



To: John Wood  
Chair, Alaska Board of Fisheries

Date: January 11, 2024

From: Doug Vincent-Lang  
Commissioner, Alaska Department of Fish and Game

Subject: Petition requesting the Alaska Board of Fisheries adopt regulations that modify the gear limit and season start date for the Dutch Harbor Subdistrict state-waters Pacific cod fishery.

Dutch Harbor Subdistrict (DHS) state-waters Pacific cod fishery participants submitted a petition to the Alaska Board of Fisheries (board) on January 9, 2024. Since the petition was received within 30 days of a regularly scheduled board meeting, board policy allows for the petition to be heard during the Kodiak finfish meeting scheduled for January 9-12, 2024.

This letter provides information from the Alaska Department of Fish and Game (department) concerning matters raised in the petition and assessing the petition policy criteria.

### **Action Requested**

DHS fishery participants request the board adopt regulations that would open the fishery four days earlier than currently prescribed in regulation and increase the pot limit from 60 to 90 pots per vessel.

### **Background**

The DHS state-waters Pacific cod fishery was established by the board in October 2013 and opened for the first time in 2014 under regulations in the *Dutch Harbor Subdistrict Pacific Cod Management Plan* (5 AAC 28.648). The DHS state-waters Pacific cod fishery is an open access pot gear fishery that opens 7 days after closure of the Bering Sea–Aleutian Islands federal/parallel Pacific cod A season for catcher vessels less than 60 feet using longline and pot gear. The season closes when the guideline harvest level (GHL) is caught or on December 31, whichever is earlier. Vessels participating in the DHS state-waters Pacific cod pot fishery may not exceed 58 feet in length and may operate no more than 60 pots per vessel.

The GHL is based on a percentage of the federal Bering Sea Subarea Pacific cod acceptable biological catch (ABC). In 2019, the board set the GHL at 8% and included a step-up provision that increases the DHS state-waters Pacific cod GHL by 1% when the GHL is achieved for two subsequent seasons, up to a maximum of 15% of the federal Bering Sea subarea ABC. From 2019 to 2023 DHS Pacific cod GHLs ranged from 27 million pounds to 37 million pounds (Table 1). The 2024 GHL is based on 12% of Bering Sea Subarea ABC and exceeds 44 million pounds

making it one of the single largest Pacific cod fisheries in Alaska. The GHL has been achieved every year since inception of the fishery. The estimated exvessel value of the fishery averaged \$14.2 million for the past five seasons.

Since 2019, vessel participation ranged from 26 to 40 vessels. The season opened between January 19 and February 2 and the average season length was 111 days. All vessels have historically registered to fish the maximum limit of 60 pots per vessel. Many participants are wide body ‘Super 58-foot’ vessels that are capable of operating large amounts of pot gear each day. From 2019 to 2023, vessels pulled an average of 172 pots per day and averaged 183 pounds of retained Pacific cod per pot pulled.

Table 1.–Dutch Harbor Subdistrict state-waters Pacific cod fishery harvest, effort, value, and season dates, 2014–2023.

Year	GH <sup>L</sup> <sup>a</sup>	Harvest <sup>a</sup>	Vessels	Landings	Avg. pot lifts per day	Avg. CPUE <sup>b</sup>	Season open date	Days open	Avg. price per pound <sup>c</sup>	Fishery value <sup>d</sup>
2014	17,863,874	17,666,510	16	205	141	226	11-Feb	203	\$0.29	\$5.01
2015	18,029,404	17,636,103	14	183	165	241	9-Feb	51	\$0.28	\$4.76
2016	35,979,072	35,519,920	24	421	144	180	12-Feb	71	\$0.26	\$9.85
2017	33,721,562	33,247,414	24	349	154	225	9-Feb	59	\$0.31	\$10.07
2018	28,360,000	29,055,603	32	286	159	239	30-Jan	31	\$0.41	\$11.82
2019	31,922,600	32,345,033	37	431	171	229	19-Jan	37	\$0.45	\$14.18
2020	30,927,000	30,928,649	40	569	151	167	26-Jan	60	\$0.43	\$13.07
2021	27,292,000	27,585,848	29	412	159	152	2-Feb	52	\$0.39	\$10.33
2022	37,196,000	35,891,311	29	568	208	168	2-Feb	333	\$0.47	\$16.54
2023	38,316,000	37,587,855	26	437	170	199	23-Jan	75	\$0.46	\$16.68
2024	44,431,000									
2014-2023 Avg.	29,960,751	29,746,425	27	386	162	203	-	97	\$0.38	\$11.23
2019-2023 Avg.	33,130,720	32,867,739	32	483	172	183	-	111	\$0.44	\$14.16

