

C-3(d,e): Harvesting Sideboards and EIS Status Report

Pacific Cod Harvesting Sideboards: Currently the years 1995-97 are used to calculate sideboard harvesting caps for almost all species in the BSAI. Pacific cod is one of the species where a different time period was used to estimate harvest sideboards. For Pacific cod, only the year 1997 was used. This time period was selected because it was the first year that the trawl Pacific cod TAC in the BSAI was divided between catcher vessels and catcher processors. The table below shows how changing the years used to estimate the caps would change the amount that is available under the caps. The information indicates that the cap would be largest using only 1997. If the years 1995-97 were used the total amount of the cap would decrease by 2,877mt. Members of industry are aware that using years other than 1997 would decrease the amount of the cap. However, they are considering other years, because of the difficulties they are having dividing the Pacific cod among cooperatives. This is because vessels that fished in 1995-96 may not have fished Pacific cod during 1997, or their harvest amounts may have changed significantly over those years. Therefore, some vessels feel that they have been placed at a disadvantage in the internal cooperative negotiations, and are unable to harvest an amount of cod that they feel represents their historic level of participation.

1995-1997 BSAI Pacific cod harvests by non-exempt AFA catcher vessels and resulting catcher vessel sideboard amount using 1995, 1996, 1997, and all three years, respectively.

<i>year</i>	<i>non-exempt AFA BSAI P.cod landings in mt.</i>	<i>Final BSAI trawl allocation in mt.</i>	<i>BSAI catcher vessel trawl allocation in mt¹</i>	<i>Sideboard ratio</i>	<i>2000 sideboard amount in mt.</i>
1995	36,607	127,200	63,600	0.576	24,148
1996	49,118	130,800	65,400	0.751	31,508
1997	50,259	n/a	65,450	0.768	32,216
1995-1997	135,984		194,450	0.699	29,339

¹The BSAI trawl allocation was not divided between catcher/processors and catcher vessels prior to 1997. For the purpose of generating catcher vessel sideboard amounts for 1995 and 1996 a 50 percent catcher vessel trawl allocation is assumed for all three years even though such allocation did not exist until 1997.

Crab Harvest Sideboard Exemption: The President of Mezich Allegiance, Inc. has provided a written proposal requesting that vessels which participated in all opilio, bairdi, and Bristol Bay red king crab fisheries from 1991-97 and have AFA qualifying pollock catch histories of less than 5,000mt (based on the best 2 of 3 year average) be exempt from AFA crab harvest sideboards. Because of the structure of AFA crab sideboards, this proposal would currently only impact the BBRKC fishery, and would appear to exempt only the one vessel represented by Mezich Allegiance, Inc. If adopted by the Council, this amendment could be in place for the 2001 fishing season.

Status Report on EIS: NMFS will provide an update on the status of the AFA EIS at this meeting. The EIS is scheduled to be completed by October 2000.

The public comments received on these issues are provided under Item C-3(d,e)(1).

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MAY 23 2000

N.P.F.M.C

May 19, 2000

Chairman Rick Lauber
North Pacific Fishery Management Council
605 West 4th Ave. suite 306
Anchorage, Alaska 99501-2252

Chairman Rick Lauber

This letter is in reference to the protections that were suppose to be provided to non AFA vessels. The owners of the fishing vessels Miss Leona, Lone Star and Windjammer have been fishing in the Bering Sea since 1986. These three vessels are not AFA qualified. These three vessels have been targeting pacific cod for well over 14 years and delivering to shore based facilities in the Dutch Harbor and Akutan areas. These three vessels typically hire a three person crew and are owner operated. The owners believe that the Council would like to know how these three vessels have been affected during the 2000 season with the current AFA side boards in place.

The Council established side boards on those AFA vessels that used to fish pacific cod and also fished pollock. Those AFA vessels that met certain landing limits for pollock and pacific cod have been permitted to now have access to pacific cod. Prior to the 2000 season there were perhaps 5 to 9 vessels that began the trawl directed pacific cod fish fishery in January. Those vessels that became AFA qualified and also fished some pacific cod were fishing for pollock in January and February. After the A season for pollock ended these vessels would begin to enter the pacific cod fish fishery in March.

In the 2000 season there were approximately 40 vessels that began fishing for pacific cod in January, not 9 or less as in previous years. The AFA qualified vessels that have an exemption to fish pacific cod typically are over 100 feet in length and have horsepower in the 1200 to 2500 range. There are a few AFA qualified vessels that had a history of fishing pacific

cod in January, these were smaller vessels like the three vessels above. The three vessels above have 400 to 600 horsepower engines. The collective fishing power and concentration of these additional vessel on the limited fishing grounds, put non AFA vessels at a distinct disadvantages.

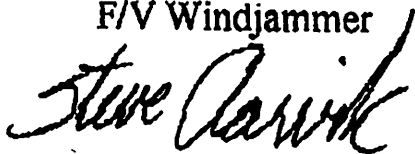
The AFA vessels that have been given pacific cod privileges have been selling, leasing and combining their quotas to be fished by the co-ops. In order to maximize the income on these vessels, that used to fish pollock, they have now entered the direct pacific cod fish fishery in January. The side boards established by the Council have not helped those that historically have been dedicated to harvesting predominately pacific cod. The owners of the three vessels above therefore petition the Council to consider management options that would provide protection to the non AFA vessels. The following considerations are provided to the Council for consideration.

1. AFA vessels that are permitted to fish pacific cod will not be allowed to begin a directed fishery on pacific cod until mid March, unless the AFA qualified vessel had a history of entering the directed pacific cod fishery prior to this date.
2. Develop a pacific cod quota that is specific to those vessels that are not AFA qualified.

