

Adak Community Development Corporation

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March 29th, 2019

Simon Kinneen, Chairman NPFMC
605 W. 4th Avenue. Suite 306
Anchorage, Alaska 99501-2252

Re: B-4: Amendment 113 Reconsideration

Dear Chairman Kinneen,

Just when it appeared that our community had turned a corner and had a firm basis for the hope of a measure of stability and continued access to the cod resource, we have been thrown back into uncertainty.

Adak was devastated by the news last week of Judge Kelly's decision to remand Amendment 113 to NMFS for reconsideration.

One of the issues the court opinion focused on was the "conservation" standard of National Standard Four. The judge wanted NMFS to identify a positive conservation rationale necessitating the action.

While the discussion in the section of the analysis summarizing compliance with the National Standards may not have highlighted the conservation benefits of AM-113, that doesn't mean they weren't in the record. ACDC's written comments to the Council on the February 2015 draft EA/RIR and on the October 2015 EA/RIR pointed out the halibut savings of a limitation on the BS CV trawl sector. Our comment pointed to page 62 of the Feb. 2015 initial review draft for AM-113 where the analysis identified a more than ten fold difference in halibut bycatch rates in the BS CV trawl cod fishery versus the AI fishery:

"As noted in Table 8-62 of the Final EIS for Steller Sea Lion Protection Measures, the estimated average prohibited species catch rates per ton of groundfish by CVs is 0.0013 in the AI and .014 in the BS, from 2004 through 2012."

The positive impact on halibut usage in the CV trawl cod fishery was overlooked in the discussion of National Standards Four and Nine in the Secretarial Review of Amendment 113, (and in the December 2018 analysis of the AM-113 "Adjustment".)

The 2019 BS/AI CV trawl A season was a dramatic demonstration of the foreseeable impact of what would happen without a BS Limitation on CV trawl cod harvests combined with the lack of a limitation on offshore processing of CV trawl cod by rationalized sectors above what they did prior to rationalization.

The BS CV cod trawl fishery closed Feb. 1st having used over 325 tons of halibut mortality at a rate of 30.1 kg/mt. (data from "car240_psc_halibut2019").

As a result of the BS Limitation 5,000 tons of cod were harvested in the AI Set-aside (plus an additional 1700 tons in the AI Unrestricted fishery) using less than 15 tons of halibut mortality at a rate of less than 3.5 kg/mt.

Absent AM-113 the 5,000 would have extended the BS fishery just 3.6 days at the catch rate of 1381 tons/day. In those 3.6 days the BS CV trawl fishery assuming the BS rate remained at 30 kg/mt, they would have used an additional 84 tons of halibut mortality above the 15 tons that were actually used in the AI. (data source: <https://alaskafisheries.noaa.gov/sites/default/files/reports/outlook.txt>). See the exhibits to this letter for the documentation of the calculations.

The existence of the AI Set-aside also had a halibut savings benefit in the AI CV trawl fishery. Two CVs started fishing in the AI at the beginning of the A season. In making a few test tows they encountered bycatch rates that, while low by BS standards, were much higher than normal for the AI. They chose to stand down and wait two weeks for the cod to aggregate before resuming fishing at lower halibut rates.

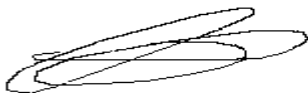
Conservation of the halibut resource and minimizing halibut bycatch to the extent practicable have long been high priority issues for the Council and NMFS.

In the course of the "reconsideration" ordered by the Court, we urge the Council and NMFS to supplement the analysis of the conservation benefits of AM-113 in reducing halibut bycatch.

