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Aleutians Islands Subdistrict Pacific Cod Management Plan (4 proposals)

PROPOSAL 1

5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Coordinate season opening dates, clarify reporting and landing requirements, and require pot vessels to deliver their catch prior to hauling stored gear after the fishery closure, as follows:

AAC 28.647(c)(2)(A) is amended to read:

(c) The commissioner shall open and close, by emergency order, a state-waters season in the Aleutian Islands Subdistrict as follows:

...

(2) all waters of the Aleutian Islands Subdistrict shall open as follows:

(A) for nonpelagic trawl gear, pot gear, longline gear, hand troll gear, and mechanical jigging machines four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel greater than or equal to 60 feet in overall length pot gear fishery is closed **or at 12:00 noon Alaska standard time on March 15, whichever is earlier;**

(B) for vessels over 60 feet in overall length using nonpelagic trawl gear and vessels over 100 feet in overall length using pot gear, at 12:00 noon **Alaska standard time** on March 15;

5 AAC 28.647 is amended to read:

(d) During a state-waters season,

...

(3) a vessel used to harvest Pacific cod when

...

(B) all waters all waters of the Aleutian Islands Subdistrict are open under (c)(2) of this section, with

(iii) nonpelagic trawl gear, may not be more than 60 feet in overall length prior to 12:00 noon **Alaska standard time** on March 15, and may not be more than 100 feet in overall length after 12:00 noon **Alaska standard time** on March 15;

(iv) pot gear, may not be more than 100 feet in overall length prior to 12:00 noon **Alaska standard time** on March 15 and may not be more than 125 feet in overall length prior to 12:00 noon **Alaska standard time** on March 15;

...

(6) a vessel may harvest up to 150,000 **round** pounds of Pacific cod per day and may not have more than 150,000 **round** pounds of unprocessed Pacific cod on board the vessel at any time; a vessel may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets; [A VALIDLY REGISTERED VESSEL MUST REPORT DAILY TO THE DEPARTMENT THE POUNDS OF PACIFIC COD TAKEN AND ON BOARD THE VESSEL;]

...

(8) once an offload begins, a vessel may not operate groundfish gear until all Pacific cod onboard the vessel has been delivered. Partial deliveries may occur as described in 5 AAC 28.070; however, vessels may not operate groundfish gear in between partial deliveries including partial deliveries to shorebased processors, floating processors, tenders, transporters, or motherships;

(9) in the state-waters season, a participating vessel owner or operator must report, as specified on the registration form, to the local representative of the department

(A) the amount of gear operated by the vessel during the designated period;

(B) the number of pounds of Pacific cod retained during the designated period; and

(C) any other information that the commissioner determines is necessary for the management and conservation of the fishery.

(k) At the time of the closure for the Aleutian Islands Subdistrict Pacific cod state-waters season, all fishing gear must be completely removed from the water, except that pot gear may be stored in the water with all bait and bait containers removed and doors secured fully open. Pot gear stored in the water after closure of the state-waters season may not be retrieved until all Pacific cod onboard the vessel has been delivered.

(l) For the purposes of this section,

(1) “day” means the 24-hour period of time between 12:00 midnight and 11:59 p.m. of the same calendar day;

(2) “harvest” or “catch” means the total weight (or total number) of fish or shellfish removed from the water by commercial fishing operations.

What is the issue you would like the board to address and why? Currently, the Aleutian Islands Subdistrict (AIS) state-waters Pacific cod management plan provides for three triggered season opening dates based on geographic location, vessel size, and gear type. The second triggered season opening date was established in 2020 and opens the AIS to pot gear vessels between 61 and 100 feet overall length (OAL) four days after the federal/parallel Bering Sea and Aleutian Islands “A” season for catcher-vessels greater than or equal to 60 feet OAL pot gear fishery closes. This opening also expands the fishery from waters of the Adak Section (state waters between 175° and 178° W longitude) to all waters of the AIS to all other vessels eligible to fish at that time (pot, nonpelagic trawl, and jig gear vessels less than or equal to 60 feet OAL and longline vessels 58 feet OAL or less). The third triggered opening occurs on March 15 and allows trawl gear vessels up to 100 feet OAL and pot gear vessels up to 120 feet OAL to enter the fishery.

