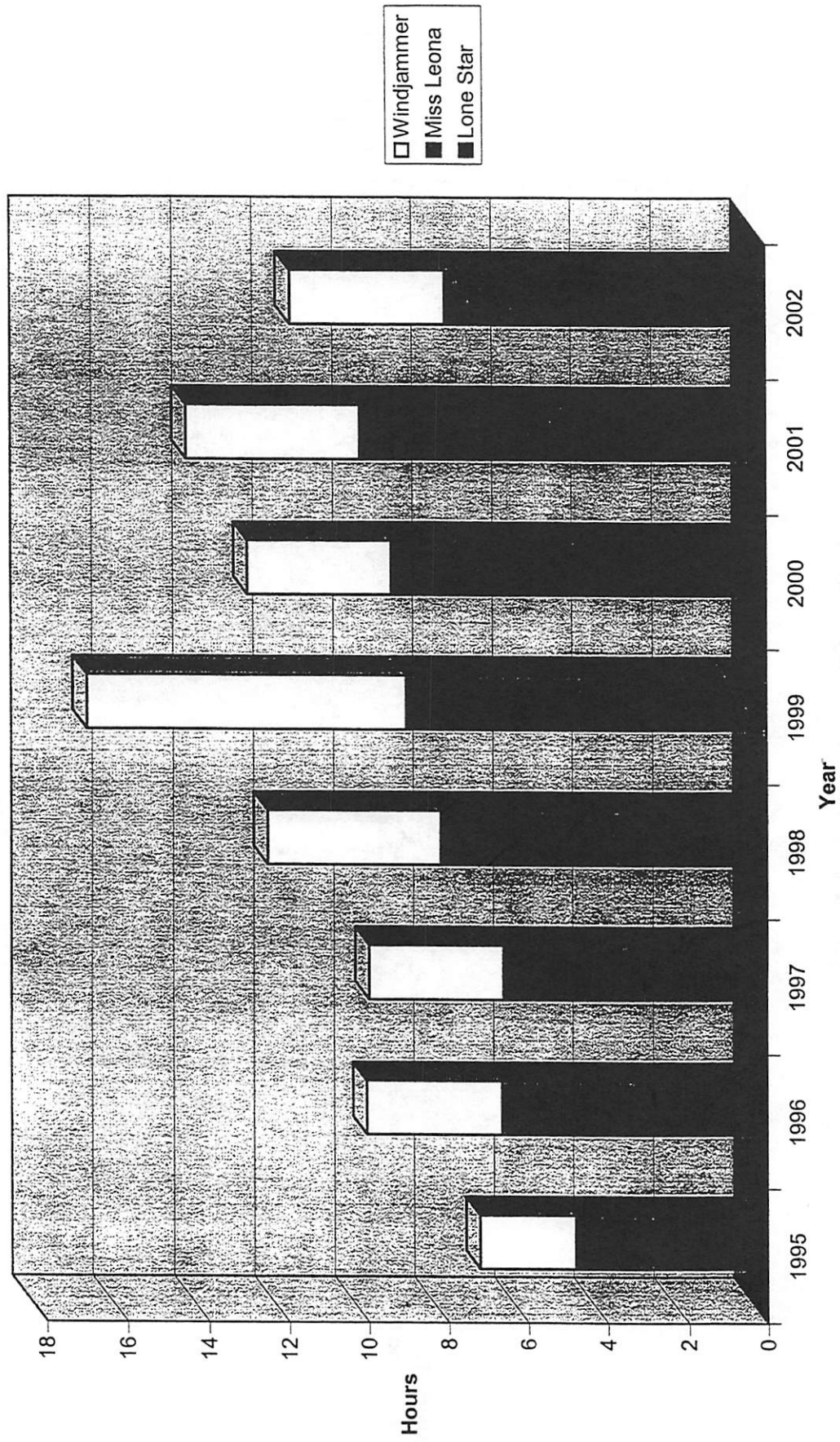
Pacific Cod Harvest per Hour Trawled
January Through February, 1995-2002



Pacific Cod Harvest per Hour Trawled
January Through February, 1995-2002



Average Pacific Cod Haul Time by Year
January Through February, 1995-2002



(b)SGL

PUBLIC TESTIMONY SIGN-UP SHEET FOR AGENDA ITEM C-9(a) P. Cod Sideboards

PLEASE SIGN ON THE NEXT BLANK LINE.
LINES LEFT BLANK WILL BE DELETED.