ACDC requests that the Council and NMFS respond to the Court's direction to reconsider AM-113 by taking the opportunity to direct staff to supplement the analysis of the AM-113 Adjustment to address the issues raised in Judge Kelly's opinion.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "dave fraser", with a stylized, overlapping loop at the end.

dave fraser
ACDC

Data from "car240_psc_halibut2019" sorted by CV Sector, Trawl Gear, Cod Target. A season, comparing AI Halibut rates and mortality amounts to BS mortality amounts and rates

GEAR	BS REPORTING AREA	TARGET	WEEK	SECTOR	GROUND FISH (MT)	HALIBUT (KG)	RATE KG/MT	HALIBUT MORTALITY (MT)
NPT	509	Pacific Cod	1/26/2019	Catcher Vessel	7,444	231,098	31.04	138.93
NPT	517	Pacific Cod	1/26/2019	Catcher Vessel	1,981	58,923	29.75	33.92
NPT	519	Pacific Cod	1/26/2019	Catcher Vessel	C	C	94.46	0.06
NPT	509	Pacific Cod	2/2/2019	Catcher Vessel	6,077	189,400	31.17	125.23
NPT	516	Pacific Cod	2/2/2019	Catcher Vessel	C	C	13.74	1.2
NPT	517	Pacific Cod	2/2/2019	Catcher Vessel	1,879	44,029	23.43	25.99
NPT	517	Pacific Cod	3/2/2019	Catcher Vessel	C	C	5.55	0.57
NPT	524	Pacific Cod	3/2/2019	Catcher Vessel	C	C	4.76	0.01
NPT	509	Pacific Cod	3/16/2019	Catcher Vessel	C	C	4.46	0.41
NPT	517	Pacific Cod	3/16/2019	Catcher Vessel	C	C	4.31	0.66
Totals CV BS mt & rate					17,380	523,450	30.12	326.98
GEAR	AI REPORTING AREA	TARGET	WEEK	SECTOR	GROUND FISH (MT)	HALIBUT (KG)	RATE KG/MT	HALIBUT MORTALITY (MT)
NPT	541	Pacific Cod	1/26/2019	Catcher Vessel	C	C	15.74	0.37
NPT	541	Pacific Cod	2/2/2019	Catcher Vessel	C	C	11.15	0.14
NPT	541	Pacific Cod	2/16/2019	Catcher Vessel	424	810	1.91	0.48
NPT	541	Pacific Cod	2/23/2019	Catcher Vessel	891	3,140	3.52	1.9
NPT	541	Pacific Cod	3/2/2019	Catcher Vessel	1,032	2,860	2.77	1.73
NPT	541	Pacific Cod	3/9/2019	Catcher Vessel	2,653	12,952	4.88	7.82
NPT	541	Pacific Cod	3/16/2019	Catcher Vessel	1,721	3,512	2.04	2.19
NPT	542	Pacific Cod	3/9/2019	Catcher Vessel	C	C	3.26	0.06
NPT	542	Pacific Cod	3/16/2019	Catcher Vessel	C	C	0.00	0
Totals CV AI mt & rate					6,721	23,275	3.46	14.69

Halibut Saving Attributable to Amendment 113 in 2019 A season				
Ratio BS rates to AI rates = 8.7:1	Halibut Savings by shifting 5,000 tons of cod from BS to AI	Halibut Mortality Savings by shifting 5,000 tons of cod from BS to AI	Halibut Savings by shifting 6,721 tons of cod from BS to AI	Halibut Mortality Savings by shifting 6,721 tons of cod from BS to AI
Difference	133.3	84.0	179.1	112.9
AI	17.3	10.9	23.3	14.7
BS	150.6	94.9	202.4	127.5
ratio	8.7	8.7	8.7	8.7

data from "Outlook" report		
Week ending date	Cod mt (Directed and Incidental)	# of CVs with any Pacific cod
26-Jan	8,972	80
2-Feb	7,605	83
9-Feb	373	62
16-Feb	1,132	75
23-Feb	1,201	81
2-Mar	1,306	79
9-Mar	2,820	82
Total	23,408	95
Am. 113 5,000 ton setaside = 21.4%		
Daily BS cod catch rate for 12 days		
1381 mt/day		
5000 mt/1381 mt per day = 3.6 days		