

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D3 AI Trawl Setaside ^{EMERGENCY} _{RULE}

		Check the boxes below if you will have a PowerPoint or Handout		
	NAME (Please Print)	TESTIFYING ON BEHALF OF:	Handout	PPT
1	Garrett Kavanaugh	Myself		
2	dave fraser	ACDC	X	
3	BRENT PANE	UCB		
4	Solie Kavanaugh	Self		
5	Hannah Ambuch	USCH		
6	Todd Hopp	Self		
7	Steve Mikor	Petitioners	X	
8	Mateo Paz-salvan	Golden Harvest Alaska Seafood		
9	Frank Kelly	City of UUA Alaska		
10	Kay Larson-Blair	Aleut Corporation		
11	George Pellock	Aleut Enterprise		
12	Heather Mann	Midwater Trawlers Coop		
13	Linda Behnken	AZFA		
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

ACDC comments on D-3

If the Council proceeds with an ER to re-instate the “BS Limitation” the question may arise of what the amount of the Limitation should be given the projected decline of the BS cod TAC.

We have used the data from table 2-33 of the December 2018 analysis on AI catch as a percent of BSAI CV trawl catch together with the data from the original A113 October 2015 analysis of Adak’s processing history from 2003 to 2009 to calculate a weighted average percentage.

ACDC believes that these years prior to the closure of the plant in response to the issues identified in the A113 problem statement are an appropriate reference. Applying the 21.6% historic share in a hindcast to the BS/ AI CV trawl sector allocations by year results amounts ranging from 5000 to 8000 tons for the A season. Applying the 21.6% share to the projected 2020 A season allocation results in 4380 tons.

ACDC believes that a 5000 ton BS Limitation is appropriate when measured against Adak’s historic share.

from table 2-33 Dec. 2018	AI CV trawl catch tons	CV Trawl AI % of BS/AI CV trawl catch	ADAK deliveries tons	BS only CV trawl tons	BS/AI CV trawl tons	Adak as % of BSAI CV trawl	CV trawl BS/AI A season allocation	Average Adak 2003-2009 history 21.6% times BS/AI CV trawl A season allocation
2003	17,208	40%	8,729	26,225	43,433	20.3%	31,390	6,780
2004	13,439	33%	9,475	27,379	40,818	23.3%	32,600	7,042
2005	7,973	22%	6,462	27,662	35,635	17.8%	31,163	6,731
2006	6,907	21%	6,321	26,461	33,368	19.2%	28,467	6,149
2007	13,172	42%	9,625	18,308	31,480	30.7%	25,826	5,578
2008	13,980	45%	4,327	16,804	30,784	13.9%	24,932	5,385
2009	14,993	51%	8,005	14,398	29,391	27.2%	25,782	5,569
2010	12,724	45%	-	15,552	28,276	0.0%	24,649	5,324
2011	7,726	19%	23	32,937	40,663	0.1%	33,290	7,191
2012	6,239	14%	3,273	38,325	44,564	7.3%	38,117	8,233
2013	5,097	12%	3,568	37,378	42,475	8.4%	37,971	8,202
2014	4,270	11%	2,479	34,548	38,818	6.4%	37,079	8,009
2015	2,735	7%	-	36,336	39,071	0.0%	36,426	7,868
2016	5,191	12%	-	38,067	43,258	0.0%	36,732	7,934
2017	2,888	7%	-	38,369	41,257	0.0%	34,962	7,552
2018	4,342	15%	4,000	24,605	28,947	13.8%	29,768	6,430
2019	6000	23%	4,000	23,778	29,778	15.2%	26,388	7,416
2020							20,276	4,380
Weighted Averages 2003 - 2009	12,525	36%	7,563		34,987	21.6%	28,594	6,176
Weighted Averages 2003 - 2019	8,523	23%	4,135		36,589	11.3%	31,502	3,654
5,000 tons is less in every year except 2020, than the amount resulting from applying our 2003 to 2009 historic percentage of BS/AI								

Another way to evaluate the 5,000 ton BS Limitation is to compare the percentage of the A season CV trawl sector allocation to the weighted average historic share. That hindcast shows a resulting range of percentages ranging from 13.1% to 20.1%, all of which are lower than the weighted average historic share. 5000 tons represents 24.7% of the projected 2020 A season CV trawl allocation.

The Council may also want to discuss the question of excessive shares, We believe the appropriate metric is the percentage of the BS/ AI ITAC. We believe there are likely numerous entities which harvest and/or process more than the 2% to 4% that 5000 tons represents of the total BS/ AI ITAC. As such, 5000 tons is not a level that is excessive by the standard the Council has applied to participants in the various sectors of the cod fishery.