	NAME	AFFILIATION
1.	BRENT PAINE	UCB
2.	TERRY LEITZELL	ICICLE
3.	Stephen Tauten	Groundswell Movement
4.	Russell Pritchett, Steve	Independent Cod
5.	Aawik, Omar Allinson	Trawlers
6.	Ken Tippett	Alaska Boat Co.
7.	John Gruber	AFA INTER COOP MANAG.
8.	Paul Mac Gray	At Sea Processor
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C-9
Russell Pritchett

PROPOSED PROBLEM STATEMENT - Agenda C-9(a)(1)

The American Fisheries Act (AFA) allocated the BSAI pollock stocks to certain named vessels and allowed for those vessels to form and participate in fishery cooperatives, with the effect of closing that fishery to new entrants. Section 211 of the AFA requires the Council to recommend measures necessary to protect participants in other fisheries from the adverse impacts caused by the AFA or by fishery cooperatives in the directed BSAI pollock fishery. Three non-AFA vessels which have historically harvested BSAI Pacific cod during the January and February period have shown adverse impacts from increased competition on the winter cod grounds during the past three years because of the AFA, in that AFA-qualified catcher vessels, which normally targeted pollock during that period prior to the AFA, can now transfer their share of pollock allocation to other more efficient cooperatives members and thus are free to now target winter cod. The increased competition adversely impacts open access vessels through lower catch per unit effort, reduction in catch, displacement from the fishing grounds into areas with higher incidence of bycatch, and increased dangers to these smaller vessels. The Amendment should be designed to hold these three cod-dependent vessels harmless from such effects of the AFA to the maximum extent possible, in accordance with the express intention of Congress in enacting the AFA.

Presented by Russell W. Pritchett
On behalf of the Independent Cod Trawlers Association

Agenda C-9(a)

Preferred Alternatives of
Miss Leona, Lone Star & Windjammer

FIRST PREFERRED ALTERNATIVE:

A modified version of Alternatives 2 and 4, which would address the adverse impacts of the AFA as follows:

Limit access to the Area 517 directed trawl fishery for Pacific cod in January & February as follows:

- (1) limit the non-exempt AFA vessels to their historic weekly average number of vessels on the Pacific cod grounds in Area 517 for the first five (5) weeks of the fishery in the years 1995-1999, and limit the length of such vessels to a length not greater than the average length of the AFA vessels engaged in that fishery during the first five weeks of the fishery in 1995-1999.
- (2) limit such access to non-AFA vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, demonstrated by average January and February deliveries of at least 250,000 pounds for 4 out of the 5 pre-AFA years of 1995-1999;
- (3) permit such access to the cod-exempt AFA vessels; and
- (4) all existing sideboards would remain unchanged.

Justification:

A. Preserves pre-AFA status quo for AFA non-exempt vessels.

B. Table 4.2 of the Initial Review Draft (at p. 25) shows that from 1999-2001 only these three cod vessels engaged in the non-AFA Area 517 Pacific cod fishery in January-February. However, because the AFA has barred new

entrants from the Bering Sea pollock fishery, one adverse impact of the AFA is that new open-access entrants will enter the Pacific cod fishery instead of entering the previously preferred pollock fishery.

Concessions made by these 3 cod fishermen in this alternative:

A. Does not limit the seven AFA cod-exempt vessels to their historic catch, even though they are also freed up by the coop system to fish more for cod.

B. Allows AFA vessels to fish the rest of the Bering Sea/Aleutian Islands (outside of Area 517) without being limited to their historical pre-AFA participation in those areas.