Since 2010, the federal over 60 pot gear closure needed to trigger the second AIS season opening predominantly occurred before March 15, except in 2015 and 2016 when the fishery closed on June 10. As written, if the federal over 60 pot fishery does not close at the time of the third regulatory AIS season opening date on March 15, only pot vessels over 100 feet OAL and nonpelagic trawl gear vessels over 60 feet OAL are permitted to fish outside the Adak Section which is inconsistent with historical practice and intent of this management plan. Therefore, the department seeks to clarify that if the second AIS triggered season opening date has not occurred at the time of the third triggered opening on March 15, the second opening date becomes null and all waters of the AIS shall open at 12:00 noon on March 15 to all vessels eligible to participate in the AIS. Additionally, since the subdistrict covers two time zones, the department seeks to clarify that all closure and opening times are in Alaska time, not Hawaii-Aleutian time.

Regulations governing partial offloads that occur during the season are poorly specified in the AIS state-waters Pacific cod management plan. Vessels are required to retain all Pacific cod brought onboard during a directed Pacific cod fishery and are limited to harvesting or delivering no more than 150,000 round pounds per day. Occasionally, vessels are unable to deliver their full 150,000 harvest limit due to processor or tender capacity limits and an unreported amount of Pacific cod remains onboard the vessel after a partial landing. Existing regulation is unclear on whether a vessel can resume fishing after a partial offload occurs. Inseason management and harvest limit compliance depend on accurate catch accounting. Therefore, the department seeks to clarify that all Pacific cod onboard must be delivered before a vessel can start fishing again and that a vessel may not operate groundfish gear in between partial deliveries.

Harvest reporting requirements are poorly defined in current regulation. Clarifying reporting times, what information the department requires, and how vessels provide fishery reports will assist the department in managing this fishery. Landing requirements at the time of season closure are additionally undefined in regulation. Adding provisions that requires all trawl, longline, and jig gear be removed from the water and pot gear be either removed from the water or open and unbaited at the time of the closure will aid enforcement and catch accounting for this fishery. Also amending regulation to specify that pot vessels must deliver all fish onboard before retrieving stored gear after the fishery closure is consistent with other regional state-waters fishery regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-043)

PROPOSAL 2

5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Restrict legal gear to pot and mechanical jigging machines, increase pot limit, and limit total harvest by vessels greater than 58 feet in length, as follows:

Open the entire AI P cod Management area on Jan 1st to pot vessels (100’ and less) and jig vessels (58’ and less) as the only legal gear type in the AI P cod fishery. Removing all other triggers for opening dates. Limit pots to single line gear with a total number of 120 pots. And last item, limit 59’ to 100’ pot vessels to a maximum 25 % of the GHL

What is the issue you would like the board to address and why? I wish to align the AI management plan with other State Water P cod management plans.

PROPOSED BY: Ronald J Kavanaugh (EF-F22-075)

PROPOSAL 3

5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Change season start date from March 15 to March 1 for trawl gear vessels over 60 feet in length, as follows:

Amend as follows:

(c) The commissioner shall open and close, by emergency order, a state-waters season in the Aleutian Islands Subdistrict as follows:

(1) the Adak Section shall open January 1;

(2) all waters of the Aleutian Islands Subdistrict shall open as follows:

(A) for nonpelagic trawl gear, pot gear, longline gear, hand troll gear, and mechanical jigging machines four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel greater than or equal to 60 feet in overall length pot gear fishery is closed;

(B) for vessels over 100 feet in overall length using potgear, at 12:00 noon on March 15,

(C) for vessels over 60 feet in overall length using trawl gear, at 12:00 noon on March 1

...

What is the issue you would like the board to address and why? The AI subdistrict Pacific Cod Fishery has historically included trawl vessels. The trawl vessels that have participated in the AI P Cod fishery have both developed and relied upon the fishery. The March 15th opening of the fishery to trawl boats 60’ OAL and greater has negatively impacted vessels that have previously been important participants and have relied on this fishery.

