

PROPOSAL 14 – 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan; and 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan. Calculate guideline harvest levels for Bering Sea and Aleutian Islands state-waters Pacific cod fisheries based on federal acceptable biological catch for subareas of the federal Bering Sea and Aleutian Islands area, as follows:

The introductory language of 5 AAC 28.647(d)(1) is amended to read:

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

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is XX [THREE] percent of the estimated total allowable harvest of Pacific cod for the federal [BERING SEA AND] Aleutian Islands subarea [AREA]; the guideline harvest level will be available for harvest as follows:

...

5 AAC 28.648(e)(1) is amended to read:

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

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Dutch Harbor Subdistrict is XX [THREE] percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea subarea [AND ALEUTIAN ISLANDS AREA];

What is the issue you would like the board to address and why? Currently, the Aleutian Islands District and Dutch Harbor Subdistrict state-waters Pacific cod guideline harvest levels (GHL) are based on a percentage of the combined federal Bering Sea and Aleutian Islands Pacific cod acceptable biological catch (ABC). In 2014, to address genetic differences in the Bering Sea and Aleutian Islands Pacific cod stocks and concerns about the declining Aleutian Islands population, the Science and Statistical Committee recommended, and the North Pacific Fishery Management Council adopted, separate ABCs for Pacific cod in the Bering Sea subarea and the Aleutian Islands subarea. State-waters management plans for Bering Sea and Aleutian Islands Pacific cod could be updated to calculate the GHLs based on the federal ABC of each subarea. The Aleutian Islands subarea ABC is much smaller than the Bering Sea subarea ABC and if the Aleutian Islands subarea ABC continues to decline, the current method for calculating the GHL could exceed the subarea ABC. The department has not specified an equivalent GHL percentage of federal subarea ABC because only two years (2014 and 2015) of subarea ABCs are available. The Aleutian Islands District GHL was 53.7% of the 2014 Aleutian Islands subarea ABC and 46.5% of the 2015 subarea ABC. The Dutch Harbor Subdistrict was 3.18% of the 2014 Bering Sea subarea ABC and 3.2% of the 2015 subarea ABC. The 2016 federal subarea ABCs should be available for the 2016 board meeting and that information along with historic GHLs and fishery harvest information could be utilized to inform this issue.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F15-052)

PROPOSAL 15 – 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Expand the Dutch Harbor Subdistrict state-waters Pacific cod fishery boundaries and increase the state-waters fishery guideline harvest level from three percent to nine percent of the federal Bering Sea and Aleutian Islands acceptable biological catch, as follows:

Increase the size of Dutch Harbor Subdistrict to include the state-waters of the Bering Sea from the present line at 164 degrees west to the state-waters of the Aleutian Islands at the 170 degrees west line. The new area would prohibit fishing in the state-waters around Bogoslof Island and two other three mile Steller sea lion no transit zones in the new portion of the area.

The guideline harvest level for the new Dutch Harbor Subdistrict would increase from three percent (of the old subdistrict) to nine percent (for the new subdistrict) of the Federal estimated total allowable harvest of Pacific cod for the federal Bering Sea Aleutian Islands area.

Vessels participating in the state water Pacific cod fishery would continue to be 58 feet and under vessels (not including anchor rollers) using 60 pots.

What is the issue you would like the board to address and why? Expand the area and increase the allocation for the state water Pacific cod pot fishery in the Dutch Harbor Subdistrict to provide opportunity for small boats. State water fisheries have become very important fisheries for state residents. There is very low bycatch of halibut in the pot fishery.

PROPOSED BY: Buck Laukitis, Todd Hoppe, and Andrew Wilder (HQ-F15-081)

PROPOSAL 16 – 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Increase guideline harvest level for the Dutch Harbor Subdistrict state-waters Pacific cod fishery from three percent to seven percent of the federal Bering Sea and Aleutian Islands acceptable biological catch, as follows:

5 AAC 28.648(e)(1) Increase the Guideline Harvest Level (GHL) in the Dutch Harbor Subdistrict from three percent of the total harvest of Pacific cod for the Federal Bering Sea and Aleutian Islands Area to five percent. If five percent is taken in a season by under 58 foot vessels using 60 pots the GHL would increase to seven percent the following season. (This stair-step approach is how the Gulf of Alaska state water fisheries were developed in the late-90s.)