SECOND PREFERRED ALTERNATIVE (SECOND CHOICE):

A modified version of Alternatives 2 and 4, which would address the adverse impacts of the AFA as follows:

Limit access to the Alaska Statistical Area 655430 directed trawl fishery for Pacific cod in January & February as follows:

(1) limit the non-exempt AFA vessels to their weekly historic average number of vessels on the Pacific cod grounds in Area 655430 in January and February of 2001 and 2002; and limit the length of such vessels to a length not greater than the average length of the AFA vessels engaged in that fishery during the first five weeks of the fishery in 1995-1999.

(2) limit such access to non-AFA vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, demonstrated by average January and February deliveries of at least 250,000 pounds for 4 out of the 5 pre-AFA years of 1995-1999;

(3) permit such access to the cod-exempt AFA vessels; and

(4) all existing sideboards would remain unchanged.

Justification:

A. Preserves the current status quo as to the number of AFA non-exempt vessels on the grounds.

B. Protection against new entrants no longer able to enter the Bering Sea pollock fishery as a result of the AFA, who may enter the Pacific cod fishery instead, as noted above. This is even more important under this alternative because of the adverse effects of the 2001-2002 level of AFA vessels on these 3 cod boats' area of fishing and CPUE.

Concessions made by these 3 cod fishermen in this alternative:

A. Does not limit the seven AFA cod-exempt vessels to their historic catch, even though they are also freed up by the coop system to fish more for cod.

B. Allows AFA vessels to fish the rest of the Bering Sea/Aleutian Islands (outside of Area 655430) without being limited to their historical pre-AFA participation in those areas.

C. Does not limit the non-exempt AFA vessels to their pre-AFA historic participation, but instead allows the increased number of vessels participating in the fishery in 2001 and 2002.

Agenda C-9(a)

Alternative Preferred Alternatives of
Miss Leona, Lone Star & Windjammer

FIRST PREFERRED ALTERNATIVE:

A modified version of Alternatives 2 and 4, which would address the adverse impacts of the AFA as follows:

Limit access to the Area 517 directed trawl fishery for Pacific cod in January & February as follows:

(1) limit the non-exempt AFA vessels to their historic weekly average number of vessels on the Pacific cod grounds in Area 517 for the first five (5) weeks of the fishery in the years 1995-1999, and limit the length of such vessels to a length not greater than the average length of the AFA vessels engaged in that fishery during the first five weeks of the fishery in 1995-1999.

(2) limit such access to non-AFA vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, demonstrated by average January and February deliveries of at least 250,000 pounds for 4 out of the 5 pre-AFA years of 1995-1999;

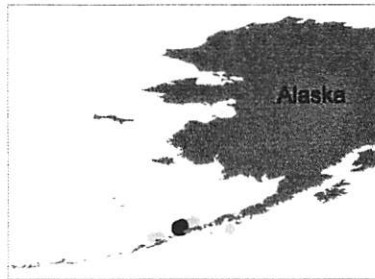
(3) permit such access to the cod-exempt AFA vessels; and

(4) all existing sideboards would remain unchanged.

Justification:

A. Preserves pre-AFA status quo for AFA non-exempt vessels.

B. Table 4.2 of the Initial Review Draft (at p. 25) shows that from 1999-2001 only these three cod vessels engaged in the non-AFA Area 517 Pacific cod fishery in January-February. However, because the AFA has barred new