Trawl vessels are only successful at P Cod fishing in the AI when the fish are aggregated. This happens very quickly and in late winter. Limiting entrance of historic trawl participants to a start date of March 15th has resulted in the vessels missing the cod aggregations and therefore missing fishing opportunities; in years where other gear types are less successful, this could result in a poorly executed fishery. Allowing a start date of March 1 for trawl vessels 60' OAL and greater would both allow a reasonable amount of time for vessels under 60' OAL (and pot vessels under 100' OAL) to fish alone and allow a little extra time for trawlers to be able to fish while the important cod aggregations are occurring. (Trawl vessels over 100' OAL are never allowed in the AI P Cod fishery)

All recent scientific evidence indicates changing ocean conditions and changing P Cod migration patterns. During times of such flux, limiting the fisheries by gear type has the potential to impact the execution of the fishery. Allowing trawl vessels that are historical participants to fish beginning March 1 will help execute the fishery and avoid leaving potentially stranded fish in the water.

The BOF proposal which led to this regulation states that the intent is to "Give fishermen operating vessels 60 feet or less overall length (OAL) for trawl, jig, and pot gear and 58 feet or less OAL for vessels operating longline gear, more opportunity to harvest Pacific cod in the Adak Section of the AIS prior to larger vessels entering the fishery." However, pot vessels of 100' OAL are now allowed an earlier start date than trawl vessels 60' OAL and, as such, LARGER vessels are in fact starting earlier than many trawl vessels that are SMALLER. Further, regardless of the OAL of a vessel, ALL vessels are limited to the 150,000 lb trip limit. The regulation, as it stands, was adopted by the BOF out of cycle at a meeting that very few cod trawl participants could attend because the meeting occurred right as the federal BSAI cod trawl season was opening; these fishermen had to get prepared to go fishing. This resulted in little to no advocacy for the trawl fleet at the time the proposal was adopted.

The F/V Miss Leona is an example of a cod trawl vessel that has extensive fishing history in Adak and has been fishing the state AI fishery since its inception. We are a family owned and operated 87' vessel that has fished in Alaska since the 1970's. The owner began working on the vessel as a deckhand and eventually purchased the vessel; he spent 40 years on this vessel. The vessel is now run by the owner's son, who lives in Alaska, and has Alaskan residents as crew, all of whom have been hurt by this regulation. The vessel has slips in Dutch Harbor and Kodiak where it stays year round, purchases all food and supplies in these two ports and has repair and maintenance done in Alaska. In the last few years alone, the vessel has done a several month long shipyard project in Dutch Harbor and has been hauled out in Kodiak. We support Alaskan fishing communities and have always delivered shoreside in Adak when a plant was available. We embody the ideals that the BOF and ADF&G attempt to support when supporting "small" fishing vessels..

PROPOSED BY: Chris Allinson (EF-F22-062)

PROPOSAL 4

5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Change season start date from March 15 to March 1 for trawl gear vessels over 60 feet in length, as follows:

Allow trawl vessels to begin fishing the AI subdistrict P Cod fishery on March 1

Amend as follows:

c. The commissioner shall open and close, by emergency order, a state-waters season in the Aleutian Islands Subdistrict as follows:

1. the Adak Section shall open January 1.

2. all waters of the Aleutian Islands Subdistrict shall open as follows:

A. for nonpelagic trawl gear, pot gear, longline gear, hand troll gear, and mechanical jigging machines four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel greater than or equal to 60 feet in overall length pot gear fishery is closed.

B. for vessels over 100 feet in overall length using pot gear, at 12:00 noon on March 15,

C. For vessels over 60 feet in overall length using trawl gear, at 12:00 noon on March 1

...

What is the issue you would like the board to address and why? The AI subdistrict Pacific Cod Fishery has historically included trawl vessels. The trawl vessels that have participated in the AI P Cod fishery have both developed and relied upon the fishery. The March 15th opening of the fishery to trawl boats 60' OAL and greater has negatively impacted vessels that have previously been important participants and have relied on this fishery.