What is the issue you would like the board to address and why? Increase the allocation for the state water Pacific cod pot fishery in the Dutch Harbor Subdistrict to provide opportunity for small boats. State water fisheries have become very important fisheries for state residents. There is a very low bycatch of halibut in the pot fishery.

PROPOSED BY: Buck Laukitis, Todd Hoppe, and Andrew Wilder (HQ-F15-082)

PROPOSAL 17 – 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.
Increase the vessel size limit from 58 to 125 feet overall length for the Dutch Harbor Subdistrict state-waters Pacific cod fishery, as follows:

5 AAC 28.648 (e)(2)(C) a vessel registered to take Pacific cod may not be longer than **125** [58] feet in overall length;

What is the issue you would like the board to address and why? Change the vessel size limit for the state water Dutch Harbor Subdistrict to 125'. 1) Arguments for limiting size of vessels in this fishery are no longer valid. 2) Vessels larger than 58' that have historically participated in the Bering Sea Pacific cod fishery have been economically disenfranchised from the fishery they helped build. 3) Vessels up to 125' would be excellent stewards of the resource. Coupled with the observer program, this vessel length modification would enable the state to expand the Dutch Harbor Subdistrict area for Pacific cod using pot gear and create a significant positive economic benefit to the state, fishermen, and Bering Sea communities.

PROPOSED BY: Jeff T. Steele (HQ-F15-077)

PROPOSAL 18 – 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.
Align Aleutian Islands District state-waters Pacific cod season opening and closing dates with recent changes to federal Pacific cod management, as follows:

5 AAC 28.647(c) is amended to read:

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

(1) the season in the waters between 175° W. long. and 178° W. long. shall open January 1;

(2) in the waters not specified in (1) of this subsection

(A) that are west of 170° W. long., the season shall open four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel trawl fishery is closed **or four days after the federal Aleutian Islands subarea non-Community Development Quota season is closed, whichever is earlier;** or

(B) if the federal catcher-vessel trawl fishery **or federal Aleutian Islands subarea non-Community Development Quota season** has not closed by March 14, the commissioner will close, by emergency order, the parallel season for the catcher-vessel trawl fishery at 12:00 noon, March 14, and open by emergency order, the state-waters season at 12:00 noon, on March 15;

(3) the commissioner shall close, by emergency order, the state-waters season opened under (1) and (2) of this subsection when the guideline harvest level is taken or on December 31, whichever occurs first; except as otherwise specified in this chapter, all parallel Pacific cod seasons are closed during the state-waters season.

5 AAC 28.647(d) is amended to read:

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state-waters 'A' season [BEFORE JUNE 10 AS FOLLOWS:

[(i) IF THE STATE-WATERS 'A' SEASON GUIDELINE HARVEST LEVEL HAS NOT BEEN TAKEN BY APRIL 1, WHEN THE FEDERAL CATCHER-VESSEL TRAWL FISHERY "B" SEASON OPENS, THE COMMISSIONER WILL CLOSE, BY EMERGENCY ORDER, THE STATE-WATERS 'A' SEASON IN THE WATERS SPECIFIED IN (c)(2) OF THIS SECTION AND IMMEDIATELY REOPEN A PARALLEL SEASON;

(ii) IF THE COMMISSIONER DETERMINES THAT AN ADEQUATE STATE-WATERS 'A' SEASON GUIDELINE HARVEST LEVEL IS AVAILABLE AFTER THE FEDERAL CATCHER-VESSEL TRAWL FISHERY "B" SEASON CLOSES, AND BEFORE JUNE 10, THE COMMISSIONER MAY REOPEN, BY EMERGENCY ORDER, THE STATE-WATERS 'A' SEASON IN THE WATERS SPECIFIED IN (c)(2) OF THIS SECTION];

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state-waters 'A' season under (1)(A) of this subsection may be rolled over on June 10 and available for harvest in the state-waters 'B' season, except that the state-waters 'B' season guideline harvest level may not exceed 70 percent of the combined state-waters 'A' and 'B' seasons' guideline harvest level; [THE GUIDELINE HARVEST LEVEL WILL BE AVAILABLE AS FOLLOWS:

(i) IF THE STATE-WATERS 'B' SEASON GUIDELINE HARVEST LEVEL HAS NOT BEEN TAKEN BY SEPTEMBER 1, WHEN THE FEDERAL CATCHER-VESSEL POT FISHERY "B" SEASON FOR VESSELS OVER 60 FEET IN OVERALL LENGTH OPENS, THE COMMISSIONER WILL CLOSE, BY EMERGENCY ORDER, THE STATE-WATERS 'B' SEASON AND IMMEDIATELY REOPEN A PARALLEL SEASON;

(ii) IF THE COMMISSIONER DETERMINES THAT AN ADEQUATE STATE-WATERS 'B' SEASON GUIDELINE HARVEST LEVEL IS AVAILABLE AFTER THE FEDERAL CATCHER-VESSEL POT FISHERY "B" SEASON FOR VESSELS OVER 60 FEET IN OVERALL LENGTH CLOSES, THE COMMISSIONER MAY REOPEN, BY EMERGENCY ORDER, THE STATE-WATERS 'B' SEASON;]

5 AAC 28.647 is amended by adding a new subsection to read:

(X) The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this section if the commissioner determines it is necessary to

(1) adapt to unanticipated openings and closures of federal seasons;

(2) provide for maximum opportunity;

(3) maintain sustained yield management; or

(4) provide for orderly fisheries.

What is the issue you would like the board to address and why? The Aleutian Islands District state-waters Pacific cod management plan regulations do not reflect recent changes in federal fishery management. In 2014, the North Pacific Fishery Management Council established separate acceptable biological catch (ABC) limits for Pacific cod in the Aleutian Islands and Bering Sea subareas.

When the federal non-Community Development Quota (CDQ) directed Pacific cod allocation has been reached in the Aleutian Islands subarea, National Marine Fisheries Service (NMFS) closes the Aleutian Islands subarea to all non-CDQ directed Pacific cod fishing for the remainder of the year. The state-waters Pacific cod management plan opening is not clear with respect to coordination with closure of the federal Aleutian Islands subarea to Pacific cod.

In 2014 and 2015, the federal Aleutian Islands subarea non-CDQ Pacific cod season closed when the non-CDQ TAC was reached in early spring and did not reopen. The federal Aleutian Islands subarea does not have a B season; therefore after the federal season is closed there are no longer federal Pacific cod opportunities in the Aleutian Islands for the year. Allowing the state-waters season to remain open until the A season GHL is reached or until the end of the A season would allow for continued Pacific cod opportunity after the federal non-CDQ season is closed. This proposal would also allow department staff to respond to unanticipated federal openings and closings.

In 2014, based on management plan direction, the Aleutian Islands District state-waters Pacific cod season opened in all waters west of 170° W longitude on March 15, one day prior to the federal Aleutian Islands subarea non-CDQ season closure. In 2015, the department opened the state-waters Pacific cod season on March 3, four days after closure of the federal Aleutian Islands subarea non-CDQ season. The 2014 and 2015 state-waters Pacific cod seasons were not closed based on federal sector openings after the Aleutian Islands subarea was closed as stated in the management plan.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-053)

PROPOSAL 19 – 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Modify vessel size limit for longline vessels in the Aleutian Islands District state-waters Pacific cod B season based on remaining guideline harvest level, as follows:

B season vessel length limits:

5 AAC 28.647 (d)(3)(B) is amended to read:

- (ii) August 1 through December 31, may not be more than 125 feet in overall length if operating pot gear and not more than 60 feet in overall length for all other allowable gear types **except longline gear subject to 5 AAC 28.647(d)(3)(B)(iii) and/or (iv) which apply only when the federal directed fishery for Aleutian Islands Pacific cod is closed (i.e. no AI parallel fishery);**

5 AAC 28.647(d)(3)(B) adds new section (iii) for longline gear to read:

(iii) For September 1 to Dec 31, if the federal directed fishery for Aleutian Islands Pacific cod is closed, and the state-waters ‘B’ season GHL has not been taken by September 1, then there is no restriction on the overall length for vessels operating longline gear in the state-waters GHL ‘B’ season.;

5 AAC 28.647(d)(3)(B)(iv) adds new section (iv) for longline gear to read:

(iv) For August 1 to August 31, if the federal directed fishery for Aleutian Islands Pacific cod is closed, and more than 50% of the state-waters ‘B’ season GHL remains uncaught by August 1, then there is no restriction on the overall length of longline vessels in the state-waters GHL ‘B’ season after July 31; i.e. the length restriction in 5 AAC 28.647 (d)(3)(B)(ii) would no longer apply to longline vessels from August 1 to August 31.