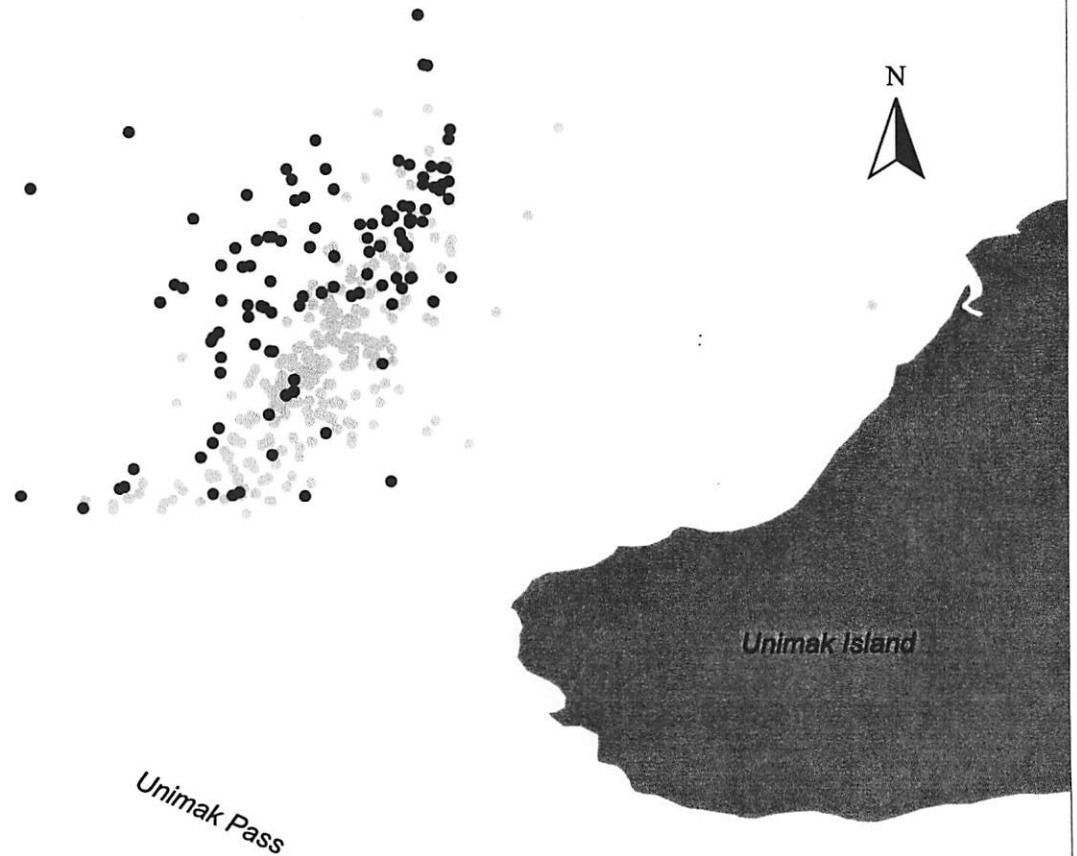
Alaska

Legend

- 1995-1999
- 2000-2001

Sources:
Lone Star NMFS Catcher Vessel
Daily Fishing Logbook,
ESRI Data and Maps, 2002
Cartography:
Jennifer Sorensen and JoAnn Tweiten

Cod Haul Locations: January and February, 1995-2001 Lone Star



N

Unimak Island

Unimak Pass

8 0 8 16 Miles

Dutch Harbor



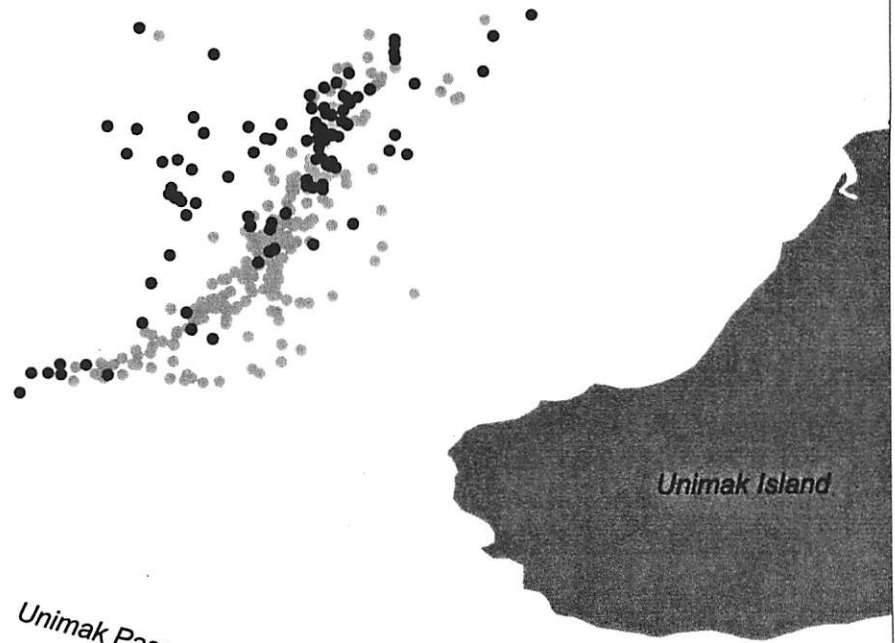


Legend

- 1995-1999
- 2000-2002

Sources:
Miss Leona NMFS Catcher Vessel
Daily Fishing Logbook,
ESRI Data and Maps, 2002
Cartography:
Jennifer Sorensen and JoAnn Tweiten