Trawl vessels are only successful at P Cod fishing in the AI when the fish are aggregated. These aggregations happen very quickly and in late winter. Limiting entrance of historic trawl participants to a start date of March 15th has resulted in the vessels missing the spawn aggregations and therefore missing fishing opportunities; in years where other gear types are less successful, this could result in a poorly executed fishery. Allowing a start date of March 1 for trawl vessels 60' OAL and greater would both allow a reasonable amount of time for vessels under 60' OAL (and pot vessels under 100' OAL) to fish alone and allow a little extra time for trawlers to be able to fish while the important spawn aggregations are occurring. (Trawl vessels over 100' OAL are never allowed in the AI P Cod fishery)

All recent scientific evidence indicates changing ocean conditions and changing P Cod migration patterns. During times of such flux, limiting the fisheries by gear type has the potential to impact the execution of the fishery. Allowing trawl vessels that are historical participants to fish beginning March 1 will help execute the fishery and avoid leaving potentially stranded fish in the water.

The BOF proposal which led to this regulation states that the intent is to "Give fishermen operating vessels 60 feet or less overall length (OAL) for trawl, jig, and pot gear and 58 feet or less OAL for vessels operating longline gear, more opportunity to harvest Pacific cod in the Adak Section of the AIS prior to larger vessels entering the fishery." However, pot vessels of 100' OAL are allowed an earlier start date than trawl vessels 60' OAL and, as such, LARGER vessels are in fact starting earlier than many trawl vessels that are SMALLER. Further, regardless of the OAL of a vessel, ALL vessels are limited to the 150,000 lb trip limit. The regulation, as it stands, was adopted by

the BOF out of cycle at a meeting that very few cod trawl participants could attend because the meeting occurred right as the federal BSAI cod trawl season was opening; these fishermen had to get prepared to go fishing. This resulted in little to no advocacy for the trawl fleet at the time the proposal was adopted.

The F/V Golden Pisces is an example of a cod trawl vessel that has extensive fishing history in Adak and has been fishing the state AI fishery since its inception. The F/V Golden Pisces is a 98 ft trawler, homeported in Dutch harbor, using local vendors for support, repairs, etc. with a fishing history in the Aleutians that dates to 1983, years before the start of the state cod fishery in 06. We have participated in the state fishery since inception excluding a few years when a market was unavailable and will continue to participate as the state cod fishery has been a large part of our fishing plan since 2006.

PROPOSED BY: Steve Beard (HQ-F22-033)

Dutch Harbor Subdistrict Pacific Cod Management Plan (2 Proposals)

PROPOSAL 5

5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Reduce maximum allowable vessel size to 55 feet in length inside state waters near Unalaska Bay, as follows:

(e) During a state-waters season,

(2) Pacific cod may be taken only with ground fish pots and mechanical jigging machines as follows:

(C) a vessel registered to take Pacific cod may not be longer than 58' in overall length

except in the area around Unalaska Bay where a vessel registered to take Pacific cod may not be longer than 55' between Priest rock 166.22 and Bishop pt. 166.57

What is the issue you would like the board to address and why? Small boats using longline gear to fish for cod in and around Unalaska Bay are being displaced by larger boats (58') using pots.

All small boats (less than 55'), whether local or from other communities in our State, who deliver into Unalaska, fish within 15 miles from town. They have no where else to go. When the larger 58' boats using pots move in, the smaller vessels using longline gear are displaced and have no option but to quit fishing. We feel that the larger 58' boats do have other options. Preservation of the small fishing vessel culture is one of the cornerstones of the Unalaska Native Fishermen's Association's mission statement which is, "To create and preserve opportunities for the subsistence and small boat commercial fishermen of Unalaska Bay, recognizing the natural environment as the essential component to both".

We believe that in order for our small boat heritage and culture to survive, certain protections must be put in place. In order to nurture and encourage entry level participation into the cod fishery, we must provide access to the resource.

A look at Unalaska's history going back many, many years shows that all local boat owners got started with a boat 50' or less..

PROPOSED BY: Unalaska Native Fishermen's Association (EF-F22-089)

PROPOSAL 6

5 AAC 28.648 Dutch Harbor Subdistrict Pacific Cod Management Plan.

Establish new framework for setting annual state-waters Pacific cod GHLS, as follows:

We propose to create a GHL fishery that addresses the conservation needs of the Pacific Cod Stock, particularly in periods of low abundance while balancing Alaska's economic interests in all sectors of the fishery, knowing that both federal and state fishery participants benefit along with Alaskan communities, harvesters, the CDQ program and processors. We recognize the importance of the state water opportunities for Alaskans and seek a framework that balances these opportunities with the historical dependency on the federal fishery for the 65 coastal Alaska communities in the CDQ program and other Alaskan participants in the federal sectors.

