

Dave Fraser
A.C.D.C
04

ACDC RESPONSES RE: GFF/US SEAFOODS LETTERS

(The highlighted text comes directly from issues raised in Groundfish Forum and US Seafood's letters. These notes are in 2 sections: National Standard "legal" issue, and "substantive" issues.)

RESPONSES TO NATIONAL STANDARDS ISSUES

"promote conservation"

This action should be viewed in the context of a 'trailing amendment' responding to the AI TAC split which was a conservation necessity enacted in the 'spec' process without benefit of the leisure of analysis of mitigation measure that would fulfill the National Standard 8 mandates. Previous Councils ducked the opportunity to deal with the community impact of that TAC split in advance of the split.

Additionally, the more of the CV trawl cod catch taken in the AI, the lower the halibut bycatch use, pushing the trawl catch earlier than late February also raises halibut bycatch. CV trawl effort in March has lower halibut than in February. The H&L sector has half the halibut bycatch rate in the BS relative to the AI. It also has higher halibut bycatch mortality rate in the AI than CV trawl.

"localized depletion"

This is a boogey man. In 541 & 542 MS-CVs and shorebased CVs operate in the same exact areas. 543 is the only area where shorebased CVs do not fish where MS-CVs do. The last two BiOps have incorporated a performance standard that favours limiting the amount of the AI cod TAC taken in 543.

"excessive share"

Does any AM80 company have a coop share of more than 5000 tons of cod? (Or of YFS?) Does any FLCC company have a coop share of more than 5000 tons of cod? How can temporary set aside of 5000 tons out of a 220,000 ton BS&AI cod TAC, which is the basis of the AM85 allocations, be an excessive share.

"economic allocation as its sole purpose"

As noted above, to the extent that Alt. 2 results in more CV trawl catch in the AI, and less H&L catch in the AI, this action is likely to result in less halibut bycatch. More importantly, the purpose of this action is to provide for the 'sustained participation' of Adak which is highly dependent on the cod fishery for its survival.

"National Standard 8 does not support the proposed action."

National Standard 8 says management measures shall "take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities" Alt. 2 is an attempt to rectify the cumulative, unforeseen, synergistic impacts on communities in the AI management area from several prior management measures that:

- allocated 100% of the fishing privileges to the BSAI cod,
- rationalized the AM-80 sector
- allowed the FLCC sector to rationalize
- rationalized the crab processing sector
- split the BS and AI cod TACs

This action is best understood as a "trailing amendment" to those actions to place sideboards on processors in rationalized fisheries, in a manner that is consistent with the mandate of NS-8 to provide for the sustained participation of our community.

In February 2014, the Council asked the industry to come up with additional alternatives that would:

Maintain functional Aleutian Islands shore plants west of 170 degrees
Maintain trawl and fixed gear sector access to AI Pacific cod fisheries
Minimize pre-emption of the AI CV cod fishery by the BS CV cod fishery"

The industry failed to develop other alternatives and the Council moved ahead, deeming Status Quo and Alt. 2 as the reasonable range of alternatives. Status Quo fails to address the problem statement, to maintain functional AI shoreplants, or to provide for the sustained participation of Adak. Without cod the plant doesn't operate, without a processor the school closes, without a school the community dies.

SET ASIDE - ALLOCATION OR SIDEBOARDS?

Table 12 of the Oct 2008 discussion paper on "AI Processing Sideboards" showed that prior to the implementation of AM80 in 2008 the AM80 fleet only acted as MS in 1999, 2005 & 2007. In the 1st 2 of those years the start dates were Mar. 20th & 24th, in 2007 the start date was the 9th of March.

Alt. 2 is essentially a sideboard on the start date for offshore processors in the AI, with multiple triggers for partially or fully removing the sideboard at earlier dates.

SIDEBOARDS for FLCC

FLCC "Stealth Coop"

Pg. 46:

"Since 2006, most of the persons holding LLPs endorsed for freezer longline CPs in the BSAI have been members of the Freezer Longline Conservation Cooperative (FLCC). In June 2010, the

remaining LLP holders joined the cooperative, so that with the start of the 2010 B season on August 15, all holders of LLPs authorizing the use of these vessels were members of the cooperative.”

The data in Table 2-14 show that H&L CPs doubled the amount of harvest following the formation of the coop. I added the right hand column estimating their A season AI catch (based on the “car240” halibut bycatch reports.) 2015 was by far their highest A season catch, and it represents a rational, though opportunistic, response to having a rationalized AM85 BSAI allocation with an un-rationalized derby for the AI cod TAC.

Cod Harvest by CP H&L Vessels in the AI – data from Table 2-14 and “halibut-by-week” reports.				
Year	# of Vessels	MT of AI Cod	% of AI	MT before Mar. 31st
2003		851	3	250
2004	8	2,937	10	1866
2005	7	2,128	10	440
2006	9	2,253	12	2300
2007	8	2,268	8	915
2008	10	4,048	16	1345
2009	10	4,748	19	790
2010	11	4,576	21	2270
2015				2800

REPOSE TO SUBSTANTIVE ASSERTIONS

“Adak receives the majority of the harvest in the Aleutian Islands already whenever it’s open.”