Consideration of these new side board protections would be greatly appreciated.

Sincerely

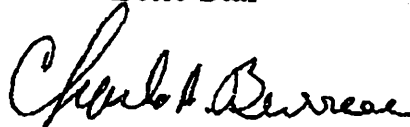
Steve Aarvik
F/V Windjammer



425 776 9618

Sincerely

Charles Burrece
F/V Lone Star



366 6712 878

Sincerely,

Omar Allinson
F/V Miss Leona



260-722-7101

F/V HAZEL LORRAINE

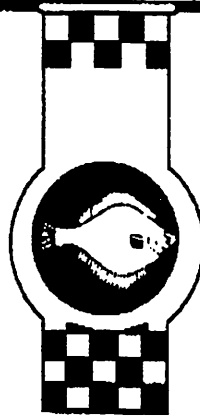
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N.P.F.M.C

May 21, 2000



Mr. Richard Lauber
Chairman, NPFMC
605 West 4th Avenue
Anchorage, Ak 99501-2252

Subject: For the Council Record, S2432, technical correction to the AFA

Dear Richard,

I testified in front of you November 8, 1998 at the special council meeting called after the passage of the AFA. My vessel remains the only vessel with a substantial physical record of deliveries, that fell through the "crack" created by the generic language requiring a minimum shore base landing of at least 250 metric tons. In 1998 I was a very early supporter of the original AFA and my vessel was named in the early drafts of the bill...throughout 1999 my Senators made several attempts to attach technical corrections to larger pieces of legislation to amend the AFA. They never made it because no one wanted to touch the "new" legislation until the dust settled, S2432 is a bill framed to make the Hazel Lorraine eligible under the AFA. At the April Advisory Panel meeting in Anchorage, I was amazed to hear them talk about 20,000 to 30,000 tons of "slop" (dust) in the open access pollock fishery tonnage, that had come to light, as the records for the catch came into NMFS.

The single hardest element for me to endure is the fact that my vessel is 100% American owned and I made all off my Bering Sea deliveries to 100% American owned processors 1991-96 & 1999 and I'm blocked out of the AFA. My place of delivery was determined by the market (Tyson's plans put my effort inshore/offshore) with my consent, lacking a crystal ball, there was no way I could know that supporting the AFA would jeopardize the economic future of the vessel and its crew. Meanwhile this year many of the foreign owned processors, catcher boats, and catcher processors will have 2000 as a free ride to reorganize their cooperate structure to come up to 75% American ownership, or not, if they have Korean partners!!

To stand by and watch as other catcher vessels that I have worked with for two decades make preparations to fish in the Bering Sea for pollock, is next to unbearable. I hold in my hands my new for 2000 Federal Fisheries Permit and License Limitation Certificate with endorsements to fish in the Bering Sea...for me in my position of struggling to hold onto my pollock fishing rights (I fished cod from 1985 to 1996 and I've lost that also), this defines the deadly unconscious logic of Joseph Heller's Catch 22.

Respectfully,

Albert Heiser
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PORT ORFORD, OREGON
97465

Mezich Allegiance, Inc.
7215 156th St. SW, Edmonds, WA 98026

May 26, 2000

Mr. Richard Lauber
North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501-2252

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MAY 26 2000

N.P.F.M.C

RE: Agenda Item C-3(d) American Fisheries Act
Comments on AFA Crab Sideboards

Dear Chairman Lauber and Council Members:

I am greatly concerned over the negative effect crab sideboards will have on a few AFA combination catcher boats that are historically dedicated crab vessels. I am an independent owner of a Bering Sea crab/pollock vessel that I have owned since January 1992. There are a few of us AFA combination catcher boats that are dedicated crab vessels but got caught up in the AFA pollock regulations. With small pollock allocations and a historic dependence on crab income, our vessels will face an unfair hardship under the current AFA crab sideboards.

I therefore request that the North Pacific Fishery Management Council adopt a "crab sideboard" exemption.

Problem:

AFA crab sideboards (Section 11.2.1) are restricting a few combination catcher vessels from fishing at their historic catch levels in the BSAI opilio, bairdi, and BBRKC fisheries. There are a few combination vessels that fall under the AFA crab sideboards that also have small pollock catch histories due to their historic concentration in the crab fisheries rather than the pollock fisheries. The crab sideboards will have an "adverse effect" on their ability to compete in the crab fisheries they economically rely on. Dr. Scott Matulich's report, "Economic Reliance on Crab by AFA Section 208 Crossover Vessels", documents the strong historic reliance on crab of certain combination vessels. Those vessels that have participated in all of the three major crab fisheries: opilio, bairdi, and BBRKC during 1991-1997, showing they are designated crab boats, should be treated the same as the non-AFA crab fleet and be exempt from crab sideboards. These vessels rely on crab fishing for their economic survival.

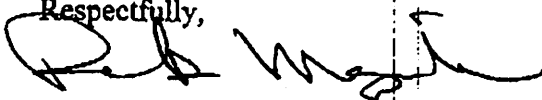
Section 213(c)(1) of the AFA provides a mechanism for the Council to recommend measures to "mitigate adverse effects in fisheries or in owners of fewer than three vessels in the directed pollock fishery."

Solution: Amendment to AFA Crab Sideboards:

Exempt AFA crossover vessels from crab sideboards that can demonstrate participation in all opilio, bairdi, and BBRKC fisheries during 1991 through 1997 and that have AFA qualifying pollock catch histories of less than 5000MT (as calculated on the 1995-97 best of 2 year average).

Thank you for your consideration of my proposal.

Respectfully,



Rick Mezich-President
Mezich Allegiance, Inc.