In 2015, a key point in the Board of Fisheries deliberations to increase the DHS GHL to 6.4% was the limited impact to Federal participants, due to the buffer between the ABC and TAC. However, this buffer no longer exists under the current low Pacific Cod biomass levels. A framework providing for the GHL to fluctuate relative to ABC is consistent with the BOF's original intent:

- In years of high abundance, cod is less constraining and the GHL is increased
- In years of low abundance, the GHL decreases to minimize the economic impact to Alaskan communities, fisherman and CDQ groups participating in Federal fisheries.

We propose a 4-tier approach for setting the DHS GHL. Under this approach, the GHL would continue to be set as a percentage of the federal Bering Sea ABC each year. The %ABC in a given year, however, would be determined by a combination of the latest estimate of Pcod biomass and recent fishery performance. If, for example, the fishery is expected to fully harvest the GHL, then the %ABC used for the subsequent year GHL would be based on *biomass tier* (see below). If, on the other hand, the GHL will not be fully harvested, then the subsequent year 's GHL would be reduced by one percentage point relative to ABC. Such a performance-based GHL reduction would not be applied, however, if a tier-based reduction in GHL is going to be necessary due to a decline in biomass. In addition, if the ABC goes up a biomass tier and the GHL was not harvested in the current year the corresponding percentage increase in the subsequent year would not apply. The GHL as a percentage of ABC would be a minimum of 10%, and the maximum would be 13%.

Biomass tiers:

- | | |
|----------------------------|---|
| - ABC < 100,000 mt | GHL = 10% ABC |
| - ABC 100,000 – 125,000 mt | GHL = 11% ABC (GHL 2022 level is 11% =37.2 mill lbs.) |
| - ABC 125,000 – 150,000 mt | GHL = 12% ABC |

- ABC > 150,000 mt

GHL = 13% ABC (maximum GHL= 44,092,400 lbs)

Consistent with the original intent of the BOF, we believe this approach strikes a balance between the harvest capacity of both DHS and offshore fisheries and the conservation needs of the Pacific cod stock.

Draft Language

5AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan

e. During a state-water season,

(1). the guideline harvest level for Pacific cod in the Dutch Harbor subdistrict is set annually based on the Pacific cod acceptable biological catch for the federal Bering Sea Subarea as follows:

(A) when the annual Bering Sea Subarea Pacific cod acceptable biological catch is less than 100,000 metric tons the guideline harvest level is set at 10 percent of the Bering Sea Subarea Pacific cod acceptable biological catch;

(B) when the annual Bering Sea Subarea Pacific cod acceptable biological catch is equal to or greater than 100,000 metric tons but less than 125,000 metric tons the guideline harvest level is set at 11 percent of the Bering Sea Subarea Pacific cod acceptable biological catch;

(C) when the annual Bering Sea Subarea Pacific cod acceptable biological catch is equal to or greater than 125,000 metric tons but less than 150,000 metric tons the guideline harvest level is set at 12 percent of the Bering Sea Subarea Pacific cod acceptable biological catch;

(D) when the annual Bering Sea Subarea Pacific cod acceptable biological catch is equal to or greater than 150,000 metric tons the guideline harvest level is set at 13 percent of the Bering Sea Subarea Pacific cod acceptable biological catch, not to exceed 44,092,400 pounds (20,000 metric tons);

(2). If the guideline harvest level established under this section is not projected to be harvested by the end of the calendar year the subsequent year 's guideline harvest level will be reduced by 1 percent, however, the annual guideline harvest level may not be reduced below 10 percent. The reduction of 1 percent would not take effect if the subsequent years guideline harvest level was reduced due to the Bering Sea Subarea Pacific cod acceptable biological catch dropping in biomass so that the fisheries guideline biological harvest was less than the current years. In addition, if the ABC goes up a biomass tier and the GHL was not harvested in the current year, the corresponding percentage increase in the subsequent year would not apply. The GHL as a percentage of ABC would be a minimum of 10%, and the maximum would be 13%.

...