With separate AI TAC, that won’t be the case, as demonstrated by the 2015 season closure 2/28. Also, the AI TAC is not the relevant denominator to compare the harvest of cod delivered to Adak relative to the harvest of cod by any sector with an AM85 allocation.

“proposed action addresses a problem that does not exist. Adak has already received allocations of golden king crab and pollock in the past, and doesn’t need an additional allocation of cod.”

Cod is the primary species upon which the operation of a shorebased processor in Adak depends. There is no way to maintain the operation on 300,000 lbs of crab, which amounts to 3 deliveries a year. Aleut Corp, not Adak was allocated Pollock, Ocean Peace was unsuccessful at harvesting Pollock. Without cod the plant doesn’t operate and as a community that is primarily fisheries dependant Adak needs the protection that a set aside will provide.

“rollover dates are after the peak of the season”

The highest CV catches have generally come during the last full week the federal A season fishery was open. High catch rates following the A season closure are evident from the results of the GHL fishery.

Table 2-40 has AI CV cumulative catch by week end dates, from which weekly catch amounts can be extracted.

Extracted from table 2-40		
CV Closure	Week End Date	AI CV MTs for last week of A Season
27-Feb	2/28/2015	772
16-Mar	3/15/2014	1,755
11-Mar	3/9/2013	2,291
27-Feb	2/18/2012	1,527
26-Mar	3/26/2011	1,542
12-Mar	3/13/2010	4,180

Table 2-6 shows that AI CV fleet had high weekly catches during the GHL fishery that followed the A season closure. If the subset of the fleet that fishes in the GHL fishery can take over 3500 tons in a week in late March, it is highly unlikely that any balance of the set aside not harvested by March 15th would be “stranded.”

from table 2-6			
GHL A- season Harvest	Year	Closure	Days
3,857	2006	24-Mar	9
3,733	2007	23-Mar	7
3,392	2008	18-Mar	8

“plant operators will have an incentive...”

Under Option 4, it is the city, not the plant operator, who notifies NMFS in the event the plant will not operate. This is an insult to the integrity of the city government which has shown consistent good faith in waiving the WAG regional delivery requirement.

“a high likelihood that much of the resource will be unharvested”

As noted above, when cod fishing has been open in late March, catch rates are high enough that “standing” should not be an issue. Additionally, most of the H&L harvest in the past has come from the B season, so even if all of the AI DFA isn’t taken by April 1st there 9 more months for the fixed gear fleet.

However the AM85 CP sectors with the largest cod BSAI allocations do have a “Stranded Cod” issue. Over the last 3 years AM-80 has left 16,000 tons unharvested. The FLCC fleet has left almost 14,000 tons unharvested. Between the two fleets that’s an average of 10,000 tons a year. That is cod to which Adak doesn’t have access once the offshore fleet preempts the AI cod TAC as happened Feb. 28th this year under status quo.

Year	Sector	Harvest MT	Remaining
2014	CP (Am 80)	27,716	5,915
2014	CP (H&L)	108,062	3,454
2013	CP (Am 80)	32,262	4,950
2013	CP (H&L)	108,400	6,771
2012	CP (Am 80)	27,991	5,241
2012	CP (H&L)	114,522	3,584
Sum of Cod Unharvested in Last 3 years			29,915

when State Water GHL Pacific cod harvests (which were intended to benefit Adak) are taken into account

The GHL fishery has no processing restrictions, so offshore processors can participate when it is convenient and have done so. Their peak year was 2010 (table 2-7) at 3,449 mt in the A season. The peak year for all sectors in the A season was 4,777 mt (which I suspect it close to what is sustainable out of state water). Thus the GHL component upon which shorebased can depend could be anywhere in the range of 2000 to 4500 tons.