Note: GH<sup>L</sup> = guideline harvest level.

<sup>a</sup>In whole fish pounds.

<sup>b</sup>Pounds of Pacific cod per pot lift

<sup>c</sup>Price per pound of landed weight.

<sup>d</sup>Fishery value based on landed weight, in millions of dollars.

## Discussion

Under criteria listed in the Joint Board Petition Policy used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads, in pertinent part:

...In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

DHS Pacific cod GH<sup>L</sup>s are set annually following a well-established process and are typically

announced several months prior to the season opening date. GHLs fluctuate over time based on generally predictable changes in Pacific cod biomass in the Bering Sea. Once the 2024 season opens, the 44-million-pound GHL will be available to all vessels eligible to participate in the fishery through December 31, 2024. There are no rollover or other provisions that reallocate GHL away from the DHS fishery to other gear types or fishing sectors. Preliminary information from the 2024 federal Bering Sea under 60-foot pot gear Pacific cod fishery indicates current catch rates are comparable to past seasons. Given GHLs are announced preseason, the fishery has been fully prosecuted since inception. Preliminary 2024 fishery data indicates comparable fishery effort and performance to past years. Therefore, the department determines an emergency does not exist based on criteria found in the Joint Board Petition Policy.

However, the petitioners cite the following portion of paragraph (a) of Alaska Statute 44.62.250 which reads:

...a regulation or order of repeal may be adopted as an emergency regulation or order of repeal if a state agency makes a written finding, including a statement of the facts that constitute the emergency, that the adoption of the regulation or order of repeal is necessary for the immediate preservation of the public peace, health, safety, or general welfare.

Commercial Pacific cod fisheries and the Alaska seafood industry as a whole are currently experiencing price and market volatility. The price of DHS Pacific cod averaged \$0.44/pound for the past five seasons (Table 1). Preliminary data for 2024 indicates that the price has dropped to \$0.25/pound, a \$0.21/per pound decrease from the 2023 average exvessel price. Food, fuel, bait, insurance, and other fishing costs remain relatively high despite ongoing declines in catch value. Pacific cod catch rates are typically highest during late winter and early spring when cod are aggregated for spawning. Most state-waters Pacific cod fishery season dates, including the DHS, are structured around Pacific cod spawn timing as fishery performance and vessel profitability are likely highest during these times.

As proposed in the petition, opening the season four days earlier than currently allowed may provide a modest increase in fishing time during a generally productive fishing window. The effects of increasing the gear limit from 60 to 90 pots are generally unknown. When Pacific cod density is high, allowing 30 additional pots per vessel may not increase the daily or total fishery pot lifts as vessels are already often fishing at their maximum potential during periods of high catch. More pots may allow for longer pot soak times which could increase CPUE and lower bait use/costs. DHS state-waters fishery participants are restricted to fishing within state waters (0 to 3 miles from shore) and effort tends to be most concentrated in Unimak Pass. Allowing additional gear could result in additional gear conflict and/or preempt fishing grounds for vessels that are not present at the season start. The proposed changes would not likely change any department in season management practices if adopted.

The petitioners advocate that unprecedented market conditions constitute an emergency and regulatory change is necessary to preserve the general welfare of the fleet. The department acknowledges the volatility and poor economic conditions being experienced by the Pacific cod fleet and most other commercial fishing sectors. However, the department cannot make an

assessment on whether an economic emergency exists under Alaska Statue 44.62.250 as each fishing operation is different and understanding how market forces influence individual business models is outside of typical department function.