What is the issue you would like the board to address and why? In 2015, the BOF increased the 2016 GHL for Pacific Cod in the Dutch Harbor Subdistrict (DHS) from 3.2 % to 6.4 % of the federal allowable biological catch (ABC) for Pacific Cod in the Bering Sea. The GHL remained at 6.4% of ABC until 2019 when it the BOF increased it to 8% of ABC. In 2018 the BOF also created a step-up provision so that if the DHS GHL is fully harvested, the subsequent year’s GHL would increase by 1% of the federal ABC. The DHS GHL is considered to have been achieved if, by November 15, 90% of the GHL is projected to be harvested by the end of that calendar year. Currently, in 2022, the DHS GHL is 11% of ABC (37.2 million lbs.). Although ABC is designated by federal managers and is the basis for the DHS GHL, TAC (total allowable catch) is the term for the harvest available to fishermen that fish in federal waters, and therefore, TAC = ABC – GHL. In its 2018 action, the BOF established an upper limit on the increases in the DHS GHL, which is 15% of the federal ABC.

The BS Pacific Cod stock is experiencing unprecedented shifts in distribution, biomass and recruitment due to warming ocean temperatures. Case in point is the BS Pacific Cod ABC which has decreased more than 58% in the last 5 years. During the past nine years (2014-2022), the Bering Sea Pacific Cod ABC has been set at a maximum of 255,000 metric tons to a minimum of 106,000 metric tons.

All the available information shows that there is considerable uncertainty regarding the long-term health of the Pacific Cod stock. Taking the conservation of the Pacific Cod stock into consideration it’s reasonable to implement a management plan that links access to the resource to the health of the resource. In other words, link the state water GHL to the federal ABC as determined in the Federal BSAI harvest specifications process. .

PROPOSED BY: Aleutian Pribilof Island Community Development Association, Bristol Bay Economic Development Corporation, Coastal Villages Region Fund and Yukon Delta Fisheries Development Association (HQ-F22-041)

Bering Sea-Aleutian Islands and South Alaska Peninsula Area Legal Gear, Landing Requirements, and Season Dates (2 proposals)

PROPOSAL 7

5 AAC 28.629. Lawful gear for the Bering Sea–Aleutian Islands Area and 5 AAC 28.681. Landing Requirements for the Bering Sea–Aleutian Islands Area.

Clarify gear marking and landing requirements for groundfish fisheries in the Bering Sea-Aleutian Islands area, as follows:

5 AAC 28.629 is amended by adding new subsections to read:

(h) At least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy may bear only the number of the vessel operating the gear. The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water’s surface when the buoy is attached to the groundfish pot.

(i) A groundfish pot may not be attached to a line connected to another groundfish pot, except that, in the Aleutian Islands Subdistrict Pacific cod and Aleutian Islands-Western District sablefish fisheries, groundfish pots may be connected if each end of the buoy line is marked as specified in (j) of this section.

(j) Each end of a groundfish pot longline must have a buoy attached and each buoy must be marked with the permanent ADF&G vessel plate number of the vessel operating the groundfish longlined pot gear and the letters GFL to designate the gear as longlined groundfish pot gear; the numbers and letters must be marked on the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; the buoy markings must be visible on the buoy above the water's surface when the buoy is attached to the longlined pot gear; for the purposes of this paragraph, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line;

5 AAC 26.681 is amended to read:

(a) The landing requirements for sablefish in the Aleutian Islands District are specified in 5 AAC 28.640.

(b) After 72 hours following the closure of any directed groundfish season within the Bering Sea-Aleutian Islands Area, a vessel that participated in that fishery may not have that species of groundfish on board unless,

(1) that species has been designated as bycatch for another directed fishery and the amount on board is permissible under retained bycatch restrictions specified in regulation;
or

(2) the vessel has been delayed due to extraordinary circumstances beyond the control of the vessel operator, and the vessel operator has contacted a local representative of the department within 72 hours following the closure of the season and the representative has granted a reasonable amount of time for the vessel to reach the port of delivery or processing location; any amount of additional time shall be determined under the assumption that the vessel departed the fishing grounds immediately after the closure and proceeded directly to the port of delivery or processing location.

What is the issue you would like the board to address and why? State-waters Pacific cod fisheries in the Bering Sea and Aleutian Islands have recently developed into the largest Pacific cod fisheries managed by the department. While fishery management plans have advanced with development of these fisheries, other areawide regulations, such as gear marking and landing requirements, have yet to be updated. The proposed changes would align the Bering Sea–Aleutians Area regulations with most other groundfish fisheries around the state and reflect current management practices.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-045)

PROPOSAL 8

5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan.