Cod Haul Locations: January and February, 1995-2002 Miss Leona



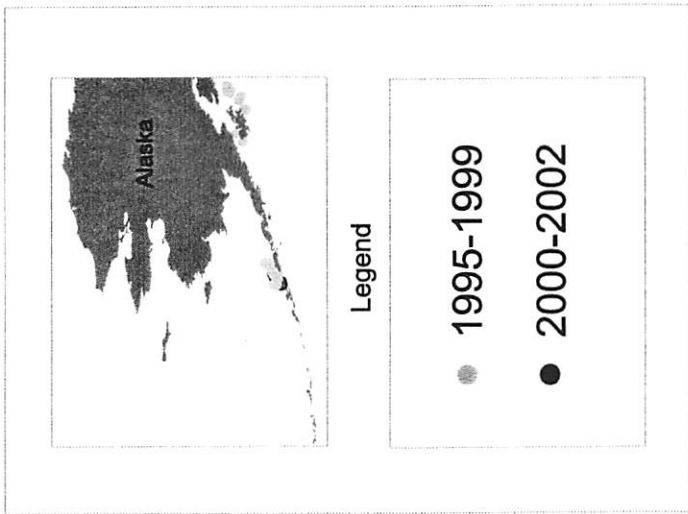
Unimak Island

Unimak Pass

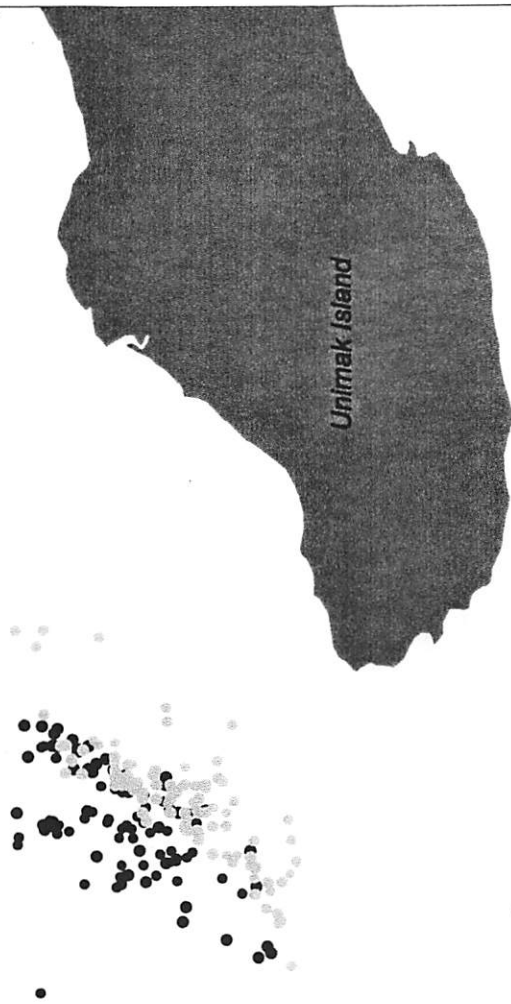
Dutch
Harbor

10 0 10 20 Miles

Cod Haul Locations: January and February, 1995-2002 Windjammer



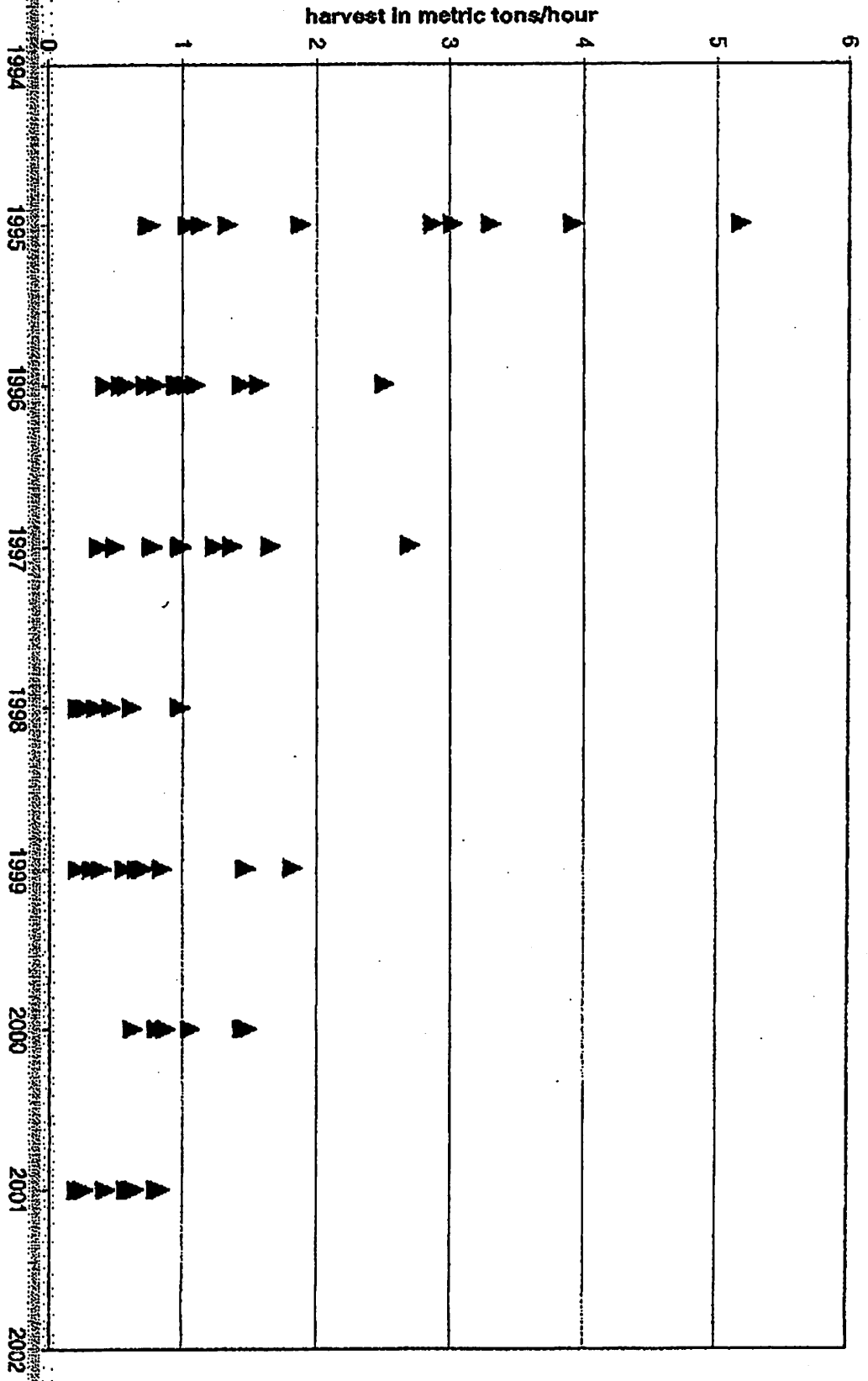
Sources:
Windjammer NMFS Catcher Vessel
Daily Fishing Logbook,
ESRI Data and Maps, 2002
Cartography:
Jennifer Sorensen and JoAnn Tveiten



Unimak Pass



Pacific Cod Harvest per Hour Trawled
1995-2001, FV MISS LEONA, FV WINDJAMMER, FV LONE STAR



Pacific Cod Harvest per Hour Trawled
1995-2001 BSAI - All Vessels Except FV MISS LEONA, FV WINDJAMMER and FV LONE STAR