What is the issue you would like the board to address and why? Proposal to modify vessel length restrictions for longline vessels in the state-waters guideline harvest level B season.

The Aleutian Islands (AI) state-waters Pacific cod GHL is a percentage deduction from the federal ABC available to the federal fisheries. In recent years (2009–2014), approximately 50% of the AI state-waters allocation has not been caught. The uncaught AI state-waters Pacific cod allocation is then stranded and is unable to be rolled back into the federal fishery.

Most of the effort in the state-waters AI Pacific cod GHL fishery is in the ‘A’ season (and from trawl and pot gear). There has been very little effort in the ‘B’ season by any gear type—particularly since the ‘B’ season vessel length restrictions went into place. According to ADF&G, in 2014, there was no effort in any portion of the ‘B’ season by any gear type. In the early portion of the ‘B’ season (June 10 to August 1), there was no effort or harvest in both 2013 and 2014. In the portion of the ‘B’ season after August 1, there was no effort in 2014 and minimal effort and harvest in both 2013 and 2012.

In order to ensure full utilization of the AI state-waters Pacific cod GHL and to minimize stranded allocation, we propose the following additions to the Aleutian Islands District Pacific Cod Management Plan to lift the vessel length restrictions on longline vessels in the GHL ‘B’ season (after September 1 and when there is available harvest opportunity in August). The proposal is to modify the length for longline vessels in the state-waters GHL fishery only (and not for the parallel fishery). Accordingly, the proposed modified length only applies when the federal directed fishery for Pacific cod in the AI is closed (i.e. no AI parallel fishery).

Rationale

1. Current management plan has resulted in uncaught allocation and stranded catch. “No action” will continue to result in uncaught allocation and stranded catch.
2. There has been little to no effort in the ‘B’ season in recent years (2012–2014) due to vessel length restrictions (and consistent availability of a processor).

3. Proposal does not seek to modify the current ‘A’ season management measures; i.e. maintains vessel length restrictions in the ‘A’ season designed to promote shore-side delivery.
4. Proposal does not seek modify the current ‘B’ season June 10–August 1 management measures; i.e. maintains opportunity for <60’ fleet in for June and July in the ‘B’ season (which has not been utilized in recent years).
5. Proposal does not seek to change the vessel length restrictions for longline vessels in the BSAI parallel Pacific cod fishery. Proposal only applies in the ‘B’ season in the state-waters GHL fishery after August 1 and only when the federal directed fishing for Pacific cod in the Aleutian Islands is closed.
6. The 50% threshold at August 1 continues to allow harvest opportunity by the <60’ sector in the early portion of the B season, but if that effort does not materialize, then the length restriction for longline vessels is lifted August 1 (the same day the vessel length restriction is modified for pot gear in the current regulations).
7. The second trigger point of September 1 is also proposed where restrictions on longline vessels would no longer apply from September 1 to December 31. Longline gear has a proven historic record of being the gear type with the best capability to catch Pacific cod in the ‘B’ season in the Aleutian Islands. Not all gear types are as effective as longline gear when cod are less aggregated (a characteristic of the ‘B’ season). Weather conditions in the fall in the Aleutian Islands are severe and more suitable for larger vessels. The availability of a viable shoreside processor in the fall ‘B’ season continues to have considerable uncertainty.

Other solutions considered: 1.) Remove vessel length restriction for longline vessels in both A and B seasons, and: 2.) Remove vessel length restriction for longline vessels for the entire B season (June 10 to December 31).

PROPOSED BY: Gerry Merrigan (on behalf of the FLC - Freezer Longline Coalition)
(EF-C15-085)

PROPOSAL 20 – 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Define waters between 175° W long to 178° W long as the Adak District in the Aleutian Islands District state-waters Pacific cod fishery, as follows:

5 AAC 28.647(b) – (d) are amended to read:

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District [WEST OF 170° W. LONG.], except in the waters **in the Adak Section** [BETWEEN 175° W. LONG. AND 178° W. LONG.], to coincide with the initial federal season in the Bering Sea and Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Bering Sea and Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050.