Amend South Alaska Peninsula season opening weather delay criteria, as follows:

5 AAC 28.577(l) is amended to read:

(l) The opening of the state-waters season for vessels using pot gear will be delayed for 24 hours if the National Weather Service marine forecast issued at 4:00 a.m. on the scheduled opening date specified in (e)(1) of this section [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT FOR THE STATE WATERS BETWEEN CASTLE CAPE AND CAPE SARICHEF] contains a gale warning. If, after the initial weather delay, the following day's 4:00 a.m. National Weather Service marine forecast [FOR THE CURRENT DAY AND NIGHT OR THE FOLLOWING DAY AND NIGHT] contains a gale warning, the opening of the state-waters season will be delayed an additional 24 hours. The season opening delays may continue on a rolling 24-hour basis for seven days beyond the initial opening date, when the season will open regardless of any gale warning forecast. **For the purposes of this subsection, the corresponding National Weather Service marine forecast area for the South Alaska Peninsula Area is Area PKZ155.**

What is the issue you would like the board to address and why? Regulations established to delay opening of the South Alaska Peninsula Area state-waters commercial Pacific cod season is based on National Weather Service (NWS) marine weather forecasts. However, existing regulations do not reflect current NWS forecasting areas and practices. The state-waters Pacific cod season in the South Alaska Peninsula Area is delayed if a gale warning is forecasted during the 48-hour period beginning the day the fishery is scheduled to start. However, current NWS marine warnings only extend 36 hours beyond the initial forecast. Additionally, forecasting areas have been redefined since these regulations were established. This proposal aligns weather delay regulations with current NWS forecasting areas and practices.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-047)

***Chignik, South Alaska Peninsula, Dutch Harbor Subdistrict, Aleutian Islands
Subdistrict Jig Gear Registration and Season Dates (1 proposal)***

PROPOSAL 9

5 AAC 28.506. Chignik Area registration; 5 AAC 28.537. Chignik Area Pacific Cod Management Plan; 5 AAC 28.556. South Alaska Peninsula registration; 5 AAC 28.577 South Alaska Peninsula Pacific Cod Management Plan; 5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan; 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Remove vessel registration exclusivity for state-waters jig gear fisheries and open state-waters Pacific cod seasons for jig gear on January 1, as follows:

Open all state water jig seasons on January 1st and remove the exclusivity requirements from all cod and rockfish jig fisheries statewide.

What is the issue you would like the board to address and why? Remove all exclusive and super exclusive designations for jig fishing statewide and open state waters cod seasons on January 1 each year. This would eliminate the federal parallel jig fishery in state waters and promote harvest opportunities for the jig fleet. For example, there has been no jig harvest in the super exclusive Chignik management area for pacific cod and the rollover provision to the pot fleet has gone unharvested. This has lead to stranded GH, failed to optimize opportunities for the jig fleet, has not provided a benefit to the pot fleet, and has not been the best use of the resource in providing a return to the State of Alaska.

PROPOSED BY: Gregory Gabriel (EF-F21-010)

Aleutian Islands District and Western District of the South Alaska Peninsula Sablefish Management Plan (1 proposal)

PROPOSAL 10

5 AAC 28.640. Aleutian Islands District and Western District of the South Alaska Peninsula Sablefish Management Plan.

Define harvest allocation for the Aleutian Islands and Western District of the South Alaska Peninsula state-waters sablefish fishery, as follows:

5 AAC 28.640 is amended to read:

(b) The commercial fishing season for sablefish in state waters will open and close concurrently with the federal IFQ season for directed fishing for sablefish in adjacent federal waters, unless closed by emergency order. **During a state-waters season, the combined guideline harvest level for sablefish in the Aleutian Islands District and the Western District of the South Alaska Peninsula is 5 percent of the federal acceptable biological catch for sablefish in the combined federal Bering Sea and Aleutian Islands Subareas.**

...

(j) In this section, “acceptable biological catch” means the annual acceptable biological catch (ABC) established by the North Pacific Fishery Management Council for Bering Sea and Aleutian Islands sablefish, including the harvest of sablefish in a state -waters season defined in this subsection.