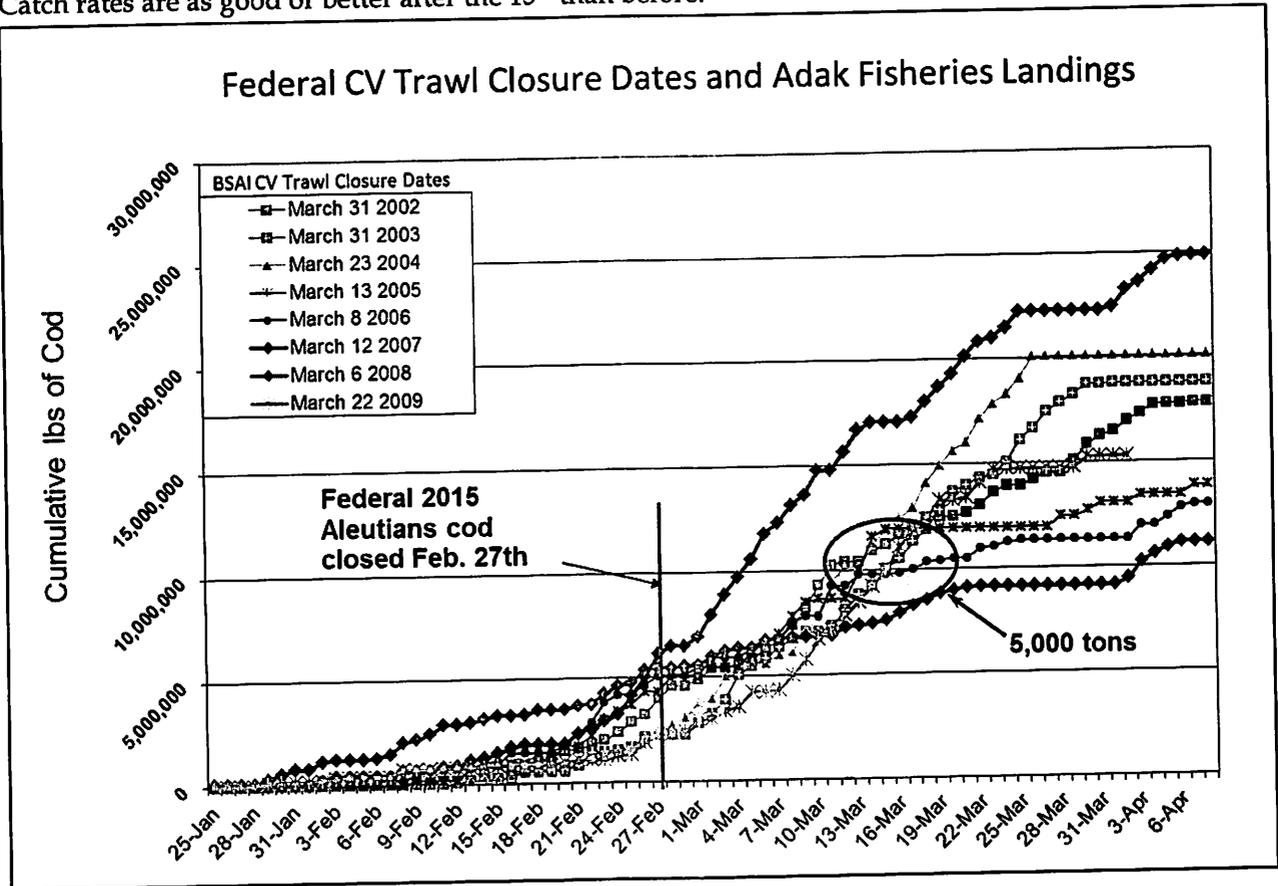
options seem to acknowledge that Adak’s shoreplant is likely to fail

Adak’s shoreplant is bound to fail under status quo. Alt. 2 attempts to create the opportunity to reach the average 2003 to 2009 levels at which the plant was viable. The options are not there as acknowledgement that Adak is likely to fail, but rather to provide a failsafe to ensure that the offshore sector has adequate opportunity to harvest and/or process the balance of any the set aside that remains in the event the plant doesn’t have the capacity.

MARCH 15th

“rollover dates are after the peak of the season”

Catch rates are as good or better after the 15th than before.



dave fraserC4
City of Adak

From: "Dustin Anderson" <dustin@premierharvest.net>
Date: Tuesday, October 06, 2015 10:27 PM
To: "dave fraser" <dfraser@olympus.net>
Subject: Premier Harvest Adak - Re: C-4 AI Pacific Cod Directed Fishing Allowance and Delivery Requirement

Dave,

If you would, please express my sincerity to the Council for not being able to attend and not having a formal letter over to the Council as required. As you now know, I've had back to back deaths in my family with the most recent being Laura's tragic death. We laid her to rest this weekend in Seattle. She was 46.

If I may, I'd like to be clear about our intent to process cod in Adak. We have standing orders and are negotiating with groups now for cod and other finfish. When we negotiated the lease with the Aleut Corporation and the City of Adak, we made it clear that we were going to process cod once the repairs were made and the necessary equipment was shipped. Premier has designed the largest live tank holding facility for crab in the entire US and continues to upgrade power and energy systems that are critical to the vitality of a state of the art seafood processing facility.

If Adak is not allocated at least 5,000 MT to our shore based facility, it makes it next to impossible for us to survive. The cost of energy alone in Adak demands that we land between 5,000 MT and 7,000 MT for us to build a thriving opportunity. The impact to the City of Adak and other services is beyond substantial. As a Native American owned company, Premier continues to expand employment opportunities for local people and with a viable cod opportunity, we would bring an additional 200 plus people to the island. That impact alone, would change the condition in Adak.

Premier Harvest has invested millions into the Adak facility. We've created new and exciting markets for Live and Fresh Alaskan Seafood, shipping hundreds of thousands of pounds of Live King Crab to destinations all around the world via Alaska Air Cargo. I implore the Council to allow us this opportunity with a cod allocation that is currently provided to other communities throughout Alaska. A steady access to the federal fishery of 5,000 MT of AI Cod is critical to our communities survival.

I wanted desperately to meet with the Council Members and express personally how much this means to all of us. Thank you for your understanding and I look forward to a positive outcome for our community.

Kind Regards,

Dustin

10/8/2015



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