Year	BSAI ITAC	CV trawl %	A season %	BSAI CV trawl A season allocation	5,000 as % of BS/AI CV trawl A season	5,000 as % of total BS/AI ITAC
2003	191,938	22.10%	74%	31,390	15.9%	2.6%
2004	199,338	22.10%	74%	32,600	15.3%	2.5%
2005	190,550	22.10%	74%	31,163	16.0%	2.6%
2006	174,067	22.10%	74%	28,467	17.6%	2.9%
2007	157,916	22.10%	74%	25,826	19.4%	3.2%
2008	152,453	22.10%	74%	24,932	20.1%	3.3%
2009	157,650	22.10%	74%	25,782	19.4%	3.2%
2010	150,721	22.10%	74%	24,649	20.3%	3.3%
2011	203,559	22.10%	74%	33,290	15.0%	2.5%
2012	233,073	22.10%	74%	38,117	13.1%	2.1%
2013	232,180	22.10%	74%	37,971	13.2%	2.2%
2014	226,727	22.10%	74%	37,079	13.5%	2.2%
2015	222,734	22.10%	74%	36,426	13.7%	2.2%
2016	224,606	22.10%	74%	36,732	13.6%	2.2%
2017	213,784	22.10%	74%	34,962	14.3%	2.3%
2018	182,021	22.10%	74%	29,768	16.8%	2.7%
2019	161,355	22.10%	74%	26,388	18.9%	3.1%
2020	123,983	22.10%	74%	20,276	24.7%	4.0%

There is only one year (2020) that 5,000 tons exceeds our 2003 to 2009 historic percentage of BS/AI CV trawl



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

OFFICE OF THE COMMISSIONER
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.6136
Fax: 907.465.2332

June 7, 2019

Rick Koso, President
Adak Community Development Corporation
P.O. Box 193
Adak, AK 99546

Dear Mr. Koso:

Thank you for your letter regarding the recent U.S. District Court Order vacating regulations for Pacific cod fisheries in federal waters off the Aleutian Islands. The State of Alaska agrees that enactment of federal legislation is the only method currently available to preserve the opportunity for Aleutian Islands trawl catcher vessels, processing plants, and communities to participate in the Pacific cod fishery until the North Pacific Fishery Management Council (NPFMC) can develop regulations to address the impacts of the Court Order. The State will contact the Alaska Congressional delegation to express its support of legislation to reinstate the regulations as modified by the NPFMC in December 2018.

The NPFMC recommended the vacated regulations in October 2015 as Amendment 113 to its Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands. The NPFMC determined that Amendment 113 was necessary to provide economic benefits and stability to fishery-dependent fishing communities that participate in the non-rationalized Pacific cod fishery in the Aleutian Islands. Amendment 113 is consistent with long-standing NPFMC policies to provide harvesting and processing protections for non-rationalized fisheries and opportunities for fishing communities engaged in fisheries in the Aleutian Islands.

Amendment 113 set aside a portion of the Aleutian Islands Pacific cod fishery for harvest and delivery to onshore processing plants for a limited time during the fishing season. The Council intended for Amendment 113 to prioritize Pacific cod deliveries to onshore, rather than offshore, processors during the first few months of the fishing season to provide the opportunity for trawl catcher vessels, onshore processing plants, and communities, including Adak, to sustain participation in and receive benefits from the Aleutian Islands Pacific cod fishery. In December 2018, the NPFMC reaffirmed its support for Amendment 113 and recommended minor modifications to the regulations to ensure the set aside operated as intended.

The State supports Amendment 113 and the NPFMC's December 2018 modification to the Amendment 113 regulations. We recognize the challenges faced by participants in the Aleutian Islands Pacific cod fishery and agree that deliveries of Pacific cod to the processing plant in Adak are vital to the economic health of the community. The analyses supporting NPFMC actions on Amendment 113 demonstrated that that Pacific cod fishery is the backbone of the processing operation in Adak and the processing plant is a significant contributor to the local economy. The State agrees that without the Amendment 113 regulations and subsequent modifications

recommended by the NPFMC in place, it is very unlikely that the processing plant in Adak will be capable of sustained fishery participation in the future or that the processing plant in Atka will be able to develop its processing operation for Pacific cod.

Discussions with NMFS and NOAA General Counsel during the April 2019 NPFMC meeting indicated that it will not be possible to reinstate Amendment 113 regulations in time for the start of the next Pacific cod fishing season that begins in January 2020. It is clear that enactment of federal legislation is the only method currently available to ensure that Aleutian Islands trawl catcher vessels, processing plants, and communities have an opportunity to sustain participation in the Pacific cod fishery until regulations can be developed by the NPFMC and implemented by the National Marine Fisheries Service.

Thank you for your correspondence on this issue. The State is committed to working with the NPFMC to develop fisheries management programs that provide economic benefits and stability to fishery-dependent fishing communities in Alaska. Please feel free to contact me if you have questions or would like to discuss further.

Sincerely,



Doug Vincent-Lang
Commissioner

cc: Senator Lisa Murkowski
Senator Dan Sullivan
Congressman Don Young
Simon Kinneen, Chairman NPFMC
David Witherell, Executive Director NPFMC
Chris Oliver, NOAA