What is the issue you would like the board to address and why? The Aleutian Islands and Western District of the South Alaska Peninsula state-waters sablefish fishery was established in 1995. The initial GH of 400,000 pounds was based on annual average harvest that occurred inside state waters of these districts for the previous four years. This harvest represented approximately 5% of the annual combined federal Bering Sea and Aleutian Islands sablefish ABC. The GH has been fixed at 5% of the federal ABC since 2006, however, the allocation was never defined in regulation. Formalizing the Aleutian Islands sablefish GH allocation in regulation will provide stability and transparency for managers and stakeholders participating in this fishery.

What is the issue you would like the board to address and why? The Aleutian Islands and Western District of the South Alaska Peninsula state-waters sablefish fishery was established in 1995. The initial GHL of 400,000 pounds was based on annual average harvest that occurred inside state waters of these districts for the previous four years. This harvest represented approximately 5% of the annual combined federal Bering Sea and Aleutian Islands sablefish ABC. The GHL has been fixed at 5% of the federal ABC since 2006, however, the allocation was never defined in regulation. Formalizing the Aleutian Islands sablefish GHL allocation in regulation will provide stability and transparency for managers and stakeholders participating in this fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-050)

Policy (1 proposal)

PROPOSAL 161

5 AAC 28.XXX. New section.

Create and establish Alaska Board of Fisheries policy regarding the management of groundfish fishery resources in waters of Alaska, as follows *(To be heard at the Pacific cod meeting and deliberated during the Statewide Finfish and Supplemental Issues meeting)*:

GOAL AND BENEFITS

It is the goal of the Alaska Board of Fisheries and the Alaska Department of Fish and Game to manage groundfish stocks in a manner that will protect, maintain, improve, and extend these resources for the greatest overall benefit.

Management of these fisheries for the purpose of achieving this goal will result in a variety of benefits which include but are not limited to:

Maintaining healthy stocks of groundfish to ensure their continued reproductive viability and the maintenance of their role in the ecosystem;

Providing a sustained and reliable supply of high-quality product to consumers and substantial and stable employment in all sectors of the economy relating to these fisheries; and

Providing opportunities for sport, subsistence, and personal use fisheries.

The Alaska Board of Fisheries also recognizes the benefits of managing for the highest socio-economic benefit consistent with the below objectives.

OBJECTIVES

To achieve the management goal and provide the benefits available from these resources, it is necessary to set objectives which will protect stocks and provide for optimum utilization of these resources. With regards to the management of groundfish fishery resources in State of Alaska waters, the Alaska Board of Fisheries has the following objectives:

Minimize adverse interactions with other stocks and fisheries.

Protect habitat from unsustainable fishing practices.

Utilize management measures that ensure adherence to annual and seasonal catch limits.

Harvest the resource to optimize quality and value of product.

Harvest the resource with consideration of ecosystem interactions.

Coordinate with federal management agencies responsible for groundfish fishery management.

Manage fisheries based upon the best available information.

Manage fisheries consistent with conservation and sustained yield of healthy groundfish resources.

Avoid sport, subsistence, and personal use conflicts.

What is the issue you would like the board to address and why? At its March 23, 2013 meeting, the board repealed 5 AAC 28.089. GUIDING PRINCIPLES FOR GROUND FISH FISHERY REGULATIONS, citing an interest in removing duplicative and unnecessary regulatory wording pertaining to the State’s management of its groundfish fisheries. However, we believe that the board did not fully recognize the value that this regulation had in documenting sound and precautionary conservation management practices for the public’s consideration.

The Board has a history of adopting policies in other fisheries which are intended to give guidance to future Boards, department staff, and the public (i.e., policies for the management of sustainable salmon stocks, King and Tanner crab, mixed stock fisheries, and statewide escapement goals). The Board and public will benefit from an overall groundfish policy that provides guidance in decision-making during consideration of future proposals. Formalizing this policy for groundfish is consistent with the State’s approach in managing the health and sustainability of other Alaska’s fisheries and will help document Alaska’s record as a leader of fisheries conservation and responsible management.

PROPOSED BY: Alaska Fisheries Development Foundation (EF-F22-090)