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

(1) the **Adak Section** [SEASON IN THE WATERS BETWEEN 175° W. LONG. AND 178° W. LONG.] shall open January 1;

(2) **all waters of the Aleutian Islands District** [IN THE WATERS NOT SPECIFIED IN (1) OF THIS SUBSECTION]

(A) [THAT ARE WEST OF 170° W. LONG., THE SEASON] shall open four days after the Bering Sea and Aleutian Islands parallel "A" season for the catcher-vessel trawl fishery is closed; or

...

(3) the commissioner shall close, by emergency order, the state-waters season **in all waters of the Aleutian Islands District** opened under (1) and (2) of this subsection when the guideline harvest level is taken or on December 31, whichever occurs first; except as otherwise specified in this chapter, all parallel Pacific cod seasons are closed during the state-waters season.

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District [WEST OF 170° W. LONG.] is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state-waters 'A' season before June 10 as follows:

(i) if the state-waters 'A' season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery "B" season opens, the commissioner will close, by emergency order, the state-waters 'A' season, **except in waters of the Adak Section**, [IN THE WATERS SPECIFIED IN (c)(2) OF THIS SECTION] and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state-waters 'A' season guideline harvest level is available after the federal catcher-vessel trawl fishery "B" season closes, and before June 10, the commissioner may reopen, by emergency order, the state-waters 'A' season in **all waters of the Aleutian Islands District** [THE WATERS SPECIFIED IN (C)(2) OF THIS SECTION];

...

(3) a vessel used to harvest Pacific cod during the

(A) state-waters 'A' season when [THE]

(i) **only waters of the Adak Section** [WATERS SPECIFIED IN (c)(1) OF THIS SECTION] are open, with nonpelagic trawl, mechanical jigging machine, or pot gear, may not be more than 60 feet in overall length, except as specified in (ii) of this paragraph; a vessel using longline gear may not be more than 58 feet in overall length;

(ii) **all waters of the Aleutian Islands District** [COMBINED AREAS OF (c)(1) AND (2)] are open, with nonpelagic trawl gear may not be more than 100 feet in overall length; a vessel using mechanical jigging machines and longline gear may not be more than 58 feet in overall length; a vessel using pot gear may not be more than 125 feet in overall length;

5 AAC 28.647(j) is amended by adding new paragraphs to read:

(j) For the purposes of this section,

...

(3) "Adak Section" means state-waters of the Aleutian Islands District of the Bering Sea-Aleutian Islands Area between 175° W long. and 178° W long.

(4) "Aleutian Islands District" means all state-waters of the Bering Sea-Aleutian Islands Area west of 170° W long., including waters of the Adak Section.

What is the issue you would like the board to address and why? Describing the Adak Section rather than referring to longitudes within the district will simplify the management plan. Defining state-waters of the Aleutian Islands District between 175° W longitude and 178° W longitude as the "Adak District" will reduce confusion and simplify the regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-054)

PROPOSAL 21 – 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan; and 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan. Update state-waters Pacific cod management plans of the Bering Sea and Aleutian Islands with current federal references for Steller sea lion protection, as follows:

5 AAC 28.647(g)(3) is amended to read:

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

(g) The following closures apply during a state-waters season:

...

(3) all Steller sea lion protection measures for Pacific cod found in Table 5 of 50 C.F.R. 679, as defined in **79 Federal Register 70286, November 25, 2014** [69 FEDERAL REGISTER 75865, DECEMBER 20, 2004];

5 AAC 28.648(l) is amended to read:

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

(l) The federal fishery management measures for the protection of Steller sea lions are imposed as specified in Table 5 **to 50 C.F.R. 679, as defined in 79 Federal Register 70286, November 25, 2014** and Table 12 to 50 C.F.R., Part 679, revised as of January 1, 2011, as defined in 75 Federal Register 81921, December 29, 2010.

What is the issue you would like the board to address and why? Regulations for Steller sea lion restrictions during the Aleutian Islands District and Dutch Harbor Subdistrict state-waters Pacific cod seasons are adopted by reference to federal registers. In 2014, National Marine Fisheries Service (NMFS) implemented revised Steller sea lion restrictions during federal seasons that match

those in place during state-waters seasons. Adopting references to current federal Steller sea lion closures would reduce confusion without modifying closed areas applicable to state-waters seasons.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-051)
